**Frequently Asked Questions for Oregon Diploma Options**

This document is organized into topic areas:

[**General**](#General): Definition and general implementation information

**Acronym Legend**:

**SD** School District

**PCS** Public Charter School

**RD** Regular Diploma

**MD** Modified Diploma

**ED** Extended Diploma

**AC** Alternative Certificate

**IEP** Individualized Education Program

[**Eligibility**:](#Eligibility) Eligibility criteria

[**Decision-Making**](#Decision): Guidelines and procedures

[**Credit Requirements**](#Credit): Credit requirements, definitions, and

proficiency levels Implications

[**Additional Student Requirements**](#Additional)

[**Implications**:](#Implications) Impact on Post High School education, training and

career options

[**Transition Services for 18-21 year old students**](#Transition)

[**Interagency Agreements**](#Interagency)

**GENERAL**

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

Yes. PCSs must ensure that all students have on-site access to the appropriate resources to achieve a regular diploma (OAR 581-022-1130), a modified diploma (OAR 581-022-1134), an extended diploma (OAR 581-022-1133) and an alternative certificate (OAR 581-022-1135).

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 accommodations, but fulfill all state requirements for a modified diploma. To be eligible for the MD, a student must have a “documented history”[[1]](#footnote-1) of an inability to maintain grade level achievement due to significant learning and instructional barriers,[[2]](#footnote-2) or a documented history of a medical condition that creates a barrier to achievement.

1. **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 accommodations. To be eligible for the ED (updated in the 2013 legislative session), a student must have a documented history of an 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 the student’s ability to participate in grade level activities as a result of a serious illness or injury that occurred after grade eight**.**

1. **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.

1. **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. A student should be encouraged to work toward the highest level of high school completion documents the student is able to achieve.

1. **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.

1. **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 have the option of participating in the high school graduation ceremony with the members of their class receiving a high school diploma.

1. **Is a SD or PCS 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? Does this include alternative schools and other educational environments for district-placed students?**

Yes, a SD is required to provide on-site (see question 1 above) 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.

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.

1. **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.

1. **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, ED or AC 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.

A “parent” 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.

1. **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, 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.

1. **What consents related to the MD, ED or AC are necessary?**

Consent to award a diploma option: A SD or PCS may award the MD, ED or AC 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.

Consent to complete requirements in less than 4 yrs: A student may complete the requirements for the MD, ED or AC in less than four years if the parent/guardian or adult student gives consent.

Each SD must provide the number of these consents to the State Superintendent of Public Instruction each year.

Consent to reduce the total number of hours: If the IEP team reduces the number of hours of instruction and services provided to the student, the SD must annually and in writing, inform the parent/guardian or adult student of the SD's duty to comply with the total number of hours. The SD cannot unilaterally decrease the total number of hours of instruction and services. The SD must obtain a signed acknowledgement from the parent/guardian or adult student that they received the information.

1. **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 PCSs are required to provide information to the parents or guardians about the availability of the MD, ED, and AC and the requirements for the diplomas and certificate. (Established 2013 legislative session in HB 2193)

Upon modification of a course: 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.

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

* 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;
* the SD cannot unilaterally decrease the total number of hours of instruction and services; and
* the SD must obtain a signed acknowledgement from the parent of the student that they received the information.

If the student is over 18 and the educational rights have transferred to the student, then the SD must address the letter to the student and copy the parents.

1. **Can a student continue working toward another completion document after they receive the MD, ED or AC?**

Yes. Special education students may continue to attend their regular high school beyond the normal four years until such time as they either receive a regular high school diploma or reach the age of 21. Regular education students may attend up to the age of 19 unless SD policy allows students to continue after that age.

1. **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.

1. **Does a SD use the requirements for the high school entry year or the final year of education for a student who is working toward a regular diploma and who takes more than 4 years to complete that diploma?**

The SD or PCS would use the requirements for the high school entry year.

When the new Oregon Diploma requirements were adopted by the State Board of Education in 2008, the roll-out for the requirements was described in terms of a student’s high school graduation year (e.g. Class of 2012, 2013, etc.). As policy issues were refined, it became clear that to avoid creating additional requirements for students whose graduation year changed when they decided on a 5th year of high school, requirements should instead be described in terms of the year the student first entered the high school system. In this way, the diploma requirements are applied to students based on the school year they were first enrolled in grade 9, which is also referred to as the cohort year.

1. **For the MD only, when does a SD or PCS need to admit a general education student and how long is the district required to provide 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 Admission of students*)

1. **When should an IEP team discuss diploma options?**

An IEP Team or School Team should start discussing diploma options with the parent and student early in the student’s academic career.

