Council of School Attorneys Workshop

WHAT YOU NEED TO KNOW ABOUT RECENT LEGISLATION AND UPCOMING NEW LAWS

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2015 Legislative Summary

The Oregon Legislature adjourned its biennial long session Monday, July 6. Overall the session got mixed reviews and was initially marred by the resignation of Gov. John Kitzhaber. Secretary of State Kate Brown moved to the Capitol’s middle office and lawmakers got back on track.

K-12 education had a reasonably good session garnering $7.4 billion into the State School Fund. That’s about a half billion more than was in the governor’s recommended budget. The Legislature also created a new $125 million school facilities bond fund and put $175 million into a seismic upgrade fund for K-12 schools.

This is a short version look at bills passed this session related to K-12 education. Gov. Brown has until August 17, 2015, to decide whether to sign many of them. OSBA and COSA are preparing a more detailed analysis of the session in a full Legislative Report, set for release in advance of school opening.

The effective date for bills not containing an emergency clause or a specific effective date is January 1, 2016. If a bill contained an emergency clause or a different effective date, that date will be noted.

If you have any questions on the bills listed, please contact: Chuck Bennett at COSA (chuck@cosa.k12.or.us or 503-581-3141); or at OSBA: Jim Green (jgreen@osba.org), Morgan Allen (mallen@osba.org) or Lori Sattenspiel (lsattenspiel@osba.org), 503-588-2800.

Finance

Senate Bill (SB) 129 – Modifies distribution of Gain Share Revenues. Declares an emergency, effective upon passage.

SB 135 – Directs Department of Education to pay for costs of education of students in eligible day treatment programs and eligible residential treatment programs by making grants in aid to school districts where programs are located. Effective July 1, 2015.

SB 439 – Directs Oregon State University Extension Service to assist school districts and education service districts in providing outdoor school programs. Effective July 1, 2015.

SB 501 – Program Change Bill. Among other program changes: Establishes Task Force on Capital Construction Budget Process. Modifies Department of Education Farm-to-School Grant Program. Repeals language requiring that 40 percent of the increase in General Fund revenue for the 2015-17 biennium (between the February and May 2015 revenue forecasts) be for the State School Fund (actually appropriated in SB 5507). Specifies that if amount of declared earnings from Education Stability Fund deposited in Oregon Education Fund exceeds amount needed to pay for education lottery bond debt service, amount of excess earnings is transferred to Higher Education Coordinating Commission for Oregon Opportunity Grant program. Declares an emergency, effective upon passage.

SB 667 – Extends sunset related to grants distributed to small school districts with one or more small high schools until June 30, 2020. Effective June 8, 2015.

SB 800 – Establishes Task Force on Reserve Funds to study performance of Education Stability Fund and Oregon Rainy Day Fund and make recommendations to the 2017 regular session of Legislative Assembly.

SB 898 – Creates a one-year moratorium on the creation of new fifth-year senior programs. Prohibits school districts from receiving State School Fund distributions for certain students who have satisfied requirements for high school diploma and who are enrolled in one or more college-level courses. Declares an emergency, effective upon passage.
SB 5507 – Commonly referred to as the “Christmas Tree Bill.” Contains various appropriations, the most significant of which provides an additional $118 million to the State School Fund for 2015-017. Declares an emergency, effective upon passage.

SB 5509 – Appropriates funds to the Employee Relations Board for biennial expense. Effective July 1, 2015.

SB 5538 – Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by Teacher Standards and Practices Commission. Effective July 1, 2015.

House Bill (HB) 2131 – Pledges revenues from ad valorem property taxes as security for general obligation indebtedness of public bodies. Effective May 12, 2015.

HB 2148 – Exempts from state and local property taxes and fees, charges and assessments related to property taxation permanent improvements located on federal land held in trust for federally recognized Indian tribe or tribe member. Effective 90 days after session.

HB 2171 – Extends sunsets for certain income and excise tax credits. Directs Legislative Revenue Officer to prepare analysis of options for restructuring state and local revenue system and to submit report on progress of analysis to interim committees of Legislative Assembly. Effective 90 days after session.

HB 2405 – Allows Department of Education to solicit and accept gifts, grants, donations and other moneys from public and private sources for State School Fund. Effective May 14, 2015.

HB 2486 – Removes statutory provisions relating to categorization of property tax revenue under Ballot Measure 5 (1990) that were held unconstitutional by Oregon courts. Effective 90 days after session.

