

House Bill 2649

Sponsored by Representative GORSEK (Pre-session filed.)

SUMMARY

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

Modifies process for revising form or notice sent to parents or adult students regarding statewide summative assessments. Clarifies process for completing forms.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to statewide summative assessments; creating new provisions; amending ORS 329.479 and
3 section 6, chapter 519, Oregon Laws 2015; and declaring an emergency.

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

5 **SECTION 1.** Section 6, chapter 519, Oregon Laws 2015, is amended to read:

6 **Sec. 6.** (1) The amendments to [*section 3 of this 2015 Act*] **ORS 329.479** by section 5 [*of this 2015*
7 *Act*], **chapter 519, Oregon Laws 2015**, become operative on [*July 1, 2021*] **the effective date of**
8 **this 2019 Act.**

9 (2) The amendments to [*section 3 of this 2015 Act*] **ORS 329.479** by section 5 [*of this 2015 Act*],
10 **chapter 519, Oregon Laws 2015**, first apply to [*statewide summative assessments administered for*
11 *the 2021-2022 school year*] **forms and notices sent to parents and adult students on or after the**
12 **effective date of this 2019 Act.**

13 **SECTION 2.** ORS 329.479, as amended by section 5, chapter 519, Oregon Laws 2015, is amended
14 to read:

15 329.479. (1) This section shall be known and may be cited as the Student Assessment Bill of
16 Rights.

17 (2) As used in this section:

18 (a) "Adult student" means a student of a public school or a public charter school who is 18
19 years of age or older or who is emancipated pursuant to ORS 419B.550 to 419B.558.

20 (b) "Parent" means a parent, legal guardian or person in parental relationship, as defined in
21 ORS 339.133, of a student of a public school or a public charter school.

22 (c) "Statewide summative assessment" means a standardized summative assessment that is
23 identified by the Department of Education for administration in all of the school districts and public
24 charter schools of this state.

25 **(3)(a) A parent or an adult student may annually choose to excuse a student from taking**
26 **a statewide summative assessment by:**

27 **(A) Completing an electronic or paper form established by the Department of Education**
28 **as provided by subsection (4) of this section; and**

29 **(B) Submitting the completed form to the school district for the school that the student**
30 **attends.**

31 **(b) For the purpose of paragraph (a)(B) of this subsection, the school district must ac-**

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

cept:

(A) Electronic forms submitted to the school district; and

(B) Paper forms sent or returned to the school district or to the school that the student attends.

(4) The Department of Education shall establish a form to excuse a student from taking a statewide summative assessment. The form must have at least the following:

(a) An explanation of the right of a parent or an adult student to excuse a student from taking a statewide summative assessment; and

(b) An explanation of the purpose of statewide summative assessments.

[(3)] (5) At the beginning of each school year, each school district and public charter school [shall ensure that] **must send** parents and adult students [are provided with a] **an electronic or paper** notice about statewide summative assessments. The notice [shall] **must** be established by the Department of Education and must include:

(a) Information about statewide summative assessments[.];

(b) The time frame when the statewide summative assessments most likely will be administered; and

(c) Information about the right of a parent or an adult student [a student's or parent's right] to excuse [the] a student from taking the statewide summative assessments.

[(4)(a)] (6)(a) At least 30 days prior to the administration of statewide summative assessments, [a] **each** school district or public charter school must send to parents and adult students [a] **an electronic or paper** notice about the statewide summative assessments. The notice must **be established by the Department of Education and must** include:

(A) The purpose of the **statewide summative** assessments and how the results of the **statewide summative** assessments will be used;

(B) The specific days the statewide summative assessments will be administered;

(C) The amount of class time required for the statewide summative assessments;

(D) The learning targets that make up the **statewide summative** assessments;

(E) The difference between good and poor performances on the **statewide summative** assessments; [and]

(F) When results of the **statewide summative** assessments will be available to students[.]; and

(G) **An electronic link and paper access to the form established as provided in subsection (4) of this section.**

(b) Notwithstanding paragraph (a) of this subsection, the Department of Education may waive the notice requirement for a school district or public charter school if a human-created disaster or a natural disaster affects the ability of the school district or public charter school to administer the statewide summative assessments and the statewide summative assessments must be provided at a later date.

