

Enrolled House Bill 4137

Sponsored by Representatives REYNOLDS, ANDERSEN, DEXTER, PHAM H, Senator STEINER; Representatives BOICE, BOWMAN, CRAMER, FAHEY, GOMBERG, GRAYBER, HARTMAN, KROPF, MANNIX, MCINTIRE, NATHANSON, NERON, NGUYEN H, NOSSE, RESCHKE, VALDERRAMA, WRIGHT, Senators ANDERSON, DEMBROW, KNOPP, MEEK, PATTERSON, SMITH DB, SOLLMAN (Pre-session filed.)

CHAPTER

AN ACT

Relating to high school diploma requirements; amending ORS 329.451.

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

SECTION 1. ORS 329.451 is amended to read:

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

(b) A school district or public charter school shall award a modified diploma to a student who satisfies the requirements established by subsection (7) of this section, an extended diploma to a student who satisfies the requirements established by subsection (8) of this section or a certificate of attendance to a student who satisfies the requirements established by subsection (9) of this section.

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

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

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

- (A) Twenty-four total credits;
- (B) Three credits of mathematics; and
- (C) Four credits of language arts.

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

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

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

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

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

(iii) A runaway, as determined under rules adopted by the State Board of Education based on standards adopted by the Department of Human Services;

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

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

(vi) Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education Program; or

(vii) Enrolled in an approved recovery school under ORS 336.680.

(B)(i) For any student identified under subparagraph (A) of this paragraph, a school district or public charter school must accept any credits earned by the student in an educational program in this state and apply those credits toward requirements specified by paragraph (a) of this subsection or by rule of the State Board of Education if the credits satisfied those requirements in that educational program in this state.

(ii) As used in this subparagraph, “educational program in this state” means an educational program that is:

(I) Provided by a school district, a public charter school, an approved recovery school, the Youth Corrections Education Program or the Juvenile Detention Education Program; or

(II) Funded as provided by ORS 343.243 for students in a long term care or treatment facility described in ORS 343.961 or a hospital identified in ORS 343.261.

(d)(A) The State Board of Education shall adopt rules by which a student who has completed an International Baccalaureate program may satisfy the credit requirements prescribed by paragraph (a) of this subsection and any or all of the requirements established by rule of the State Board of Education under paragraph (a) of this subsection. The rules:

(i) Must provide that the student has satisfied those requirements if the student has satisfied:

(I) All of the requirements for an International Baccalaureate Diploma Programme or an International Baccalaureate Career-related Programme; and

(II) Any other requirements prescribed by the board by rule for a student who has completed an International Baccalaureate program.

(ii) May provide that, only for the purpose of satisfying requirements as provided by this paragraph, a person who is not an external International Baccalaureate examiner may grade assessments or examinations for either program.

(B) Nothing in this paragraph prohibits a school district or public charter school from establishing requirements that are in addition to the credit requirements prescribed by paragraph (a) of this subsection or any requirements established by rule under paragraph (a) of this subsection or subparagraph (A) of this paragraph.

(C) When establishing requirements under this paragraph, the board or a school district or public charter school shall attempt not to establish requirements that may discourage access to or participation in the International Baccalaureate program.

(3) A student providing work samples to demonstrate proficiency in Essential Learning Skills as may be required under subsection (2) of this section must be allowed to use accommodations described in the student’s individualized education program or the student’s plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794. As used in this subsection, the term “accommodations”:

