

House Bill 4028

Sponsored by Representative WALLAN; Representative DRAZAN (Pre-session 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**.

Directs State Board of Education to conduct annual review of education standards in state. Requires standardized measures of proficiency, consultation with Higher Education Coordinating Commission and encouragement of grouping of students based on academic ability.

Establishes phonics as core academic subject.

Removes legislative directive that Department of Education review state requirements for high school diplomas and make recommendations related to requirements.

Removes requirement that academic content standards for history, geography, economics and civics include sufficient instruction on histories, contributions and perspectives of certain individuals.

Removes suspension of requirement of showing proficiency in Essential Learning Skills as condition of earning diploma in school years after 2021-2022 school year.

Takes effect July 1, 2022.

A BILL FOR AN ACT

1
2 Relating to student achievement; amending ORS 329.025, 329.045 and 329.485 and section 5, chapter
3 202, Oregon Laws 2019, and sections 2 and 3, chapter 495, Oregon Laws 2021; repealing section
4 2, chapter 202, Oregon Laws 2019; and prescribing an effective date.

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

6 **SECTION 1.** ORS 329.045, as amended by section 1, chapter 202, Oregon Laws 2019, and section
7 6, chapter 178, Oregon Laws 2021, is amended to read:

8 329.045. (1)(a) In order to achieve the goals contained in ORS 329.025, the State Board of Edu-
9 cation shall [*regularly and periodically review and*] **annually review and, as necessary**, revise its
10 Common Curriculum Goals, performance indicators, [*and*] diploma requirements **and any other**
11 **rules or guidance that establish education standards in this state.**

12 (b) The review and revision conducted under this section shall:

13 (A) Include Essential Learning Skills and rigorous academic content standards in mathematics,
14 science, **phonics**, language arts, history, geography, economics, civics, physical education, health,
15 the arts and world languages. **Academic content standard achievement must be evaluated**
16 **based on standardized measures of proficiency.**

17 (B) **Involve the Higher Education Coordinating Commission to ensure that academic**
18 **content standards in mathematics, science, language arts, history and civics properly pre-**
19 **pare students for post-secondary courses in mathematics, science, language arts, history and**
20 **civics, as determined based on at least 80 percent of high school graduates of this state en-**
21 **tering a post-secondary institution of education being able to demonstrate, upon the**
22 **graduate's first attempt, proficiency in the post-secondary course.**

23 (C) **Encourage the grouping of students based on the academic ability of the students in**
24 **relation to mathematics, science, phonics, language arts, history or civics, or any combina-**
25 **tion thereof.**

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 *[(B) Ensure that the academic content standards for history, geography, economics and civics in-*
 2 *clude sufficient instruction on the histories, contributions and perspectives of individuals who:]*

3 *[(i) Are Native American;]*

4 *[(ii) Are of African, Asian, Pacific Island, Chicano, Latino or Middle Eastern descent;]*

5 *[(iii) Are women;]*

6 *[(iv) Have disabilities;]*

7 *[(v) Are immigrants or refugees; or]*

8 *[(vi) Are lesbian, gay, bisexual or transgender.]*

9 *[(C) Involve teachers and other educators, parents of students and other citizens and shall provide*
 10 *ample opportunity for public comment.]*

11 (D) Encourage increased learning time. As used in this subparagraph, “increased learning
 12 time” means a schedule that encompasses a longer school day, week or year for the purpose of in-
 13 creasing the total number of school hours available to provide:

14 (i) Students with instruction in core academic subjects, including mathematics, science, **phonics**,
 15 language arts, history, geography, economics, civics, the arts and world languages;

16 (ii) Students with instruction in subjects other than the subjects identified in sub-subparagraph
 17 (i) of this subparagraph, including health and physical education;

18 (iii) Students with the opportunity to participate in enrichment activities that contribute to a
 19 well-rounded education, including learning opportunities that may be based on service, experience
 20 or work and that may be provided through partnerships with other organizations; and

21 (iv) Teachers with the opportunity to collaborate, plan and engage in professional development
 22 within and across grades and subjects.

23 (c) Nothing in this subsection prevents a school district or public charter school from main-
 24 taining control over course content, format, materials and teaching methods.

25 (2) The State Board of Education shall continually review and revise all adopted academic con-
 26 tent standards necessary for students to successfully transition to the next phase of their education.

27 (3)(a) School districts and public charter schools must offer students instruction in mathematics,
 28 science, **phonics**, language arts, history, geography, economics, civics, physical education, health,
 29 the arts and world languages.

30 (b) Instruction required under paragraph (a) of this subsection must:

31 (A) Meet the academic content standards adopted by the State Board of Education; and

32 (B) Meet the requirements adopted by the State Board of Education and the board of the school
 33 district or public charter school.

34 (4) School districts and public charter schools are encouraged to offer students courses or other
 35 educational opportunities in civics and financial literacy to allow every student who wants to re-
 36 ceive instruction in civics and financial literacy to be able to receive the instruction.

37 **SECTION 2.** Section 5, chapter 202, Oregon Laws 2019, is amended to read:

38 **Sec. 5.** During the 2026-2027 and 2027-2028 school years, the Department of Education shall
 39 provide professional development to teachers and administrators relating to *[academic content stan-*
 40 *standards adopted pursuant to ORS 329.045 (1)(b)(B), as amended by section 1 of this 2019 Act, and to]*
 41 the selection of textbooks under ORS 337.260, as amended by section 3 *[of this 2019 Act]*, **chapter**
 42 **202, Oregon Laws 2019.** The department may contract for the provision of professional development
 43 required by this section.

