

Frequently Asked Questions 2015

These FAQ's are good through the 2020-2021 school year.

This document is organized into topic areas:

Eligibility: Eligibility criteria, Definition and general implementation information
Decision-Making: Guidelines and procedures
Credit Requirements: Credit requirements, definitions, and proficiency levels Implications
Additional Student Requirements
Transition Services for 18-21-year-old students
Interagency Agreements

<u>Acronym Legend:</u>	
SD	School District
PCS	Public Charter School Standard
RD	or Regular Diploma Modified
MD	Diploma
ED	Extended Diploma
AC	Alternative Certificate
IEP	Individualized Education Program

Eligibility

1. Who can get the Modified Diploma (MD)?

The MD is a high school completion document that may be earned by students who have demonstrated an inability to meet the full set of academic content standards required for a regular high school diploma, even with reasonable modifications and accommodations. To be eligible for the MD, a student must have a “documented history”¹ of an inability to maintain grade level achievement due to significant learning and instructional barriers,² or a documented history of a medical condition that creates a barrier to achievement. (OAR 581-022-2010(2)) (OAR 581-022-2010(3)(a))

2. Can the MD be earned by either a student with disabilities or a regular education student?

Yes, the MD can be earned by either a student eligible for special education or a regular education student, if the student meets the eligibility requirements of the MD.

A SD or PCS shall grant eligibility for a modified diploma to a student who has:

- A documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers; or
 - A documented history of a medical condition that creates a barrier to achievement.
- OAR 581-022-2010(3)(a)

3. Are students who are eligible for special education, but receive the MD, still eligible for post high school transition services?

A district must admit an otherwise eligible person who has not yet attained 21 years of age prior to the beginning of the current school year if the person is:

- Receiving special education and has not yet received a high school diploma or a modified diploma as described in ORS 329.451; or
- Receiving special education and has received an extended diploma or an alternative certificate as described in ORS 329.451.
- A district may admit an otherwise eligible person who is not receiving special education and who has not yet attained 21 years of age prior to the beginning of the current school year if the person is shown to be in need of additional education in order to receive a high school diploma or a modified diploma.

4. Are students who are not eligible for special education, but receive the MD, still eligible for

¹ Evidence in the cumulative record and education plans of a student that demonstrates the inability over time to maintain grade level achievement even with appropriate modifications and accommodations (OAR 581-022-2010(1)(a))

² A significant physical, cognitive or emotional barrier that impairs a student's ability to maintain grade level achievement. (OAR 581-022-2010(1)(b))

post high school transition services?

School Districts and PCS are not required to provide transition services to a regular education student after they received the MD. However, the district may allow a regular education student to access those services.

A district school board is required to admit all persons between the ages of 5 and 19 who reside within the SD. A person whose 19th birthday occurs during the school year shall continue to be eligible for services for the remainder of the school year (ORS 339.115(1)). Special education students may continue to receive services beyond the normal four years until they either receive a regular high school diploma, a modified diploma??, or reach the age of 21. (ORS 339.115(2)(a))

5. Who is NOT eligible to earn the MD?

Students who are currently engaged in the use of illegal drugs or alcohol are excluded from consideration of this option if the significant learning and instructional barriers are **due** to the use of illegal drugs or alcohol. OAR 581-022-2010(3)(f)

6. What are the definitions in the Eligibility Criteria?

Documented History is evidence in the cumulative record and education plans of a student that demonstrates the inability over time to maintain grade level achievement even with appropriate modifications and accommodations. OAR 581-022-2010(1)(a)

An instructional barrier is a significant physical, cognitive or emotional barrier that impairs a student’s ability to maintain grade level achievement. OAR 581-022-2010(1)(b)

7. Examples of an instructional barrier and significant learning barrier

- **Instructional Barrier:** Intermittent panic attacks that prevent the student from attending and participating in school on a regular basis and responding to instruction without significant modifications or accommodations.
- **Instructional Barrier:** The level of comprehension, either concrete or abstract. A student who functions on a concrete level and is unable to comprehend the abstract would not be able to maintain grade level achievement, particularly in math and science, even with intense instruction, unless content were presented concretely.
- **Significant Learning Barrier:** A specific learning disability in math that would not allow the student to succeed beyond a certain grade level even with a variety of accommodations and modifications and intense instructional opportunities.