- (a) Includes, but is not limited to:
 - (A) Additional time to demonstrate proficiency.
 - (B) The ability to demonstrate proficiency in an alternative location that is secure and proctored.
 - (C) The use of text-to-speech or speech-to-text technology or other assistive technology.
- (b) Does not include modifications that lower the proficiency standards or that are used solely to earn modified credit.
- (4) A student may satisfy the requirements of subsection (2) of this section in less than four years. If a student satisfies the requirements of subsection (2) of this section and a school district or public charter school has received consent as provided by subsection (6) of this section, the school district or public charter school shall award a high school diploma to the student.
- (5) If a school district or public charter school has received consent as provided by subsection (6) of this section, the school district or public charter school may advance the student to the next grade level if the student has satisfied the requirements for the student's current grade level.
- (6)(a) For the purpose of receiving consent as provided by subsections (1)(d), (4) and (5) of this section, consent shall be provided by:
 - (A) The parent or guardian of the student, if the student:
 - (i) Is under 18 years of age and is not emancipated pursuant to ORS 419B.550 to 419B.558; or
 - (ii) Has been determined not to have the ability to give informed consent regarding the student's education pursuant to a protective proceeding under ORS chapter 125; or
 - (B) The student, if the student is 18 years of age or older or is emancipated pursuant to ORS 419B.550 to 419B.558.
- (b) For the purpose of awarding a modified diploma or extended diploma as provided by subsection (1)(d) of this section or of awarding a high school diploma as provided by subsection (4) of this section, consent must be received during the school year for which the diploma will be awarded.
- (7) A school district or public charter school shall award a modified diploma only to students who have demonstrated the inability to meet the full set of academic content standards for a high school diploma with reasonable modifications and accommodations. To be eligible for a modified diploma, a student must:
 - (a) Satisfy the requirements for a modified diploma established by the State Board of Education; and
 - (b) Have a documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers or have a documented history of a medical condition that creates a barrier to achievement.
- (8) A school district or public charter school shall award an extended diploma only to students who have demonstrated the inability to meet the full set of academic content standards for a high school diploma with reasonable modifications and accommodations. To be eligible for an extended diploma, a student must:
 - (a) While in grade nine through completion of high school, complete 12 credits, which may not include more than six credits earned in a self-contained special education classroom and shall include:
 - (A) Two credits of mathematics;
 - (B) Two credits of language arts;
 - (C) Two credits of science;
 - (D) Three credits of history, geography, economics or civics;
 - (E) One credit of health;
 - (F) One credit of physical education; and
 - (G) One credit of the arts or a world language; and
 - (b) Have a documented history of:
 - (A) An inability to maintain grade level achievement due to significant learning and instructional barriers;
 - (B) A medical condition that creates a barrier to achievement; or

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

(9) A school district or public charter school shall award a certificate of attendance to a student who does not satisfy the requirements for a high school diploma, a modified diploma or an extended diploma if the student has maintained regular full-time attendance for at least four years beginning in grade nine and meets requirements established by the board of the school district or public charter school.

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

(a) Four years after starting grade nine; or

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

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

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

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

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

(12)(a) A student who qualifies to receive or receives a modified diploma, an extended diploma or a certificate of attendance shall:

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

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

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

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

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

(c) For purposes of paragraph (a)(B) of this subsection, transition services and other services designed to meet the unique needs of the student may be provided to the student through an interagency agreement entered into by the school district if the individualized education program developed for the student indicates that the services may be provided by another agency. A school district that enters into an interagency agreement as allowed under this paragraph retains the responsibility for ensuring that the student has access to the number of service hours required to be provided to the student under this subsection. An agency is not required to change any eligibility criteria or enrollment standards prior to entering into an interagency agreement as provided by this paragraph.

(13) A school district or public charter school shall:

(a) Ensure that all students have on-site access to the appropriate resources and courses to achieve high school diplomas, modified diplomas and extended diplomas at each high school in the school district or at the public charter school.

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

(c)(A) Provide to the parents or guardians of a student who has the documented history described in subsection (8)(b) of this section:

(i) Information about the availability of high school diplomas, modified diplomas and extended diplomas and the requirements for the diplomas; and

(ii) A disclosure that a student awarded a certificate of attendance will not be counted as a high school graduate in any reporting for the state or school district and that a student awarded a certificate of attendance may not indicate that the student received a high school diploma on applications for employment, military service, financial aid, admittance to an institution of higher education or any other purpose.

(B) The information and disclosure required under subparagraph (A) of this paragraph must be provided annually:

(i) Beginning in grade five; or

(ii) Beginning after a documented history described in subsection (8)(b) of this section has been established.

