

STATE BOARD OF EDUCATION – ADMINISTRATIVE RULE SUMMARY

Title/OAR #: Extended Diploma/ OAR 581-022-1133

Date: October 24, 2014

Staff/Office: Sally Simich, ODE

New Rule Amend Existing Rule Repeal Rule
Hearing Date: 11/21/14 Hearings Officer Report Attached
Prompted by: State law changes Federal law changes Other

Action Requested:
 First Reading/Second Reading Adoption Adoption/Consent Agenda

PROPOSED/AMENDED RULE SUMMARY:

Amends Extended Diploma OAR 581-022-1133 to align with the changes to ORS 329.451 created by HB2193(2013 Regular Session).

BACKGROUND:

Under current law, a student may earn an extended diploma if they have demonstrated an inability to maintain grade level achievement due to significant learning, instructional, or medical barrier. Additionally, a student must have participated in an alternative assessment beginning no later than grade six and lasting for two or more assessment cycles, or have an illness or injury that occurs after grade eight that changes the student’s ability to achieve at grade level and that results in the student participating in alternative assessments. Some students have Individual Education Programs that exempt them from assessments because their team has determined that it is no longer useful for the student to take them. Others that have attended private schools or were homeschooled in their early school years did not have access to the alternative assessment and so could not meet the requirements in the statute. Finally, students who move to Oregon from out of state face the same issues meeting the requirements of the law. The result has been that many students who would otherwise had been eligible for an extended diploma have instead been prevented from taking advantage of the extended diploma option due to their unique circumstances. Instead many of these students accept an alternative certificate and because there are no standards for earning an Alternative Certificate, students are counted as non-completers.

HB 2193 and ORS 329.451 eliminates the requirement that students must have completed multiple alternate assessments in order to be eligible for an extended diploma. These changes also eliminate confusing language in the eligibility requirements. Specifically, the changes enable a student to qualify for an extended diploma if they have a documented history of inability to maintain grade level achievement due to significant learning and instructional barriers, a medical condition that creates a barrier to achievement, or a change in ability to participate in grade level activities due to a serious illness or injury that occurred after grade

eight and eliminates the requirements related to the alternative assessment. Further, the new rules require school district's or public charter school's to provide information about extended diplomas to parents on an annual basis.

ISSUES/CONCERNS THAT SURFACED DURING RULE WORK:

- The measure removes two-cycle alternative assessment requirement, which in the past has prevented students from qualifying to receive an extended diploma.
- This rule change will be in line with "40-40-20" goals of the state. Specifically, that 20% of students will graduate with a high school diploma.
- Assures that Individualized Education Program (IEP) assessments will remain a part of a student's education and that the IEP team will control the diploma decision-making process

CHANGED SINCE LAST BOARD MEETING?

- N/A; first read—hasn't been before board
- No; same as last month
- Yes – As follows:

FISCAL IMPACT:

None.

STAFF RECOMMENDATION:

- Adopt administrative rule as prepared this month
- Adopt administrative rule next month
- No recommendation at this time (rarely used)

Created by CH on 10/10/14

OAR 581-022-1133: Extended Diploma

(1) Definitions.

(a) "Other services" for the purposes of this rule means:

(A) Those services paid for or provided by another agency, such as Vocational Rehabilitation or Brokerages, which may be considered in the calculation of the total number of hours that equals at least the total number of instructional hours that is required to be provided to students who are attending public high school. These "other services" are not to be considered educational services and are not provided by or through the school district or public charter school.

(B) Those services identified in OAR 581-022-1620(4), such as school assemblies, student orientations, testing, etc, which may be considered in the calculation of the total number of hours that equals at least the total number of instructional hours that is required to be provided to students who are attending public high school. These services are provided by the school district or public charter school.

(2) A school district or public charter school shall award an extended diploma to a student who satisfies the requirements of this rule.

(3) 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.

(4) A school district or public charter school may award an extended diploma to a student only upon the consent of the parent or guardian of the student, or upon the consent of the adult student or emancipated minor student. A district or school must receive the consent in writing and during the school year in which the extended diploma is awarded. (A) If student is under 18, consent must be received from the parent or guardian.

(B) If the student is under age 18 and emancipated, consent must be received from the student.

(C) If the adult student is 18 or older, consent must be received from the student.

(D) If the student is under guardianship from the courts, consent must come from the court-appointed authority.

(5) To be eligible for an extended diploma, a student must:

~~(a) 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; and~~

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 English;

(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 arts or a second language; and;

~~(b)(A) Participate in an alternate assessment beginning no later than grade six and lasting for two or more assessment cycles; or~~

~~(B) Have a serious illness or injury that occurs after grade eight, that changes the student's ability to participate in grade level activities and that results in the student participating in alternate assessments.~~

(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.

~~(c) 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 English;~~

~~(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 second language;

(6)(a) A student shall have the opportunity to meet the requirements of an extended diploma 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.

(b) A student may complete the requirements for an extended diploma in less than four years if the parent/guardian or adult student gives consent.

(A) The consent must be written and must clearly state that the parent/guardian or adult student is waiving the 4 years to complete the requirements for an extended diploma.

(B) A copy of all consents must be sent to the district superintendent.

(C) Each school district must annually provide the number of consents obtained to the State Superintendent of Public Instruction

(D) The consent may not be used to allow a student to satisfy the requirements for an extended diploma in less than three years.

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

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

~~(b) Beginning in grade five or beginning after a documented history described in section (5)(b) above, has been established,~~ annually provide to the parents or guardians of a student who has the documented history, described above, information ~~to the parents or guardians of a student taking an alternate assessment of about~~ the availability of an extended diploma and the requirements for the extended diploma.

(c) A school district or public charter school may not deny a student who has the documented history described in subsection (1)(a) of this section the opportunity to pursue a diploma with more stringent requirements than a modified diploma or an extended diploma for the sole reason that the student has the documented history.

(8)(a) A student who receives an extended diploma shall have access to instructional hours, hours of transition services and hours of other services that are designed to meet the unique needs of the student.

(b) When added together, the school district or public charter school will 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; ~~or,~~

(c) The total number of hours that are appropriate for a student shall be determined by the individualized education program (IEP) team if the student is eligible for special education; ~~or,~~

(d) Based on the student's needs and performance level, the student's IEP team may decide that the student will not access the total number of hours of instruction and services required to be provided to students who are attending a public high school.

(e) The school district or public charter school may not unilaterally decrease the total number of hours of instruction and services to which the student has access regardless of the age of the student.

(f) If a student's IEP team decides that the student will not access the total number of hours of instruction and services to which the student has access, the school district or public charter school shall annually:

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

(i) The school district's or public charter school's duty to comply with the requirements to provide the total number of hours of instruction and services to the student; and

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

(B) Obtain a signed acknowledgment from the adult student, parent or guardian of the student that the adult student, parent or guardian received the information.

(C) Include in the IEP for the student a written statement that explains the reasons the student is not accessing the total number of hours of instruction and services to which the student has access.

(g) 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. The school district or public charter school retains the responsibility for ensuring that the student has access to the number of service hours required to be provided to the student.

(h) An agency is not required to change any eligibility criteria or enrollment standards prior to entering into an interagency agreement with the school district.

(9) School districts and public charter schools shall make extended diplomas as required by ORS 329.451 and this rule first available to students during the 2009-2010 school year.

[Stat. Auth.: ORS 326.051](#)

[Stat. Implemented: ORS 329.451](#)

[Hist.: ODE 21-2009, f. & cert. ef. 12-10-09 \(7-1-13\)](#)