8. Does a regular education student become eligible for the MD, if he/she can’t pass the Oregon Smarter Balanced Assessment Consortium (SBAC) but demonstrates proficiency in certain essential skills through an approved local option automatically?

No. Failure to meet the requirements for a regular high school diploma does not automatically make the student eligible for the MD. Students **must** meet the full set of eligibility criteria to receive the MD, including having a documented history of the inability to maintain grade level achievement due to significant learning and instructional barriers, or a documented history of a medical condition that creates a barrier to achievement. OAR 581-022-2010(3)(a)

9. Will students who receive the MD be eligible for federal financial aid at a post-secondary institution?

Yes. A student must receive a certificate of graduation from a school providing secondary education, and a high school diploma is the basic qualification awarded to students who graduate from a state/private school after completing formal instruction. A diploma must be ‘the recognized equivalent of a high school diploma’ or ‘substantially similar’ for a student to be eligible to apply for federal financial aid. Based on this information, ODE has determined that the Modified Diploma meets this definition. **Oregon students who receive a Modified Diploma are now eligible to apply for**

federal financial aid. This extends to students who may have received this diploma after 2009.

Whether it is prudent for an eligible student to seek federal financial aid is a determination that should be made on a case-by-case basis by a student and his or her family in consultation with a financial aid advisor. Factors that should be taken into consideration include the amount of borrowing involved, if any, and the student's expected ability to repay. A Modified Diploma does not guarantee admittance to a post-secondary institution. *Executive Numbered Memorandum 008-2013-14*

10. Will the MD be accepted by four-year universities, community colleges, or trade schools?

Most four-year universities do not accept the MD for admission purposes. An appeal may be considered by some universities.

Community college courses are available to students who have the MD. At the community college level, all non-transfer entering freshmen are required to take a placement exam that indicates a student's current level of performance in reading, language arts (comprehension and writing) and mathematics. Community colleges offer remedial courses for students who do not pass the placement exam, but those courses do not count toward college credit.

Trade schools vary; it is recommended that the school of interest be contacted and asked about entrance requirements, including diploma requirements.

11. Will the MD be accepted by the military?

Some branches of the military may accept the MD. Acceptance depends on the current needs of the military; however, criteria may change frequently. Students and their parents should check with military recruiters to determine if the MD is currently being accepted. All branches of the service have minimum scores required for entry on a placement test called the Armed Services Vocational Aptitude Battery (ASVAB). <https://asvabmilitarytest.com/what-is-asvab-test>

12. Who can get the Extended Diploma (ED)?

The ED is a high school completion document that may be earned by students who have demonstrated the inability to meet the full set of academic content standards required for a high school diploma or the MD, even with reasonable modifications and accommodations. To be eligible for the ED, a student must 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 or 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. OAR 581-022-2015(5)

13. Who can get the Alternative Certificate (AC)?

The AC is a high school completion document that may be earned by a student who does not satisfy the requirements for the high school diploma, MD or ED. To be eligible for an AC, a student must have met the criteria requirements as specified in district school board policies. (OAR -581-022-2020(2) and OAR -581-022-2020(3))

14. Why would a student earn the MD or ED instead of a regular high school diploma?

A student may not be able to meet the full set of academic content standards, even with reasonable accommodations but may be able to fulfill all requirements for the MD or ED as described in state Rule. The MD requires 24 units of credit. The ED requires 12 units of credit. Credits for the MD or ED may be earned through modified courses, regular education courses (with or without accommodations or modifications), credit by proficiency, or a combination of the above. OAR 581-022-2010(5)

15. Do all modified courses have to be taught by highly qualified teachers?

According to the Elementary and Secondary Education Act (ESEA), teachers of core academic subjects are required to be highly qualified. Core academic subjects include reading, language arts, mathematics, sciences, foreign languages, civics and government, economics, arts (visual arts, music and drama), history, and geography. A teacher who does not teach a core academic subject is not required to meet the requirements specified in ESEA. For updated information check:

www.ode.state.or.us/search/page/?id=2219 Contact Rae Ann Ray for additional information raeann.ray@state.or.us.