(14) A school district or public charter school shall allow a student to participate in the high school graduation ceremony with the class of the student and to wear:

(a) Native American items of cultural significance as provided by ORS 332.112; or

(b) A dress uniform issued to the student by a branch of the Armed Forces of the United States if the student:

(A) Qualifies to receive a high school diploma, a modified diploma, an extended diploma or a certificate of attendance under this section; and

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

SECTION 2. ORS 329.451, as amended by section 1, chapter 175, Oregon Laws 2021, section 6, chapter 81, Oregon Laws 2022, section 3, chapter 202, Oregon Laws 2023, and section 9, chapter 513, Oregon Laws 2023, is amended to read:

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

(b) A school district or public charter school shall award a modified diploma to a student who satisfies the requirements established by subsection (7) of this section, an extended diploma to a student who satisfies the requirements established by subsection (8) of this section or a certificate of attendance to a student who satisfies the requirements established by subsection (9) of this section.

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

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

(2)(a) In order to receive a high school diploma from a school district or public charter school, a student must satisfy the requirements established by the State Board of Education and the school district or public charter school and, while in grades 9 through 12, must complete at least 24 total credits, which must include at least:

(A) Three credits of mathematics;

(B) Four credits of language arts; and

(C) One half-credit of civics.

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

(A) Subjects for which the State Board of Education has established academic content standards under ORS 329.045;

(B) Courses provided as part of a career and technical education program; or

(C) Courses that provide, or qualify to provide, credit at post-secondary institutions of education.

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

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

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

(iii) A runaway, as determined under rules adopted by the State Board of Education based on standards adopted by the Department of Human Services;

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

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

(vi) Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education Program; or

(vii) Enrolled in an approved recovery school under ORS 336.680.

(B)(i) For any student identified under subparagraph (A) of this paragraph, a school district or public charter school must accept any credits earned by the student in an educational program in this state and apply those credits toward requirements specified by paragraph (a) of this subsection or by rule of the State Board of Education if the credits satisfied those requirements in that educational program in this state.

(ii) As used in this subparagraph, “educational program in this state” means an educational program that is:

(I) Provided by a school district, a public charter school, an approved recovery school, the Youth Corrections Education Program or the Juvenile Detention Education Program; or

(II) Funded as provided by ORS 343.243 for students in a long term care or treatment facility described in ORS 343.961 or a hospital identified in ORS 343.261.

(d)(A) The State Board of Education shall adopt rules by which a student who has completed an International Baccalaureate program may satisfy the credit requirements prescribed by paragraph (a) of this subsection and any or all of the requirements established by rule of the State Board of Education under paragraph (a) of this subsection. The rules:

(i) Must provide that the student has satisfied those requirements if the student has satisfied:

(I) All of the requirements for an International Baccalaureate Diploma Programme or an International Baccalaureate Career-related Programme; and

(II) Any other requirements prescribed by the board by rule for a student who has completed an International Baccalaureate program.

(ii) May provide that, only for the purpose of satisfying requirements as provided by this paragraph, a person who is not an external International Baccalaureate examiner may grade assessments or examinations for either program.

(B) Nothing in this paragraph prohibits a school district or public charter school from establishing requirements that are in addition to the credit requirements prescribed by paragraph (a) of this subsection or any requirements established by rule under paragraph (a) of this subsection or subparagraph (A) of this paragraph.

(C) When establishing requirements under this paragraph, the board or a school district or public charter school shall attempt not to establish requirements that may discourage access to or participation in the International Baccalaureate program.

(3) A student providing work samples to demonstrate proficiency in Essential Learning Skills as may be required under subsection (2) of this section must be allowed to use accommodations described in the student’s individualized education program or the student’s plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794. As used in this subsection, the term “accommodations”:

