

Requested by Senator HASS

**PROPOSED AMENDMENTS TO  
SENATE BILL 1572**

1 On page 1 of the printed bill, delete lines 5 through 27 and delete pages  
2 2 through 5.

3 On page 6, delete lines 1 through 3 and insert:

4 **“SECTION 1.** ORS 329.451 is amended to read:

5 “329.451. (1)(a) At or before grade 12, a school district or public charter  
6 school shall award a high school diploma to a student who completes the  
7 requirements established by subsection (2) of this section.

8 “(b) A school district or public charter school shall award a modified di-  
9 ploma to a student who satisfies the requirements established by subsection  
10 [(7)] **(6)** of this section, an extended diploma to a student who satisfies the  
11 requirements established by subsection [(8)] **(7)** of this section or an alter-  
12 native certificate to a student who satisfies the requirements established by  
13 subsection [(9)] **(8)** of this section.

14 “(c) A school district or public charter school may not deny a student  
15 who has the documented history described in subsection **(6)(b) or (7)(b) [or**  
16 **(8)(b)]** of this section the opportunity to pursue a diploma with more strin-  
17 gent requirements than a modified diploma or an extended diploma for the  
18 sole reason that the student has the documented history.

19 “(d) A school district or public charter school may award a modified di-  
20 ploma or extended diploma to a student only upon receiving consent as pro-  
21 vided by subsection [(6)] **(5)** of this section.

1 “(2)(a) In order to receive a high school diploma from a school district  
2 or public charter school, a student must satisfy the requirements established  
3 by [*the State Board of Education and*] the school district or public charter  
4 school and, while in grades 9 through 12, must complete at least:

5 “(A) Twenty-four total credits;

6 “(B) Three credits of mathematics, **which must be at a level identified**  
7 **by the State Board of Education by rule; [*and*]**

8 “(C) Four credits of English, **which must include the equivalent of at**  
9 **least one unit of written composition[.];**

10 “(D) **Three credits of science;**

11 “(E) **Three credits of social studies, which must include a combi-**  
12 **nation of history, geography, economics and civics;**

13 “(F) **One credit of health;**

14 “(G) **One credit of physical education; and**

15 “(H) **Three credits of career and technical education, the arts or a**  
16 **world language, in any combination.**

17 “(b) **A school district or public charter school shall ensure that**  
18 **coursework used to satisfy any of the credits identified in paragraph**  
19 **(a) of this subsection that relate to a specific subject complies with**  
20 **academic content standards adopted by the State Board of Education**  
21 **as provided by ORS 329.045.**

22 “[*b*] (c) If a school district or public charter school requires a student  
23 to complete more than 24 total credits, as provided by paragraph (a)(A) of  
24 this subsection, the school district or public charter school may only require  
25 the student to complete additional credits for:

26 “(A) Subjects for which the State Board of Education has established ac-  
27 ademic content standards under ORS 329.045;

28 “(B) Courses provided as part of a career and technical education pro-  
29 gram; or

30 “(C) Courses that provide, or qualify to provide, credit at post-secondary

1 institutions of education.

2 **“(d)(A) The State Board of Education shall develop recommen-**  
3 **dations for:**

4 **“(i) Requirements that a school district or public charter school**  
5 **may establish in addition to the requirements prescribed by paragraph**  
6 **(a) of this subsection for a student to satisfy in order for the student**  
7 **to receive a high school diploma; and**

8 **“(ii) A process by which a school district or public charter school**  
9 **may award a high school diploma to a person who:**

10 **“(I) Completed a high school administered by the school district or**  
11 **public charter school;**

12 **“(II) Requests to be awarded a high school diploma; and**

13 **“(III) Was not awarded a high school diploma upon completion of**  
14 **high school solely because the person did not satisfy one or more re-**  
15 **quirements for a high school diploma that, on the date the person**  
16 **submits the request, are no longer required.**

17 **“(B) A school district or public charter school may choose whether**  
18 **to implement the recommendations developed under subparagraph (A)**  
19 **of this paragraph.**

20 **“[(c)(A)] (e)(A) A school district or public charter school that requires**  
21 **students to satisfy any requirements not specified by paragraph (a) of this**  
22 **subsection [or by rule of the State Board of Education] must grant to a stu-**  
23 **dent a waiver of the extra requirements established by the school district**  
24 **or public charter school if the student is or, at any time from grade 9 to 12,**  
25 **was:**

26 **“(i) A foster child, as defined in ORS 30.297;**

27 **“(ii) Homeless, as determined under rules adopted by the State Board of**  
28 **Education based on standards adopted by the Department of Human Services;**

29 **“(iii) A runaway, as determined under rules adopted by the State Board**  
30 **of Education based on standards adopted by the Department of Human Ser-**

1 vices;

2 “(iv) A child in a military family covered by the Interstate Compact on  
3 Educational Opportunity for Military Children, as determined under rules  
4 adopted by the State Board of Education;

5 “(v) A child of a migrant worker, as determined under rules adopted by  
6 the State Board of Education; or

7 “(vi) Enrolled in the Youth Corrections Education Program or the Juve-  
8 nile Detention Education Program.