16. Can a student earning the MD, ED or AC participate in the high school graduation ceremony?

Yes, a student receiving the MD, ED or AC shall be offered the option of participating in the high school graduation ceremony with the members of their class receiving a high school diploma. OAR 581-022-2010(13), ORS329.451(12)(a). OAR 581-022-2020(6)

17. For students to achieve a high school diploma, the MD, ED, or AC, is a SD or PCS required to provide on-site access to appropriate resources at each high school in the SD or at the PCS?

Yes, a SD is required to provide on-site access to appropriate resources to achieve a high school diploma, the MD, ED or AC at EACH high school in the SD or at the PCS. However, if a student has already earned the MD, ED or AC, services may be provided at a location determined by the SD. OAR 581-022-2000(16), OAR 581-022-2010(14)(i), OAR 581-022-2015((7)(a), OAR 581-022-2020(5)(a)

18. Are SD and PCSs required to provide on-site access to alternative schools and other educational environments for district-placed students?

For all enrolled students, including those in alternative education, public virtual schools and students placed in homebound services by the district, the SD responsible for all educational environments for district-placed students is required to follow the Statutes and Rules regarding on-site access to appropriate resources. OAR 581-022-2000(16), OAR 581-022-2010(14)(i), OAR 581-022-2015((7)(a), OAR 581-022-2020(5)(a)

19. Does the district have the flexibility to change the names of the MD and the ED?

No, ORS 329.451 states that SDs and PCSs must offer the MD and ED. Furthermore, the Oregon Legislature has indicated its intent to have statewide uniformity for high school diplomas.

SDs must offer the AC and may use alternative names for the certificate. However, districts may not name that certificate a diploma. A SD or PCS may have policy for multiple ACs. ORS 329.451(1)(b)

20. What do SDs and PCSs need to know about required consents for diploma options?

Consent to award a diploma option: A SD or PCS may award the MD or ED 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 MD or ED is awarded. OAR 581-022-2010(4)(b), OAR 581-022-2015(4),

A “parent” OAR 581-022-2010 (22) means one or more of the following persons:

- A biological or adoptive parent of the child;
- A foster parent of the child;
- A legal guardian, other than a state agency;
- An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child’s welfare; or
- A surrogate parent who has been appointed in accordance with OAR 581-015-2320.

The SD should document the receipt of written consent and place the consent in the student’s file.

21. If the parent of a student who is under 18 refuses to sign for the MD, ED, or AC, must the student continue to work toward a regular diploma?

Yes, the student would continue to work toward a regular diploma. However, when a student turns 18 (adult student) and the educational rights transfer OAR 581-015-2320, the student is then responsible for giving consent for the diploma options. The adult student may ask another adult to be his or her surrogate; however, the student can revoke that surrogate permission at any time. If the student is under guardianship, the guardian must give consent.

22. Can a student earn the MD, ED or AC in less than 4 years?

Yes, a student may complete the requirements for the MD, ED or AC in less than four years if the parent or adult student gives consent. This regulation does not apply to a regular diploma.

The consent must be written and state:

- The parent or adult student is waiving the 4 year or until age 21 criteria to complete the requirements for the MD, ED or AC.
- A copy of the consent must be sent to the district superintendent.

- Each SD must annually provide the number of consents to the State Superintendent.
- Consent may not be used to allow a student to satisfy the requirements of the MD, ED, or AC in less than 3 years.

OAR 581-022-2010(3)(c), OAR 581-022-2015(6)(b), OAR 581-022-2020(4)(c)

23. Are there other consents and notifications related to transition aged students?

Yes, reducing the total number of hours: If the IEP team reduces the number of hours of instruction and services provided to the student, 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:

- the SD must inform the parent of the student, in writing annually, of the SD's duty to comply with the total number of 990 hours for grades 9-11 and 966 hours for grades 12 and beyond;
- the SD cannot unilaterally decrease the total number of hours of instruction and services;
- the SD must obtain a signed acknowledgement from the parent of the student that they received the information; and
- The SD must 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.

