

# House Bill 2048

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Education)

## 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 school districts, public charter schools and alternative education programs to use alternative assessment system for students. Specifies requirements for alternative assessment system.  
Declares emergency, effective July 1, 2007.

## A BILL FOR AN ACT

1  
2 Relating to student assessments; creating new provisions; amending ORS 329.105, 329.115, 329.485,  
3 329.830, 336.637 and 338.115; and declaring an emergency.

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

5 **SECTION 1.** ORS 329.485 is amended to read:

6 329.485. (1)(a) The Department of Education shall implement statewide a valid and reliable as-  
7 sessment system for all students that meets technical adequacy standards. The assessment system  
8 shall include criterion-referenced assessments including performance-based assessments, content-  
9 based assessments, as those terms are defined in ORS 329.075, and other valid methods to measure  
10 the academic content standards and to identify students who meet or exceed the standards for each  
11 mastery level leading to the Certificate of Initial Mastery, Certificate of Initial Mastery subject area  
12 endorsements and the Certificate of Advanced Mastery.

13 (b) The Department of Education shall develop the statewide assessment system in mathematics,  
14 science, English, history, geography, economics and civics.

15 (2)(a) School districts and public charter schools shall implement the statewide assessment sys-  
16 tem in mathematics, science and English.

17 **(b) Notwithstanding paragraph (a) of this subsection, in lieu of implementing the state-  
18 wide assessment system, school districts and public charter schools may implement an al-  
19 ternative assessment system in mathematics, science and English if the system:**

20 **(A) Is nationally normed;**

21 **(B) Provides diagnostics for individual students;**

22 **(C) Provides career aptitudes for individual students;**

23 **(D) Measures adequate yearly progress as required by the federal No Child Left Behind  
24 Act of 2001 (P.L. 107-110, 115 Stat. 1425);**

25 **(E) Indicates individual students' propensity for success in higher education; and**

26 **(F) Measures individual students' mastery of mathematics, science and English.**

27 (c) *[In addition,]* School districts and public charter schools may implement the statewide as-  
28 sessment system **or an alternative assessment system** in history, geography, economics and civ-  
29 ics.

30 (3) Each year the resident district shall be accountable for determining the student's progress

**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 toward achieving the academic content standards. Progress toward the academic content standards  
2 shall be measured in a manner that clearly enables the student and parents to know whether the  
3 student is making progress toward meeting or exceeding the academic content standards. In addi-  
4 tion, the district shall adopt a grading system based on the local school district board adopted  
5 course content of the district's curriculum. The grading system shall clearly enable the student and  
6 parents to know how well the student is achieving course requirements.

7 (4) If a student has not met or has exceeded all of the academic content standards, the school  
8 district shall make additional services or alternative educational or public school options available  
9 to the student.

10 (5) If the student to whom additional services or alternative educational options have been made  
11 available does not meet or exceed the academic content standards within one year, the school dis-  
12 trict, with the consent of the parents, shall make an appropriate placement, which may include an  
13 alternative education program or the transfer of the student to another public school in the district  
14 or to a public school in another district that agrees to accept the student. The district that receives  
15 the student shall be entitled to payment. The payment shall consist of:

16 (a) An amount equal to the district expenses from its local revenues for each student in average  
17 daily membership, payable by the resident district in the same year; and

18 (b) Any state and federal funds the attending district is entitled to receive payable as provided  
19 in ORS 339.133 (2).

20 **SECTION 2.** ORS 336.637 is amended to read:

21 336.637. (1) A private alternative education program shall ensure that students receive instruc-  
22 tion in the educational standards adopted by the State Board of Education for the grade level the  
23 program serves.

24 (2) Students enrolled in a private alternative education program shall take the statewide as-  
25 sessment developed by the Department of Education under ORS 329.485 **or the alternative as-**  
26 **essment system described in ORS 329.485.** A private alternative education program shall be  
27 accountable for determining the progress of its students toward achieving academic content stan-  
28 dards as defined in ORS 329.007. The private alternative education program shall report, at least  
29 annually, each student's academic progress, including the results of the [state] assessment, to stu-  
30 dents, parents and the school district.

31 **SECTION 3.** ORS 329.105 is amended to read:

32 329.105. (1) The Superintendent of Public Instruction shall collect data and produce annual  
33 school district and school performance reports containing information on student performance, stu-  
34 dent behavior and school characteristics. The purpose of the performance reports is to provide in-  
35 formation to parents and to improve schools through greater parental involvement.

36 (2)(a) In consultation with representatives of parents, teachers, school district boards and school  
37 administrators, the State Board of Education shall adopt, by rule, criteria for grading schools. Such  
38 criteria shall take into account student performance, improvement in student performance and the  
39 participation rate of students on the statewide assessments **or alternative assessments.** The Su-  
40 perintendent of Public Instruction, based on the criteria adopted by the State Board of Education,  
41 shall assign a grade to each school for student performance, student behavior and school charac-  
42 teristics and also shall assign an overall grade to the school. The grades shall include classifications  
43 for exceptional performance, strong performance, satisfactory performance, low performance and  
44 unacceptable performance.

