

# House Bill 2977

Sponsored by Representatives WHISNANT, BENTZ, WITT, ESQUIVEL

## 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**.

Requires school districts and public charter schools to implement statewide assessment system in civics and require students to demonstrate level of proficiency required by naturalization test required for United States citizenship.

Declares emergency, effective July 1, 2015.

## A BILL FOR AN ACT

1  
2 Relating to civics proficiency; amending ORS 329.007, 329.485 and 338.115; and declaring an emer-  
3 gency.

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

5 **SECTION 1.** ORS 329.485, as amended by section 1, chapter 42, Oregon Laws 2014, is amended  
6 to read:

7 329.485. (1) As used in this section:

8 (a) "Content-based assessment" means testing of the understanding of a student of a predeter-  
9 mined body of knowledge.

10 (b) "Criterion-referenced assessment" means testing of the knowledge or ability of a student with  
11 respect to some standard.

12 (c) "Performance-based assessment" means testing of the ability of a student to use knowledge  
13 and skills to create a complex or multifaceted product or complete a complex task.

14 (2)(a) The Department of Education shall implement statewide a valid and reliable assessment  
15 system for all students that meets technical adequacy standards. The assessment system shall in-  
16 clude criterion-referenced assessments including performance-based assessments, content-based as-  
17 sessments, and other valid methods to measure the academic content standards and to identify  
18 students who meet or exceed the standards.

19 (b) The department shall develop the statewide assessment system in mathematics, science,  
20 English, history, geography, economics and civics.

21 (3) In addition to the assessment system implemented under subsection (2) of this section, the  
22 department may make available to school districts and public charter schools an assessment system  
23 that uses criterion-referenced assessments, including performance-based assessments and content-  
24 based assessments to:

25 (a) Measure a student's progress toward mastery of the knowledge and skills of the student's  
26 current grade level or course content level;

27 (b) Determine the student's level of mastery, which shall be determined regardless of the actual  
28 grade level of the student and may be determined by adapting the assessment during the assessment  
29 process as a result of the performance of the student;

30 (c) Track and provide reports on the progress of a student based on the information provided

**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 under paragraphs (a) and (b) of this subsection; and

2 (d) Provide predictions of anticipated student progress that are based on the information pro-  
3 vided under this subsection and not on the current grade level of the student.

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

6 **(b) School districts and public charter schools shall implement the statewide assessment**  
7 **system in civics and require students to demonstrate the level of proficiency required by the**  
8 **naturalization test required for United States citizenship.**

9 (c) [*In addition,*] School districts and public charter schools may implement the statewide as-  
10 sessment system in history, geography[,] **and** economics [*and civics*].

11 [(b)] (d) School districts and public charter schools may choose to implement the assessment  
12 system described in subsection (3) of this section.

13 (5)(a) Each year the resident school district shall be accountable for determining the student's  
14 progress toward achieving the academic content standards. Progress toward the academic content  
15 standards:

16 (A) Shall clearly show the student and parents whether the student is making progress toward  
17 meeting or exceeding the academic content standards at the student's current grade level or course  
18 content level;

19 (B) Shall be based on the student's progress toward mastery of a continuum of academic  
20 knowledge and skills; and

21 (C) May be based on the student's progress in a continuum of knowledge and skills that are not  
22 academic and that may include student behaviors that are defined by the school district.

23 (b) School districts shall determine the method and format for showing student progress toward  
24 achieving the academic content standards. Communications on student progress shall include a  
25 reasonable number, as determined by the school district, of academic knowledge and skills in a  
26 content area to enable parents and students to understand a student's progress toward meeting or  
27 exceeding the academic content standards. No more than three indicators of academic knowledge  
28 and skills per content area reporting category shall be required as provided by this section. A  
29 school district may use more than three indicators of academic knowledge and skills per content  
30 area reporting category if the school district implements a proficiency education system as provided  
31 by section 3, chapter 42, Oregon Laws 2014.

32 (6) In addition to the requirements described in subsection (5) of this section, the school district  
33 shall adopt and implement a reporting system based on the school district board adopted course  
34 content of the school district's curriculum. The reporting system:

35 (a) Shall clearly show the student and parents whether the student is achieving course require-  
36 ments at the student's current grade level or course content level;

37 (b) Shall be based on the student's progress toward mastery of a continuum of academic knowl-  
38 edge and skills; and

39 (c) May be based on the student's progress in a continuum of knowledge and skills that are not  
40 academic and that may include student behaviors that are defined by the school district.

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

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

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 school  
 3 district or to a public school in another school district that agrees to accept the student. The school  
 4 district that receives the student shall be entitled to payment. The payment shall consist of:

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

7 (b) Any state and federal funds the attending school district is entitled to receive payable as  
 8 provided in ORS 339.133 (1)(b).

9 **SECTION 2.** ORS 329.007 is amended to read:

10 329.007. As used in this chapter, unless the context requires otherwise:

11 (1) “Academic content standards” means expectations of student knowledge and skills adopted  
 12 by the State Board of Education under ORS 329.045.

13 (2) “Administrator” includes all persons whose duties require an administrative license.

