

**PROPOSED AMENDMENTS TO
HOUSE BILL 2655**

1 On page 1 of the printed bill, delete lines 4 through 28 and delete page
2 2 and insert:

3 **“SECTION 1.** ORS 326.565 is amended to read:

4 “326.565. (1) The State Board of Education shall adopt by rule standards
5 for the creation, use, custody and disclosure, including access, of student
6 education records [*that are*] **held by a school district or another public**
7 **or private educational entity that provides educational services to**
8 **students in any grade from kindergarten through grade 12.** Consistent
9 with the requirements of applicable state and federal law[.], **the standards:**

10 **“(a) Shall include requirements under which a school district or**
11 **other educational entity will transfer student education records pur-**
12 **suant to ORS 326.575.**

13 **“(b) May be applied differently to persons 18 years of age or older.**

14 **“(2) The [*state*] board shall distribute the rules that are adopted under**
15 **subsection (1) of this section to all school districts[.] and shall make the**
16 **rules available on the website of the Department of Education.**

17 **“(3) [*The*] School districts shall make [*those rules*] the rules received**
18 **under subsection (2) of this section** available to the public schools in the
19 district and to the public. [*The state board may differentiate the standards*
20 *applicable to persons 18 years of age or older or enrolled in post-secondary*
21 *institutions. The standards shall include requirements under which public*
22 *and private schools and education service districts transfer student education*

1 *records pursuant to ORS 326.575.]*

2 **“SECTION 2. Section 3 of this 2015 Act is added to and made a part**
3 **of ORS chapter 329.**

4 **“SECTION 3. (1) This section shall be known and may be cited as**
5 **the Student Assessment Bill of Rights.**

6 **“(2) As used in this section:**

7 **“(a) ‘Adult student’ means a student of a public school or a public**
8 **charter school who is 18 years of age or older or who is emancipated**
9 **pursuant to ORS 419B.550 to 419B.558.**

10 **“(b) ‘Parent’ means a parent, legal guardian or person in parental**
11 **relationship, as defined in ORS 339.133, of a student of a public school**
12 **or a public charter school.**

13 **“(c) ‘Statewide summative assessment’ means a standardized**
14 **summative assessment that is identified by the Department of Educa-**
15 **tion for administration in all of the school districts and public charter**
16 **schools of this state.**

17 **“(3) A parent or an adult student may annually choose to excuse**
18 **the student from taking a statewide summative assessment by:**

19 **“(a) Completing a form established by the Department of Education**
20 **as provided by subsection (4) of this section; and**

21 **“(b) Submitting the completed form to the school district for the**
22 **school that the student attends.**

23 **“(4) The Department of Education shall establish a form to excuse**
24 **a student from taking a statewide summative assessment. The form**
25 **must have at least the following:**

26 **“(a) An explanation of the right of a parent or an adult student to**
27 **excuse the student from taking a statewide summative assessment;**
28 **and**

29 **“(b) An explanation of the purpose and value of statewide**
30 **summative assessments.**

1 **“(5) At the beginning of each school year, each school district and**
2 **public charter school shall ensure that parents and adult students are**
3 **provided with a notice about statewide summative assessments. The**
4 **notice shall be established by the Department of Education and must**
5 **include information about statewide summative assessments, the time**
6 **frame when the statewide summative assessments most likely will be**
7 **administered and a student’s or parent’s right to excuse the student**
8 **from taking the statewide summative assessments.**

9 **“(6)(a) At least 30 days prior to the administration of statewide**
10 **summative assessments, a school district or public charter school**
11 **must send to parents and adult students a notice about the statewide**
12 **summative assessments. The notice must include:**

13 **“(A) The purpose of the assessments and how the results of the**
14 **assessments will be used;**

15 **“(B) The specific days the statewide summative assessments will**
16 **be administered;**

17 **“(C) The amount of class time required for the statewide summative**
18 **assessments;**

19 **“(D) The learning targets that make up the assessments;**

20 **“(E) The difference between good and poor performances on the**
21 **assessments;**

22 **“(F) When results of the assessments will be available to students;**
23 **and**

24 **“(G) Access to the form established as provided by subsection (4)**
25 **of this section.**

26 **“(b) Notwithstanding paragraph (a) of this subsection, the Depart-**
27 **ment of Education may waive the notice requirement for a school**
28 **district or public charter school if a human-created disaster or a na-**
29 **tural disaster affects the ability of the school district or public charter**
30 **school to administer the statewide summative assessments and the**

1 statewide summative assessments must be provided at a later date.

2 “(7) School districts and public charter schools shall provide super-
3 vised study time for students excused from the statewide summative
4 assessments as provided by this section. The study time shall be con-
5 sidered instructional time for purposes of rules adopted by the State
6 Board of Education.

7 “(8) A student who is excused from the statewide summative as-
8 sessments may not be denied a diploma under ORS 329.451 if the stu-
9 dent is able to satisfy all other requirements for the diploma
10 established under ORS 329.451.

11 “(9) The results of a statewide summative assessment must be pro-
12 vided to students in a timely manner and in a manner that is under-
13 standable by the student.

