

# Senate Bill 433

Sponsored by Senator FREDERICK (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**.

Modifies process for revising form or notice sent to parents or adult students regarding statewide standardized assessments. Adds additional assessments to list of assessments subject to form and notice requirements. Clarifies process for completing forms.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to statewide assessments of students; creating new provisions; amending ORS 329.479 and  
3 section 6, chapter 519, Oregon Laws 2015; and declaring an emergency.

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

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

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

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

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

15 329.479. (1) This section shall be known and may be cited as the Student Assessment Bill of  
16 Rights.

17 (2) As used in this section:

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

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

22 [*(c) "Statewide summative assessment" means a standardized summative assessment that is identi-*  
23 *fied by the Department of Education for administration in all of the school districts and public charter*  
24 *schools of this state.*]

25 (c) "Statewide standardized assessment" means a standardized assessment identified by  
26 the Department of Education to be annually administered in all of the school districts and  
27 public charter schools of this state based on grade and based on the following subject mat-  
28 ters:

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

30 (B) Science knowledge and skills;

**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 (C) English language proficiency;

2 (D) English language arts; or

3 (E) Mathematics.

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

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

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

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

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

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

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

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

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

20 [(3)] (5) [At] Prior to the beginning of each school year, each school district and public charter  
21 school [shall ensure that] must send parents and adult students [are provided with a] an electronic  
22 or paper notice about statewide [summative] standardized assessments that will be administered  
23 to the student during the school year. The notice [shall] must be established by the Department  
24 of Education and must include:

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

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

28 (c) Information about the right of a parent or an adult student [a student's or parent's  
29 right] to excuse [the] a student from taking [the] statewide [summative] standardized assessments.

30 [(4)(a)] (6)(a) At least 30 days prior to the administration of a statewide [summative  
31 assessments] standardized assessment, [a] each school district or public charter school must send  
32 to parents and adult students [a] an electronic or paper notice about the statewide [summative  
33 assessments] standardized assessment. For a notice regarding an assessment of students en-  
34 rolled in kindergarten, the notice required by this subsection may be combined with the no-  
35 tice required by subsection (5) of this section. The notice must be established by the  
36 Department of Education and must include:

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

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

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

43 (D) Except for assessments administered to students enrolled in kindergarten, the learn-  
44 ing targets that make up the [assessments] statewide standardized assessments;

45 (E) Except for assessments administered to students enrolled in kindergarten, the differ-

1 ence between good and poor performances on the [*assessments; and*] **statewide standardized as-**  
 2 **essment;**

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

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

7 (b) Notwithstanding paragraph (a) of this subsection, the Department of Education may waive  
 8 the notice requirement for a school district or public charter school if a human-created disaster or  
 9 a natural disaster affects the ability of the school district or public charter school to administer the  
 10 statewide [*summative assessments*] **standardized assessment** and the statewide [*summative assess-*  
 11 *ments*] **standardized assessment** must be provided at a later date.

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

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

16 (A) **The chairpersons and vice chairpersons of the committees of the Legislative Assem-**  
 17 **blely related to education, or members of the Legislative Assembly designated by the chair-**  
 18 **persons or vice chairpersons;**

19 (B) **Teachers and administrators of public schools; and**

20 (C) **Representatives of teachers and administrators.**

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

22 (A) **Any factually incorrect information;**

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

25 (C) **Any statement that includes conjecture or speculation about future events, including**  
 26 **the possibility of losing financial resources, resulting from a parent or an adult student ex-**  
 27 **cusing a student from taking the statewide standardized assessment.**

28 [(5)] (8) School districts and public charter schools shall provide supervised study time for stu-  
 29 dents excused from the statewide [*summative assessments*] **standardized assessment** as provided  
 30 by this section. The study time shall be considered instructional time for purposes of rules adopted  
 31 by the State Board of Education.

32 [(6)] (9) A student who is excused from the statewide [*summative assessments*] **standardized**  
 33 **assessment** may not be denied a diploma under ORS 329.451 if the student is able to satisfy all  
 34 other requirements for the diploma established under ORS 329.451.

35 [(7)] (10) The results of a statewide [*summative*] **standardized** assessment must be provided to  
 36 students in a timely manner and in a manner that is understandable by the student.