OAR 581-022-2010(14)(a), OAR 581-022-2015(6)(b), OAR 581-022-2020(4)(c)

If the student is over 18 and the educational rights have transferred to the student OAR 581-015-2320, then the SD must address the letter to the adult student and copy the parents

24. What notifications related to the MD, ED or AC are required?

Availability of the diploma options: Beginning in grade five or beginning after a documented history has been established and then annually, SDs and PCS are required to provide annually, information to the parents or guardians of a student taking an alternate assessment who has the documented history, about the availability of a MD, ED, and AC and the requirements for each of these options.

OAR 581-022-2010(4)(d), OAR 581-022-2015(7)(b), OAR 581-022-2020(5)(b)

25. What notification regarding the modification of a course are required?

The SD or PCS shall inform the student and parent of the student if the courses in grades 9-12 have been modified for an individual student. *OAR 581-022-2010(10)*

A school district or public charter school shall provide transcripts which clearly identify modified courses that do not count toward the regular diploma but that do count toward a modified diploma.

OAR 581-022-2010(11)

26. Can a student continue working toward another completion document after they receive the MD or ED?

Yes. Special education students may continue to attend their regular high school beyond the normal four years until they either receive a regular high school diploma or reach the age of 21. *OAR 581-022-2010(3)(d), OAR 581-022-2015(7)(c),*

Regular education students may attend up to the age of 19 unless SD policy allows students to continue after that age. *ORS 339.115*

27. When should an IEP team discuss diploma options?

An IEP Team or School Team should start discussing diploma expectations with the parent and student early in the student's academic career. When a student is taking extended assessments, the school team should advise the parent of diploma options available. SDs and PCSs are required to annually provide information to the parents the availability of the MD and ED and the requirements for the MD and the ED. *OAR 581-022-2010(4)(d), OAR 581-022-2015(7)(b),*

A student's school team must decide that a student should work toward the MD no earlier than the end of the 6th grade and no later than 2 years before the student's anticipated exit from high school. However, a student's school team may formally decide to revise the MD decision. *OAR 581-022-2010(4)(c)*

A student's school team may decide that a student who was not previously working towards the MD should work toward the MD when a student is less than 2 years from their anticipated exit from high school if the documented history of the student has changed. *OAR 581-022-2010(4)(f)*

28. Can an IEP Team or school team change the decision as to what diploma option the student will be working toward?

Yes, an IEP or school team may change the decision as to what diploma option a student will work toward. The team may determine at any time that the student should work toward a more rigorous option (e.g., change from modified to regular or extended to modified) if the student meets any criteria associated with the new diploma type. A team may determine that a student working toward a more rigorous option should pursue a less rigorous option (e.g., change from regular to modified or modified to extended) only if the student meets the eligibility criteria for that option. *OAR 581-022-2010(4)(e)*

29. How does the IEP team establish that a student who has entered from out of state needs to be working toward a modified diploma?

The IEP team can make the determination if the student is eligible for the MD and documented evidence exists that the student cannot maintain grade level achievement. *OAR 581-022-2010(3)(a)*

30. For the MD, does the district implement the plan 2 years before the student's expected graduation date?

A school team must decide no later than 2 years before the student's anticipated exit from high school, if the student will work toward the MD.

A student's school team shall decide that a student should work toward a modified diploma no earlier than the end of the 6th grade and no later than 2 years before the student's anticipated exit from high school. *OAR 581-022-2010(4)(c)*

However, if a student is working toward a regular diploma and the IEP team or school team decides circumstances have changed for the student in the last two years of high school, then the IEP Team or school team may revise their decision, at any time, and allow the student to work toward the MD. The circumstances necessitating this change should be documented.