Beginning in grade five, or beginning after a documented history has been established and then annually, SDs and PCSs are required to provide information to the parents or guardians about the availability of the MD, ED, and AC and the requirements for the diplomas and certificate. (Established 2013 legislative session in HB 2193)

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.

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.

1. **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) as long as 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.

1. **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.

1. **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.

*OAR 581-022-1134(4)(c) Except as provided in* ***subsection (e)*** *of this section, 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.*

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.

*OAR 581-022-1134(4)(e) A student’s school team may formally decide to revise a modified diploma decision.*

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 581-022-1134(3)(b) 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.*

**ELIGIBILITY**

1. **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, as long as the student meets the eligibility requirements of the MD.

*OAR 581-022-1134(3)(a) Except as provided in paragraph (c) or (d) of this section, a SD or PCS shall grant eligibility for a modified diploma to a student who has:*

*(A) A documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers; or*

*(B) A documented history of a medical condition that creates a barrier to achievement.*

1. **Are students, who are not eligible for special education, but receive the MD, still eligible for post high school transition services?**

 School Districts 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. Special education students may continue to receive services beyond the normal four years until such time as they either receive a regular high school diploma or reach the age of 21.

1. **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.

1. **Does a SD with the MD student working on transition services need to comply with the 990 hours/yr?**

Yes. An IDEA eligible 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 (990 hours/year).

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.

1. **What is “documented history”? (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.

1. **What is an “instructional barrier”? (Eligibility Criteria)**

An instructional barrier is a significant physical, cognitive or emotional barrier that impairs a student’s ability to maintain grade level achievement.

1. **What is an example of an instructional barrier or significant learning barrier?**

**a) 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.

**b) 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.

**c) 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.

1. **Does a regular education student who can’t pass the Oregon Assessment of Knowledge and Skills (OAKS) test, but demonstrates proficiency in certain essential skills through an approved local option automatically become eligible for the MD?**

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 in order 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.

**DECISION-MAKING**

1. **Who determines if a student is eligible for a regular diploma, MD, ED or AC?**

The student’s school team decides if a student will work toward obtaining a regular diploma, MD, ED or AC. The team membership is determined by a SD or PCS, and should include the student and must include a parent. In the case of students receiving special education services at a PCS, the SD where the PCS is located shall determine the team for that student. Typically, the team for a special education student will include IEP team members.

1. **Must all the courses be modified for the MD?**

No. Students may earn units of credit through regular education courses (with or without accommodations), modified courses or a combination of regular and modified courses. When one or more courses that contain substantial academic content are modified, those courses may count toward the MD but do not count toward a regular diploma.

1. **What is a modified curriculum?**

The level of modification is determined by the SD. 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.

**CREDIT REQUIREMENTS**

1. **How do the credit requirements vary for the MD as compared to a regular diploma?**

**Comparison of Diploma Credit Requirements and Essential Skills for graduation in 2014 and beyond**

|  |  |  |  |
| --- | --- | --- | --- |
| **Academic Subject** | **Regular Diploma**  | **Modified Diploma** | **Extended Diploma** |
| English/Language Arts | 4 | 3 | 2 |
| Mathematics | 3 | 2 | 2 |
| *Content at Algebra I and above* |
| Science | 3 | 2 | 2 |
| *Scientific inquiry and lab experiences* |
| Social Sciences | 3 | 2[[3]](#footnote-3) | 3 |
| Physical Education | 1 | 1 | 1 |
| Health | 1 | 1 | 1 |
| Second Lang/The Arts/ Career and Technical Education (CTE) | 3 | 1[[4]](#footnote-4) | 1 |
| Electives | 6 | 12[[5]](#footnote-5) |  |
| **TOTAL CREDITS** | **24** | **24** | **12** |
|  |
| **Essential Skills** | Reading | Reading | NA |
|  | Writing | Writing | NA |
|  | **Math** | Math | NA |

1. **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.

1. **What are the graduation requirements for students receiving the MD?**

Students are required to earn 24 credits, complete the Personalized Learning Requirements (as described in OAR 581-022-1134), and demonstrate proficiency in the required Essential Skills (as described in OAR 581-022-0615).

