

STATE BOARD OF EDUCATION – ADMINISTRATIVE RULE SUMMARY

Title/OAR #: Assessment of Essential Skills, OAR 581-022-0615

Date: 8/28/09

Staff/Office: Doug Kosty, OAIS

New Rule Amend Existing Rule Repeal Rule
Hearing Date: _____ Hearings Officer Report Attached

Action Requested:

First Reading/Second Reading Adoption Adoption/Consent Agenda

WHAT THE PROPOSED/AMENDED RULE DOES:

The proposed emergency revision to OAR 581-022-0615 “Assessment of Essential Skills” serves a twofold purpose:

- To communicate to school districts and public charter schools the changes to the phase-in schedule for the Essential Skills graduation requirement.
- To communicate new guidance to school districts and public charter schools regarding the modification of assessment options for students seeking the Modified Diploma.

BACKGROUND:

The State Board adopted OAR 581-022-0615 in June 2008.

In June 2009, the Board reviewed the timeline for phasing in Essential Skills under the graduation requirement. At that time, the Board made the following determinations:

- Retain the Essential Skill of Reading for implementation in 2012;
- Delay implementation of the Essential Skill of Math until 2014;
- Revisit the timeline for the Essential Skills of Writing and Speaking in August 2009.

Board History:

The State Board adopted OAR 581-022-0615 in June 2008.

Statutory Authority:

ORS 329.045, 329.075, 329.451, 329.485, and 338.115

Fiscal Impact:

No fiscal impact. Districts currently are required to assess all high school students in Reading, Math, Writing, and Speaking

STAFF RECOMMENDATION:

The Superintendent and ODE Staff recommend adoption of this rule at the August retreat.

Please note: Text of the included rule is subject to change based on the outcome of the Board’s Wednesday, August 26 discussion. A final version of the OAR is scheduled for a vote on Friday, August 28.

Emergency Revision
Updated by HC/CH on 8/13/09

OAR 581- 022- 0615
Assessment of Essential Skills

(1) Definitions. As used in this rule:

- (a) “Assessment option” means an assessment approved to assess proficiency in the Essential Skills for the purpose of earning a high school diploma or a modified diploma.
- (b) “Essential Skills” means process skills that cross academic disciplines and are embedded in the content standards. The skills are not content specific and can be applied in a variety of courses, subjects, and settings.
- (c) “Local performance assessment” means a standardized measure (e.g., activity, exercise, problem, or work sample scored using an official state scoring guide), embedded in the school districts’ and public charter schools’ curriculum that evaluates the application of students’ knowledge and skills.
- (d) “Official state scoring guide” means an evaluation tool designed for scoring student work that includes specific, consistent assessment criteria for student performance and a 1-6 point scale to help rate student work. It is used by Oregon teachers to evaluate student work samples.
- (e) “Student-initiated test impropriety” means student conduct that:
 - (A) Is inconsistent with:
 - (i) The Test Administration Manual; or
 - (ii) Accompanying guidelines; or
 - (B) Results in a score that is invalid.
- (f) “Work sample” means a representative sample of individual student work (e.g., research papers, statistical experiments, speaking presentations, theatrical performances, work experience) that may cover one or more content areas and therefore may be scored using one or more official state scoring guide(s). At the high school level, a work sample can be used to fulfill both the local performance assessment requirement described in Section 2 of this rule and the Essential Skills requirement described in Sections ~~2 and 3~~ of this rule.

(2) School districts and public charter schools that offer grades 3 through 8 or high school shall administer local performance assessments for students in grades 3 through 8 and at least once in high school. For each skill area ~~which has been phased in for local performance assessments listed in Section 17,~~ the assessments shall consist of:

- (a) One work sample per grade scored using official state scoring guides; or
- (b) Comparable measures adopted by the district.

