Senate Bill 678

Sponsored by Senator FREDERICK (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.

Allows parent or adult student to excuse student from taking statewide standardized assessments by completing form. Requires school districts and public charter schools to provide notices to parents and adult students regarding statewide standardized assessments. Prescribes requirements of form and notices.

 Declares emergency, effective July 1, 2021.

A BILL FOR AN ACT

Relating to statewide assessments of students; creating new provisions; amending ORS 329.479; and declaring an emergency.

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

SECTION 1. 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.

(d) “Statewide standardized assessment” means a standardized assessment identified by the Department of Education to be annually administered in all of the school districts and public charter schools of this state based on grade level and based on the following subject matters:

(A) Early literacy, early mathematics and approaches to learning;

(B) Science knowledge and skills;

(C) English language proficiency;

(D) English language arts; or

(E) Mathematics.

(3)(a) A parent or an adult student may annually choose to excuse a student from taking a statewide standardized 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

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.

LC 1889
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 standardized 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 standardized assessment; and

(b) An explanation of the purpose of the statewide standardized assessment.

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

(a) Information about statewide [summative] standardized assessments; and

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

(c) Information about the right of a parent or an adult student [a student’s or parent’s right] to excuse [the] a student from taking [the] statewide [summative] standardized assessment. [(4)(a)] (6)(a) At least 30 days prior to the administration of a statewide [summative assessments,] a standardized assessment, each school district or public charter school must send to parents and adult students [a] an electronic or paper notice about the statewide [summative assessments.] standardized assessment. For a notice regarding an assessment of students enrolled in kindergarten, the notice required by this subsection may be combined with the notice required by subsection (5) of this section. The notice must be established by the Department of Education and must include:

(A) The purpose of the [assessments] statewide standardized assessment and how the results of the [assessments] statewide standardized assessment will be used;

(B) The specific days the statewide [summative assessments] standardized assessment will be administered;

(C) The amount of class time required for the statewide [summative assessments] standardized assessment;

(D) Except for assessments administered to students enrolled in kindergarten, the learning targets that make up the [assessments] statewide standardized assessments;

(E) Except for assessments administered to students enrolled in kindergarten, the difference between good and poor performances on the [assessments; and] statewide standardized assessment;

(F) When results of the [assessments] statewide standardized assessment will be available to students[.]; and

(G) An electronic link to and access to a paper copy of 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] standardized assessment and the statewide [summative assessments] standardized assessment 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 standardized assessment; or

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

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

(9) A student who is excused from the statewide [summative assessments] standardized assessment 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.

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

(11) If, as provided by federal law, 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] standardized assessment as [provided] allowed 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 2. The amendments to ORS 329.479 by section 1 of this 2021 Act first apply to forms and notices sent to parents and adult students on or after July 1, 2021.

SECTION 3. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect July 1, 2021.