

## **Oregon Home School Administration Rule Regarding Testing:**

**581-021-0026**

### **Examination of Children Instructed by Parent, Legal Guardian or Private Teacher**

(1) The following definitions and abbreviations apply to OAR 581-021-0026 unless otherwise specified within the rule:

(a) "Approved Tests" Tests approved for assessment of satisfactory progress by home school students are the two most recent versions of the following tests;

(A) California Achievement Test;

(B) Comprehensive Tests of Basic Skills;

(C) Iowa Tests of Basic Skills/Tests of Achievement and Proficiency;

(D) Metropolitan Achievement Battery;

(E) Stanford Achievement Test Battery.

(b) "Child" means a person between ages 7 and 18 whose parent or parents seek exemption from compulsory school attendance under ORS 339.030(1)(c) or (1)(d).

(c) "Education Service District" means the education service district that contains the school district of which the child is a resident.

(d) "Department" means the Oregon Department of Education;

(e) "Neutral person" means an individual selected by the parent or guardian of the child to be taught at home who has no relationship by bloodline or marriage to the child;

(f) "Notification" means written notice containing:

(A) The child's and the parent's name, address, telephone number (optional), and e-mail address (optional);

(B) The child's birth date; and

(C) The name of the school the child is presently attending, or last attended, or if child has not attended school, the name of the public school district in which the child resides.

(g) "Order" means to provide formal written notice.

(h) "Parent" is the natural parent or legal guardian of a child whom the parent desires to be exempted from compulsory attendance under the provisions of ORS 339.030(1)(c) or (1)(d).

(i) For the purposes of OAR 581-021-0026 only, "Qualified person" is an individual who:

(A) Holds a current personnel service license or teaching license from Oregon Teacher Standards and Practices Commission; or

(B) Has been licensed by the Oregon Board of Psychologist Examiners; or

(C) Has met the publisher's qualifications for purchase, and has purchased at least one test from the list set forth in section (1)(a) of this rule; or

(D) Provides evidence of satisfactory completion of a graduate course in which test administration and interpretation is included in the objective; or

(E) Has previously qualified as a tester pursuant to paragraph (1)(i) of this rule, and has during the previous year administered at least one test from the list set forth in section (1)(a) of this rule.

(j) "Superintendent" is the executive officer of the education service district (ESD).

(2) The State Superintendent and the Oregon Department of Education shall make available a list of the test publishers and their addresses.

(3) The Department shall make available a list of persons qualified to administer tests under this rule, such list to be updated by July 1 of each year. To be placed on the list, an applicant shall submit to the State Superintendent of Public Instruction evidence that satisfies any one of the requirements stated in subsection (1)(i)(A) through (E) of this rule.

(4) When a child is taught or is withdrawn from a public or private school to be taught by a parent, legal guardian or private teacher, as provided in ORS 339.030(1)(c) or (d), the parent, legal guardian or private teacher must notify the education service district in writing within 10 days of such occurrence. 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 shall notify the new education service district in writing within 10 days of such occurrence of their intent to continue home schooling.

(a) The ESD must acknowledge in writing receipt of any notification from a parent, legal guardian or private teacher within 90 days of having record of such notification.

(b) The ESD must also notify at least annually, school districts of home schooled students who reside in the school district.

(5) Children in grades 3, 5, 8, and 10, being taught as provided in section (4) of this rule, shall be examined no later than August 15 in accordance with the following procedures:

(a) The parent or legal guardian shall select an examination from the list of approved tests provided in subsection (1)(a) above and arrange to have the examination administered to the child by a neutral qualified person as defined in subsections (1)(e) and (i) above.

(A) If the child was withdrawn from public or private 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 or private school.

(B) 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.

(b) The person administering the examination shall:

- (A) Score or provide for the scoring of the examination; and
- (B) Report the results of the examination to the parent or legal guardian.
- (c) 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.
- (6) Testing for grade levels 3, 5, 8, and 10 shall occur in the third, fifth, eighth, and tenth year ending August 15. The first year is defined as when the child is seven on September 1, or earlier at the parent's discretion.
- (7) Test score results shall be evaluated as follows:
  - (a) If the composite test score of the child places the child below the 15th percentile based on national norms, the child shall be given an additional examination within one year of when the first examination was administered.
  - (b) If the composite test score of the child on the second examination shows a declining score, then the child shall be given an additional examination within one year of when the second examination was administered and the superintendent of the education service district may:
    - (A) Allow the child to continue to be taught by a parent, legal guardian or private teacher; or
    - (B) Place the education of the child under the supervision of a person holding a teaching license who is selected by the parent or legal guardian at the expense of the parent or legal guardian.
  - (c) If the composite test score of the child continues to show a declining score, the superintendent of the education service district may:
    - (A) Allow the child to continue under the educational supervision of a licensed teacher selected by the parent or legal guardian, at the expense of the parent or legal guardian, and require that the child be given an additional examination within one year of when the last examination was administered;
    - (B) Allow the child to be taught by a parent, legal guardian or private teacher and require that the child be given an additional examination within one year of when the last examination was administered; or
    - (C) Order the parent or legal guardian to send the child to school for a period not to exceed 12 consecutive months as determined by the superintendent.
  - (d) If the parent or legal guardian of the child does not consent to placing the education of the child under the supervision of a licensed teacher who is selected by the parent or legal guardian, then the superintendent of the education service district may order the child to school for a period not to exceed 12 consecutive months as determined by the superintendent.
  - (e) If the composite test score of the child on an examination is equal to or greater than the percentile score on the prior test, the child may be taught by a parent, legal guardian or private teacher and for the next examination be examined pursuant to subsection (5) of this section.
- (8) Procedures for homeschooling students with disabilities are set out in OAR 581-021-0029.
- (9) A test administrator shall certify that the administrator is qualified and neutral as defined in this rule with respect to a child being tested.

(10) All costs for the test instrument, administration, and scoring are the responsibility of the parent.

(11) The parent of a child who turns seven after September 1 shall not be required to provide notice of intent to home school that child until the beginning of the next school year.

(12) Violation of ORS 339.020 or the requirements of 339.035 is punishable as set out in 339.990.

Source: [http://arcweb.sos.state.or.us/pages/rules/oars\\_500/oar\\_581/581\\_021.html](http://arcweb.sos.state.or.us/pages/rules/oars_500/oar_581/581_021.html)