HB 2500 – Provides state bond funds for K-12 capital construction. Declares an emergency, effective upon passage.

HB 5006 – Provides state lottery bond funds for certain community college facility projects. Declares an emergency, effective upon passage.

HB 5016 – Appropriates money from the General Fund to the Oregon Department of Education for biennial expenses. Declares an emergency, effective upon passage.

HB 5017 – Appropriates money from the General Fund to the Oregon Department of Education for the State School Fund. Effective July 1, 2015.

HB 5022 – Appropriates money from the General Fund to the Oregon Education Investment Board for biennial expenses. Effective July 1, 2015.

HB 5034 – Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Public Employees Retirement System. Effective July 1, 2015.

Programs

SB 215 – Changes name of Oregon Education Investment Board to Chief Education Office. Abolishes terms of board members and modifies duties of office. Extends sunset for office and Chief Education Officer. Declares an emergency, effective upon passage.

SB 216 – Allows education service districts to receive funding from Department of Education to accomplish purposes of Network of Quality Teaching and Learning. Effective June 18, 2015.
SB 217 – Modifies statutory requirements related to specific strategic education investments. Declares an emergency, effective upon passage.

SB 295 – Requires Chief Education Officer, members of Oregon Education Investment Board to file verified statements of economic interest.

SB 321 – Decreases compulsory school age from seven to six years of age. Effective July 1, 2016.

SB 333 – Designates March 22 of each year as Tom McCall Day to commemorate Governor McCall and encourages school districts to educate children about Governor McCall’s legacy.

SB 475 – Provides that students in youth care center within detention facility are to receive educational services through Juvenile Detention Education Program. Declares an emergency, effective upon passage.

SB 521 – Permits coach to allow member of school athletic team and non-school athletic team to participate in athletic event or training at any time after athletic trainer determines that member has not suffered concussion. Effective June 11, 2015.

SB 553 – Imposes limits on instances when student in fifth grade or lower may be subjected to out-of-school suspension or expulsion from school. Effective July 1, 2015.

SB 556 – Prohibits use of expulsion to address truancy. Effective July 1, 2015.

SB 588 – Allows school district and public charter school to be considered single legal entity for purpose of public charter school law if public charter school is the only school in school district and other conditions are met. Effective July 1, 2015.

SB 612 – Directs Department of Education to designate dyslexia specialist and develop list of training opportunities related to dyslexia. Declares an emergency, effective upon passage.

SB 660 – Directs Oregon Health Authority to promote oral health throughout this state by ensuring availability of dental sealant programs to students attending school in this state. Declares an emergency, effective upon passage.

SB 686 – Provides that individual enrolled in alternative education program may be considered out-of-school youth for purposes of Workforce Innovation and Opportunity Act.

SB 709 – Modifies provisions that allow students who are not residents of school district to attend school of school district when school district and resident school district give consent. This bill modifies the inter-district transfer law. Effective June 18, 2015.

SB 790 – Requires Department of Justice to encourage and support services, programs and curricula to educate and inform students in grades 7 through 12 about domestic violence.

SB 820 – Authorizes public charter school to implement weighted lottery for students who are historically under-served. Effective June 25, 2015.


SB 895 – Requires schools and children’s facilities to make available certain information related to immunizations. Declares an emergency, effective upon passage.

HB 2016 – Directs Department of Education to develop and implement statewide education plan for early childhood through post-secondary education students who are black, African-American or not covered by existing statewide education plan and have experienced disproportionate educational results. Declares an emergency, effective upon passage.

HB 2150 – Requires district extended ADMw to be calculated by considering students in public charter schools to be students in non-chartered public schools. Declares an emergency, effective upon passage.

HB 2186 – Provides that core teaching standards apply to public charter schools. Effective July 1, 2016.

HB 2404 – Adjusts school food and beverage nutritional standards to comply with federal food and beverage nutritional standards. Provides that standards apply only to food and beverage items sold to students. Effective July 1, 2015.

HB 2465 – Modifies requirements related to school enrollment that person under 18 years of age must meet before being issued driving privileges. Effective 90 days after session.

HB 2545 – Requires school district to provide lunch free of charge to students who are eligible for reduced price lunches. Declares an emergency, effective upon passage.

Continued
HB 2597 – Requires truancy notice to inform parent or person in parental relation of right to request evaluation for individualized education program or review of individualized education program. Effective July 1, 2015.

