

# D R A F T

## SUMMARY

Directs Department of Education to review state requirements for high school diploma and to report results of review to interim committees of Legislative Assembly related to education and to State Board of Education.

Suspends requirement of showing proficiency in Essential Learning Skills as condition of earning diploma during 2021-2022 or 2022-2023 school year.

Prohibits State Board of Education from requiring for high school diploma that student show proficiency in any academic content area if student successfully completed credit requirements. Applies to high school diplomas awarded on or after July 1, 2023.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to high school diploma requirements; creating new provisions;  
3 amending ORS 329.451; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. (1) The Department of Education shall review the state**  
6 **requirements for a high school diploma, as prescribed by ORS 329.451**  
7 **and rules adopted by the State Board of Education. The review shall**  
8 **include:**

9 (a) **A comparison of high school diploma requirements in this state**  
10 **with high school diploma requirements in other states;**

11 (b) **The identification of the expectations of employers and post-**  
12 **secondary institutions of education related to the skills and knowledge**  
13 **of persons who earn high school diplomas in this state;**

14 (c) **The determination of whether the skills and knowledge expected**  
15 **to be attained by a person who earns a high school diploma in this**

1 state, as identified in paragraph (b) of this subsection, align with the  
2 requirements for a high school diploma in this state; and

3 (d) The determination of whether the requirements for a high  
4 school diploma in this state are equitable and inclusive.

5 (2) Notwithstanding any rules adopted by the State Board of Edu-  
6 cation, a student may not be required to show proficiency in Essential  
7 Learning Skills as a condition of receiving a high school diploma dur-  
8 ing the 2021-2022 or 2022-2023 school year.

9 (3)(a) Not later than September 1, 2022, the department shall report  
10 the results of the review to:

11 (A) The interim committees of the Legislative Assembly related to  
12 education; and

13 (B) The State Board of Education.

14 (b) The report required under paragraph (a) of this subsection may  
15 recommend changes in legislation or administrative rules, including a  
16 recommendation to repeal the amendments to ORS 329.451 by section  
17 3 of this 2021 Act.

18 **SECTION 2.** Section 1 of this 2021 Act is repealed on June 30, 2023.

19 **SECTION 3.** ORS 329.451 is amended to read:

20 329.451. (1)(a) At or before grade 12, a school district or public charter  
21 school shall award a high school diploma to a student who completes the  
22 requirements established by subsection (2) of this section.

23 (b) A school district or public charter school shall award a modified di-  
24 ploma to a student who satisfies the requirements established by subsection  
25 [(7)] (6) of this section, an extended diploma to a student who satisfies the  
26 requirements established by subsection [(8)] (7) of this section or an alter-  
27 native certificate to a student who satisfies the requirements established by  
28 subsection [(9)] (8) of this section.

29 (c) A school district or public charter school may not deny a student who  
30 has the documented history described in subsection (6)(b) or (7)(b) [or  
31 (8)(b)] of this section the opportunity to pursue a diploma with more strin-

1 gent requirements than a modified diploma or an extended diploma for the  
2 sole reason that the student has the documented history.

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

6 (2)(a) In order to receive a high school diploma from a school district or  
7 public charter school, a student must satisfy the requirements established  
8 by the State Board of Education and the school district or public charter  
9 school and, while in grades 9 through 12, must complete at least:

- 10 (A) Twenty-four total credits;
- 11 (B) Three credits of mathematics; and
- 12 (C) Four credits of English.

13 **(b) Notwithstanding paragraph (a) of this subsection, the State**  
14 **Board of Education may not require a student who has successfully**  
15 **completed the credit requirements prescribed by paragraph (a) of this**  
16 **subsection or by rule of the board to demonstrate proficiency in any**  
17 **skill or academic content area.**

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

- 22 (A) Subjects for which the State Board of Education has established aca-  
23 demic content standards under ORS 329.045;
- 24 (B) Courses provided as part of a career and technical education program;  
25 or
- 26 (C) Courses that provide, or qualify to provide, credit at post-secondary  
27 institutions of education.

28 [(c)(A)] (d)(A) A school district or public charter school that requires  
29 students to satisfy any requirements not specified by paragraph (a) of this  
30 subsection or by rule of the State Board of Education must grant to a stu-  
31 dent a waiver of the requirements established by the school district or public

1 charter school if the student is or, at any time from grade 9 to 12, was:

2 (i) A foster child, as defined in ORS 30.297;

3 (ii) Homeless, as determined under rules adopted by the State Board of  
4 Education based on standards adopted by the Department of Human Services;

5 (iii) A runaway, as determined under rules adopted by the State Board  
6 of Education based on standards adopted by the Department of Human Ser-  
7 vices;

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

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

13 (vi) Enrolled in the Youth Corrections Education Program or the Juvenile  
14 Detention Education Program.

