

Senate Bill 678

Sponsored by Senator FREDERICK (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**.

Allows parent or adult student to excuse student from taking statewide standardized assessments by completing form. Requires school districts and public charter schools to provide notices to parents and adult students regarding statewide standardized assessments. Prescribes requirements of form and notices.

Declares emergency, effective July 1, 2021.

A BILL FOR AN ACT

1
2 Relating to statewide assessments of students; creating new provisions; amending ORS 329.479; and
3 declaring an emergency.

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

5 **SECTION 1.** ORS 329.479, as amended by section 5, chapter 519, Oregon Laws 2015, is amended
6 to read:

7 329.479. (1) This section shall be known and may be cited as the Student Assessment Bill of
8 Rights.

9 (2) As used in this section:

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

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

14 [(c) "*Statewide summative assessment*" means a standardized summative assessment that is identi-
15 fied by the Department of Education for administration in all of the school districts and public charter
16 schools of this state.]

17 (c) "**Statewide standardized assessment**" means a standardized assessment identified by
18 the Department of Education to be annually administered in all of the school districts and
19 public charter schools of this state based on grade level and based on the following subject
20 matters:

21 (A) **Early literacy, early mathematics and approaches to learning;**

22 (B) **Science knowledge and skills;**

23 (C) **English language proficiency;**

24 (D) **English language arts; or**

25 (E) **Mathematics.**

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

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

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

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.

1 attends.

2 (b) For the purpose of paragraph (a)(B) of this subsection, the school district must ac-
3 cept:

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

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

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

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

11 (b) An explanation of the purpose of the statewide standardized assessment.

12 [(3)] (5) [At] Prior to the beginning of each school year, each school district and public charter
13 school [shall ensure that] must send parents and adult students [are provided with a] an electronic
14 or paper notice about statewide [summative] standardized assessments that will be administered
15 to the student during the school year. The notice [shall] must be established by the Department
16 of Education and must include:

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

18 (b) The time frame when [the statewide summative] statewide standardized assessments most
19 likely will be administered; and

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

22 [(4)(a)] (6)(a) At least 30 days prior to the administration of a statewide [summative assessments,
23 a] standardized assessment, each school district or public charter school must send to parents
24 and adult students [a] an electronic or paper notice about the statewide [summative assessments.]
25 standardized assessment. For a notice regarding an assessment of students enrolled in
26 kindergarten, the notice required by this subsection may be combined with the notice re-
27 quired by subsection (5) of this section. The notice must be established by the Department of
28 Education and must include:

29 (A) The purpose of the [assessments] statewide standardized assessment and how the results
30 of the [assessments] statewide standardized assessment will be used;

31 (B) The specific days the statewide [summative assessments] standardized assessment will be
32 administered;

33 (C) The amount of class time required for the statewide [summative assessments] standardized
34 assessment;

35 (D) Except for assessments administered to students enrolled in kindergarten, the learn-
36 ing targets that make up the [assessments] statewide standardized assessments;

37 (E) Except for assessments administered to students enrolled in kindergarten, the differ-
38 ence between good and poor performances on the [assessments; and] statewide standardized as-
39 sessment;

40 (F) When results of the [assessments] statewide standardized assessment will be available to
41 students[.]; and

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

44 (b) Notwithstanding paragraph (a) of this subsection, the Department of Education may waive
45 the notice requirement for a school district or public charter school if a human-created disaster or

1 a natural disaster affects the ability of the school district or public charter school to administer the
 2 statewide [*summative assessments*] **standardized assessment** and the statewide [*summative assess-*
 3 *ments*] **standardized assessment** must be provided at a later date.

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

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

8 **(A) The chairpersons and vice chairpersons of the committees of the Legislative Assem-**
 9 **ibly related to education, or members of the Legislative Assembly designated by the chair-**
 10 **persons or vice chairpersons;**

11 **(B) Teachers and administrators of public schools; and**

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

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

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

15 **(B) Any statement that advocates for or against a parent or an adult student excusing**
 16 **a student from taking the statewide standardized assessment; or**

17 **(C) Any statement that includes conjecture or speculation about future events, including**
 18 **the possibility of a school or school district losing financial resources, resulting from a par-**
 19 **ent or an adult student excusing a student from taking the statewide standardized assess-**
 20 **ment.**

21 [(5)] **(8) School districts and public charter schools shall provide supervised study time for stu-**
 22 **dents excused from the statewide [*summative assessments*] **standardized assessment** as provided**
 23 **by this section. The study time shall be considered instructional time for purposes of rules adopted**
 24 **by the State Board of Education.**

25 [(6)] **(9) A student who is excused from the statewide [*summative assessments*] **standardized****
 26 **assessment may not be denied a diploma under ORS 329.451 if the student is able to satisfy all**
 27 **other requirements for the diploma established under ORS 329.451.**

28 [(7)] **(10) The results of a statewide [*summative*] **standardized** assessment must be provided to**
 29 **students in a timely manner and in a manner that is understandable by the student.**

30 [(8)] **(11) If, as provided by federal law, the rating on a school performance report is affected**
 31 **by the number of parents and adult students who excuse students from taking a statewide**
 32 **[*summative*] **standardized** assessment as [*provided*] **allowed** by this section, the Department of Ed-**
 33 **ucation shall include on the school performance report:**

34 **(a) An indication that the rating was affected by a federal law requirement;**

35 **(b) A brief explanation of the federal law requirement that affected the rating; and**

36 **(c) The rating the school would have received if not for the federal law requirement.**

37 **SECTION 2. The amendments to ORS 329.479 by section 1 of this 2021 Act first apply to**
 38 **forms and notices sent to parents and adult students on or after July 1, 2021.**

39 **SECTION 3. This 2021 Act being necessary for the immediate preservation of the public**
 40 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**
 41 **July 1, 2021.**