(3) School districts and public charter schools shall ~~assess~~ require high school students² to demonstrate proficiency in the Essential Skills using assessment options that are approved by the State Board of Education for the purpose of student eligibility for:

- (a) The high school diploma as established in OAR 581-022-1130; or

- (b) The modified diploma as established in OAR 581-022-1134.
- (4) Pursuant to ORS 339.115 and 339.505, school districts and public charter schools shall provide any eligible student with instruction in and multiple assessment opportunities to demonstrate proficiency in the Essential Skills for the purpose of achieving the high school diploma or the modified diploma.
- (5) To be eligible to receive a high school diploma or a modified diploma:
 - (a) For students graduating on or after September 1, 2011 and prior to September 1, 2012~~3~~, school districts and public charter schools shall require assess students² to demonstrate proficiency in the Essential Skills listed in Section 16~~5~~(~~ab~~)-(c) of this rule.
 - (b) For students graduating on or after September 1, 2013 and prior to September 1, 2014, school districts and public charter schools shall require students to demonstrate proficiency in the Essential Skills listed in Section 16(a)-(d) of this rule.
 - (c) For students graduating on or after September 1, 2014~~2~~, school districts and public charter schools shall ~~assess~~ require students² to demonstrate proficiency in the Essential Skills listed in Section 16(a)-(d) of this rule and in any the additional Essential Skills for which:
 - (A) The State Board of Education has adopted the determination to phase in for inclusion in the high school diploma and modified diploma requirements; and
 - (B) ~~for which the Oregon Department of Education (ODE)~~ The State Board of Education has adopted assessment options by March 1 of the student's 8th grade year.
 - (d) School districts and public charter schools may require students to demonstrate proficiency in additional Essential Skills beyond the minimum requirements described in Section 5(a)-(c) of this rule.
- (6) The Superintendent of Public Instruction shall establish an Assessment of Essential Skills Review Panel (AESRP) to make recommendations on:
 - (a) The phasing in of Essential Skills for inclusion in the high school diploma and the modified diploma requirements;
 - (b) Criteria for local assessment options;
 - (c) The adoption of assessment options to measure students' proficiency in the approved Essential Skills for the purpose of the high school diploma or the modified diploma; and
 - (d) The achievement standards used to determine student eligibility for the high school diploma or the modified diploma.
- (7) The AESRP shall work toward the goal of a system with a high degree of technical adequacy and equivalent rigor ~~vigor~~ between assessment options as practicable.
- (8) The AESRP shall base its recommendations on evidence provided by:
 - (a) School districts;
 - (b) Research organizations; and
 - (c) Other experts.
- (9) The AESRP shall consist of assessment experts from:
 - (a) School districts, including but not limited to:
 - (A) Superintendents;

- (B) Principals;
- (C) Curriculum Directors;
- (D) Educators;
- (E) Special education educators; and
- (F) English Language Learners (ELL) educators;
- (b) Post-secondary education institutions; and
- (c) Business partners who have expertise in:
 - (A) Assessment design;
 - (B) Assessment administration; or
 - (C) Use of assessments

(10) The State Board of Education shall make the determination to adopt the AESRP's recommended criteria for local assessment options, assessment options, and achievement standards for the purpose of conferring high school diplomas and modified diplomas. The determination of the State Board of Education will be final and not subject to appeal.

(11) The ODE shall issue the State Board of Education's intentions regarding the AESRP's recommendations by December 15 of each year and formal notice of the State Board of Education's final determination regarding the AESRP's recommendations by March 1 of each year as an addendum to the Test Administration Manual, which the ODE shall issue by August 1 of each year.

(12) School districts and public charter schools shall adhere to the requirements set forth in the Test Administration Manual to:

- (a) Administer;
- (b) Score;
- (c) Manage; and
- (d) Document the district and school assessments of students' proficiency in the Essential Skills required to receive a high school diploma or a modified diploma.

(13) School districts and public charter schools shall establish conduct and discipline policies addressing student-initiated test impropriety.