9 “(B) For any student identified under subparagraph (A) of this paragraph,  
10 a school district or public charter school must accept any credits earned by  
11 the student in another school district or public charter school and apply  
12 those credits toward requirements specified by paragraph (a) of this sub-  
13 section [*or by rule of the State Board of Education*] if the credits satisfied  
14 those requirements in that other school district or public charter school.

15 “[*(3) A student providing work samples to demonstrate proficiency in Es-*  
16 *sential Learning Skills as may be required under subsection (2) of this section*  
17 *must be allowed to use accommodations described in the student’s individual-*  
18 *ized education program or the student’s plan developed in accordance with*  
19 *section 504 of the Rehabilitation Act of 1978, 29 U.S.C. 794. As used in this*  
20 *subsection, the term ‘accommodations’:*]

21 “[*(a) Includes, but is not limited to:*]

22 “[*(A) Additional time to demonstrate proficiency.*]

23 “[*(B) The ability to demonstrate proficiency in an alternative location that*  
24 *is secure and proctored.*]

25 “[*(C) The use of text-to-speech or speech-to-text technology or other assistive*  
26 *technology.*]

27 “[*(b) Does not include modifications that lower the proficiency standards*  
28 *or that are used solely to earn modified credit.*]

29 “[*(4)*] **(3)** A student may satisfy the requirements of subsection (2) of this  
30 section in less than four years. If a student satisfies the requirements of

1 subsection (2) of this section and a school district or public charter school  
2 has received consent as provided by subsection [(6)] **(5)** of this section, the  
3 school district or public charter school shall award a high school diploma  
4 to the student.

5 “[5)] **(4)** If a school district or public charter school has received consent  
6 as provided by subsection [(6)] **(5)** of this section, the school district or  
7 public charter school may advance the student to the next grade level if the  
8 student has satisfied the requirements for the student’s current grade level.

9 “[6)(a)] **(5)(a)** For the purpose of receiving consent as provided by sub-  
10 sections (1)(d), **(3) and (4)** [and (5)] of this section, consent shall be provided  
11 by:

12 “(A) The parent or guardian of the student, if the student:

13 “(i) Is under 18 years of age and is not emancipated pursuant to ORS  
14 419B.550 to 419B.558; or

15 “(ii) Has been determined not to have the ability to give informed consent  
16 regarding the student’s education pursuant to a protective proceeding under  
17 ORS chapter 125; or

18 “(B) The student, if the student is 18 years of age or older or is  
19 emancipated pursuant to ORS 419B.550 to 419B.558.

20 “(b) For the purpose of awarding a modified diploma or extended diploma  
21 as provided by subsection (1)(d) of this section or of awarding a high school  
22 diploma as provided by subsection [(4)] **(3)** of this section, consent must be  
23 received during the school year for which the diploma will be awarded.

24 “[7)] **(6)** A school district or public charter school shall award a modified  
25 diploma only to students who have demonstrated the inability to meet the  
26 full set of academic content standards for a high school diploma with rea-  
27 sonable modifications and accommodations. To be eligible for a modified di-  
28 ploma, a student must:

29 “(a) Satisfy the requirements for a modified diploma established by the  
30 State Board of Education; and

1 “(b) Have a documented history of an inability to maintain grade level  
2 achievement due to significant learning and instructional barriers or have  
3 a documented history of a medical condition that creates a barrier to  
4 achievement.

5 “[8] (7) A school district or public charter school shall award an ex-  
6 tended diploma only to students who have demonstrated the inability to meet  
7 the full set of academic content standards for a high school diploma with  
8 reasonable modifications and accommodations. To be eligible for an extended  
9 diploma, a student must:

10 “(a) While in grade nine through completion of high school, complete 12  
11 credits, which may not include more than six credits earned in a self-  
12 contained special education classroom and shall include:

13 “(A) Two credits of mathematics;

14 “(B) Two credits of English;

15 “(C) Two credits of science;

16 “(D) Three credits of history, geography, economics or civics;

17 “(E) One credit of health;

18 “(F) One credit of physical education; and

19 “(G) One credit of the arts or a world language; and

20 “(b) Have a documented history of:

21 “(A) An inability to maintain grade level achievement due to significant  
22 learning and instructional barriers;

23 “(B) A medical condition that creates a barrier to achievement; or

24 “(C) A change in the student’s ability to participate in grade level activ-  
25 ities as a result of a serious illness or injury that occurred after grade eight.

26 “[9] (8) A school district or public charter school shall award an alter-  
27 native certificate to a student who does not satisfy the requirements for a  
28 high school diploma, a modified diploma or an extended diploma if the stu-  
29 dent meets requirements established by the board of the school district or  
30 public charter school.

