

A-Engrossed
Senate Bill 744

Ordered by the Senate April 15
Including Senate Amendments dated April 15

Sponsored by COMMITTEE ON EDUCATION

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Directs Department of Education to review state requirements for high school diploma and [*to report results of review*] **to make recommendations related to requirements. Requires department to provide report** 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; amending ORS 329.451; and
3 declaring an emergency.

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

5 **SECTION 1. (1) As used in this section, "high school diploma" means the high school di-**
6 **ploma options offered in this state under ORS 329.451, including a high school diploma, a**
7 **modified diploma, an extended diploma and an alternative certificate.**

8 **(2) The Department of Education shall:**

9 **(a) Review state requirements for high school diploma options offered in this state, as**
10 **those requirements are prescribed by ORS 329.451 and by rules adopted by the State Board**
11 **of Education; and**

12 **(b) Make recommendations for state requirements for high school diplomas in this state**
13 **to reduce disparities and to ensure that every student will be on track to earn one of the**
14 **high school diplomas.**

15 **(3) The review conducted under this section must include:**

16 **(a) An evaluation of the use of alternative certificates and how the requirements for al-**
17 **ternative certificates compare to the requirements for other high school diplomas;**

18 **(b) An evaluation of the role of a school district or a public charter school when a stu-**
19 **dent who has the documented history described in ORS 329.451 (7)(b) or (8)(b) seeks to pursue**
20 **a high school diploma with more stringent requirements than a modified diploma or an ex-**
21 **tended diploma, as provided by ORS 329.451 (1)(c);**

22 **(c) A comparison of high school diploma requirements in this state with high school di-**
23 **ploma requirements in other states;**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (d) The identification of the expectations of employers and post-secondary institutions
2 of education related to the skills and knowledge of persons who earn high school diplomas
3 in this state;

4 (e) The determination of whether the skills and knowledge expected to be attained by
5 persons who earn high school diplomas in this state, as identified in paragraph (d) of this
6 subsection, align with the requirements for high school diplomas in this state;

7 (f) The identification of the causes of disparities that have resulted from the require-
8 ments for high school diplomas in this state; and

9 (g) The determination of whether the requirements for high school diplomas in this state
10 have been applied inequitably to different student populations.

11 (4) When conducting the review and developing recommendations under this section, the
12 department shall:

13 (a) Use a transparent process that is equitable, accessible and inclusive;

14 (b) Enable and encourage meaningful engagement with:

15 (A) Representatives from historically underserved students, including students who:

16 (i) Have a disability;

17 (ii) Are from an immigrant or refugee population;

18 (iii) Are from racial or ethnic groups that have historically experienced academic dis-
19 parities;

20 (iv) Are English language learners; or

21 (v) Are from a federally recognized Indian tribe of this state;

22 (B) Youth-led organizations that engage and empower youth; and

23 (C) Communities from across this state; and

24 (c) Develop recommendations for changes to the requirements for high school diplomas:

25 (A) Based on data and the engagement process described in paragraph (b) of this sub-
26 section; and

27 (B) With the goal of ensuring that the processes and outcomes related to the require-
28 ments for high school diplomas are equitable, accessible and inclusive.

29 (5) Notwithstanding any rules adopted by the State Board of Education, a student may
30 not be required to show proficiency in Essential Learning Skills as a condition of receiving
31 a high school diploma during the 2021-2022 or 2022-2023 school year.

32 (6)(a) Not later than September 1, 2022, the department shall provide a report to:

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

34 (B) The State Board of Education.

35 (b) The report required under paragraph (a) of this subsection shall:

36 (A) Include a summary of the components of the review conducted as described in sub-
37 section (3) of this section, including information on the comments gathered during the en-
38 gagement process described in subsection (4)(b) of this section.

39 (B) Recommend changes in legislation or administrative rules that will reduce disparities
40 and ensure that every student will be on track to earn one of the high school diplomas of-
41 fered in this state. Recommended changes may include the repeal of the amendments to ORS
42 329.451 by section 3 of this 2021 Act.

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

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

45 329.451. (1)(a) At or before grade 12, a school district or public charter school shall award a high

1 school diploma to a student who completes the requirements established by subsection (2) of this
2 section.