HB 2655 – Directs State Board of Education to adopt specified standards related to student education records. Provides that parents have right to excuse student from statewide standardized summative assessment and that school districts must provide notice of that right to parents. Provides that students must receive certain information related to statewide standardized summative assessments.

HB 2661 – Provides that school drills and instruction on safety threats include procedures related to lockdown, lockout, shelter in place and evacuation. Effective July 1, 2015.

HB 2680 – Prohibits use of results of statewide summative assessment developed by multi-state consortium to establish summative ratings of schools or to make summative evaluations of teachers or administrators. Effective May 21, 2015.

HB 2681 – Directs Higher Education Coordinating Commission and State Board of Education to oversee work group to examine and recommend effective processes and strategies for placing students in courses at community colleges. Effective May 26, 2015.

HB 2713 – Prohibits school district employee or volunteer from posting, publishing or making publicly available personally identifiable information in relation to results of performance-based assessment. Allows exception if legally permissible and consent is given. Effective June 11, 2015.

HB 2846 – Provides that time spent by students consuming breakfast is considered instructional time in certain circumstances. Effective July 1, 2015.

HB 2847 – Requires ASPIRE programs to annually provide financial aid instruction to high school students and to make instruction available to students’ families, including different types of loans available to students attending post-secondary institutions of education, potential use of individual development accounts and economic impact of each type of loan.

HB 2928 – Establishes Task Force on Class Sizes to determine appropriate class sizes of students, identify methods to reduce class sizes and determine cost for methods to reduce class sizes. Declares an emergency, effective upon passage.

HB 2955 – Directs Department of Education to administer process for providing funding for activities related to annual conference dedicated to Oregon civics and held on Oregon Civics Day for Teachers. Declares an emergency, effective upon passage.

HB 2968 – Directs Chief Education Officer to convene work group to produce report on how State School Fund expenditures relate to educational achievements of students from families in poverty. Declares an emergency, effective upon passage.

HB 2972 – Requires public school students seven years of age or younger who are beginning educational program to have dental screening. Effective June 25, 2015.

HB 3041 – Directs school districts to allow students to use sun-protective clothing and sunscreen. Effective July 1, 2015.

HB 3044 – Allows public charter school to use real property in other school district if school provides written notice of use to sponsor and to district.

HB 3045 – Removes requirement that school district transfer moneys to other school district for student who attends public charter school in school district and is resident of other school district. Effective July 1, 2015.

HB 3072 – Establishes funding mechanism for activities related to science, technology, engineering and mathematics education and activities related to career and technical education that can lead to high wage and high demand jobs. Directs Teacher Standards and Practices Commission and Department of Education to advance policy on career and technical education in specified manners. Directs Oregon Education Investment Board to develop and maintain website for teachers of career and technical education. Directs Department of Education to administer pilot program to increase students’ exposure and access to career and technical education. Declares an emergency, effective upon passage.

HB 3319 – Directs Department of Education to produce report that describes best practices used by school districts to reduce dropout rates. Effective June 25, 2015.

HB 3371 – Prohibits retaliation against student of education program who makes good faith report regarding possible violation of state or federal law, rule or regulation. Effective June 16, 2015.

Continued
HB 3380 – Directs Early Learning Division to administer preschool program. Prescribes requirements of program. Declares emergency, effective on passage.

HB 3499 – Directs Department of Education to convene advisory group related to budgets and spending for English language learner programs. Directs Department of Education to convene work group related to English language learner programs. Requires school districts to make annual report to Department of Education related to English language learner programs. Directs Department of Education to develop and implement statewide plan to support students eligible for English language learner programs. Adjusts methods by which State School Fund distributions are made to school districts for students enrolled in English language learner programs. Effective July 1, 2015.

Personnel

SB 78 – Modifies requirements for becoming approved teacher education program. Declares an emergency, effective upon passage.

SB 83 – Establishes supervised clinical practice experience requirements for applicants for initial teaching license. Effective June 8, 2015.

SB 185 – Establishes unlawful employment practice of employer requiring employee or applicant for employment to establish and maintain personal social media account or to authorize employer to advertise on personal social media account of employee or applicant.

SB 287 – Deletes provision that authorizes teachers who are licensed and properly endorsed by Teacher Standards and Practices Commission to practice speech-language pathology without obtaining license from State Board of Examiners for Speech-Language Pathology and Audiology.