14 (3) “Board” or “state board” means the State Board of Education.

15 (4) “Community learning center” means a school-based or school-linked program providing in-  
 16 formal meeting places and coordination for community activities, adult education, child care, infor-  
 17 mation and referral and other services as described in ORS 329.157. “Community learning center”  
 18 includes, but is not limited to, a community school program as defined in ORS 336.505, family re-  
 19 source centers as described in ORS 417.725, full service schools, lighted schools and 21st century  
 20 community learning centers.

21 (5) “Department” means the Department of Education.

22 (6) “English” includes, but is not limited to, reading and writing.

23 [(7) “History, geography, economics and civics” includes, but is not limited to, Oregon Studies.]

24 [(8)] (7) “Oregon Studies” means history, geography, economics and civics specific to the State  
 25 of Oregon. Oregon Studies instruction in Oregon government shall include municipal, county, tribal  
 26 and state government, as well as the electoral and legislative processes.

27 [(9)] (8) “Parents” means parents or guardians of students who are covered by this chapter.

28 [(10)] (9) “Public charter school” has the meaning given that term in ORS 338.005.

29 [(11)] (10) “School district” means a school district as defined in ORS 332.002, a state-operated  
 30 school or any legally constituted combination of such entities.

31 [(12)] (11) “Teacher” means any licensed employee of a school district who has direct responsi-  
 32 bility for instruction, coordination of educational programs or supervision of students and who is  
 33 compensated for such services from public funds. “Teacher” does not include a school nurse, as  
 34 defined in ORS 342.455, or a person whose duties require an administrative license.

35 [(13)] (12) “The arts” includes, but is not limited to, literary arts, performing arts and visual  
 36 arts.

37 [(14)] (13) “World languages” means American Sign Language and languages other than English.

38 [(15)] (14) “21st Century Schools Council” means a council established pursuant to ORS 329.704.

39 **SECTION 3.** ORS 338.115 is amended to read:

40 338.115. (1) Statutes and rules that apply only to school district boards, school districts or other  
 41 public schools do not apply to public charter schools. However, the following laws do apply to public  
 42 charter schools:

43 (a) Federal law;

44 (b) ORS 30.260 to 30.300 (tort claims);

45 (c) ORS 192.410 to 192.505 (public records law);

- 1 (d) ORS 192.610 to 192.690 (public meetings law);  
 2 (e) ORS chapters 279A, 279B and 279C (Public Contracting Code);  
 3 (f) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);  
 4 (g) ORS 326.565, 326.575 and 326.580 (student records);  
 5 (h) ORS 181.534, 326.603, 326.607, 342.223 and 342.232 (criminal records checks);  
 6 (i) ORS 329.045 (academic content standards and instruction);  
 7 (j) ORS 329.451 (high school diploma, modified diploma, extended diploma and alternative cer-  
 8 tificate);  
 9 (k) The statewide assessment system developed by the Department of Education for mathematics,  
 10 science, [and] English **and civics** under ORS 329.485 (2);  
 11 (L) ORS 337.150 (textbooks);  
 12 (m) ORS 339.119 (consideration for educational services);  
 13 (n) ORS 339.141, 339.147 and 339.155 (tuition and fees);  
 14 (o) ORS 339.250 (9) (prohibition on infliction of corporal punishment);  
 15 (p) ORS 339.326 (notice concerning students subject to juvenile court petitions);  
 16 (q) ORS 339.370, 339.372, 339.388 and 339.400 (reporting of abuse and sexual conduct and training  
 17 on prevention and identification of abuse and sexual conduct);  
 18 (r) ORS chapter 657 (Employment Department Law);  
 19 (s) ORS 659.850, 659.855 and 659.860 (discrimination);  
 20 (t) Any statute or rule that establishes requirements for instructional time provided by a school  
 21 during each day or during a year;  
 22 (u) Statutes and rules that expressly apply to public charter schools;  
 23 (v) Statutes and rules that apply to a special government body, as defined in ORS 174.117, or a  
 24 public body, as defined in ORS 174.109;  
 25 (w) Health and safety statutes and rules;  
 26 (x) Any statute or rule that is listed in the charter;  
 27 (y) ORS 336.840 (use of personal electronic devices); and  
 28 (z) This chapter.  
 29 (2) Notwithstanding subsection (1) of this section, a charter may specify that statutes and rules  
 30 that apply only to school district boards, school districts and other public schools may apply to a  
 31 public 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) A public charter school shall maintain an active enrollment of at least 25 students.  
 38 (b) For a public charter school that provides educational services under a cooperative agree-  
 39 ment described in ORS 338.080, the public charter school is in compliance with the requirements of  
 40 this subsection if the public charter school provides educational services under the cooperative  
 41 agreement to at least 25 students, without regard to the school districts in which the students are  
 42 residents.  
 43 (6) A public charter school may sue or be sued as a separate legal entity.  
 44 (7) The sponsor, members of the governing board of the sponsor acting in their official capacities  
 45 and employees of a sponsor acting in their official capacities are immune from civil liability with

1 respect to all activities related to a public charter school within the scope of their duties or em-  
 2 ployment.

