

STATE BOARD OF EDUCATION – ADMINISTRATIVE RULE SUMMARY

OAR # & Title: First Reading: Exemptions/ OAR 581-022-1910

Date: September 17, 2015

Staff/Office: Holly Carter & Derek Brown / Office of Learning (Instruction, Standards, Assessment, and Accountability Unit)

New Rule **Amend Existing Rule** **Repeal Rule**

Hearing Date: TBD **Hearings Officer Report Attached**

Prompted by: **State law changes** **Federal law changes** **Other**

Action Requested:

First Reading/Second Reading Agenda **Adoption** **Adoption/Consent**

PROPOSED/AMENDED RULE SUMMARY: Removes participation in the summative Smarter Balanced math and ELA assessments from the scope of OAR 581-022-1910: Exemptions. Identifies that exemption from the Smarter Balanced assessments is instead governed by HB 2655.

BACKGROUND:

OAR 581-022-1910 allows school districts to excuse students from a state required program or learning activity to accommodate a student’s disabilities or religious beliefs. ODE has traditionally interpreted participation in Oregon’s statewide assessments as a required “learning activity,” with exemption governed by this rule. In order for a school district to excuse a student from testing under this rule, the student’s parent must submit a written request to the school district, listing the reasons for the request and proposing an alternative individualized learning activity for the student that meets the same goals that would be accomplished by participation in state testing. Appropriate school personnel must then evaluate the parent request.

HB 2655 establishes a Student Assessment Bill of Rights that permits parents or adult students to annually opt out of the summative Smarter Balanced assessments by submitting an Opt-out form to the school district; HB 2655 effectively waives the criteria outlined in OAR 581-022-1910: Exemptions that students may only be exempted from state testing based on the student’s disability or religion. HB 2655 also applies a different process for parents to submit exemption requests to the district and relieves the parent from the need to propose an alternate learning activity, instead stipulating that the district must provide supervised study time for students who opt out of testing.

While HB 2655 does not formally go into effect until January 1, 2016, ODE is submitting this revision to OAR 581-022-1910: Exemptions for emergency adoption in order to provide clear guidance to districts and parents about the policies and procedures for opting out of the Smarter Balanced assessments in 2015-16.

ISSUES/CONCERNS THAT SURFACED DURING RULE WORK:

Issue: Which assessments to include in implementation of HB 2655

Decision: While the bill language refers generally to “statewide summative assessments,” based on a review of legislative history and intent, ODE’s implementation will focus

specifically on the Smarter Balanced math and ELA assessments. All other state tests will continue to fall under OAR 581-022-1910: Exemptions.

CHANGED SINCE LAST BOARD MEETING? (so members can focus on what's different)

- N/A; first read—hasn't been before board
- No; same as last month
- Yes – As follows:

FISCAL IMPACT: None

STAFF RECOMMENDATION:

- Adopt administrative rule as prepared this month
- Adopt administrative rule next month
- No recommendation at this time (rarely used)

Comments: ODE staff will bring this revision to OAR 581-022-1910: Exemptions back for adoption in October 2015.

Created by CH on 8/28/15

581-022-1910

Exemptions

(1) The school district may excuse students from a state required program or learning activity, where necessary, to accommodate students' disabilities or religious beliefs:

(a) Approval of the exemption shall be based upon and shall include:

(A) A written request from the student's parent or guardian or the student, if the student is 18 years of age or older or a legally emancipated minor, listing the reasons for the request and a proposed alternative for an individualized learning activity which substitutes for the period of time exempt from the program and meets the goals of the learning activity or course being exempt;

(B) An evaluation of the request and approval by appropriate school personnel (the alternative should be consistent with the student's educational progress and career goals as described in OARs 581-022-1670 and 581-022-1510).

(b) Following approval by the district school board, and upon completion of the alternative, credit shall be granted to the student.

(2) The school district may approve and grant credit to a student for the alternative to a state required program or learning activity if the procedures in section (1) of this rule are followed.

(3) Sections (1) and (2) of this rule do not apply to exemption from participating in Oregon's statewide summative assessments in mathematics and English language arts (ELA). Exemption from Oregon's statewide summative assessments in mathematics and ELA is instead governed by Section 2, chapter 519, Oregon Laws 2015 (Enrolled House Bill 2655). ODE will annually publish notice about Oregon's statewide assessments and an opt-out form as required under by Section 2, chapter 519, Oregon Laws 2015 (Enrolled House Bill 2655).

(4) Section 3 of this rule will sunset as of July 1, 2021.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 326.051

Hist.: EB 18-1996, f. & cert. ef. 11-1-96