SB 370 – Provides that certain death benefits available to members of Public Employees Retirement System and other public employer retirement plans may be paid to former spouse and dependent child as provided in judgment of annulment or dissolution of marriage or of separation. Effective June 19, 2015.

SB 454 – Requires employers to implement sick time for employees.

SB 492 – Authorizes use of accrued sick leave or personal business leave by certain employees who are victims of domestic violence, harassment, sexual assault or stalking.

HB 2007 – Makes imposition of disciplinary action against employee that inquires about or discloses wage information unlawful employment practice.

HB 2214 – Includes Oregon nonprofit corporations as public employer for purposes of transfers of certain public employees.

HB 2228 – Requires Department of State Police to establish voluntary program through which department retains fingerprint cards or creates facsimiles of fingerprints received from Federal Bureau of Investigation, or created during state criminal records check, for purpose of notifying agencies and districts that subscribe to program of receipt of fingerprints or other identifying information by department for reasons related to administration of criminal justice.

HB 2411 – Updates terms for teacher education programs and institutions. Streamlines licensure structure for teachers and administrators. Increases maximum amount allowed for fees for issuance of license. Declares an emergency, effective upon passage.

HB 2412 – Removes outdated provisions and updates terminology related to teachers.

HB 2600 – Requires continuation of group health insurance coverage for employee on family leave on same terms as when employee is not on leave.

HB 2715 – Prohibits school district employee or volunteer from posting, publishing or making publicly available personally identifiable information in relation to results of performance-based assessment. Effective July 1, 2015.

HB 2763 – Removes provision that public officer or employee who leaves position to perform military duty may not, while performing military duty, receive amount of pay entitled to before leave of absence. Effective April 22, 2015.

HB 2939 – Prescribes salary calculation for substitute teachers in school district that has class schedule based on four-day week. Effective July 1, 2015.

Continued
HB 3058 – Permits certain Public Employee Retirement System members who are retired to be employed by school district or education service district as teachers of career and technical education without loss of retirement benefits. Effective June 18, 2015.

HB 3069 – Requires teacher education programs to demonstrate that students enrolled in programs receive certain training related to teaching reading. Effective July 1, 2016.

HB 3149 – Provides that registered nurse who is employed by public or private school may accept order from physician licensed to practice medicine or osteopathy in another state or territory of United States if order is related to treatment of student who has been enrolled at school for not more than 90 days.

HB 3166 – Establishes teacher authorization pilot program for purpose of determining effectiveness of alternative requirements for teachers of noncore courses. Declares an emergency, effective upon passage.

HB 3339 – Directs Secretary of State to conduct audit related to Teacher Standards and Practices Commission. Effective June 18, 2015.


HB 3495 – Provides for employer and employee contributions to pension program and individual account program of Oregon Public Service Retirement Plan to first be made for new members for wages that are attributable to services performed during first full pay period following six-month probationary period, without regard to when wages are considered earned for other purposes.

HB 3557 – Requires public bodies that receive requests for disclosure of specified personal contact information of public employees or certain other persons to forward copy of request to affected persons whose information is subject of request or their representatives. Declares emergency, effective upon passage.

Operations

SB 79 – Requires school district to provide instruction in cardiopulmonary resuscitation and uses of automated external defibrillators. Effective July 1, 2015.

SB 81 – Requires tuition for certain courses offered at community college to be waived if person meets specified criteria. Declares an emergency, effective upon passage.

SB 137 – Changes definition of public works for purpose of applying prevailing rate of wage to include project that uses $750,000 or more of funds of public agency for constructing, reconstructing, painting or performing major renovation on road, highway, building, structure or improvement of any type. Effective June 18, 2015.


SB 213 – Requires Early Learning Council to develop metrics for funding Early Learning Hubs. Declares an emergency, effective upon passage.

SB 293 – Expands exemption from statutory gift limit to include admission provided to, or cost of food or beverage consumed by, relative of public official who accompanies public official at reception, meal or meeting.

SB 294 – Grants Oregon Government Ethics Commission administrative rulemaking authority to assist in commission’s enforcement of executive session provisions of public meeting laws.

SB 418 – Directs Higher Education Coordinating Commission to convene work group to identify methods for improving success rate of, and educational outcomes for, students receiving state-administered waiver of tuition, or state-administered grant for amount of tuition, for courses taken at community college. Declares an emergency, effective upon passage.