3 (8) A public charter school may enter into contracts and may lease facilities and services from  
 4 a school district, education service district, public university listed in ORS 352.002, other govern-  
 5 mental unit or any person or legal entity.

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

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

10 (11) The school district in which the public charter school is located shall offer a high school  
 11 diploma, a modified diploma, an extended diploma or an alternative certificate to any public charter  
 12 school student who meets the district's and state's standards for a high school diploma, a modified  
 13 diploma, an extended diploma or an alternative certificate.

14 (12) A high school diploma, a modified diploma, an extended diploma or an alternative certificate  
 15 issued by a public charter school grants to the holder the same rights and privileges as a high  
 16 school diploma, a modified diploma, an extended diploma or an alternative certificate issued by a  
 17 nonchartered public school.

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

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

23 **SECTION 4.** ORS 338.115, as amended by section 7, chapter 839, Oregon Laws 2007, section 12,  
 24 chapter 50, Oregon Laws 2008, section 4, chapter 618, Oregon Laws 2009, section 3, chapter 53,  
 25 Oregon Laws 2010, section 3, chapter 94, Oregon Laws 2011, section 118, chapter 637, Oregon Laws  
 26 2011, section 5, chapter 682, Oregon Laws 2011, section 10, chapter 92, Oregon Laws 2012, section  
 27 7, chapter 98, Oregon Laws 2013, section 14, chapter 265, Oregon Laws 2013, and section 9, chapter  
 28 267, Oregon Laws 2013, is amended to read:

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

- 32 (a) Federal law;
- 33 (b) ORS 30.260 to 30.300 (tort claims);
- 34 (c) ORS 192.410 to 192.505 (public records law);
- 35 (d) ORS 192.610 to 192.690 (public meetings law);
- 36 (e) ORS chapters 279A, 279B and 279C (Public Contracting Code);
- 37 (f) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);
- 38 (g) ORS 326.565, 326.575 and 326.580 (student records);
- 39 (h) ORS 181.534, 326.603, 326.607, 342.223 and 342.232 (criminal records checks);
- 40 (i) ORS 329.045 (academic content standards and instruction);
- 41 (j) ORS 329.451 (high school diploma, modified diploma, extended diploma and alternative cer-  
 42 tificate);
- 43 (k) ORS 329.496 (physical education);

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

- 1 (m) ORS 337.150 (textbooks);
- 2 (n) ORS 339.119 (consideration for educational services);
- 3 (o) ORS 339.141, 339.147 and 339.155 (tuition and fees);
- 4 (p) ORS 339.250 (9) (prohibition on infliction of corporal punishment);
- 5 (q) ORS 339.326 (notice concerning students subject to juvenile court petitions);
- 6 (r) ORS 339.370, 339.372, 339.388 and 339.400 (reporting of abuse and sexual conduct and training
- 7 on prevention and identification of abuse and sexual conduct);
- 8 (s) ORS chapter 657 (Employment Department Law);
- 9 (t) ORS 659.850, 659.855 and 659.860 (discrimination);
- 10 (u) Any statute or rule that establishes requirements for instructional time provided by a school
- 11 during each day or during a year;
- 12 (v) Statutes and rules that expressly apply to public charter schools;
- 13 (w) Statutes and rules that apply to a special government body, as defined in ORS 174.117, or
- 14 a public body, as defined in ORS 174.109;
- 15 (x) Health and safety statutes and rules;
- 16 (y) Any statute or rule that is listed in the charter;
- 17 (z) ORS 336.840 (use of personal electronic devices); and
- 18 (aa) This chapter.
- 19 (2) Notwithstanding subsection (1) of this section, a charter may specify that statutes and rules
- 20 that apply only to school district boards, school districts and other public schools may apply to a
- 21 public charter school.
- 22 (3) If a statute or rule applies to a public charter school, then the terms “school district” and
- 23 “public school” include public charter school as those terms are used in that statute or rule.
- 24 (4) A public charter school may not violate the Establishment Clause of the First Amendment
- 25 to the United States Constitution or section 5, Article I of the Oregon Constitution, or be religion
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- 27 (5)(a) A public charter school shall maintain an active enrollment of at least 25 students.
- 28 (b) For a public charter school that provides educational services under a cooperative agree-
- 29 ment described in ORS 338.080, the public charter school is in compliance with the requirements of
- 30 this subsection if the public charter school provides educational services under the cooperative
- 31 agreement to at least 25 students, without regard to the school districts in which the students are
- 32 residents.
- 33 (6) A public charter school may sue or be sued as a separate legal entity.
- 34 (7) The sponsor, members of the governing board of the sponsor acting in their official capacities
- 35 and employees of a sponsor acting in their official capacities are immune from civil liability with
- 36 respect to all activities related to a public charter school within the scope of their duties or em-
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- 38 (8) A public charter school may enter into contracts and may lease facilities and services from
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9 sponsor as specified in the charter.

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

13 **SECTION 5. This 2015 Act being necessary for the immediate preservation of the public**  
14 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**  
15 **July 1, 2015.**