3 (b) A school district or public charter school shall award a modified diploma to a student who
4 satisfies the requirements established by subsection [(7)] (6) of this section, an extended diploma to
5 a student who satisfies the requirements established by subsection [(8)] (7) of this section or an al-
6 ternative certificate to a student who satisfies the requirements established by subsection [(9)] (8)
7 of this section.

8 (c) A school district or public charter school may not deny a student who has the documented
9 history described in subsection (6)(b) or (7)(b) [or (8)(b)] of this section the opportunity to pursue
10 a diploma with more stringent requirements than a modified diploma or an extended diploma for the
11 sole reason that the student has the documented history.

12 (d) A school district or public charter school may award a modified diploma or extended diploma
13 to a student only upon receiving consent as provided by subsection [(6)] (5) of this section.

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

- 17 (A) Twenty-four total credits;
- 18 (B) Three credits of mathematics; and
- 19 (C) Four credits of English.

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

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

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

31 [(c)(A)] (d)(A) A school district or public charter school that requires students to satisfy any
32 requirements not specified by paragraph (a) of this subsection or by rule of the State Board of Ed-
33 ucation must grant to a student a waiver of the requirements established by the school district or
34 public charter school if the student is or, at any time from grade 9 to 12, was:

- 35 (i) A foster child, as defined in ORS 30.297;
- 36 (ii) Homeless, as determined under rules adopted by the State Board of Education based on
37 standards adopted by the Department of Human Services;
- 38 (iii) A runaway, as determined under rules adopted by the State Board of Education based on
39 standards adopted by the Department of Human Services;
- 40 (iv) A child in a military family covered by the Interstate Compact on Educational Opportunity
41 for Military Children, as determined under rules adopted by the State Board of Education;
- 42 (v) A child of a migrant worker, as determined under rules adopted by the State Board of Edu-
43 cation; or

44 (vi) Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education
45 Program.

1 (B) For any student identified under subparagraph (A) of this paragraph, a school district or
2 public charter school must accept any credits earned by the student in another school district or
3 public charter school and apply those credits toward requirements specified by paragraph (a) of this
4 subsection or by rule of the State Board of Education if the credits satisfied those requirements in
5 that other school district or public charter school.

6 [(3) *A student providing work samples to demonstrate proficiency in Essential Learning Skills as*
7 *may be required under subsection (2) of this section must be allowed to use accommodations described*
8 *in the student's individualized education program or the student's plan developed in accordance with*
9 *section 504 of the Rehabilitation Act of 1978, 29 U.S.C. 794. As used in this subsection, the term "ac-*
10 *commodations":*]

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

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

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

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

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

18 [(4)] (3) A student may satisfy the requirements of subsection (2) of this section in less than four
19 years. If a student satisfies the requirements of subsection (2) of this section and a school district
20 or public charter school has received consent as provided by subsection [(6)] (5) of this section, the
21 school district or public charter school shall award a high school diploma to the student.

22 [(5)] (4) If a school district or public charter school has received consent as provided by sub-
23 section [(6)] (5) of this section, the school district or public charter school may advance the student
24 to the next grade level if the student has satisfied the requirements for the student's current grade
25 level.

26 [(6)(a)] (5)(a) For the purpose of receiving consent as provided by subsections (1)(d), (3) and (4)
27 [and (5)] of this section, consent shall be provided by:

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

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

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

32 (B) The student, if the student is 18 years of age or older or is emancipated pursuant to ORS
33 419B.550 to 419B.558.

34 (b) For the purpose of awarding a modified diploma or extended diploma as provided by sub-
35 section (1)(d) of this section or of awarding a high school diploma as provided by subsection [(4)] (3)
36 of this section, consent must be received during the school year for which the diploma will be
37 awarded.

38 [(7)] (6) A school district or public charter school shall award a modified diploma only to stu-
39 dents who have demonstrated the inability to meet the full set of academic content standards for a
40 high school diploma with reasonable modifications and accommodations. To be eligible for a modified
41 diploma, a student must:

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

44 (b) Have a documented history of an inability to maintain grade level achievement due to sig-
45 nificant learning and instructional barriers or have a documented history of a medical condition that

1 creates a barrier to achievement.