A student's school team may formally decide to revise a modified diploma decision. *OAR 581-022-2010(4)(e)*

The reverse is also true. If the student is working toward the MD and the IEP team or the school team decides the student can be successful at working toward a regular diploma, then the Team should document the reasons for the change and allow the student to work toward a regular diploma. Remember, to receive a regular diploma all credits must be taken under standard conditions without modifications. In these situations, the student may have to re-take and pass courses that were previously taken under modified conditions. *OAR 581-022-2010(4)(f)*

A SD or PCS may not deny a student who has the documented history described in paragraph (a) of this subsection the opportunity to pursue a diploma with more stringent requirements than a modified diploma for the sole reason that the student has the documented history. *OAR 581-022-2010(3)(d)*

31. Does each Public Charter School (PCS) have to provide all diploma options and their requirements?

Yes. PCSs must ensure that students have access to the appropriate resources to achieve a regular diploma (*OAR 581-022-2000*), a modified diploma (*OAR 581-022-2010*), an extended diploma (*OAR 581-022-2015*) and an alternative certificate (*OAR 581-022-2020*).

Credit Requirements

32. How do the credit requirements vary between diploma options?

Academic Subject	Credits Required Oregon Diploma	Credits Required for Modified Diploma	Credits Required for Modified Diploma
English/Language Arts	4	3	2
Mathematics	3	2	2
Science	3	2	2
Social Sciences ³	3	2	3
Physical Education	1	1	1
Health Education	1	1	1
World Languages/ The Arts/Career and Technical Education (CTE) ⁴	3	1	1
Electives ⁵	6	12	
TOTAL CREDITS	24	24	12
	Complete the Personalized Learning Requirements	Complete the Personalized Learning Requirements	
	Demonstrate proficiency in the required Essential Skills	Demonstrate proficiency in the required Essential Skills	

OAR 581-022-2010(5)(a)

33. What is a modified curriculum?

The level of modification is determined by the school district. Modifications are made to assist students in meeting academic standards. For one student, it may mean algebra with modifications that would allow the student to meet part of the algebra standards. For another student, it may mean completing all the requirements for a consumer math course or completing a basic math course on the 6th grade level. The purpose is to push the student to work towards their potential while providing them with any accommodations and/or modifications they require to do so.

34. Is there a specific level of proficiency in math or other core courses that the student needs to acquire or just the required number of credits?

No, for the MD or ED, the student would not have to reach a specific level of proficiency. Credit could be earned in such courses as consumer math, business math or basic math. Credit could also be earned in courses at a higher level of proficiency, but with significant modifications.

35. What are the parameters for a student working toward a MD completing senior projects? Are they expected to do so with modifications?

Students working toward the MD must complete an Education Plan and Education Profile, and Extended Application, and the Essential Skills. However, any of these components may be with accommodations and modifications. OAR 581-022-0102

Students working toward an ED or AC are not required to complete the Personalized Learning Requirements or Essential Skills.

36. If a student changes from MD to RD, does the student have to re-take modified classes to have them count?

Yes, all courses/credit required for graduation with a regular diploma must be taken under standard

³ **Social Sciences** may include history, civics, geography and economics (including personal finance). OAR 581-022-2010(5)(a)(D)

⁴ World Languages/The Arts/Career and Technical Education (CTE) units may be earned in any one or a combination of courses. OAR 581-022-2010(5)(a)(G)

⁵ School districts and public charter schools shall be **flexible in awarding the remaining 12 units of credit**. The credits must meet the needs of the individual student as specified in the **education plan** of the student with the expectations and standards aligned to the appropriate grade level academic content standards. These credits may include: (A) Additional core credits; (B) Professional Technical Education; (C) Electives; and (D) Career development. OAR 581-022-2010(5)(b)

conditions without modifications. All other courses can be modified.