1 “[10] **(9)** A student shall have the opportunity to satisfy the require-  
2 ments of subsection [(7), (8) or (9)] **(6), (7) or (8)** of this section by the later  
3 of:

4 “(a) Four years after starting grade nine; or

5 “(b) The student reaching the age of 21 years, if the student is entitled  
6 to a public education until the age of 21 years under state or federal law.

7 “[11(a)] **(10)(a)** A student may satisfy the requirements described in  
8 subsection [(7), (8) or (9)] **(6), (7) or (8)** of this section in less than four years  
9 if consent is provided in the manner described in subsection [(6)(a)] **(5)(a)**  
10 of this section.

11 “(b) The consent provided under this subsection must be written and must  
12 clearly state that the parent, guardian or student is waiving the time allowed  
13 under subsection [(10)] **(9)** of this section. A consent may not be used to al-  
14 low a student to satisfy the requirements of subsection [(7), (8) or (9)] **(6),**  
15 **(7) or (8)** of this section in less than three years.

16 “(c) A copy of all consents provided under this subsection for students in  
17 a school district must be forwarded to the district superintendent.

18 “(d) Each school district must provide to the Superintendent of Public  
19 Instruction information about the number of consents provided during a  
20 school year.

21 “[12(a)] **(11)(a)** A student who qualifies to receive or receives a modified  
22 diploma, an extended diploma or an alternative certificate shall:

23 “(A) Have the option of participating in a high school graduation cere-  
24 mony with the class of the student; and

25 “(B) Have access to instructional hours, hours of transition services and  
26 hours of other services that are designed to:

27 “(i) Meet the unique needs of the student; and

28 “(ii) When added together, provide a total number of hours of instruction  
29 and services to the student that equals at least the total number of instruc-  
30 tional hours that is required to be provided to students who are attending

1 a public high school.

2 “(b)(A) The number of instructional hours, hours of transition services  
3 and hours of other services that are appropriate for a student shall be de-  
4 termined by the student’s individualized education program team. Based on  
5 the student’s needs and performance level, the student’s individualized edu-  
6 cation program team may decide that the student will not access the total  
7 number of hours of instruction and services to which the student has access  
8 under paragraph (a)(B) of this subsection.

9 “(B) A school district may not unilaterally decrease the total number of  
10 hours of instruction and services to which the student has access under  
11 paragraph (a)(B) of this subsection, regardless of the age of the student.

12 “(c) If a student’s individualized education program team decides that the  
13 student will not access the total number of hours of instruction and services  
14 to which the student has access under paragraph (a)(B) of this subsection,  
15 the school district shall annually:

16 “(A) Provide the following information in writing to the parent or  
17 guardian of the student:

18 “(i) The school district’s duty to comply with the requirements of para-  
19 graph (a)(B) of this subsection; and

20 “(ii) The prohibition against a school district’s unilaterally decreasing the  
21 total number of hours of instruction and services to which the student has  
22 access.

23 “(B) Obtain a signed acknowledgment from the parent or guardian of the  
24 student that the parent or guardian received the information described in  
25 subparagraph (A) of this paragraph.

26 “(C) Include in the individualized education program for the student a  
27 written statement that explains the reasons the student is not accessing the  
28 total number of hours of instruction and services to which the student has  
29 access under paragraph (a)(B) of this subsection.

30 “(d) For purposes of paragraph (a)(B) of this subsection, transition ser-



1 vices and other services designed to meet the unique needs of the student  
2 may be provided to the student through an interagency agreement entered  
3 into by the school district if the individualized education program developed  
4 for the student indicates that the services may be provided by another  
5 agency. A school district that enters into an interagency agreement as al-  
6 lowed under this paragraph retains the responsibility for ensuring that the  
7 student has access to the number of service hours required to be provided  
8 to the student under this subsection. An agency is not required to change  
9 any eligibility criteria or enrollment standards prior to entering into an  
10 interagency agreement as provided by this paragraph.

11 “[~~(13)~~] **(12)** A school district or public charter school shall:

12 “(a) Ensure that students have on-site access to the appropriate resources  
13 to achieve a high school diploma, a modified diploma, an extended diploma  
14 or an alternative certificate at each high school in the school district or at  
15 the public charter school.

16 “(b) Provide literacy instruction to all students until graduation.

17 “(c) Annually provide, to the parents or guardians of a student who has  
18 the documented history described in subsection [~~(8)(b)~~] **(7)(b)** of this section,  
19 information about the availability of a modified diploma, an extended di-  
20 ploma and an alternative certificate and the requirements for the diplomas  
21 and certificate:

22 “(A) Beginning in grade five; or

23 “(B) Beginning after a documented history described in subsection  
24 [~~(8)(b)~~] **(7)(b)** of this section has been established.

25 “[~~(14)~~] **(13)** A school district or public charter school shall allow a student  
26 to participate in the high school graduation ceremony with the class of the  
27 student and to wear a dress uniform issued to the student by a branch of the  
28 Armed Forces of the United States if the student:

29 “(a) Qualifies to receive a high school diploma, a modified diploma, an  
30 extended diploma or an alternative certificate under this section; and