1. **What are the graduation requirements for students receiving the ED?**

While in grade nine through completion of high school, students working toward the ED must complete 12 credits, which may not include more than six credits earned in a self-contained special education classroom and must include:

* Two credits of mathematics;
* Two credits of English;
* Two credits of science;
* Three credits of history, geography, economics or civics;
* One credit of health;
* One credit of physical education; and
* One credit of the arts or a second language.
1. **What are the rules for credit for the MD?**

To receive a modified diploma a student must earn 24 credits between grade 9 and the end of their high school career, with at least 12 of those credits to include:

* English Language Arts -- 3;
* Mathematics -- 2;
* Science -- 2;
* Social Sciences (which may include history, civics, geography and economics, including personal finance) -- 2;
* Health Education -- 1;
* Physical Education -- 1; and
* Career Technical Education, the Arts or Second Languages (units may be earned in any one or a combination) -- 1.

The 12 remaining credits may include:

* Additional core credits;
* Professional technical education;
* Electives; or
* Career development

Students may earn units of credit through:

* Regular education with or without accommodations or modifications;
* Modified courses; or
* Demonstrating proficiency through classroom work or documentation of learning experiences outside of school, or through a combination.

A SD or PCS may not require a student to earn more than 24 credits to receive a modified diploma.

1. **What are the parameters for a student on the MD completing senior projects? Are they expected to do so with modifications?**

Students working toward the MD must complete the Personalized Learning Requirements (Education Plan and Profile, Extended Application), and the Essential Skills. However, any of these components may be with accommodations and modifications.

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

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

Yes, all credit toward a regular diploma must be taken under standard conditions.

1. **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 581-022-0102 (3) and 581-022-1510* *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 in order to achieve his or her post-secondary goal.

1. **What are “Additional Core classes” which are included in the list of 12 remaining credits required for the MD?**

Additional core classes are classes in English/Language Arts, Mathematics, Science, and Social Sciences.

1. **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.

1. **What is the minimum number of modified courses that a student can take that would still qualify the student to earn a standard diploma?**

There is no minimum number of modified courses. A student may take as many modified courses as are appropriate; however, modified courses cannot be used for any of the 24 credits for the standard diploma. Only those courses taken under standard conditions, without modifications, can be counted toward the standard diploma.

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.

**ADDITIONAL STUDENT REQUIREMENTS**

1. **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; and
* Demonstrate proficiency in essential skills before they are awarded the MD (OAR 581-022-0615).

The OARs do not specifically address the Career Related Learning Experiences (CRLEs) for students working toward the MD. (CRLS will merge with the Essential Skills beginning in 2012.)

1. **What are the required Essential Skills?**

For students first enrolled in Grade 9 in 2009-10 or later, three of the Essential Skills are graduation requirements:

1. Read and comprehend a variety of text
2. Write clearly and accurately
3. Apply mathematics in a variety of settings

This timeline and all associated requirements apply to students receiving the MD.

1. **Are modifications allowed in the demonstration of the Essential Skills?**

Yes.

For students on IEPS or 504 Plans:

SDs and PCSs may administer modified work samples or OAKS assessments consistent with the requirements of the student’s IEP or 504 Plan. When modifying an OAKS assessment, the SD or PCS must also ensure that the modifications are in compliance with section 4(d) of *OAR 581-022-0610: Administration of State Tests*. Modified OAKS assessments will remain invalid for purposes of school and district accountability.

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

SDs and PCSs may only administer modifications to work samples that are consistent with the modifications the student has received during instruction. Students must 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. These modifications must be approved in advance by the student’s school team responsible for monitoring the student’s progress. **Students who are not on an IEP or a 504 Plan may not receive a modified OAKS assessment.**

1. **May modified OAKS assessments be used for accountability purposes?**

No. Although modified OAKS 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 of the implications associated with modifying assessments and curricula for the purpose of obtaining the MD should be made clear to parents and decision-makers.

1. **For modified assessments, can districts adjust the cut score needed to pass OAKS or the level of rigor needed for a successful work sample?**

Yes. Modifications, as described in *OAR 581-022-0610*, are practices and procedures that compromise the intent of the assessment through a change in the achievement level, construct, or measured outcome of the assessment. According to *OAR 581-022-0615*, for students with an Individualized Education Plan (IEP) or 504 Plan, school districts must implement the assessment decision made by a student’s IEP or 504 team and documented in the IEP or 504 Plan; School districts may only administer modifications to students with an IEP or 504 Plan and only in accordance with the assessment decision made by the student’s IEP or 504 team and documented in the IEP or 504 Plan. Before administering an assessment using a modification, a student’s IEP or 504 team must inform the student’s parent that the use of a modification on an OAKS assessment will result in an invalid assessment;

Therefore, the IEP team or school team responsible for approving modifications for a student’s assessment may adjust the administration of the assessment and or the assessment’s achievement standard. For example, an IEP team could decide that successful demonstration would be a 220 on the OAKS Reading instead of the standard “meets” cut score of a 236, or require a student to get a minimum score of 9 on each work sample as opposed to the minimum of 12 for a regular work sample. The modifications must be documented on the IEP or 504 plan.

