House Bill 2649

Sponsored by Representative GORSEK (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.

Modifies process for revising form or notice sent to parents or adult students regarding statewide summative assessments. Clarifies process for completing forms. Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to statewide summative assessments; creating new provisions; amending ORS 329.479 and section 6, chapter 519, Oregon Laws 2015; and declaring an emergency.

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

SECTION 1. Section 6, chapter 519, Oregon Laws 2015, is amended to read:

Sec. 6. (1) The amendments to [section 3 of this 2015 Act] ORS 329.479 by section 5 [of this 2015 Act], chapter 519, Oregon Laws 2015, become operative on [July 1, 2021] the effective date of this 2019 Act.

(2) The amendments to [section 3 of this 2015 Act] ORS 329.479 by section 5 [of this 2015 Act], chapter 519, Oregon Laws 2015, first apply to [statewide summative assessments administered for the 2021-2022 school year] forms and notices sent to parents and adult students on or after the effective date of this 2019 Act.

SECTION 2. ORS 329.479, as amended by section 5, chapter 519, Oregon Laws 2015, is amended to read:

329.479. (1) This section shall be known and may be cited as the Student Assessment Bill of Rights.

(2) As used in this section:

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

(b) “Parent” means a parent, legal guardian or person in parental relationship, as defined in ORS 339.133, of a student of a public school or a public charter school.

(c) “Statewide summative assessment” means a standardized summative assessment that is identified by the Department of Education for administration in all of the school districts and public charter schools of this state.

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

(A) Completing an electronic or paper form established by the Department of Education as provided by subsection (4) of this section; and

(B) Submitting the completed form to the school district for the school that the student attends.

(b) For the purpose of paragraph (a)(B) of this subsection, the school district must ac-
cept:

(A) Electronic forms submitted to the school district; and

(B) Paper forms sent or returned to the school district or to the school that the student attends.

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

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

(b) An explanation of the purpose of statewide summative assessments.

[(3)] (5) At the beginning of each school year, each school district and public charter school shall ensure that parents and adult students are provided with an electronic or paper notice about statewide summative assessments. The notice must be established by the Department of Education and must include:

(a) Information about statewide summative assessments;

(b) The time frame when the statewide summative assessments most likely will be administered; and

(c) Information about the right of a parent or an adult student to excuse a student from taking the statewide summative assessments.

[(4)(a)] (6)(a) At least 30 days prior to the administration of statewide summative assessments, each school district or public charter school must send to parents and adult students an electronic or paper notice about the statewide summative assessments. The notice must be established by the Department of Education and must include:

(A) The purpose of the statewide summative assessments and how the results of the statewide summative assessments will be used;

(B) The specific days the statewide summative assessments will be administered;

(C) The amount of class time required for the statewide summative assessments;

(D) The learning targets that make up the statewide summative assessments;

(E) The difference between good and poor performances on the statewide summative assessments; and

(F) When results of the statewide summative assessments will be available to students.

(G) An electronic link and paper access to the form established as provided in subsection (4) of this section.

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

(7) For the purposes of the form established under subsection (4) of this section and the notices established under subsections (5) and (6) of this section, the Department of Education shall:

(a) Consult with the following when revising the form or notices:

(A) The chairpersons and vice chairpersons of the committees of the Legislative Assembly related to education, or members of the Legislative Assembly designated by the chairpersons or vice chairpersons;

(B) Teachers and administrators of public schools; and
(C) Representatives of teachers and administrators.

(b) Ensure that the form and notices do not include:

(A) Any factually incorrect information;

(B) Any statement that advocates for or against a parent or an adult student excusing a student from taking the statewide summative assessment; or

(C) Any statement that includes conjecture or speculation about future events, including the possibility of losing financial resources, resulting from a parent or an adult student excusing a student from taking the statewide summative assessment.

[(5)] (8) School districts and public charter schools shall provide supervised study time for students excused from the statewide summative assessments as provided by this section. The study time shall be considered instructional time for purposes of rules adopted by the State Board of Education.

[(6)] (9) A student who is excused from the statewide summative assessments may not be denied a diploma under ORS 329.451 if the student is able to satisfy all other requirements for the diploma established under ORS 329.451.

[(7)] (10) The results of a statewide summative assessment must be provided to students in a timely manner and in a manner that is understandable by the student.

