

## CHAPTER 519

AN ACT

HB 2655

Relating to education; creating new provisions; and amending ORS 326.565.

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

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

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

(a) **Shall include requirements under which a school district or other educational entity will transfer student education records pursuant to ORS 326.575.**

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

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

(3) *[The]* School districts shall make *[those rules]* **the rules received under subsection (2) of this section** available to the public schools in the district and to the public. *[The state board may differentiate the standards applicable to persons 18 years of age or older or enrolled in post-secondary institutions. The standards shall include requirements under which public and private schools and education service districts transfer student education records pursuant to ORS 326.575.]*

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

**SECTION 3.** (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 parent or an adult student may annually choose to excuse the student from taking a statewide summative assessment by:

(a) Completing a 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.

(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 the student from taking a statewide summative assessment; and

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

(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 a notice about statewide summative assessments. The notice shall be established by the Department of Education and must include information about statewide summative assessments, the time frame when the statewide summative assessments most likely will be administered and a student's or parent's right to excuse the student from taking the statewide summative assessments.

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

(A) The purpose of the assessments and how the results of the 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 assessments;

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

(F) When results of the assessments will be available to students; and

(G) Access to the form established as provided by 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) 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.

(8) 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.

(9) 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.

(10) 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) Section 3 of this 2015 Act first applies to statewide summative assessments administered for the 2015-2016 school year.

(2) Notwithstanding section 3 (5) of this 2015 Act and subsection (1) of this section, a school district or public charter school is not required to ensure that parents and adult students are provided with the notice described in section 3 (5) of this 2015 Act at the beginning of the 2015-2016 school year. A school district or public charter school must ensure that parents and adult students are provided with the notice described in section 3 (5) of this 2015 Act beginning with the 2016-2017 school year.

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

**Sec. 3.** (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 parent or an adult student may annually choose to excuse the student from taking a statewide summative assessment by:]

[(a) Completing a 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.]

[(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 the student from taking a statewide summative assessment; and]

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

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

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

(A) The purpose of the assessments and how the results of the 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 assessments;

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

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

[(G) Access to the form established as provided by 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) 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.

[(8)] (6) 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.

~~[(9)]~~ **(7)** 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.

~~[(10)]~~ **(8)** 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 6. (1) The amendments to section 3 of this 2015 Act by section 5 of this 2015 Act become operative on July 1, 2021.**

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

Approved by the Governor June 22, 2015  
 Filed in the office of Secretary of State June 25, 2015  
 Effective date January 1, 2016