- (a) Includes, but is not limited to:
 - (A) Additional time to demonstrate proficiency.
 - (B) The ability to demonstrate proficiency in an alternative location that is secure and proctored.
 - (C) The use of text-to-speech or speech-to-text technology or other assistive technology.
- (b) Does not include modifications that lower the proficiency standards or that are used solely to earn modified credit.
- (4) A student may satisfy the requirements of subsection (2) of this section in less than four years. If a student satisfies the requirements of subsection (2) of this section and a school district or public charter school has received consent as provided by subsection (6) of this section, the school district or public charter school shall award a high school diploma to the student.
- (5) If a school district or public charter school has received consent as provided by subsection (6) of this section, the school district or public charter school may advance the student to the next grade level if the student has satisfied the requirements for the student's current grade level.
- (6)(a) For the purpose of receiving consent as provided by subsections (1)(d), (4) and (5) of this section, consent shall be provided by:
 - (A) The parent or guardian of the student, if the student:
 - (i) Is under 18 years of age and is not emancipated pursuant to ORS 419B.550 to 419B.558; or
 - (ii) Has been determined not to have the ability to give informed consent regarding the student's education pursuant to a protective proceeding under ORS chapter 125; or
 - (B) The student, if the student is 18 years of age or older or is emancipated pursuant to ORS 419B.550 to 419B.558.
- (b) For the purpose of awarding a modified diploma or extended diploma as provided by subsection (1)(d) of this section or of awarding a high school diploma as provided by subsection (4) of this section, consent must be received during the school year for which the diploma will be awarded.
- (7) A school district or public charter school shall award a modified diploma only to students who have demonstrated the inability to meet the full set of academic content standards for a high school diploma with reasonable modifications and accommodations. To be eligible for a modified diploma, a student must:
 - (a) Satisfy the requirements for a modified diploma established by the State Board of Education; and
 - (b) Have a documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers or have a documented history of a medical condition that creates a barrier to achievement.
- (8) A school district or public charter school shall award an extended diploma only to students who have demonstrated the inability to meet the full set of academic content standards for a high school diploma with reasonable modifications and accommodations. To be eligible for an extended diploma, a student must:
 - (a) While in grade nine through completion of high school, complete 12 credits, which may not include more than six credits earned in a self-contained special education classroom and shall include:
 - (A) Two credits of mathematics;
 - (B) Two credits of language arts;
 - (C) Two credits of science;
 - (D) Three credits of history, geography, economics or civics;
 - (E) One credit of health;
 - (F) One credit of physical education; and
 - (G) One credit of the arts or a world language; and
 - (b) Have a documented history of:
 - (A) An inability to maintain grade level achievement due to significant learning and instructional barriers;
 - (B) A medical condition that creates a barrier to achievement; or

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

(9) A school district or public charter school shall award a certificate of attendance to a student who does not satisfy the requirements for a high school diploma, a modified diploma or an extended diploma if the student has maintained regular full-time attendance for at least four years beginning in grade nine and meets requirements established by the board of the school district or public charter school.

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

(a) Four years after starting grade nine; or

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

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

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

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

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

(12)(a) A student who qualifies to receive or receives a modified diploma, an extended diploma or a certificate of attendance shall:

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

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

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

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

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

(c) For purposes of paragraph (a)(B) of this subsection, transition services and other services designed to meet the unique needs of the student may be provided to the student through an interagency agreement entered into by the school district if the individualized education program developed for the student indicates that the services may be provided by another agency. A school district that enters into an interagency agreement as allowed under this paragraph retains the responsibility for ensuring that the student has access to the number of service hours required to be provided to the student under this subsection. An agency is not required to change any eligibility criteria or enrollment standards prior to entering into an interagency agreement as provided by this paragraph.

(13) A school district or public charter school shall:

(a) Ensure that all students have on-site access to the appropriate resources and courses to achieve high school diplomas, modified diplomas and extended diplomas at each high school in the school district or at the public charter school.

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

(c)(A) Provide to the parents or guardians of a student who has the documented history described in subsection (8)(b) of this section:

(i) Information about the availability of high school diplomas, modified diplomas and extended diplomas and the requirements for the diplomas; and

(ii) A disclosure that a student awarded a certificate of attendance will not be counted as a high school graduate in any reporting for the state or school district and that a student awarded a certificate of attendance may not indicate that the student received a high school diploma on applications for employment, military service, financial aid, admittance to an institution of higher education or any other purpose.

(B) The information and disclosure required under subparagraph (A) of this paragraph must be provided annually:

(i) Beginning in grade five; or

(ii) Beginning after a documented history described in subsection (8)(b) of this section has been established.

(14) A school district or public charter school shall allow a student to participate in the high school graduation ceremony with the class of the student and to wear:

(a) Native American items of cultural significance as provided by ORS 332.112; or

(b) A dress uniform issued to the student by a branch of the Armed Forces of the United States if the student:

(A) Qualifies to receive a high school diploma, a modified diploma, an extended diploma or a certificate of attendance under this section; and

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

SECTION 3. ORS 329.451, as amended by section 1, chapter 175, Oregon Laws 2021, section 6, chapter 81, Oregon Laws 2022, section 3, chapter 202, Oregon Laws 2023, section 9, chapter 513, Oregon Laws 2023, and section 1, chapter 564, Oregon Laws 2023, is amended to read:

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

(b) A school district or public charter school shall award a modified diploma to a student who satisfies the requirements established by subsection (7) of this section, an extended diploma to a student who satisfies the requirements established by subsection (8) of this section or a certificate of attendance to a student who satisfies the requirements established by subsection (9) of this section.