(7) For the purposes of the form established under subsection (4) of this section and the notices established under subsections (5) and (6) of this section, the Department of Education shall:

(a) Consult with the following when revising the form or notices:

(A) The chairpersons and vice chairpersons of the committees of the Legislative Assembly related to education, or members of the Legislative Assembly designated by the chairpersons or vice chairpersons;

(B) Teachers and administrators of public schools; and

1 (C) **Representatives of teachers and administrators.**

2 (b) **Ensure that the form and notices do not include:**

3 (A) **Any factually incorrect information;**

4 (B) **Any statement that advocates for or against a parent or an adult student excusing**
 5 **a student from taking the statewide summative assessment; or**

6 (C) **Any statement that includes conjecture or speculation about future events, including**
 7 **the possibility of losing financial resources, resulting from a parent or an adult student ex-**
 8 **cusing a student from taking the statewide summative assessment.**

9 [(5)] (8) School districts and public charter schools shall provide supervised study time for stu-
 10 dents excused from the statewide summative assessments as provided by this section. The study time
 11 shall be considered instructional time for purposes of rules adopted by the State Board of Education.

12 [(6)] (9) A student who is excused from the statewide summative assessments may not be denied
 13 a diploma under ORS 329.451 if the student is able to satisfy all other requirements for the diploma
 14 established under ORS 329.451.

15 [(7)] (10) The results of a statewide summative assessment must be provided to students in a
 16 timely manner and in a manner that is understandable by the student.

17 [(8)] (11) If the rating on a school performance report is affected by the number of parents and
 18 adult students who excuse students from taking a statewide summative assessment as provided by
 19 this section, the Department of Education shall include on the school performance report:

- 20 (a) An indication that the rating was affected by a federal law requirement;
- 21 (b) A brief explanation of the federal law requirement that affected the rating; and
- 22 (c) The rating the school would have received if not for the federal law requirement.

23 **SECTION 3.** ORS 329.479, as amended by section 5, chapter 519, Oregon Laws 2015, and section
 24 2 of this 2019 Act, is amended to read:

25 329.479. (1) This section shall be known and may be cited as the Student Assessment Bill of
 26 Rights.

27 (2) As used in this section:

28 (a) “Adult student” means a student of a public school or a public charter school who is 18
 29 years of age or older or who is emancipated pursuant to ORS 419B.550 to 419B.558.

30 (b) “Parent” means a parent, legal guardian or person in parental relationship, as defined in
 31 ORS 339.133, of a student of a public school or a public charter school.

32 (c) “Statewide summative assessment” means a standardized summative assessment that is
 33 identified by the Department of Education for administration in all of the school districts and public
 34 charter schools of this state.

35 [(3)(a) *A parent or an adult student may annually choose to excuse a student from taking a state-*
 36 *wide summative assessment by:]*

37 [(A) *Completing an electronic or paper form established by the Department of Education as pro-*
 38 *vided by subsection (4) of this section; and]*

39 [(B) *Submitting the completed form to the school district for the school that the student attends.]*

40 [(b) *For the purpose of paragraph (a)(B) of this subsection, the school district must accept:]*

41 [(A) *Electronic forms submitted to the school district; and]*

42 [(B) *Paper forms sent or returned to the school district or to the school that the student attends.]*

43 [(4) *The Department of Education shall establish a form to excuse a student from taking a state-*
 44 *wide summative assessment. The form must have at least the following:]*

45 [(a) *An explanation of the right of a parent or an adult student to excuse a student from taking a*

1 *statewide summative assessment; and]*

2 *[(b) An explanation of the purpose of statewide summative assessments.]*

3 *[(5)] (3)* At the beginning of each school year, each school district and public charter school
 4 must send parents and adult students an electronic or paper notice about statewide summative as-
 5 sessments. The notice must be established by the Department of Education and must include:

6 (a) Information about statewide summative assessments;

7 (b) The time frame when the statewide summative assessments most likely will be administered;
 8 and

9 (c) Information about the right of a parent or an adult student to excuse a student from taking
 10 the statewide summative assessments.

