

## HOUSE AMENDMENTS TO HOUSE BILL 3624

By COMMITTEE ON EDUCATION

April 11

On page 1 of the printed bill, line 2, after the first semicolon delete the rest of the line.

Delete lines 5 through 30 and delete page 2 and insert:

**“SECTION 1.** ORS 339.035 is amended to read:

“339.035. (1) As used in this section, ‘education service district’ means the education service district that contains the school district of which the child is a resident.

“(2) When a child is taught or is withdrawn from a public school to be taught by a parent, legal guardian or private teacher, as provided in ORS 339.030, the parent, legal guardian or private teacher must notify the education service district in writing. In addition, when a child who is taught by a parent, legal guardian or private teacher moves to a new education service district, the parent, legal guardian or private teacher shall notify the new education service district in writing. The education service district shall acknowledge receipt of any notification in writing.

“(3) Children being taught as provided in subsection (2) of this section shall be examined at grades 3, 5, 8 and 10 in accordance with the following procedures:

“(a) The State Board of Education shall adopt by rule a list of approved comprehensive examinations that are readily available. **Each education service district shall select at least one examination from the approved list and provide for the administration of the examination:**

**“(A) At least three times each calendar year;**

**“(B) At no cost to a parent or legal guardian of a child who is a resident of a school district that is located within the territory of the education service district; and**

**“(C) At the school that the student would have attended if the student attended a public school, based on the attendance boundaries within which the student’s residence is located.**

**“(b)[(A)] If a parent or legal guardian does not have a child take an examination administered as provided by paragraph (a) of this subsection,** the parent or legal guardian shall select an examination from the approved list and arrange to have the examination administered to the child by a qualified neutral person, as defined by rule by the State Board of Education.

**“[(B)] (c)** If the child was withdrawn from public school, the first examination shall be administered to the child at least 18 months after the date on which the child was withdrawn from public school.

**“[(C)] (d)** If the child never attended public or private school, the first examination shall be administered to the child prior to the end of grade three.

**“[(c)] (e)** The person administering the examination shall:

**“(A)** Score the examination; and

**“(B)** Report the results of the examination to the parent or legal guardian.

**“[(d)] (f)** Upon request of the superintendent of the education service district, the parent or legal guardian shall submit the results of the examination to the education service district.

1 “(4)(a) If the composite test score of the child places the child below the 15th percentile based  
2 on national norms, the child shall be given an additional examination within one year of when the  
3 first examination was administered.

4 “(b) If the composite test score of the child on the second examination shows a declining score,  
5 then the child shall be given an additional examination within one year of when the second exam-  
6 ination was administered and the superintendent of the education service district may:

7 “(A) Allow the child to continue to be taught by a parent, legal guardian or private teacher; or

8 “(B) Place the education of the child under the supervision of a person holding a teaching li-  
9 cense who is selected by the parent or legal guardian at the expense of the parent or legal guardian.  
10 If the composite test score of the child continues to show a declining score, the superintendent of  
11 the education service district may:

12 “(i) Allow the child to continue under the educational supervision of a licensed teacher selected  
13 by the parent or legal guardian and require that the child be given an additional examination within  
14 one year of when the last examination was administered;

15 “(ii) Allow the child to be taught by a parent, legal guardian or private teacher and require that  
16 the child be given an additional examination within one year of when the last examination was ad-  
17 ministered; or

18 “(iii) Order the parent or legal guardian to send the child to school for a period not to exceed  
19 12 consecutive months as determined by the superintendent.

20 “(c) If the parent or legal guardian of the child does not consent to placing the education of the  
21 child under the supervision of a licensed teacher who is selected by the parent or legal guardian,  
22 then the superintendent of the education service district may order the child to return to school for  
23 a period not to exceed 12 consecutive months as determined by the superintendent.

24 “(d) If the composite test score of the child on an examination is equal to or greater than the  
25 percentile score on the prior test, the child may be taught by a parent, legal guardian or private  
26 teacher and for the next examination be examined pursuant to paragraph (a) of this subsection or  
27 subsection (3) of this section.

28 “(5)(a) Notwithstanding the examination requirements of subsections (3) and (4) of this section,  
29 the parent or legal guardian of a child with a disability who has an individualized education pro-  
30 gram and is receiving special education and related services through the school district or who is  
31 being educated in accordance with a privately developed plan shall be evaluated for satisfactory  
32 educational progress according to the recommendations of the program or plan.

33 “(b) The parent or legal guardian of a child with a disability who was evaluated by service  
34 providers selected by the parent or legal guardian based on a privately developed plan shall submit  
35 a report of such evaluation to the education service district in lieu of the examination results re-  
36 quired by subsections (3) and (4) of this section.

37 “(c) A child with a disability described in this subsection may not be subject to the examination  
38 requirements of subsections (3) and (4) of this section unless the examination is recommended in the  
39 program or plan in effect for the child.”.