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

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

(2)(a) In order to receive a high school diploma from a school district or public charter school, a student must satisfy the requirements established by the State Board of Education and the school district or public charter school and, while in grades 9 through 12, must complete at least 24 total credits, which must include at least:

(A) Three credits of mathematics;

(B) Four credits of language arts;

(C) One half-credit of civics;

(D) One half-credit of higher education and career path skills; and

(E) One half-credit of personal financial education.

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

(A) Subjects for which the State Board of Education has established academic content standards under ORS 329.045;

(B) Courses provided as part of a career and technical education program; or

(C) Courses that provide, or qualify to provide, credit at post-secondary institutions of education.

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

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

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

(iii) A runaway, as determined under rules adopted by the State Board of Education based on standards adopted by the Department of Human Services;

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

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

(vi) Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education Program; or

(vii) Enrolled in an approved recovery school under ORS 336.680.

(B)(i) For any student identified under subparagraph (A) of this paragraph, a school district or public charter school must accept any credits earned by the student in an educational program in this state and apply those credits toward requirements specified by paragraph (a) of this subsection or by rule of the State Board of Education if the credits satisfied those requirements in that educational program in this state.

(ii) As used in this subparagraph, "educational program in this state" means an educational program that is:

(I) Provided by a school district, a public charter school, an approved recovery school, the Youth Corrections Education Program or the Juvenile Detention Education Program; or

(II) Funded as provided by ORS 343.243 for students in a long term care or treatment facility described in ORS 343.961 or a hospital identified in ORS 343.261.

(d) The State Board of Education may adopt by rule requirements for courses, including teachers of courses, related to higher education and career path skills and personal financial education that allow the courses to satisfy multiple credit requirements for a high school diploma, including mathematics.

(e)(A) The State Board of Education shall adopt rules by which a student who has completed an International Baccalaureate program may satisfy the credit requirements prescribed by paragraph (a) of this subsection and any or all of the requirements established by rule of the State Board of Education under paragraph (a) of this subsection. The rules:

(i) Must provide that the student has satisfied those requirements if the student has satisfied:

(I) All of the requirements for an International Baccalaureate Diploma Programme or an International Baccalaureate Career-related Programme; and

(II) Any other requirements prescribed by the board by rule for a student who has completed an International Baccalaureate program.

(ii) May provide that, only for the purpose of satisfying requirements as provided by this paragraph, a person who is not an external International Baccalaureate examiner may grade assessments or examinations for either program.

(B) Nothing in this paragraph prohibits a school district or public charter school from establishing requirements that are in addition to the credit requirements prescribed by paragraph (a) of this subsection or any requirements established by rule under paragraph (a) of this subsection or subparagraph (A) of this paragraph.

(C) When establishing requirements under this paragraph, the board or a school district or public charter school shall attempt not to establish requirements that may discourage access to or participation in the International Baccalaureate program.

(3) A student providing work samples to demonstrate proficiency in Essential Learning Skills as may be required under subsection (2) of this section must be allowed to use accommodations described in the student's individualized education program or the student's plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794. As used in this subsection, the term "accommodations":

(a) Includes, but is not limited to:

(A) Additional time to demonstrate proficiency.

(B) The ability to demonstrate proficiency in an alternative location that is secure and proctored.

(C) The use of text-to-speech or speech-to-text technology or other assistive technology.