For example, the student may take algebra for the first time in his/her freshman year under modified conditions and the course will not count toward a standard diploma. However, the student may retake the course under standard conditions, without any modifications, and the second algebra course would count towards a regular diploma. NOTE: Taking the original algebra course with modifications does not automatically require a student to work toward the MD. If a student has successfully completed the requirements for a regular diploma, the SD must award the regular diploma to the student. OAR 581-022-2010(7)

37. What is Career Development, which is included in the list of 12 remaining credits required for the MD?

Career Development as used in the MD rule aligns with *OAR 581-022-2060 Comprehensive Guidance and Counseling*. Career Development could be any coursework, including working in a career center or other career exploration work that would assist the student in preparing for the career of his/her choice. For a student with disabilities, career development would include transition services and the course of study the student would pursue to achieve his or her post-secondary goal. OAR 581-022-2060

38. Can we apply credits of Co-Operative Work Experience completed during the summer towards the 12 Elective Credits for a student on the MD?

This will be determined by the SD's policy regarding credit for work experience, including Co-Operative work experience.

Additional Student Agreements

39. Are students working toward the MD required to complete the Plan and Profile and Extended Application and the Career Related Learning Experiences?

Yes. Each student is expected to:

- Develop an **education plan** and build an **education profile**;
- Be aware of the option to earn **credit for proficiency**;
- Build a collection of evidence (or include evidence in an existing collection) to demonstrate **extended application** of the standards; OAR 581-022-2010(9) and
- Demonstrate proficiency in essential skills before they are awarded the MD (OAR 581-022-2115).

What are the required Essential Skills?

For students first enrolled in Grade 9 in 2010-2011 or later, three of the Essential Skills are graduation requirements:

- Read and comprehend a variety of text
- Write clearly and accurately
- Apply mathematics in a variety of settings

Additional information regarding Oregon's Essential Skills can be found at

<http://www.oregon.gov/ode/educator-resources/essentialskills/Pages/default.aspx>

OAR 581-022- 2115.

40. Are modifications allowed in the demonstration of the Essential Skills?

Yes. Students who use modifications on assessments for the Essential Skills are eligible for a Modified Diploma; the use of modifications makes students ineligible for a Regular Diploma.

For students on IEPS or 504 Plans:

SDs and PCs may administer modified Work Samples or SBAC assessments consistent with the requirements of the student's IEP or 504 Plan.

According to OAR 581-022-2115:

- school districts may only administer modifications to students with an IEP or 504 Plan and

- school districts may only administer modifications in accordance with the assessment decision made by the student's IEP or 504 team and documented in the IEP or 504Plan.

When modifying an SBAC assessment, the SD or PCS must:

- Ensure that the modifications are in compliance with section 4(d) of *OAR 581-022-2115: Administration of State Tests*.
- Inform the student's parent that the use of a modification on an SBAC assessment will result in an invalid assessment.

Note: modified SBAC assessments are not valid for the purposes of school and district accountability. OAR 581-022- 2115(21)(a).

For students who are not on an IEP or a 504 Plan:

SDs and PCSs may administer modifications to Work Samples that are consistent with the modifications the student has received during instruction. *Note:* students who are not on an IEP or a 504 Plan may not receive a modified SBAC assessment or a modified cut score.

- When modifying a Work Sample, the SD or PCS must ensure that: Students have received those same modifications during instruction in the content area to be assessed and in the year in which the Work Sample is administered.
- The modifications have been approved in advance by the student's school team responsible for monitoring the student's progress.

OAR 581-022- 2115(21)(b).

41. May modified SBAC assessments be used for accountability purposes?

No. Although modified SBAC assessments may be used to fulfill the Essential Skills requirement by students seeking the MD, these modified assessments are still considered invalid for school and district accountability purposes (i.e., participation and performance). All the implications associated with modifying assessments and curricula for the purpose of obtaining the MD should be made clear to parents and decision-makers.

42. When does the SD determine modifications in SBAC cut score for a modified diploma?

Throughout a student's high school career, a SD should be using other assessment measures to make informed decisions about academic progress and potential need for targeted instruction. If there is a clear pattern or trend that shows a student is not making progress despite focused instruction and/or remediation, then a SD should consider other options. In addition to the student's assessment performance, a SD should consider their grades in other core content classes. The best time to make this decision varies because of student learning styles and other environmental factors.