1. **When does the SD determine modifications in OAKS 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.

**IMPLICATIONS**

1. **Is a student who receives the MD, ED or AC considered a Dropout?**

No, a student who receives the MD, ED or AC is not counted as a dropout, but is counted as a high school Non-Graduate, specifically an Other Completer, on the cohort graduation collection. Non-Graduates, such as GEDs EDs and MDs negatively affect the district's 4-year cohort graduation rate. The 5-year completion rate does include all diploma options as completers.

1. **Will the MD be accepted by four-year universities or community colleges?**

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.

1. **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).

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

The US Department of Education, Office of Post Secondary Education, has issued information regarding eligibility for Free Application for **Federal** Student Aid (FAFSA). Specifically, qualifying for FASFA by passing an “Ability to Benefit” Assessment has been eliminated as of July 1, 2012. [*GEN-12-01: Changes Made To The Title IV Student Aid Programs By The Recently Enacted Consolidated Appropriations Act, 2012 in PDF Format, 150KB, 3 Pages*](http://ifap.ed.gov/dpcletters/attachments/GEN1201.pdf)

As of July 1, 2012, in order for a student to be eligible for FAFSA, the student must have a regular high school diploma (a diploma that meets the criteria of an Oregon Diploma as delineated in OAR 581-022-1130); or General Education Development (GED) certificate.

In July 2009, the USDE stated thatthe Oregon Modified Diploma does not meet the high school diploma requirement for FAFSA eligibility. As a result of the removal of the Ability-to-Benefit test, students graduating with a modified diploma will no longer have the option to apply for **federal** student aid for assistance with their college tuition. This does not impact student ability to apply for state aid, private grants, or scholarships.

In the 2013 Legislative Session HB 2898 was passed assuring that astudent who receives a MD or ED may not be denied eligibility for **state** financial aid to obtain post-secondary education in a public university, community college or independent not-for-profit institution of higher education that operates in Oregon for the sole reason that the student did not receive a high school diploma.

However, this reduction in financial aid options is a critical piece of information that should be shared with parents at the time diploma decisions are being discussed.

**TRANSITION SERVICES FOR 18-21 YEAR OLD STUDENTS**

1. **Does a student attending alternative education programs, public virtual schools or district-placed homebound services require 990 hours of instruction, 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 (990 hours/year).

The SD or PCS 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.

1. **Can the IEP team determine if a student needs less than 990 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 of services.

The following process is suggested:

1. Begin the IEP discussion 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.

1. The IEP Team must determine how much ***time*** per week, per month, or per day the student needs in order for the student to make adequate progress on the goal(s).
2. 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.
3. 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 requirement.
4. 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 and/or adult student determined was necessary to meet the student’s needs. If that is less than 990 hours/year, the SD will write a letter to the adult student or guardian informing them of:

a) The SD’s duty to comply with the total number of 990 hours; and

b) That the SD cannot unilaterally decrease the total number of hours of instruction and services.

1. The IEP Team must then write a statement on the IEP that explains the reasons the student is not accessing 990 hours of instruction and services.
2. The SD must receive a signed acknowledgement from the adult student or guardian that they received the information.
3. **Do the instructional hours that are part of the 990 hours per year all need to be special education or specially designed instruction?**

No, all instructional hours included in the 990 hours per year do not need to be specially designed instruction.

1. **What non-academic hours can be counted in the 990 hours/year (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.
1. **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.

1. **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.

1. **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.

1. **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, based on *ORS 329.451*, 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.

1. **Do the services provided by Brokerages outside of the school day count toward the 990 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 990 hours/year.

**INTERAGENCY AGREEMENTS**

1. **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.

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 581-022-1134(1)(a)) [↑](#footnote-ref-1)
2. A significant physical, cognitive or emotional barrier that impairs a student’s ability to maintain grade level achievement (OAR 581-022-1134(1)(b)) [↑](#footnote-ref-2)
3. **Social Sciences** may include history, civics, geography and economics (including personal finance). [↑](#footnote-ref-3)
4. **Second Languages/The Arts/Career and Technical Education (CTE)** units may be earned in any one or a combination of courses. [↑](#footnote-ref-4)
5. SDs 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) Career and Technical Education; (C) Electives; and (D) Career development. [↑](#footnote-ref-5)