37 [(8)] (11) If the rating on a school performance report is affected by the number of parents and  
 38 adult students who excuse students from taking a statewide [*summative*] **standardized** assessment  
 39 as provided by this section, the Department of Education shall include on the school performance  
 40 report:

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

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

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

44 **SECTION 3.** ORS 329.479, as amended by section 5, chapter 519, Oregon Laws 2015, and section  
 45 2 of this 2019 Act, is amended to read:

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

3 (2) As used in this section:

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

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

8 (c) "Statewide standardized assessment" means a standardized assessment identified by the De-  
9 partment of Education to be annually administered in all of the school districts and public charter  
10 schools of this state based on grade and based on the following subject matters:

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

12 (B) Science knowledge and skills;

13 (C) English language proficiency;

14 (D) English language arts; or

15 (E) Mathematics.

16 [(3)(a) A parent or an adult student may annually choose to excuse a student from taking a state-  
17 wide standardized assessment by:]

18 [(A) Completing an electronic or paper form established by the Department of Education as pro-  
19 vided by subsection (4) of this section; and]

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

21 [(b) For the purpose of paragraph (a)(B) of this subsection, the school district must accept:]

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

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

24 [(4) The Department of Education shall establish a form to excuse a student from taking a state-  
25 wide standardized assessment. The form must have at least the following:]

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

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

29 [(5)] (3) Prior to the beginning of each school year, each school district and public charter  
30 school must send parents and adult students an electronic or paper notice about statewide stand-  
31 arized assessments that will be administered to the student during the school year. The notice must  
32 be established by the Department of Education and must include:

33 (a) Information about statewide standardized assessments;

34 (b) The time frame when the statewide standardized assessments most likely will be adminis-  
35 tered; and

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

38 [(6)(a)] (4)(a) At least 30 days prior to the administration of a statewide standardized assess-  
39 ment, each school district or public charter school must send to parents and adult students an  
40 electronic or paper notice about the statewide standardized assessment. For a notice regarding an  
41 assessment of students enrolled in kindergarten, the notice required by this subsection may be  
42 combined with the notice required by subsection [(5)] (3) of this section. The notice must be estab-  
43 lished by the Department of Education and must include:

44 (A) The purpose of the statewide standardized assessment and how the results of the statewide  
45 standardized assessment will be used;

1 (B) The specific days the statewide standardized assessment will be administered;

2 (C) The amount of class time required for the statewide standardized assessment;

3 (D) Except for assessments administered to students enrolled in kindergarten, the learning tar-  
4 gets that make up the statewide standardized assessments;

5 (E) Except for assessments administered to students enrolled in kindergarten, the difference be-  
6 tween good and poor performances on the statewide standardized assessment; **and**

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

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

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

15 [(7)] (5) For the purposes of [*the form established under subsection (4) of this section and*] the  
16 notices established under subsections [(5) and (6)] (3) **and** (4) of this section, the Department of  
17 Education shall:

18 (a) Consult with the following when revising the [*form or*] notices:

19 (A) The chairpersons and vice chairpersons of the committees of the Legislative Assembly re-  
20 lated to education, or members of the Legislative Assembly designated by the chairpersons or vice  
21 chairpersons;

22 (B) Teachers and administrators of public schools; and

23 (C) Representatives of teachers and administrators.

24 (b) Ensure that the [*form and*] notices do not include:

25 (A) Any factually incorrect information;

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

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

31 [(8)] (6) School districts and public charter schools shall provide supervised study time for stu-  
32 dents excused from the statewide standardized assessment as provided by this section. The study  
33 time shall be considered instructional time for purposes of rules adopted by the State Board of Ed-  
34 ucation.

35 [(9)] (7) A student who is excused from the statewide standardized assessment may not be denied  
36 a diploma under ORS 329.451 if the student is able to satisfy all other requirements for the diploma  
37 established under ORS 329.451.

38 [(10)] (8) The results of a statewide standardized assessment must be provided to students in a  
39 timely manner and in a manner that is understandable by the student.

40 [(11)] (9) If the rating on a school performance report is affected by the number of parents and  
41 adult students who excuse students from taking a statewide standardized assessment as provided by  
42 this section, the Department of Education shall include on the school performance report:

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

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

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

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

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

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

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