(14) School districts and public charter schools shall allow students to use assessment options and achievement standards adopted in a student's ninth through twelfth grade years as follows:

- (a) Students may demonstrate proficiency in the Essential Skills using assessment options adopted in their ninth through twelfth grade years.
- (b) Students may use achievement standards adopted in their 9th through 12th grade years that are equal to or lower than the achievement standards approved as of March 1 of the students' 8th grade year.

(15) The ODE shall publish the subset of Essential Skills assessment options and the associated performance levels which may be used by each of Oregon's post-secondary institutions as defined by those institutions' policies provided to the ODE by October 15 of each year.

~~(16) This rule is effective July 1, 2008. The guidelines that are effective on and after July 1, 2008 until otherwise changed through the process described in this rule.~~
(a) The Essential Skills identified by the State Board of Education as of July 1, 2008 are as follows:

- ~~(A)~~ (a) Read and comprehend a variety of text;
- ~~(B)~~ (b) Write clearly and accurately;
- ~~(C)~~ (c) Listen actively and speak clearly and coherently;
- ~~(D)~~ (d) Apply mathematics in a variety of settings;
- ~~(E)~~ (e) Think critically and analytically;
- ~~(F)~~ (f) Use technology to learn, live, and work;
- ~~(G)~~ (g) Demonstrate civic and community engagement;
- ~~(H)~~ (h) Demonstrate global literacy; and
- ~~(I)~~ (i) Demonstrate personal management and teamwork skills.

~~(b) Essential Skills for which the ODE has adopted assessment options:~~

- ~~(A) Read and comprehend a variety of text;~~
- ~~(B) Write clearly and accurately;~~
- ~~(C) Speak clearly and coherently; and~~
- ~~(D) Apply mathematics in a variety of settings.~~

~~(e)~~ (17) School districts and public charter schools shall include one or more local performance assessments for grades 3 through 8 and for high school for each of the following skill areas:

- ~~(A)~~ (a) Writing;
- ~~(B)~~ (b) Speaking;
- ~~(C)~~ (c) Mathematical problem-solving; and
- ~~(D)~~ (d) Scientific inquiry.

~~(e)~~ (18) School districts and public charter schools may include one social science analysis work sample that is administered in accordance with school district or public charter school policies as a local performance assessment for grades 3 through 8 and for high school.

~~(e)~~ (19) For students on an Individualized Education Plan (IEP) or 504 Plan, if a student's IEP or 504 Team determines that the nature of a student's disability prevents the student from demonstrating proficiency in an Essential Skill using any of the approved assessment options listed in the Test Administration Manual, the student's IEP Team may exempt the student from the requirement as listed in the Test Administration Manual and determine an appropriate replacement assessment option for the student to use that addresses the Essential Skill in a ~~format~~ manner that is consistent with:

- (a) The student's instructional plan; and
- (b) The state assessment criteria adopted by the State Board of Education.

(20) For students seeking a modified diploma, school districts and public charter schools may modify the assessment options adopted by the State Board of Education when the following conditions are met:

(a) For students on IEP or 504 Plans:

(A) School districts and public charter schools must comply with all requirements established by the student's IEP or 504 Plan when implementing modifications for work samples;

(B) School districts and public charter schools must comply with OAR 581-022-0610 Section 4(d) when implementing modifications for a statewide assessment.

(b) For students not on IEP or 504 Plans:

(A) School districts and public charter schools may only implement modifications for work samples that are consistent with the modifications the student has received during instruction in the content area to be assessed in the year in which the work sample is administered.

(B) School districts and public charter schools must obtain approval from the school team responsible for monitoring the student's progress toward the modified diploma before implementing modifications for work samples.

(C) Consistent with OAR 581-022-0610, school districts and public charter schools may not implement modifications for statewide assessments for students who are not on an IEP or 504 Plan.

Stat. Auth.: ORS 329.451, 338.025, 339.115, and 339.505

Stats. Implemented: 329.045, 329.075, 329.451, 329.485 and 338.115