SB 447 – Establishes grant program to provide matching fund grants to school districts for capital costs of school districts. Declares an emergency, effective upon passage.

SB 519 – Directs Department of Community Colleges and Workforce Development to select and implement uniform budget and accounting system for community college districts. Effective July 1, 2016.

SB 584 – Directs public contracting agency to suspend right of certified disadvantaged minority, women or emerging small business enterprise to bid on or participate in public contract if certified disadvantaged minority, women or emerging small business enterprise exhibits pattern of failing to perform commercially useful function in public contract. Effective May 21, 2015.
SB 675 – Requires bidder or proposer for public contract to demonstrate responsibility by attesting in any way contracting agency deems credible and convenient that bidder or proposer complied with tax laws of this state. Effective June 22, 2015.

SB 875 – Requires State Board of Education to adopt rules under which school personnel may administer medications that treat adrenal insufficiency to students experiencing adrenal crisis.

SB 953 – Establishes process by which future interests in specified properties in Klamath County may be extinguished. Effective June 16, 2015.

HB 2174 – Deletes requirement that Secretary of State prescribe form of contract for conduct of municipal audits. Effective April 16, 2015.

HB 2644 – Provides that public body and its officers, employees and agents are not immune from liability for wrongful death of person who is covered by workers’ compensation law if death occurred in course and scope of decedent’s employment; death occurred as result of conduct of another person who is subsequently convicted of murder or found guilty except for insanity of murder; and decedent was not employed by public body at time of death. Effective June 16, 2015.

HB 2716 – Requires public contracting agencies to provide as material condition of public contract that contractor remain certified as disadvantaged, minority, women or emerging small business enterprise during entire term of public contract if contracting agency awarded public contract, in whole or in part, on basis of contractor’s certification. Effective June 10, 2015.

HB 2762 – Requires school district to eliminate use of polystyrene foam plates, trays, food containers or food packaging in service of any meal unless school district recycles polystyrene foam. Effective July 1, 2015.

HB 2931 – Directs Oregon Health Authority to disseminate to school districts information related to elevated levels of radon. Declares an emergency, effective upon passage.

HB 2987 – Removes requirement for contracting agency to hold in account or otherwise reserve moneys for including green energy technology in constructing, reconstructing or performing major renovation on public building if contracting agency determines that including green energy technology is not appropriate. Effective June 16, 2015.

HB 3035 – Allows increased use of flashing lights in certain school zones. Effective May 21, 2015.

HB 3037 – Modifies public records law exemption from required disclosure of certain personal information of public employees and public body volunteers to remove mandated disclosure upon showing that public interest would require disclosure in particular instance. Effective April 9, 2015.

HB 3039 – Allows district school board to enter into transactions that are expected to reduce cost to district for school facilities. Effective June 19, 2015.

HB 3303 – Permits Certification Office for Business Inclusion and Diversity to certify business that service-disabled veteran owns as business enterprise that is eligible for certain preferences in public contracting. Effective June 25, 2015.

HB 3329 – Modifies standard by which geothermal energy qualifies as type of green energy technology for which at least 1.5 percent of total contract price of certain public improvement contract for construction or certain reconstruction or major renovation of public school building must be spent. Effective 90 days after session.
2015 Legislative Session Key Facts: Changes to Interdistrict Transfers

Senate Bill 709 - Modifies Interdistrict Transfer Law - All Changes Effective June 18, 2015. Please note: it does not make any changes to Oregon’s Open Enrollment Law.

- Clarifies that districts may revoke transfers for not meeting behavior requirements or attendance standards, but not for academic reasons.

- Clarifies that a student whose transfer has been revoked may not apply for a transfer to the same district for the next academic year. Under the old law, if a district revokes a transfer the student can immediately reapply and the district must accept the student if there is an opening available.

- Students who move over the summer are allowed to stay for the subsequent school year. This is similar to the “mid-year” move provision that currently allows students to finish out the school year and requires both districts to approve. This provision is only good for the subsequent school year.

- Changed the law so that a student does not need to get a new transfer to keep attending the same district if their family makes subsequent moves. If a student lives in district A, transfers to B and subsequently moves to C, they won’t need a new transfer between B and C. The old law requires a new transfer between B and C.

- Clarifies districts can ask for sibling information and school preference on interdistrict transfer application forms.

