

# Senate Bill 372

Sponsored by Senator COURTNEY (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 **as introduced**.

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

29 (5) If the student to whom additional services or alternative educational options have been made  
30 available does not meet or exceed the academic content standards within one year, the school dis-

**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 trict, with the consent of the parents, shall make an appropriate placement, which may include an  
 2 alternative education program or the transfer of the student to another public school in the district  
 3 or to a public school in another district that agrees to accept the student. The district that receives  
 4 the student shall be entitled to payment. The payment shall consist of:

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

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

9 **SECTION 2. School districts and public charter schools shall first implement the state-**  
 10 **wide assessment system in physical education for the \_\_\_\_\_ school year.**

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

12 329.465. (1) The State Board of Education shall adopt academic content standards and require-  
 13 ments for the Certificate of Initial Mastery and for Certificate of Initial Mastery subject area  
 14 endorsements.

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

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

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

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

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

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

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

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

41 (5) The state board shall adopt requirements for the Certificate of Initial Mastery in math-  
 42 ematics, science, [and] English **and physical education**. Each school district shall implement the  
 43 Certificate of Initial Mastery in mathematics, science, [and] English **and physical education**.

44 (6) In addition, the state board shall adopt requirements for Certificate of Initial Mastery subject  
 45 area endorsements in history, geography, economics, civics, physical education, health, the arts and

1 second languages. A school district may offer to the students of the school district a Certificate of  
2 Initial Mastery subject area endorsement in any of the following:

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

4 [(b) *Physical education.*]

5 [(c)] (b) Health.

6 [(d)] (c) The arts.

7 [(e)] (d) Second languages.

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

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

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

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

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

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

23 329.105. (1) The Superintendent of Public Instruction shall collect data and produce annual  
24 school district and school performance reports containing information on student performance, stu-  
25 dent behavior and school characteristics. The purpose of the performance reports is to provide in-  
26 formation to parents and to improve schools through greater parental involvement.

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

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

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

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

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

44 (b) Attendance rates;

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

- 1 (d) Students who met or exceeded standards leading to the Certificate of Initial Mastery;
- 2 (e) Dropout rates and the number of students who dropped out of school;
- 3 (f) Parent and community involvement such as volunteer hours;
- 4 (g) Classes taught by a teacher outside the teacher's area of certification; *[and]*
- 5 (h) School staff, identified by category; **and**
- 6 **(i) Results from the statewide assessment system in physical education.**

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

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

18 (5) The Superintendent of Public Instruction shall notify the public and the media by January  
 19 30 of each year that school district and school performance reports are available at schools and  
 20 school districts and at the Department of Education website and offices. The superintendent shall  
 21 also include notice that copies of school and district improvement plans can be obtained from school  
 22 and school district offices. Each school district shall send a copy of the school district and applica-  
 23 ble school performance reports to each parent of a child enrolled in a public school in the school  
 24 district.

25 **SECTION 5. The amendments to ORS 329.105 by section 4 of this 2007 Act apply to school**  
 26 **performance reports issued on or after \_\_\_\_\_.**

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

28 338.115. (1) Statutes and rules that apply to school district boards, school districts or other  
 29 public schools do not apply to public charter schools. However, the following laws do apply to public  
 30 charter schools:

- 31 (a) Federal law;
- 32 (b) ORS 192.410 to 192.505 (public records law);
- 33 (c) ORS 192.610 to 192.690 (public meetings law);
- 34 (d) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);
- 35 (e) ORS 181.534, 181.539, 326.603, 326.607 and 342.232 (criminal records checks);
- 36 (f) ORS 337.150 (textbooks);
- 37 (g) ORS 339.141, 339.147 and 339.155 (tuition and fees);
- 38 (h) ORS 659.850 and 659.855 (discrimination);
- 39 (i) ORS 30.260 to 30.300 (tort claims);
- 40 (j) Health and safety statutes and rules;
- 41 (k) Any statute or rule that is listed in the charter;
- 42 (L) The statewide assessment system developed by the Department of Education for mathemat-  
 43 ics, science, *[and]* English **and physical education** under ORS 329.485 (1);
- 44 (m) ORS 329.045 (academic content standards and instruction);
- 45 (n) Any statute or rule that establishes requirements for instructional time provided by a school

1 during each day or during a year;

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

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

4 (q) This chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

43