45 (b) The grades received by a school shall be included in the school district and school perform-

1    ance reports.

2           (c) If a school is within the low performance or unacceptable performance classification in any  
3   category, the school shall file a school improvement plan with the Superintendent of Public In-  
4   struction and with the school district board and the 21st Century Schools Council for the school.

5           (3) The Superintendent of Public Instruction shall include in the school performance reports data  
6   for the following areas, for each school, that are available to the Department of Education from the  
7   most recent school year:

8           (a) Enrollment in English as a second language courses under ORS 336.079;

9           (b) Attendance rates;

10          (c) School safety, such as expulsions involving weapons in the school;

11          (d) Students who met or exceeded standards leading to the Certificate of Initial Mastery;

12          (e) Dropout rates and the number of students who dropped out of school;

13          (f) Parent and community involvement such as volunteer hours;

14          (g) Classes taught by a teacher outside the teacher’s area of certification; and

15          (h) School staff, identified by category.

16          (4) The Superintendent of Public Instruction shall include in the school district performance  
17   reports data for the following areas, for each school district, that are available to the Department  
18   of Education from the most recent school year:

19          (a) Resident students who attend a public school in another school district;

20          (b) Facilities used for distance learning;

21          (c) Election results of any bond levy proposed to the electors of the district;

22          (d) Expenditures;

23          (e) Level of support from the education service district;

24          (f) Administrators not assigned to a specific school;

25          (g) School district staff, identified by category; and

26          (h) Students who are eligible for special education.

27          (5) The Superintendent of Public Instruction shall notify the public and the media by January  
28   30 of each year that school district and school performance reports are available at schools and  
29   school districts and at the Department of Education website and offices. The superintendent shall  
30   also include notice that copies of school and district improvement plans can be obtained from school  
31   and school district offices. Each school district shall send a copy of the school district and applica-  
32   ble school performance reports to each parent of a child enrolled in a public school in the school  
33   district.

34          **SECTION 4.** ORS 329.115 is amended to read:

35          329.115. (1) Prior to September 30 of each year, the Superintendent of Public Instruction shall  
36   issue an Oregon Report Card on the state of the public schools and progress toward achieving the  
37   goals contained in ORS 329.025 and 329.035.

38          (2) The purpose of the Oregon Report Card is to monitor trends among school districts and  
39   Oregon’s progress toward achieving the goals stated in this chapter. The report on the state of the  
40   public schools shall be designed to:

41          (a) Allow educators and local citizens to determine and share successful and unsuccessful school  
42   programs;

43          (b) Allow educators to sustain support for reforms demonstrated to be successful;

44          (c) Recognize schools for their progress and achievements; and

45          (d) Facilitate the use of educational resources and innovations in the most effective manner.

1 (3) The report shall contain, but need not be limited to:

2 (a) Demographic information on public school children in this state.

3 (b) Information pertaining to student achievement, including [*statewide*] assessment data, gradu-  
4 ation rates and dropout rates, including progress toward achieving the education benchmarks es-  
5 tablished by the Oregon Progress Board, with arrangements by minority groupings where applicable.

6 (c) Information pertaining to special program offerings.

7 (d) Information pertaining to the characteristics of the school and school staff, including as-  
8 signment of teachers, experience of staff and the proportion of minorities and women represented  
9 on the teaching and administrative staff.

10 (e) Budget information, including source and disposition of school district operating funds and  
11 salary data.

12 (f) Examples of exemplary programs, proven practices, programs designed to reduce costs or  
13 other innovations in education being developed by school districts in this state that show improved  
14 student learning.

15 (g) Such other information as the superintendent obtains under ORS 329.105.

16 (4) In the second and subsequent years that the report is issued, the report shall include a  
17 comparison between the current and previous data and an analysis of trends in public education.

18 **SECTION 5.** ORS 329.830 is amended to read:

19 329.830. (1) The State Board of Education shall establish a system of determining successful  
20 schools and dispensing appropriate incentive rewards to those schools. The system shall be based  
21 on a school being the measurement unit to determine success. School success shall be determined  
22 by measuring a school's improvement over a specific assessment period. The successful schools  
23 program shall be voluntary.

24 (2) A school may submit an application to the Department of Education for the successful  
25 schools program. The application shall include a short statement from the school requesting con-  
26 sideration for the successful schools program. The application shall also include a copy of the school  
27 improvement plan implemented pursuant to ORS 329.095.

28 (3) A school may not amend its application after the application is submitted without approval  
29 by the state board. A school that has submitted an application may not submit a new application  
30 until the assessment period has ended, unless the school withdraws the previous application.

31 (4) The department shall distribute incentive rewards to schools that are determined to be suc-  
32 cessful schools. The board shall establish criteria for determining successful schools. The criteria  
33 shall include, but not be limited to:

34 (a) The results from the statewide assessment system developed pursuant to ORS 329.485 **or the**  
35 **alternative assessment system described in ORS 329.485;**

36 (b) The achievement of measurable academic goals from school improvement plans; and

37 (c) Other criteria relating to improvement in student learning.