- Allows ODE to clarify what constitutes a “hardship” transfer to give districts more latitude to deal with situations as they arise with individual student circumstances. This will be done by administrative rule and will likely take 4-6 months.

- There would be a ban on using state school fund dollars to do out of district marketing like buying ads/billboards or doing direct mailers into neighboring districts for interdistrict transfers. This is similar to the prohibition on these activities for Open Enrollment.

- Districts will be allowed to give lottery preference for interdistrict transfer slots to students who move during the school year or over the summer and were granted consent to finish out the school year or subsequent school year, respectively. Here is an example of how this works: Sally Smith’s family moves in August and has missed the IDT window for the upcoming school year. The law now allows her to stay for the next school year AND if she wants to apply for a transfer when the next transfer window opens, the district may give her preference if there are more applicants than slots available.

- Allows districts to give lottery preference for interdistrict transfer slots to students who have attended charter schools in their district for at least three consecutive years, finished the highest grade at the charter school and have not enrolled and attended school in another district after completing the highest grade at the charter school.

- The law also allows districts to give the same preferences for outgoing lotteries as they are allowed to do for incoming lotteries. The list of lottery preferences now includes: siblings, mid-year move students, summer move students and specified charter school students.

Questions: Morgan Allen, Legislative Specialist - Oregon School Boards Association

mallen@osba.org  503-588-2800
Executive Numbered Memo 003-2015-16 - Exemption from Statewide Summative Tests Update

TO: Superintendents, Principals, and District Test Coordinators
RE: Update on Exemption from Statewide Summative Tests

This is an update to Executive Numbered Memo 003-2015-16 - Exemption from Statewide Summative Tests sent out earlier in the year. New sections are italicized below for your reference. Please note that the deadline for form submissions has also been removed.

Summary: House Bill 2655 establishes a new policy for exempting students from the statewide summative tests.

House Bill 2655 goes into effect January 1, 2016 and establishes a Student Assessment Bill of Rights permitting parents or adult students to annually opt-out of Oregon’s statewide summative tests, which is defined in OAR 581-022-1910: Exemptions as statewide assessments used to meet both participation and performance requirements for state and federal systems accountability. Under this definition, implementation of HB 2655 applies to the grade-level Smarter Balanced assessments and alternate Oregon Extended Assessments in English language arts and mathematics. HB 2655 also directs the Oregon Department of Education (ODE) to develop an annual notice that describes these assessments, along with an opt-out form that school districts and public charter schools must provide to parents at the start of each school year. In addition, HB 2655 requires that school districts and public charter schools provide parents with notice at least 30 days prior to administering the assessments.

ODE is currently developing the opt-out form and 30-day notice document referenced in HB 2655. These items will be available for districts to access by November 9, 2015. School districts and public charter schools will be required to use these ODE-developed opt-out and 30-day notice documents to communicate with all parents about state testing requirements and their right to opt-out. The form will instruct parents wishing to opt out to return the signed form to their child’s school. Schools will then be responsible for notifying their district test coordinator of all opt-out forms received and coordinating with the school district to ensure that students for whom an opt-out form was submitted are appropriately coded with Administration Code X in Student Centered Staging. Additional information regarding the timeline for accessing and distributing information to parents is provided in the table at the end of this memo.

Supervised Study Time and Diploma Requirements
HB 2655 requires school districts and public charter schools to provide supervised study time for students who opt-out of testing. The bill also reiterates current Essential Skills policy and graduation requirements, in that a student who opts out of testing may not be denied a diploma if they are able to satisfy all other diploma requirements. Students who do opt-out of the Smarter Balanced state tests, however, still need to meet the Essential Skills graduation requirement using another approved assessment option.

School Report Card Rating
As required by HB 2655, which goes into effect on January 1, 2016, ODE will develop an
alternate rating on the school report card for schools that do not meet the federally mandated 95 percent participation requirement for all student groups. These alternate ratings will first appear on the 2015-16 report cards. To support ODE’s ability to accurately identify the impact of opt-outs on a school’s participation rates, ODE will engage district stakeholders through the Data Collection Committee to identify any needed changes to the data collection requirements. As changes are identified, ODE will provide further communication to school districts and public charter schools in as timely a manner as possible.

