



# Oregon Department of Education

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HB 2655: State Assessment Opt-out

House Committee on Education

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Good afternoon Chair Doherty and members of the committee. For the record I am Derek Brown, Director of Assessment at the Department of Education and am here to testify on HB 2655. The Department is neutral on the bill.

HB 2655 seeks to increase notice provided to parents and students about required state assessments and gives parents an unrestricted right to excuse their students from state testing. It also gives parents the ability to correct their student's education records and limit the collection, storage, use, and transmittal of these records. Finally, HB 2655 stipulates that a student excused from taking a statewide standardized summative assessment may not be denied a diploma for failure to satisfy any requirement related to the assessment.

### Background:

Under current law, administrative rule 581-022-1670 requires school districts to assess and record each student's progress and achievement in all subject areas, and to provide student performance data to all teachers of language arts and mathematics. In addition, records of student performance may be kept in teacher grade books, portfolios or similar devices, and each school district is required to annually report to parents student progress in academic content standards and progress toward completion of diploma requirements. However, there are not currently any provisions for parents to limit or correct their child's academic records.

Current law also allows parents to request that their child be exempted from state testing based on either disability or religion. OAR 581-022-1910 allows school districts to excuse students from a state required program or learning activity, including state testing, to accommodate a student's disabilities or religious beliefs. In order for a school district to excuse a student from testing under this rule, the student's parent must submit a written request to the school district, listing the reasons for the request and proposing an alternative individualized learning activity for the student that meets the same goals that would be accomplished by participation in state testing. Appropriate school district personnel must then evaluate and approve the parent request. During the review process, as a best practice, school districts are encouraged to first discuss the use of accommodations with the parent to determine whether the use of any appropriate accommodations during testing might address the parent's concerns and allow the student to participate in state testing.

#### Issue:

While student testing began as an accountability measure for schools and school districts to ensure they were effective and using tax dollars efficiently, some students, parents, and educators believe that testing holds little value for students and absorbs too many resources that could be better spent educating children. This sentiment has led to an increased movement to “opt out” of state testing requirements.

#### Legislation:

HB 2655 seeks to increase notice provided to parents and students about required state assessments and gives parents an unrestricted right to exempt their student from state testing. This would expand beyond current law which gives parents the right to exempt their student from testing based on disability or religion.

The provision related to student graduation outcomes aligns with current graduation policies which already do not require students to take or pass the state assessments in order to meeting graduation requirements. Current graduation policies allow students to use the state assessments to demonstrate proficiency in the Essential Skills of reading, writing, and math, students may also select from a variety of other approved assessment options and are not required to use the state assessments. This means that if a student does not take the state assessment, the student can still use another available assessment option to demonstrate proficiency and meet the Essential Skills graduation requirement.

#### Concerns:

The overall school rating is a requirement of Oregon’s ESEA flexibility waiver as well as state law (ORS 329.105; OAR 581-022-1060). As part of this rating, schools must meet a minimum assessment participation target of 94.5%. Students who are enrolled in school during the statewide test window who are not tested due to a parent-requested exemption must be counted as non-participants against the annual assessment participation target of 94.5% in school Report Card ratings. Subgroup participation rates that fall below 94.5% will lower the overall school rating by one or more levels depending on whether the school has more than one consecutive year of missed targets. The implications of lowered participation rates based on opt-outs would be significant for all schools but would be particularly impactful for Title I schools, which could easily be identified as Focus and Priority schools because of the penalty. While identification as a Focus and Priority school would lead to the school receiving school improvement funds, the identification also comes with a host of requirements and required participation in a 4-year process that could end in having to replace school and district leadership.

#### Recommendation:

The State Board of Education could be directed to review and revise existing administrative rules concerning nonparticipation in assessments.

Fiscal:

ODE does not anticipate HB 2655 having a fiscal impact on ODE. However, there may well be a cost for districts to implement systems to store information about which students they may not share academic information on, and which data is not to be shared. For most districts this would likely require enhancements of their local student information systems, which could represent a significant district effort in both time and money.