

Senate Bill 504

Sponsored by Senators KNOPP, GIROD

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**.

Eliminates authority of superintendent of education service district to take action involving student not taught in public school if student receives low test score.

Declares emergency, effective July 1, 2015.

A BILL FOR AN ACT

1
2 Relating to testing requirements for children not taught in public school; amending ORS 339.035; and
3 declaring an emergency.

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

5 **SECTION 1.** ORS 339.035 is amended to read:

6 339.035. (1) As used in this section, "education service district" means the education service
7 district that contains the school district of which the child is a resident.

8 (2) When a child is taught or is withdrawn from a public school to be taught by a parent, legal
9 guardian or private teacher, as provided in ORS 339.030, the parent, legal guardian or private
10 teacher must notify the education service district in writing. In addition, when a child who is taught
11 by a parent, legal guardian or private teacher moves to a new education service district, the parent,
12 legal guardian or private teacher shall notify the new education service district in writing. The ed-
13 ucation service district shall acknowledge receipt of any notification in writing.

14 (3) Children being taught as provided in subsection (2) of this section shall be examined at
15 grades 3, 5, 8 and 10 in accordance with the following procedures:

16 (a) The State Board of Education shall adopt by rule a list of approved comprehensive exam-
17 inations that are readily available.

18 (b)(A) The parent or legal guardian shall select an examination from the approved list and ar-
19 range to have the examination administered to the child by a qualified neutral person, as defined
20 by rule by the State Board of Education.

21 (B) If the child was withdrawn from public school, the first examination shall be administered
22 to the child at least 18 months after the date on which the child was withdrawn from public school.

23 (C) If the child never attended public or private school, the first examination shall be adminis-
24 tered to the child prior to the end of grade three.

25 (c) The person administering the examination shall:

26 (A) Score the examination; and

27 (B) Report the results of the examination to the parent or legal guardian.

28 (d) Upon request of the superintendent of the education service district, the parent or legal
29 guardian shall submit the results of the examination to the education service district.

30 *[(4)(a) If the composite test score of the child places the child below the 15th percentile based on*
31 *national norms, the child shall be given an additional examination within one year of when the first*

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 examination was administered.]

2 [(b) If the composite test score of the child on the second examination shows a declining score, then
3 the child shall be given an additional examination within one year of when the second examination
4 was administered and the superintendent of the education service district may:]

5 [(A) Allow the child to continue to be taught by a parent, legal guardian or private teacher; or]

6 [(B) Place the education of the child under the supervision of a person holding a teaching license
7 who is selected by the parent or legal guardian at the expense of the parent or legal guardian. If the
8 composite test score of the child continues to show a declining score, the superintendent of the education
9 service district may:]

10 [(i) Allow the child to continue under the educational supervision of a licensed teacher selected by
11 the parent or legal guardian and require that the child be given an additional examination within one
12 year of when the last examination was administered;]

13 [(ii) Allow the child to be taught by a parent, legal guardian or private teacher and require that
14 the child be given an additional examination within one year of when the last examination was ad-
15 ministered; or]

16 [(iii) Order the parent or legal guardian to send the child to school for a period not to exceed 12
17 consecutive months as determined by the superintendent.]

18 [(c) If the parent or legal guardian of the child does not consent to placing the education of the
19 child under the supervision of a licensed teacher who is selected by the parent or legal guardian, then
20 the superintendent of the education service district may order the child to return to school for a period
21 not to exceed 12 consecutive months as determined by the superintendent.]

22 [(d) If the composite test score of the child on an examination is equal to or greater than the
23 percentile score on the prior test, the child may be taught by a parent, legal guardian or private teacher
24 and for the next examination be examined pursuant to paragraph (a) of this subsection or subsection
25 (3) of this section.]

26 [(5)(a)] **(4)(a)** Notwithstanding the examination requirements of [subsections (3) and (4)] **sub-**
27 **section (3)** of this section, the parent or legal guardian of a child with a disability who has an in-
28 dividualized education program and is receiving special education and related services through the
29 school district or who is being educated in accordance with a privately developed plan shall be
30 evaluated for satisfactory educational progress according to the recommendations of the program
31 or plan.

32 (b) The parent or legal guardian of a child with a disability who was evaluated by service pro-
33 viders selected by the parent or legal guardian based on a privately developed plan shall submit a
34 report of such evaluation to the education service district in lieu of the examination results required
35 by [subsections (3) and (4)] **subsection (3)** of this section.

36 (c) A child with a disability described in this subsection may not be subject to the examination
37 requirements of [subsections (3) and (4)] **subsection (3)** of this section unless the examination is
38 recommended in the program or plan in effect for the child.

39 **SECTION 2. This 2015 Act being necessary for the immediate preservation of the public**
40 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
41 **July 1, 2015.**