**Implementation Timeline:**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Date</th>
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<tbody>
<tr>
<td>ODE publishes Notice and Opt-out Form for districts to access</td>
<td>November 9, 2015</td>
</tr>
<tr>
<td>Districts disseminate Notice and Opt-out Form to parents</td>
<td>November 9, 2015</td>
</tr>
<tr>
<td>HB 2655 goes into effect</td>
<td>January 9, 2015</td>
</tr>
<tr>
<td>Deadline for districts to disseminate Notice and Opt-out Form to parents</td>
<td>January 9, 2015</td>
</tr>
<tr>
<td>Smarter Balanced statewide test window opens</td>
<td>February 9, 2016</td>
</tr>
<tr>
<td><em>Oregon Extended Assessment statewide test window opens</em></td>
<td>February 18, 2016</td>
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</tbody>
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If you have additional questions, please contact Derek Brown at 503-947-5841.
2015-16 Notice for Statewide Tests

ALL STUDENTS GRADUATE PREPARED
In 2010, Oregon adopted higher K-12 standards in English Language Arts and Math to ensure all students move from grade to grade with the academic knowledge and skills necessary for success beyond high school. Because we raised the bar for what we expect students to know and be able to do, we have also changed the way we measure student progress through our state tests, known as Smarter Balanced.

How much time do the tests take?
The tests are not timed so your child can take as long as he or she needs to fully demonstrate what he or she knows and can do. With our new exams, your child only tests once each year, unlike our previous exams which many students took multiple times. Learn more about the estimated time your child may take to complete the tests on Page 35 of Oregon’s Test Administration Manual: http://tinyurl.com/TestAdminManual.

What do the results mean and where do I get my child’s results?
Test results identify your child’s strengths and areas for improvement in English Language Arts and Math. Each subject will be broken into categories and will show how well your child performed in each area. The tests measure student learning on a 4-point scale. Your school will share your child’s scores with you at the beginning of the next school year to help support your child’s success as he or she moves from grade to grade.

Why does participation matter?
While no single test can give a complete picture of your child’s progress, having your child take the statewide tests provides educators and administrators with information about what educational approaches are working and where additional resources are needed. Your child’s participation is important to ensure schools and districts receive the targeted resources they need to help all students succeed.

When will my child take the test?
Your child will be tested once after he or she has completed at least two-thirds of the school year. Your child’s school will determine the specific dates your child takes the tests within the statewide testing window above.

OREGON’S STATE TESTS
- Challenge your child to think critically and apply his or her knowledge to real-world problems
- Go beyond multiple choice and ask your child to explain his or her answers
- Act as a snapshot of your child’s progress and may be considered along with other pieces of information to determine your child’s academic success
- Help identify schools and districts that need additional supports to ensure more students are meeting higher standards

STATEWIDE TESTING WINDOWS
Smarter Balanced English Language Arts & Math Tests
February 9 – June 10, 2016

Oregon Extended Assessments for English Language Arts & Math
February 18 – April 28, 2016

STAY INFORMED
Talk to your child’s teacher or school principal if you have questions or want to learn more. Patience and persistence will be required to help our students and schools continue towards success.

Resources
To learn more about what your child should know and be able to do in English Language Arts & Math: http://tinyurl.com/ELARoadmap & http://tinyurl.com/MathRoadmap
To view sample test questions: http://tinyurl.com/ORPracticeTests
To read more about your child’s results: http://tinyurl.com/ORTestResults
To opt-out of state tests this section must be completed by the parent/guardian or adult student:

Student’s Legal Last Name

Student’s Legal First Name

Student’s ID Number Enrolled Grade

Student’s School Date

Please indicate the state test(s) you are opting out of for the 2015-16 school year:

<table>
<thead>
<tr>
<th>English Language Arts</th>
</tr>
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<tbody>
<tr>
<td>Mathematics</td>
</tr>
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</table>

To best support school district planning, you are encouraged to submit this form to your child’s school no later than February 1, 2016. For students who enroll after the statewide testing window begins on February 9, 2016, you are encouraged to submit the form within 2 weeks of enrollment. This form is only valid for the 2015-16 school year. Parents and adult students are required to submit an opt-out form annually should they wish to be exempted from statewide summative tests.

I understand that by signing this form I may lose valuable information about how well my child is progressing in English Language Arts and Math. In addition, opting out may impact my school and district’s efforts to equitably distribute resources and support student learning.

Parent/Guardian* (signature)

*Adult students (age 18 and older) may sign on their own behalf and do not require a signature by a parent or guardian.

Parent/Guardian or Adult Student (printed name)