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

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

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

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

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

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

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

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

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

(7) A school district or public charter school shall award a modified diploma only to students who have demonstrated the inability to meet the full set of academic content standards for a high school diploma with reasonable modifications and accommodations. To be eligible for a modified diploma, a student must:

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

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

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

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

(A) Two credits of mathematics;

(B) Two credits of language arts;

(C) Two credits of science;

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

(E) One credit of health;

(F) One credit of physical education; and

- (G) One credit of the arts or a world language; and
- (b) Have a documented history of:
 - (A) An inability to maintain grade level achievement due to significant learning and instructional barriers;
 - (B) A medical condition that creates a barrier to achievement; or
 - (C) A change in the student's ability to participate in grade level activities as a result of a serious illness or injury that occurred after grade eight.
- (9) A school district or public charter school shall award a certificate of attendance to a student who does not satisfy the requirements for a high school diploma, a modified diploma or an extended diploma if the student has maintained regular full-time attendance for at least four years beginning in grade nine and meets requirements established by the board of the school district or public charter school.
- (10) A student shall have the opportunity to satisfy the requirements of subsection (7), (8) or (9) of this section by the later of:
 - (a) Four years after starting grade nine; or
 - (b) The student reaching the age of 21 years, if the student is entitled to a public education until the age of 21 years under state or federal law.
- (11)(a) A student may satisfy the requirements described in subsection (7), (8) or (9) of this section in less than four years if consent is provided in the manner described in subsection (6)(a) of this section.
 - (b) The consent provided under this subsection must be written and must clearly state that the parent, guardian or student is waiving the time allowed under subsection (10) of this section. A consent may not be used to allow a student to satisfy the requirements of subsection (7), (8) or (9) of this section in less than three years.
 - (c) A copy of all consents provided under this subsection for students in a school district must be forwarded to the district superintendent.
 - (d) Each school district must provide to the Superintendent of Public Instruction information about the number of consents provided during a school year.
- (12)(a) A student who qualifies to receive or receives a modified diploma, an extended diploma or a certificate of attendance shall:
 - (A) Have the option of participating in a high school graduation ceremony with the class of the student; and
 - (B) Have access to instructional hours, hours of transition services and hours of other services that are designed to:
 - (i) Meet the unique needs of the student; and
 - (ii) When added together, provide a total number of hours of instruction and services to the student that equals at least the total number of instructional hours that is required to be provided to students who are attending a public high school.
 - (b) A school district may not unilaterally decrease the total number of hours of instruction and services to which the student has access under paragraph (a)(B) of this subsection, regardless of the age of the student.
 - (c) For purposes of paragraph (a)(B) of this subsection, transition services and other services designed to meet the unique needs of the student may be provided to the student through an interagency agreement entered into by the school district if the individualized education program developed for the student indicates that the services may be provided by another agency. A school district that enters into an interagency agreement as allowed under this paragraph retains the responsibility for ensuring that the student has access to the number of service hours required to be provided to the student under this subsection. An agency is not required to change any eligibility criteria or enrollment standards prior to entering into an interagency agreement as provided by this paragraph.
- (13) A school district or public charter school shall:

(a) Ensure that all students have on-site access to the appropriate resources and courses to achieve high school diplomas, modified diplomas and extended diplomas at each high school in the school district or at the public charter school.

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

(c)(A) Provide to the parents or guardians of a student who has the documented history described in subsection (8)(b) of this section:

(i) Information about the availability of high school diplomas, modified diplomas and extended diplomas and the requirements for the diplomas; and

(ii) A disclosure that a student awarded a certificate of attendance will not be counted as a high school graduate in any reporting for the state or school district and that a student awarded a certificate of attendance may not indicate that the student received a high school diploma on applications for employment, military service, financial aid, admittance to an institution of higher education or any other purpose.

(B) The information and disclosure required under subparagraph (A) of this paragraph must be provided annually:

(i) Beginning in grade five; or

(ii) Beginning after a documented history described in subsection (8)(b) of this section has been established.

(14) A school district or public charter school shall allow a student to participate in the high school graduation ceremony with the class of the student and to wear:

(a) Native American items of cultural significance as provided by ORS 332.112; or

(b) A dress uniform issued to the student by a branch of the Armed Forces of the United States if the student:

(A) Qualifies to receive a high school diploma, a modified diploma, an extended diploma or a certificate of attendance under this section; and

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

Passed by House February 15, 2024

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

Passed by Senate February 28, 2024

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Rob Wagner, President of Senate

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.....M.,....., 2024

Approved:

.....M.,....., 2024

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Tina Kotek, Governor

Filed in Office of Secretary of State:

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LaVonne Griffin-Valade, Secretary of State