

A-Engrossed
Senate Bill 372

Ordered by the Senate March 21
Including Senate Amendments dated March 21

Sponsored by Senators COURTNEY, DEVLIN (Presession 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.

Directs Department of Education to develop statewide assessment system in physical education. Directs school districts and public charter schools to implement statewide assessment system in physical education. **Deletes provision that State Board of Education must adopt requirements for subject area endorsement in physical education for Certificate of Initial Mastery.** Requires Superintendent of Public Instruction to include data on statewide assessment system in physical education in school performance reports.

A BILL FOR AN ACT

1
2 Relating to physical education; creating new provisions; and amending ORS 329.105, 329.465, 329.485
3 and 338.115.

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 **and physical education.**

15 (2) School districts and public charter schools shall implement the statewide assessment system
16 in mathematics, science, [*and*] English **and physical education.** In addition, school districts and
17 public charter schools may implement the statewide assessment system in history, geography, eco-
18 nomics and civics.

19 (3) Each year the resident district shall be accountable for determining the student's progress
20 toward achieving the academic content standards. Progress toward the academic content standards
21 shall be measured in a manner that clearly enables the student and parents to know whether the
22 student is making progress toward meeting or exceeding the academic content standards. In addi-
23 tion, the district shall adopt a grading system based on the local school district board adopted
24 course content of the district's curriculum. The grading system shall clearly enable the student and
25 parents to know how well the student is achieving course requirements.

26 (4) If a student has not met or has exceeded all of the academic content standards, the school

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 district shall make additional services or alternative educational or public school options available
2 to the student.

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

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

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

13 **SECTION 2. School districts and public charter schools shall first implement the state-**
14 **wide assessment system in physical education for the 2010-2011 school year.**

15 **SECTION 3.** ORS 329.465 is amended to read:

16 329.465. (1) The State Board of Education shall adopt academic content standards and require-
17 ments for the Certificate of Initial Mastery and for Certificate of Initial Mastery subject area
18 endorsements.

19 (2) The State Board of Education shall prescribe the academic content standards, pursuant to
20 ORS 329.025 and 329.035, that a student must meet in order to obtain the Certificate of Initial
21 Mastery or a Certificate of Initial Mastery subject area endorsement. The Certificate of Initial
22 Mastery and the Certificate of Initial Mastery subject area endorsements shall be based on a series
23 of performance-based assessments and content assessments benchmarked to mastery levels. The as-
24 sessment methods shall include work samples and tests. The state board shall establish a certificate
25 for students who, with additional services and accommodations, do not meet the standards for the
26 Certificate of Initial Mastery. Students shall be allowed to collect credentials over a period of years,
27 culminating in a project or exhibition that demonstrates attainment of the required knowledge and
28 skills that have been measured by a variety of valid assessment methods.

29 (3) Requirements for the Certificate of Initial Mastery or a Certificate of Initial Mastery subject
30 area endorsement shall:

31 (a) Ensure that students have the necessary knowledge and demonstrate the skills to read, write,
32 problem solve, reason and communicate;

33 (b) Ensure that students have the opportunity to demonstrate the ability to learn, think, retrieve
34 information and use technology;

35 (c) Ensure that students have the opportunity to demonstrate that they can work effectively as
36 individuals and as an individual in group settings; and

37 (d) Ensure that student assessment is based on academic content standards.

38 (4)(a) The state board shall establish the minimum number of work samples that a student must
39 complete in each subject to receive the Certificate of Initial Mastery or to receive a Certificate of
40 Initial Mastery subject area endorsement.

41 (b) If a school district receives the approval of the Department of Education, the school district
42 may require a student, as part of the requirements for the Certificate of Initial Mastery or a Cer-
43 tificate of Initial Mastery subject area endorsement, to complete a greater number of work samples
44 for a particular subject than the minimum number established by the state board.

45 (5) The state board shall adopt requirements for the Certificate of Initial Mastery in math-

1 ematics, science, [and] English **and physical education**. Each school district shall implement the
2 Certificate of Initial Mastery in mathematics, science, [and] English **and physical education**.

3 (6) In addition, the state board shall adopt requirements for Certificate of Initial Mastery subject
4 area endorsements in history, geography, economics, civics, [*physical education*,] health, the arts and
5 second languages. A school district may offer to the students of the school district a Certificate of
6 Initial Mastery subject area endorsement in any of the following:

7 (a) History, geography, economics and civics.

8 [*(b) Physical education.*]

9 [*(c)*] **(b)** Health.

10 [*(d)*] **(c)** The arts.

11 [*(e)*] **(d)** Second languages.

12 (7) A student may receive a Certificate of Initial Mastery subject area endorsement only if the
13 student has received the Certificate of Initial Mastery.

14 (8) The state board or a school district may not make the creation of a student portfolio a re-
15 quirement for the Certificate of Initial Mastery or a Certificate of Initial Mastery subject area
16 endorsement.

17 (9) The provisions of this section may be applied individually as appropriate to students enrolled
18 in special education programs under ORS chapter 343.