2 [(8)] (7) A school district or public charter school shall award an extended diploma only to
3 students who have demonstrated the inability to meet the full set of academic content standards for
4 a high school diploma with reasonable modifications and accommodations. To be eligible for an ex-
5 tended diploma, a student must:

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

- 9 (A) Two credits of mathematics;
- 10 (B) Two credits of English;
- 11 (C) Two credits of science;
- 12 (D) Three credits of history, geography, economics or civics;
- 13 (E) One credit of health;
- 14 (F) One credit of physical education; and
- 15 (G) One credit of the arts or a world language; and

16 (b) Have a documented history of:

17 (A) An inability to maintain grade level achievement due to significant learning and instruc-
18 tional barriers;

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

20 (C) A change in the student's ability to participate in grade level activities as a result of a se-
21 rious illness or injury that occurred after grade eight.

22 [(9)] (8) A school district or public charter school shall award an alternative certificate to a
23 student who does not satisfy the requirements for a high school diploma, a modified diploma or an
24 extended diploma if the student meets requirements established by the board of the school district
25 or public charter school.

26 [(10)] (9) A student shall have the opportunity to satisfy the requirements of subsection [(7), (8)
27 or (9)] (6), (7) or (8) of this section by the later of:

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

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

31 [(11)(a)] (10)(a) A student may satisfy the requirements described in subsection [(7), (8) or (9)]
32 (6), (7) or (8) of this section in less than four years if consent is provided in the manner described
33 in subsection [(6)(a)] (5)(a) of this section.

34 (b) The consent provided under this subsection must be written and must clearly state that the
35 parent, guardian or student is waiving the time allowed under subsection [(10)] (9) of this section.
36 A consent may not be used to allow a student to satisfy the requirements of subsection [(7), (8) or
37 (9)] (6), (7) or (8) of this section in less than three years.

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

40 (d) Each school district must provide to the Superintendent of Public Instruction information
41 about the number of consents provided during a school year.

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

44 (A) Have the option of participating in a high school graduation ceremony with the class of the
45 student; and

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

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

4 (ii) When added together, provide a total number of hours of instruction and services to the
5 student that equals at least the total number of instructional hours that is required to be provided
6 to students who are attending a public high school.

7 (b)(A) The number of instructional hours, hours of transition services and hours of other ser-
8 vices that are appropriate for a student shall be determined by the student's individualized education
9 program team. Based on the student's needs and performance level, the student's individualized ed-
10 ucation program team may decide that the student will not access the total number of hours of in-
11 struction and services to which the student has access under paragraph (a)(B) of this subsection.

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

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

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

19 (i) The school district's duty to comply with the requirements of paragraph (a)(B) of this sub-
20 section; and

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

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

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

28 (d) For purposes of paragraph (a)(B) of this subsection, transition services and other services
29 designed to meet the unique needs of the student may be provided to the student through an inter-
30 agency agreement entered into by the school district if the individualized education program devel-
31 oped for the student indicates that the services may be provided by another agency. A school
32 district that enters into an interagency agreement as allowed under this paragraph retains the re-
33 sponsibility for ensuring that the student has access to the number of service hours required to be
34 provided to the student under this subsection. An agency is not required to change any eligibility
35 criteria or enrollment standards prior to entering into an interagency agreement as provided by this
36 paragraph.

37 [(13)] (12) A school district or public charter school shall:

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

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

42 (c) Annually provide, to the parents or guardians of a student who has the documented history
43 described in subsection [(8)(b)] (7)(b) of this section, information about the availability of a modified
44 diploma, an extended diploma and an alternative certificate and the requirements for the diplomas
45 and certificate:

1 (A) Beginning in grade five; or

2 (B) Beginning after a documented history described in subsection [(8)(b)] (7)(b) of this section
3 has been established.

4 [(14)] (13) A school district or public charter school shall allow a student to participate in the
5 high school graduation ceremony with the class of the student and to wear a dress uniform issued
6 to the student by a branch of the Armed Forces of the United States if the student:

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

9 (b) Has completed basic training for, and is an active member of, a branch of the Armed Forces
10 of the United States.

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

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

15 **SECTION 5. This 2021 Act being necessary for the immediate preservation of the public**
16 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**
17 **on its passage.**

18