11 *[(6)(a)] (4)(a)* At least 30 days prior to the administration of statewide summative assessments,
 12 each school district or public charter school must send to parents and adult students an electronic
 13 or paper notice about the statewide summative assessments. The notice must be established by the
 14 Department of Education and must include:

15 (A) The purpose of the statewide summative assessments and how the results of the statewide
 16 summative assessments will be used;

17 (B) The specific days the statewide summative assessments will be administered;

18 (C) The amount of class time required for the statewide summative assessments;

19 (D) The learning targets that make up the statewide summative assessments;

20 (E) The difference between good and poor performances on the statewide summative assess-
 21 ments; **and**

22 (F) When results of the statewide summative assessments will be available to students. [*; and]*

23 *[(G) An electronic link and paper access to the form established as provided in subsection (4) of*
 24 *this section.]*

25 (b) Notwithstanding paragraph (a) of this subsection, the Department of Education may waive
 26 the notice requirement for a school district or public charter school if a human-created disaster or
 27 a natural disaster affects the ability of the school district or public charter school to administer the
 28 statewide summative assessments and the statewide summative assessments must be provided at a
 29 later date.

30 *[(7)] (5)* For the purposes of *[the form established under subsection (4) of this section and]* the
 31 notices established under subsections *[(5) and (6)] (3) and (4)* of this section, the Department of
 32 Education shall:

33 (a) Consult with the following when revising the *[form or]* notices:

34 (A) The chairpersons and vice chairpersons of the committees of the Legislative Assembly re-
 35 lated to education, or members of the Legislative Assembly designated by the chairpersons or vice
 36 chairpersons;

37 (B) Teachers and administrators of public schools; and

38 (C) Representatives of teachers and administrators.

39 (b) Ensure that the *[form and]* notices do not include:

40 (A) Any factually incorrect information;

41 (B) Any statement that advocates for or against a parent or an adult student excusing a student
 42 from taking the statewide summative assessment; or

43 (C) Any statement that includes conjecture or speculation about future events, including the
 44 possibility of losing financial resources, resulting from a parent or an adult student excusing a stu-
 45 dent from taking the statewide summative assessment.

1 [(8)] (6) School districts and public charter schools shall provide supervised study time for stu-
2 dents excused from the statewide summative assessments as provided by this section. The study time
3 shall be considered instructional time for purposes of rules adopted by the State Board of Education.

4 [(9)] (7) A student who is excused from the statewide summative assessments may not be denied
5 a diploma under ORS 329.451 if the student is able to satisfy all other requirements for the diploma
6 established under ORS 329.451.

7 [(10)] (8) The results of a statewide summative assessment must be provided to students in a
8 timely manner and in a manner that is understandable by the student.

9 [(11)] (9) If the rating on a school performance report is affected by the number of parents and
10 adult students who excuse students from taking a statewide summative assessment as provided by
11 this section, the Department of Education shall include on the school performance report:

- 12 (a) An indication that the rating was affected by a federal law requirement;
- 13 (b) A brief explanation of the federal law requirement that affected the rating; and
- 14 (c) The rating the school would have received if not for the federal law requirement.

15 **SECTION 4. (1) The amendments to ORS 329.479 by section 3 of this 2019 Act become**
16 **operative on July 1, 2021.**

17 **(2) The amendments to ORS 329.479 by section 3 of this 2019 Act first apply to notices**
18 **sent to parents and adult students on or after July 1, 2021.**

19 **SECTION 5. This 2019 Act being necessary for the immediate preservation of the public**
20 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
21 **on its passage.**

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