15 (B) For any student identified under subparagraph (A) of this paragraph,  
16 a school district or public charter school must accept any credits earned by  
17 the student in another school district or public charter school and apply  
18 those credits toward requirements specified by paragraph (a) of this sub-  
19 section or by rule of the State Board of Education if the credits satisfied  
20 those requirements in that other school district or public charter school.

21 *[(3) A student providing work samples to demonstrate proficiency in Es-*  
22 *sential Learning Skills as may be required under subsection (2) of this section*  
23 *must be allowed to use accommodations described in the student's individual-*  
24 *ized education program or the student's plan developed in accordance with*  
25 *section 504 of the Rehabilitation Act of 1978, 29 U.S.C. 794. As used in this*  
26 *subsection, the term "accommodations":]*

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

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

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

31 *[(C) The use of text-to-speech or speech-to-text technology or other assistive*

1 *technology.]*

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

4 *[(4)] (3)* A student may satisfy the requirements of subsection (2) of this  
5 section in less than four years. If a student satisfies the requirements of  
6 subsection (2) of this section and a school district or public charter school  
7 has received consent as provided by subsection *[(6)] (5)* of this section, the  
8 school district or public charter school shall award a high school diploma  
9 to the student.

10 *[(5)] (4)* If a school district or public charter school has received consent  
11 as provided by subsection *[(6)] (5)* of this section, the school district or  
12 public charter school may advance the student to the next grade level if the  
13 student has satisfied the requirements for the student's current grade level.

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

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

18 (i) Is under 18 years of age and is not emancipated pursuant to ORS  
19 419B.550 to 419B.558; or

20 (ii) Has been determined not to have the ability to give informed consent  
21 regarding the student's education pursuant to a protective proceeding under  
22 ORS chapter 125; or

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

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

29 *[(7)] (6)* A school district or public charter school shall award a modified  
30 diploma only to students who have demonstrated the inability to meet the  
31 full set of academic content standards for a high school diploma with rea-

1 sonable modifications and accommodations. To be eligible for a modified di-  
2 ploma, a student must:

3 (a) Satisfy the requirements for a modified diploma established by the  
4 State Board of Education; and

5 (b) Have a documented history of an inability to maintain grade level  
6 achievement due to significant learning and instructional barriers or have  
7 a documented history of a medical condition that creates a barrier to  
8 achievement.

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

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

17 (A) Two credits of mathematics;

18 (B) Two credits of English;

19 (C) Two credits of science;

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

21 (E) One credit of health;

22 (F) One credit of physical education; and

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

24 (b) Have a documented history of:

25 (A) An inability to maintain grade level achievement due to significant  
26 learning and instructional barriers;

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

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

30 [(9)] (8) A school district or public charter school shall award an alter-  
31 native certificate to a student who does not satisfy the requirements for a

1 high school diploma, a modified diploma or an extended diploma if the stu-  
2 dent meets requirements established by the board of the school district or  
3 public charter school.

4 [(10)] **(9)** A student shall have the opportunity to satisfy the requirements  
5 of subsection [(7), (8) or (9)] **(6), (7) or (8)** of this section by the later of:

6 (a) Four years after starting grade nine; or

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

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

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

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

20 (d) Each school district must provide to the Superintendent of Public In-  
21 struction information about the number of consents provided during a school  
22 year.

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

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

27 (B) Have access to instructional hours, hours of transition services and  
28 hours of other services that are designed to:

29 (i) Meet the unique needs of the student; and

30 (ii) When added together, provide a total number of hours of instruction  
31 and services to the student that equals at least the total number of instruc-

1 tional hours that is required to be provided to students who are attending  
2 a public high school.

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

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

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

17 (A) Provide the following information in writing to the parent or guard-  
18 ian of the student:

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

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

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

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

31 (d) For purposes of paragraph (a)(B) of this subsection, transition services

1 and other services designed to meet the unique needs of the student may be  
2 provided to the student through an interagency agreement entered into by  
3 the school district if the individualized education program developed for the  
4 student indicates that the services may be provided by another agency. A  
5 school district that enters into an interagency agreement as allowed under  
6 this paragraph retains the responsibility for ensuring that the student has  
7 access to the number of service hours required to be provided to the student  
8 under this subsection. An agency is not required to change any eligibility  
9 criteria or enrollment standards prior to entering into an interagency  
10 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 [(8)(b)]  
24 **(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

31 (b) Has completed basic training for, and is an active member of, a branch

1 of the Armed Forces of the United States.

2 **SECTION 4. (1) The amendments to ORS 329.451 by section 3 of this**  
3 **2021 Act become operative on July 1, 2023.**

4 **(2) The amendments to ORS 329.451 by section 3 of this 2021 Act**  
5 **apply to high school diplomas awarded on or after the operative date**  
6 **specified in subsection (1) of this section.**

7 **SECTION 5. This 2021 Act being necessary for the immediate pres-**  
8 **ervation of the public peace, health and safety, an emergency is de-**  
9 **clared to exist, and this 2021 Act takes effect on its passage.**

10