38 (5) The department shall base the amount of the reward to each successful school on the number  
39 of teachers employed by the school. The minimum reward for each full-time teacher shall be \$1,000.  
40 Part-time teachers shall receive a percentage of the reward based on the amount of time the part-  
41 time teacher worked. Teachers hired during the assessment period shall receive a percentage of the  
42 reward based on the length of time the teacher worked at the school during the assessment period.

43 (6) Each teacher shall individually decide how to use the reward. A reward shall be used by a  
44 teacher for classroom enhancements or professional development. As used in this subsection,  
45 "classroom enhancements" means items and activities that will improve student learning, including,

1 but not limited to, books, instructional materials, multimedia equipment and software, supplies and  
 2 field trips.

3 (7) The State Board of Education shall adopt any rules necessary to implement the successful  
 4 schools program.

5 **SECTION 6.** ORS 338.115 is amended to read:

6 338.115. (1) Statutes and rules that apply to school district boards, school districts or other  
 7 public schools do not apply to public charter schools. However, the following laws do apply to public  
 8 charter schools:

9 (a) Federal law;

10 (b) ORS 192.410 to 192.505 (public records law);

11 (c) ORS 192.610 to 192.690 (public meetings law);

12 (d) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);

13 (e) ORS 181.534, 181.539, 326.603, 326.607 and 342.232 (criminal records checks);

14 (f) ORS 337.150 (textbooks);

15 (g) ORS 339.141, 339.147 and 339.155 (tuition and fees);

16 (h) ORS 659.850 and 659.855 (discrimination);

17 (i) ORS 30.260 to 30.300 (tort claims);

18 (j) Health and safety statutes and rules;

19 (k) Any statute or rule that is listed in the charter;

20 (L) The statewide assessment system developed by the Department of Education for mathemat-  
 21 ics, science and English under ORS 329.485 (1) **or the alternative assessment system for math-**  
 22 **ematics, science and English described in ORS 329.485 (2)(b);**

23 (m) ORS 329.045 (academic content standards and instruction);

24 (n) Any statute or rule that establishes requirements for instructional time provided by a school  
 25 during each day or during a year;

26 (o) ORS 339.250 (12) (prohibition on infliction of corporal punishment);

27 (p) ORS 339.370, 339.372 and 339.375 (reporting of child abuse); and

28 (q) This chapter.

29 (2) Notwithstanding subsection (1) of this section, a charter may specify that statutes and rules  
 30 that apply to school district boards, school districts and other public schools may apply to a public  
 31 charter school.

32 (3) If a statute or rule applies to a public charter school, then the terms “school district” and  
 33 “public school” include public charter school as those terms are used in that statute or rule.

34 (4) A public charter school may not violate the Establishment Clause of the First Amendment  
 35 to the United States Constitution or section 5, Article I of the Oregon Constitution, or be religion  
 36 based.

37 (5) A public charter school shall maintain an active enrollment of at least 25 students.

38 (6) A public charter school may sue or be sued as a separate legal entity.

39 (7) The sponsor, members of the governing board of the sponsor acting in their official capacities  
 40 and employees of a sponsor acting in their official capacities are immune from civil liability with  
 41 respect to all activities related to a public charter school within the scope of their duties or em-  
 42 ployment.

43 (8) A public charter school may enter into contracts and may lease facilities and services from  
 44 a school district, education service district, state institution of higher education, other governmental  
 45 unit or any person or legal entity.

1 (9) A public charter school may not levy taxes or issue bonds under which the public incurs li-  
2 ability.

3 (10) A public charter school may receive and accept gifts, grants and donations from any source  
4 for expenditure to carry out the lawful functions of the school.

5 (11) The school district in which the public charter school is located shall offer a high school  
6 diploma, certificate, Certificate of Initial Mastery or Certificate of Advanced Mastery to any public  
7 charter school student who meets the district's and state's standards for a high school diploma,  
8 certificate, Certificate of Initial Mastery or Certificate of Advanced Mastery. If the school district  
9 offers a Certificate of Initial Mastery subject area endorsement to students who attend school in the  
10 district, then the school district shall offer the endorsement to any public charter school student  
11 who meets the district's and state's standards for the endorsement.

12 (12) A high school diploma, certificate, Certificate of Initial Mastery, Certificate of Initial Mas-  
13 tery subject area endorsement or Certificate of Advanced Mastery issued by a public charter school  
14 grants to the holder the same rights and privileges as a high school diploma, certificate, Certificate  
15 of Initial Mastery, Certificate of Initial Mastery subject area endorsement or Certificate of Ad-  
16 vanced Mastery issued by a nonchartered public school.

17 (13) Prior to beginning operation, the public charter school shall show proof of insurance to the  
18 sponsor as specified in the charter.

19 (14) A public charter school may receive services from an education service district in the same  
20 manner as a nonchartered public school in the school district in which the public charter school is  
21 located.

22 **SECTION 7. The amendments to ORS 329.105, 329.115, 329.485, 329.830, 336.637 and 338.115**  
23 **by sections 1 to 6 of this 2007 Act first apply to the 2007-2008 school year.**

24 **SECTION 8. This 2007 Act being necessary for the immediate preservation of the public**  
25 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**  
26 **July 1, 2007.**