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

(a) An indication that the rating was affected by a federal law requirement;

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

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

SECTION 3. ORS 329.479, as amended by section 5, chapter 519, Oregon Laws 2015, and section 2 of this 2019 Act, is amended to read:

ORS 329.479. (1) This section shall be known and may be cited as the Student Assessment Bill of Rights.

(2) As used in this section:

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

(b) “Parent” means a parent, legal guardian or person in parental relationship, as defined in ORS 339.133, of a student of a public school or a public charter school.

(c) “Statewide summative assessment” means a standardized summative assessment that is identified by the Department of Education for administration in all of the school districts and public charter schools of this state.

[(3)(a) A parent or an adult student may annually choose to excuse a student from taking a statewide summative assessment by:

(A) Completing an electronic or paper form established by the Department of Education as provided by subsection (4) of this section; and]

[(B) Submitting the completed form to the school district for the school that the student attends.] [(b) For the purpose of paragraph (a)(B) of this subsection, the school district must accept:

(A) Electronic forms submitted to the school district; and]

[(B) Paper forms sent or returned to the school district or to the school that the student attends.] [(4) The Department of Education shall establish a form to excuse a student from taking a statewide summative assessment. The form must have at least the following:

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

[(b) An explanation of the purpose of statewide summative assessments.]}

[(5)] (3) At the beginning of each school year, each school district and public charter school
must send parents and adult students an electronic or paper notice about statewide summative as-
sumptions. The notice must be established by the Department of Education and must include:
(a) Information about statewide summative assessments;
(b) The time frame when the statewide summative assessments most likely will be administered;
and
(c) Information about the right of a parent or an adult student to excuse a student from taking
the statewide summative assessments.

[(6)(a) (4)(a) At least 30 days prior to the administration of statewide summative assessments,
each school district or public charter school must send to parents and adult students an electronic
or paper notice about the statewide summative assessments. The notice must be established by the
Department of Education and must include:
(A) The purpose of the statewide summative assessments and how the results of the statewide
summative assessments will be used;
(B) The specific days the statewide summative assessments will be administered;
(C) The amount of class time required for the statewide summative assessments;
(D) The learning targets that make up the statewide summative assessments;
(E) The difference between good and poor performances on the statewide summative assess-
ments; and
(F) When results of the statewide summative assessments will be available to students. [; and]
[(G) An electronic link and paper access to the form established as provided in subsection (4) of
this section.]

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

[(7)] (5) For the purposes of [the form established under subsection (4) of this section and] the
notices established under subsections [(5) and (6)] (3) and (4) of this section, the Department of
Education shall:
(a) Consult with the following when revising the [form or] notices:
(A) The chairpersons and vice chairpersons of the committees of the Legislative Assembly re-
lated to education, or members of the Legislative Assembly designated by the chairpersons or vice
chairpersons;
(B) Teachers and administrators of public schools; and
(C) Representatives of teachers and administrators.
(b) Ensure that the [form and] notices do not include:
(A) Any factually incorrect information;
(B) Any statement that advocates for or against a parent or an adult student excusing a student
from taking the statewide summative assessment; or
(C) Any statement that includes conjecture or speculation about future events, including the
possibility of losing financial resources, resulting from a parent or an adult student excusing a stu-
dent from taking the statewide summative assessment.
School districts and public charter schools shall provide supervised study time for students excused from the statewide summative assessments as provided by this section. The study time shall be considered instructional time for purposes of rules adopted by the State Board of Education.

A student who is excused from the statewide summative assessments may not be denied a diploma under ORS 329.451 if the student is able to satisfy all other requirements for the diploma established under ORS 329.451.

The results of a statewide summative assessment must be provided to students in a timely manner and in a manner that is understandable by the student.

If the rating on a school performance report is affected by the number of parents and adult students who excuse students from taking a statewide summative assessment as provided by this section, the Department of Education shall include on the school performance report:

(a) An indication that the rating was affected by a federal law requirement;
(b) A brief explanation of the federal law requirement that affected the rating; and
(c) The rating the school would have received if not for the federal law requirement.

SECTION 4. (1) The amendments to ORS 329.479 by section 3 of this 2019 Act become operative on July 1, 2021.

(2) The amendments to ORS 329.479 by section 3 of this 2019 Act first apply to notices sent to parents and adult students on or after July 1, 2021.

SECTION 5. This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.