43. Is a student who receives the MD, ED or AC considered a Dropout for the Cohort Graduation Collection?

For students who receive the MD in 2014-15 and later, the MD earned in four or five years is included on the Cohort graduation rate as leaving with a diploma.

A student who receives the ED or the AC is counted as a high school Non-Graduate, specifically an Other Completer, on the cohort graduation collection. Non-Graduates, such as GEDs, EDs and AC's negatively affect the district's cohort graduation rate.

Cohort Graduation Rate—Policy and Technical Manual, pgs 4-5

Transition Services for 18-21 Year Old Students

44. Does a student attending alternative education programs, public virtual schools or district- placed homebound services require the instructional hours, transition services, and other services?

Yes. A student who receives the MD, ED or AC must 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; and
- When added together, 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. *OAR 581-022-2010(14)(d), OAR*

The SD responsible for these services is required to follow the Statutes and Rules, for all enrolled students, including those in alternative education, public virtual schools and students placed in homebound services by the district.

The following process is suggested:

1. Begin the IEP meeting by assuming the student will have a full day of services, 5 days a week.
2. **Based on the student's needs and performance level**, the IEP Team will determine the **instruction** that the student needs. (e.g., academic instruction, behavioral instruction, social instruction, and/or functional instruction). Write the instruction needed in the form of a measurable goal on the IEP.
3. The IEP Team shall determine the amount of time needed for the student to make adequate progress on those goals.
4. The IEP Team shall decide what **transition services** the student needs including:
 - Related services (e.g. Occupational Therapy, Physical Therapy, Speech and Language Therapy),
 - Community experience (e.g. recreation activities, job shadowing, volunteering, community living experiences),
 - Development of employment objectives (e.g. how to get a job, write a resume, complete an interview),
 - Post adult living objectives (e.g. life skills, independent living skills); and
 - Functional vocational evaluation.
 - Write the transition services in the form of a measurable goal on the IEP.
5. The IEP Team must determine how much **time** per week, per month, or per day the student needs for the student to make adequate progress on the goal(s).
6. The IEP Team must determine what **other services** the student needs (e.g., comprehensive supports, the Brokerage services, Independent Living Center services, Vocational Rehabilitation services, etc.) Write the other services in the form of a measurable goal on the IEP.
7. The IEP Team must determine how much **time** per week, per month, or per day the other agencies must provide to the student in order for the student to make adequate progress on the goal(s). The SD may count those other services paid for or provided by other agencies toward the total 990 hours/year for grades 9-11 and 966 hours for grades 12 and beyond.
8. The IEP Team will add all the hours in # 3, 5, and 7 above. This is the number of hours the student is being served. This is the amount of time the IEP Team, including the parent or adult student determined was necessary to meet the student's needs. If that is less than 990 hours/year for grades 9-11 and 966 hours for grades 12 and beyond, the SD will write a letter to the adult student or guardian informing them of:
 - The SD's duty to comply with the total number of instructional hours; and
 - That the SD cannot unilaterally decrease the total number of hours of instruction and services.
9. The IEP Team must then write a statement on the IEP that explains the reasons the student is not accessing 990 hours/year for grades 9-11 and 966 hours for grades 12 and beyond of instruction and services.
10. The SD must receive a signed acknowledgement from the adult student or guardian that they received the information.

45. Can the IEP team determine if a student needs less than the required instructional hours/year of services?

Yes, based on the student's needs and performance level, the IEP Team can determine if a student needs less than 990 hours/year for grades 9-11 and 966 hours for grades 12 and beyond of services.

If the IEP Team determines that the student will receive less than the required instructional time, the SD will write a letter to the adult student and guardian informing them of:

- a) The SD's duty to comply with the total number of instructional hours; and
- b) That the SD cannot unilaterally decrease the total number of hours of instruction and services.

The SD must receive a signed acknowledgement from the adult student or guardian that they received the information.

The IEP Team must then write a statement on the IEP that explains the reasons the student is not accessing the total number of hours of instruction and services required to be provided to students who are attending a public high school.