14 “(10) If the rating on a school performance report is affected by the
15 number of parents and adult students who excuse students from tak-
16 ing a statewide summative assessment as provided by this section, the
17 Department of Education shall include on the school performance re-
18 port:

19 “(a) An indication that the rating was affected by a federal law re-
20 quirement;

21 “(b) A brief explanation of the federal law requirement that affected
22 the rating; and

23 “(c) The rating the school would have received if not for the federal
24 law requirement.

25 **“SECTION 4. Section 3 of this 2015 Act first applies to statewide
26 summative assessments administered for the 2015-2016 school year.**

27 **“SECTION 5. Section 3 of this 2015 Act is amended to read:**

28 **“Sec. 3. (1) This section shall be known and may be cited as the Student
29 Assessment Bill of Rights.**

30 **“(2) As used in this section:**

1 “(a) ‘Adult student’ means a student of a public school or a public charter
2 school who is 18 years of age or older or who is emancipated pursuant to
3 ORS 419B.550 to 419B.558.

4 “(b) ‘Parent’ means a parent, legal guardian or person in parental re-
5 lationship, as defined in ORS 339.133, of a student of a public school or a
6 public charter school.

7 “(c) ‘Statewide summative assessment’ means a standardized summative
8 assessment that is identified by the Department of Education for adminis-
9 tration in all of the school districts and public charter schools of this state.

10 “[*(3) A parent or an adult student may annually choose to excuse the stu-*
11 *dent from taking a statewide summative assessment by:*]

12 “[*(a) Completing a form established by the Department of Education as*
13 *provided by subsection (4) of this section; and*]

14 “[*(b) Submitting the completed form to the school district for the school that*
15 *the student attends.*]

16 “[*(4) The Department of Education shall establish a form to excuse a stu-*
17 *dent from taking a statewide summative assessment. The form must have at*
18 *least the following:*]

19 “[*(a) An explanation of the right of a parent or an adult student to excuse*
20 *the student from taking a statewide summative assessment; and*]

21 “[*(b) An explanation of the purpose and value of statewide summative as-*
22 *sessments.*]

23 “[*(5)*] **(3)** At the beginning of each school year, each school district and
24 public charter school shall ensure that parents and adult students are pro-
25 vided with a notice about statewide summative assessments. The notice shall
26 be established by the Department of Education and must include information
27 about statewide summative assessments, the time frame when the statewide
28 summative assessments most likely will be administered and a student’s or
29 parent’s right to excuse the student from taking the statewide summative
30 assessments.

1 “[6)(a)] (4)(a) At least 30 days prior to the administration of statewide
2 summative assessments, a school district or public charter school must send
3 to parents and adult students a notice about the statewide summative as-
4 sessments. The notice must include:

5 “(A) The purpose of the assessments and how the results of the assess-
6 ments will be used;

7 “(B) The specific days the statewide summative assessments will be ad-
8 ministered;

9 “(C) The amount of class time required for the statewide summative as-
10 sessments;

11 “(D) The learning targets that make up the assessments;

12 “(E) The difference between good and poor performances on the assess-
13 ments; **and**

14 “(F) When results of the assessments will be available to students.[:
15 *and*]

16 “[G) *Access to the form established as provided by subsection (4) of this*
17 *section.*]

18 “(b) Notwithstanding paragraph (a) of this subsection, the Department of
19 Education may waive the notice requirement for a school district or public
20 charter school if a human-created disaster or a natural disaster affects the
21 ability of the school district or public charter school to administer the
22 statewide summative assessments and the statewide summative assessments
23 must be provided at a later date.

24 “[7)] (5) School districts and public charter schools shall provide super-
25 vised study time for students excused from the statewide summative assess-
26 ments as provided by this section. The study time shall be considered
27 instructional time for purposes of rules adopted by the State Board of Edu-
28 cation.

29 “[8)] (6) A student who is excused from the statewide summative assess-
30 ments may not be denied a diploma under ORS 329.451 if the student is able

1 to satisfy all other requirements for the diploma established under ORS
2 329.451.

3 “[9] (7) The results of a statewide summative assessment must be pro-
4 vided to students in a timely manner and in a manner that is understandable
5 by the student.

6 “[10] (8) If the rating on a school performance report is affected by the
7 number of parents and adult students who excuse students from taking a
8 statewide summative assessment as provided by this section, the Department
9 of Education shall include on the school performance report:

10 “(a) An indication that the rating was affected by a federal law require-
11 ment;

12 “(b) A brief explanation of the federal law requirement that affected the
13 rating; and

14 “(c) The rating the school would have received if not for the federal law
15 requirement.

16 **“SECTION 6. (1) The amendments to section 3 of this 2015 Act by
17 section 5 of this 2015 Act become operative on July 1, 2021.**

18 **“(2) The amendments to section 3 of this 2015 Act by section 5 of
19 this 2015 Act first apply to statewide summative assessments admin-
20 istered for the 2021-2022 school year.**

21 **“SECTION 7. This 2015 Act being necessary for the immediate
22 preservation of the public peace, health and safety, an emergency is
23 declared to exist, and this 2015 Act takes effect July 1, 2015.”.**

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