44 **SECTION 3.** ORS 329.025 is amended to read:

45 329.025. It is the intent of the Legislative Assembly to maintain a system of public elementary

1 and secondary schools that allows students, parents, teachers, administrators, school district boards
 2 and the State Board of Education to be accountable for the development and improvement of the
 3 public school system. The public school system shall have the following characteristics:

4 (1) Provides equal and open access and educational opportunities for all students in the state
 5 regardless of their linguistic background, culture, race, gender, capability or geographic location;

6 (2) Assumes that all students can learn and establishes high, specific skill and knowledge ex-
 7 pectations and recognizes individual differences at all instructional levels;

8 (3) Provides each student an education experience that supports academic growth beyond profi-
 9 ciency in established academic content standards and encourages students to attain aspirational
 10 goals that are individually challenging;

11 (4) Provides special education, compensatory education, linguistically and culturally appropriate
 12 education and other specialized programs to all students who need those services;

13 (5) Supports the physical and cognitive growth and development of students;

14 (6) Provides students with a solid foundation in the skills of reading, writing, problem solving
 15 and communication;

16 (7) Provides opportunities for students to learn, think, reason, retrieve information, use tech-
 17 nology and work effectively alone and in groups;

18 (8) Provides for rigorous academic content standards and instruction in mathematics, science,
 19 **phonics**, language arts, history, geography, economics, civics, physical education, health, the arts
 20 and world languages;

21 (9) Provides increased learning time;

22 (10) Provides students an educational background to the end that they will function successfully
 23 in a constitutional republic, a participatory democracy and a multicultural nation and world;

24 (11) Provides students with the knowledge and skills that will provide the opportunities to suc-
 25 ceed in the world of work, as members of families and as citizens;

26 (12) Provides students with the knowledge and skills that lead to an active, healthy lifestyle;

27 (13) Provides students with the knowledge and skills to take responsibility for their decisions
 28 and choices;

29 (14) Provides opportunities for students to learn through a variety of teaching strategies;

30 (15) Emphasizes involvement of parents and the community in the total education of students;

31 (16) Transports children safely to and from school;

32 (17) Ensures that the funds allocated to schools reflect the uncontrollable differences in costs
 33 facing each district;

34 (18) Ensures that local schools have adequate control of how funds are spent to best meet the
 35 needs of students in their communities; and

36 (19) Provides for a safe, educational environment.

37 **SECTION 4.** ORS 329.485 is amended to read:

38 329.485. (1) As used in this section:

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

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

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

45 (2)(a) The Department of Education shall implement statewide a valid and reliable assessment

1 system for all students that meets technical adequacy standards. The assessment system shall in-
2 clude criterion-referenced assessments including performance-based assessments, content-based as-
3 sessments, and other valid methods to measure the academic content standards and to identify
4 students who meet or exceed the standards.

5 (b) The department shall develop the statewide assessment system in mathematics, science,
6 **phonics**, language arts, history, geography, economics and civics.

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

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

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

16 (c) Track and provide reports on the progress of a student based on the information provided
17 under paragraphs (a) and (b) of this subsection; and

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

20 (4)(a) School districts and public charter schools shall implement the statewide assessment sys-
21 tem in mathematics, science and language arts. In addition, school districts and public charter
22 schools may implement the statewide assessment system in **phonics**, history, geography, economics
23 and civics.

24 (b) School districts and public charter schools may choose to implement the assessment system
25 described in subsection (3) of this section.

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

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

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

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

36 (b) School districts shall determine the method and format for showing student progress toward
37 achieving the academic content standards. Communications on student progress shall include a
38 reasonable number, as determined by the school district, of academic knowledge and skills in a
39 content area to enable parents and students to understand a student's progress toward meeting or
40 exceeding the academic content standards. No more than three indicators of academic knowledge
41 and skills per content area reporting category shall be required as provided by this section. A
42 school district may use more than three indicators of academic knowledge and skills per content
43 area reporting category if the school district implements a proficiency education system as provided
44 by ORS 329.119.

45 (6) In addition to the requirements described in subsection (5) of this section, the school district

1 shall adopt and implement a reporting system based on the school district board adopted course
2 content of the school district's curriculum. The reporting system:

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

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

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

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

12 (8) If the student to whom additional services or alternative educational options have been made
13 available does not meet or exceed the academic content standards within one year, the school dis-
14 trict, with the consent of the parents, shall make an appropriate placement, which may include an
15 alternative education program or the transfer of the student to another public school in the school
16 district or to a public school in another school district that agrees to accept the student. The school
17 district that receives the student shall be entitled to payment. The payment shall consist of:

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

20 (b) Any state and federal funds the attending school district is entitled to receive payable as
21 provided in ORS 339.133 (2)(b).

22 **SECTION 5. Section 2, chapter 202, Oregon Laws 2019, is repealed.**

23 **SECTION 6.** Section 2, chapter 495, Oregon Laws 2021, is amended to read:

24 **Sec. 2.** Section 1 [*of this 2021 Act*], **chapter 495, Oregon Laws 2021**, is repealed on [*June 30,*
25 *2023*] **the effective date of this 2022 Act.**

26 **SECTION 7.** Section 3, chapter 495, Oregon Laws 2021, is amended to read:

27 **Sec. 3.** Notwithstanding any rules adopted by the State Board of Education, a student may not
28 be required to show proficiency in Essential Learning Skills as a condition of receiving a high
29 school diploma during the 2021-2022[, 2022-2023 or 2023-2024] school year.

30 **SECTION 8. This 2022 Act takes effect on July 1, 2022.**

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