19 (10) The Department of Education shall develop procedures to accommodate out-of-state stu-
20 dents, students taught by a parent, legal guardian or private teacher as described in ORS 339.030,
21 private school students transferring into public schools and migrant children from other states and
22 countries.

23 (11) Nothing in this section is intended to apply the Certificates of Mastery programs or stan-
24 dards to private school students or students taught by a parent, legal guardian or private teacher
25 as described in ORS 339.030.

26 **SECTION 4.** ORS 329.105 is amended to read:

27 329.105. (1) The Superintendent of Public Instruction shall collect data and produce annual
28 school district and school performance reports containing information on student performance, stu-
29 dent behavior and school characteristics. The purpose of the performance reports is to provide in-
30 formation to parents and to improve schools through greater parental involvement.

31 (2)(a) In consultation with representatives of parents, teachers, school district boards and school
32 administrators, the State Board of Education shall adopt, by rule, criteria for grading schools. Such
33 criteria shall take into account student performance, improvement in student performance and the
34 participation rate of students on the statewide assessments. The Superintendent of Public Instruc-
35 tion, based on the criteria adopted by the State Board of Education, shall assign a grade to each
36 school for student performance, student behavior and school characteristics and also shall assign
37 an overall grade to the school. The grades shall include classifications for exceptional performance,
38 strong performance, satisfactory performance, low performance and unacceptable performance.

39 (b) The grades received by a school shall be included in the school district and school perform-
40 ance reports.

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

44 (3) The Superintendent of Public Instruction shall include in the school performance reports data
45 for the following areas, for each school, that are available to the Department of Education from the

1 most recent school year:

- 2 (a) Enrollment in English as a second language courses under ORS 336.079;
- 3 (b) Attendance rates;
- 4 (c) School safety, such as expulsions involving weapons in the school;
- 5 (d) Students who met or exceeded standards leading to the Certificate of Initial Mastery;
- 6 (e) Dropout rates and the number of students who dropped out of school;
- 7 (f) Parent and community involvement such as volunteer hours;
- 8 (g) Classes taught by a teacher outside the teacher's area of certification; *[and]*
- 9 (h) School staff, identified by category; **and**
- 10 (i) **Results from the statewide assessment system in physical education.**

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

- 14 (a) Resident students who attend a public school in another school district;
- 15 (b) Facilities used for distance learning;
- 16 (c) Election results of any bond levy proposed to the electors of the district;
- 17 (d) Expenditures;
- 18 (e) Level of support from the education service district;
- 19 (f) Administrators not assigned to a specific school;
- 20 (g) School district staff, identified by category; and
- 21 (h) Students who are eligible for special education.

22 (5) The Superintendent of Public Instruction shall notify the public and the media by January
23 30 of each year that school district and school performance reports are available at schools and
24 school districts and at the Department of Education website and offices. The superintendent shall
25 also include notice that copies of school and district improvement plans can be obtained from school
26 and school district offices. Each school district shall send a copy of the school district and applica-
27 ble school performance reports to each parent of a child enrolled in a public school in the school
28 district.

29 **SECTION 5. The amendments to ORS 329.105 by section 4 of this 2007 Act apply to school**
30 **performance reports issued on or after July 1, 2011.**

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

32 338.115. (1) Statutes and rules that apply to school district boards, school districts or other
33 public schools do not apply to public charter schools. However, the following laws do apply to public
34 charter schools:

- 35 (a) Federal law;
- 36 (b) ORS 192.410 to 192.505 (public records law);
- 37 (c) ORS 192.610 to 192.690 (public meetings law);
- 38 (d) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);
- 39 (e) ORS 181.534, 181.539, 326.603, 326.607 and 342.232 (criminal records checks);
- 40 (f) ORS 337.150 (textbooks);
- 41 (g) ORS 339.141, 339.147 and 339.155 (tuition and fees);
- 42 (h) ORS 659.850 and 659.855 (discrimination);
- 43 (i) ORS 30.260 to 30.300 (tort claims);
- 44 (j) Health and safety statutes and rules;
- 45 (k) Any statute or rule that is listed in the charter;

1 (L) The statewide assessment system developed by the Department of Education for mathemat-
2 ics, science, [and] English **and physical education** under ORS 329.485 (1);

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

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

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

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

8 (q) This chapter.

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

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

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

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

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

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

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

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

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

30 (11) The school district in which the public charter school is located shall offer a high school
31 diploma, certificate, Certificate of Initial Mastery or Certificate of Advanced Mastery to any public
32 charter school student who meets the district’s and state’s standards for a high school diploma,
33 certificate, Certificate of Initial Mastery or Certificate of Advanced Mastery. If the school district
34 offers a Certificate of Initial Mastery subject area endorsement to students who attend school in the
35 district, then the school district shall offer the endorsement to any public charter school student
36 who meets the district’s and state’s standards for the endorsement.

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

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

44 (14) A public charter school may receive services from an education service district in the same
45 manner as a nonchartered public school in the school district in which the public charter school is

1 located.

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