OAR 581-022-2010(14)(f), OAR 581-022-2015(8)(f), OAR 581-022-2020(7)(f)

- 46. Do the instructional hours that are part of the total number of hours of instruction and services required to be provided to students who are attending a public high school, all need to be special education or specially designed instruction?**

No, all instructional hours included in the total number of hours of instruction and services required to be provided to students who are attending a public high school, do not need to be specially designed instruction.

- 47. What non-academic hours can be counted in required instructional time (e.g., transportation)?**

School assemblies, student orientations, testing, parent-teacher conferences, and other instructionally related activities involving students directly may be included in the required instructional hours. However, transportation to and from school, passing times between classes, non-instructional recess and lunch periods shall not be included unless the student is being taught these skills through specially designed instruction listed on the student's IEP. Passing time is defined as those minutes between segments of the program that is included in the school's daily schedule. With a local school board approval, annual instructional hour requirements may be reduced as follows:

- Up to a total of thirty (30) hours to accommodate staff development activities, pupil transportation schedules, or other local program scheduling arrangements;
- Up to a total of fourteen (14) hours of emergency school closures due to adverse weather conditions and facility failures; and
- The instructional time requirement for twelfth-grade students may be reduced by action of a local school board for an amount of time, not to exceed thirty (30) hours of instructional time.

For more information on OAR 581-022-2010(30)(a) visit:

http://arcweb.sos.state.or.us/pages/rules/oars_500/oar_581/581_022.html

OAR 581-022-2010(30)(a)

- 48. IDEA gives districts the authority to designate the location of special education and related services. Does on-site access to resources at each high school for the diploma options contradict what has been set forth in IDEA?**

This statute, *ORS 329.451 High school diploma; modified diploma; extended diploma; alternative certificate; grade level advancement*, passed by the Oregon Legislature in 2011 is an example of a State meeting and exceeding the Federal Statute. States may go beyond the requirements as stated in Federal statutes and regulations.

ORS 329.451

- 49. If a district sponsored high school provides access, must the district sponsored charter school also provide access?**

Yes, the SD and PCS must ensure that students have **on-site** access to the appropriate resources to achieve a high school diploma, the MD, ED, or AC at each high school in the school district including public charter high schools.

OAR 581-022-2010(14)(i), OAR 581-022-2015(7)(a), OAR 581-022-2020(5)(a)

- 50. How does the rule for on-site access at each high school apply to Virtual Charter Schools?**

The SD responsible for these services is required to follow the Laws and Rules in all situations, including alternative education, public virtual school and district placed students receiving homebound services.

- 51. Can a rural school consolidate students and send them to a bigger high school (that provides access already), and still meet the requirements mandated by the law?**

No, a school district or public charter school must ensure that students have **on-site access to the appropriate resources** to achieve a high school diploma, a modified diploma, an extended diploma or an alternative certificate **at each high school** in the school district or at the public charter high school.

OAR 581-022-2010(14)(i), OAR 581-022-2015(7)(a), OAR 581-022-2020(5)(a)

52. Do the services provided by Brokerages outside of the school day count toward the required instructional hours?

The individual student's school day is defined by the number of hours of instruction, transition services and other services the student will receive as determined by the IEP Team. The IEP Team must determine what **other services** the student needs (e.g., comprehensive supports, the Brokerage services, Independent Living Center services, Vocational Rehabilitation services, etc.) If the Brokerage services are part of the "other services" determined by the IEP Team as necessary and part of the student's school day, then the SD should count those other services toward the total number of hours.

OAR 581-022-2010(14)(c), OAR 581-022-2015(8)(c), OAR 581-022-2020(7)(c)

Interagency Agreements

53. If another agency is providing services for a student through a current contract between the agency and the SD, and the services are being included as part of the total number of hours, does an additional interagency agreement between the district and the other agency need to be developed?

An interagency agreement must be written for each individual student. 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 SD and the agency if the **IEP developed for the student** indicates that the services may be provided by another agency.

OAR 581-022-2010(14)(g), OAR 581-022-2015(8)(g), OAR 581-022-2020(7)(g)

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