

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2263

By COMMITTEE ON EDUCATION AND GENERAL GOVERNMENT

June 11

1 On page 1 of the printed corrected A-engrossed bill, line 2, after “285A.090,” delete the rest of
2 the line and insert “327.008, 327.023, 327.297, 327.506, 328.542.”

3 In line 3, after “329.085,” insert “329.095.”

4 In line 4, after “329.704,” insert “329.830.”

5 In line 5, after “332.114,” insert “336.113,” and after “342.845,” insert “346.010.”

6 After line 10, insert:

7 “Whereas every student enrolled in public secondary school should have access to high-quality,
8 rigorous academics with a particular focus on access to advanced placement (AP) and honors
9 courses; and

10 “Whereas all high school students should be ready for college and the workforce upon gradu-
11 ation; and

12 “Whereas identifying as many students as possible for advanced placement and honors courses
13 would increase the number of students taking advanced placement and honors courses; and

14 “Whereas it is important to ensure that minority and underrepresented students excel to their
15 fullest potential; and

16 “Whereas not only access to college but also success in college and the workforce are important
17 for all students; now, therefore,”.

18 On page 5, delete lines 22 through 45 and delete page 6 and insert:

19 “**SECTION 7.** ORS 329.095 is amended to read:

20 “329.095. (1) The [*State Board*] **Department** of Education shall require school districts and
21 schools to conduct self-evaluations and update their local district **continuous** improvement plans
22 on a biennial basis. The self-evaluation process shall involve the public in the setting of local goals.
23 The school districts shall ensure that representatives from the demographic groups of their school
24 population are invited to participate in the development of local district **continuous** improvement
25 plans to achieve the goals.

26 “(2) As part of setting local goals, school districts [*are encouraged to*] **shall** undertake a com-
27 munications process that involves parents, students, teachers, school employees and community
28 representatives to explain and discuss the local goals and their relationship to programs under this
29 chapter.

30 “(3) At the request of the school district, department [*of Education*] staff shall provide ongoing
31 technical assistance in the development and implementation of the local district **continuous** im-
32 provement plan.

33 “(4) The local district **continuous** improvement plan shall include:

34 “(a) **A rigorous curriculum aligned with state standards;**

35 “(b) **High-quality instructional programs;**

1 “(c) **Short-term and long-term professional development plans;**
2 “(d) **Programs and policies to achieve a safe educational environment;**
3 “(e) **A plan for family and community engagement;**
4 “(f) **Staff leadership development;**
5 “(g) **High-quality data systems;**
6 “(h) **Improvement planning that is data-driven;**
7 “(i) **Education service plans for students who have or have not exceeded all of the aca-**
8 **ademic content standards;**
9 “(j) **A review of demographics, student performance, staff characteristics and student**
10 **access to, and use of, educational opportunities; and**
11 “(k) District efforts to achieve local efficiencies and efforts to make better use of resources.
12 [*Efficiencies may include, but are not limited to, use of magnet schools, energy programs, public and*
13 *private partnerships, staffing and other economies.*]
14 “[(5) *All school districts shall, as part of their local district improvement plan, develop programs*
15 *and policies to achieve a safe, educational environment.*]
16 “[(6) *Local district improvement plans shall include the district’s and school’s short-term and*
17 *long-term plans for staff development.*]
18 “[(7) *Local district and school goals and district and school improvement plans shall be made*
19 *available to the public.*]
20 “[(8) *The self-evaluations shall include a review of demographics, student performance, student ac-*
21 *cess to and utilization of educational opportunities and staff characteristics. However, failure to com-*
22 *plete the self-evaluation process shall not constitute grounds for withholding of state moneys.*]
23 “**SECTION 8.** ORS 329.105 is amended to read:
24 “329.105. (1) The Superintendent of Public Instruction shall collect data and produce annual
25 school district and school performance reports containing information on student performance, stu-
26 dent behavior and school characteristics. The purpose of the performance reports is to provide in-
27 formation to parents and to improve schools through greater parental involvement.
28 “(2)(a) In consultation with representatives of parents, teachers, school district boards and
29 school administrators, the State Board of Education shall adopt, by rule, criteria for [*grading*
30 *schools*] **identifying outstanding schools, satisfactory schools and schools in need of improve-**
31 **ment.** Such criteria shall take into account student performance, improvement in student perform-
32 ance, [*and*] the participation rate of students on the statewide assessments, **student attendance**
33 **rates and graduation rates.** The Superintendent of Public Instruction, based on the criteria
34 adopted by the State Board of Education, shall assign a [*grade*] **rating** to each school [*for student*
35 *performance, student behavior and school characteristics and also shall assign an overall grade to the*
36 *school. The grades shall include classifications for exceptional performance, strong performance, satis-*
37 *factory performance, low performance and unacceptable performance.*] **that identifies the school as**
38 **outstanding, satisfactory or in need of improvement.**
39 “(b) The [*grades*] **ratings** received by a school shall be included in the school district and school
40 performance reports.
41 “(c) If a school [*is within the low performance or unacceptable performance classification in any*
42 *category*] **is designated as in need of improvement,** the school shall file a school improvement plan
43 with the Superintendent of Public Instruction and with the school district board [*and the 21st Cen-*
44 *tury Schools Council for the school*].
45 “(d) **The Department of Education shall work with stakeholders to design and implement**

1 **an accountability system of progressive interventions for and provide technical assistance**
2 **to schools and school districts that do not demonstrate improvement.**

3 “(3) The Superintendent of Public Instruction shall include in the school performance reports
4 data for the following areas, for each school, that are available to the Department of Education from
5 the most recent school year:

6 “(a) Enrollment in English as a second language courses under ORS 336.079;

7 “(b) Attendance rates;

8 “(c) School safety, such as expulsions involving weapons in the school;

9 “[*(d) Students who met or exceeded standards leading to the Certificate of Initial Mastery;*]

10 **“(d) Disaggregated data on students who met or exceeded the academic content stan-**
11 **dards established by the board;**

12 “(e) Dropout rates and the number of students who dropped out of school;

13 “(f) Parent and community involvement such as volunteer hours;

14 “[*(g) Classes taught by a teacher outside the teacher’s area of certification; and*]

15 **“(g) The percentage of classes taught by a teacher identified as highly qualified under**
16 **rules adopted by the United States Department of Education; and**

17 “(h) School staff, identified by category.

18 “(4) The Superintendent of Public Instruction shall include in the school district performance
19 reports data for the following areas, for each school district, that are available to the Department
20 of Education from the most recent school year:

21 “(a) Resident students who attend a public school in another school district;

22 “(b) Facilities used for distance learning;

23 “(c) Election results of any bond levy proposed to the electors of the district;

24 “(d) Expenditures;

25 “(e) Level of support from the education service district;

26 “(f) Administrators not assigned to a specific school;

27 “(g) School district staff, identified by category; and

28 “(h) Students who are eligible for special education.

29 “(5) The Superintendent of Public Instruction shall notify the public and the media by January
30 30 of each year that school district and school performance reports are available at schools and
31 school districts and at the Department of Education website and offices. The superintendent shall
32 also include notice that copies of school **improvement plans** and district **continuous** improvement
33 plans can be obtained from school and school district offices. Each school district shall send a copy
34 of the school district and applicable school performance reports to each parent of a child enrolled
35 in a public school in the school district.

36 “**SECTION 9.** ORS 329.115 is amended to read:

37 “329.115. (1) Prior to [*September 30*] **December 1** of each year, the Superintendent of Public
38 Instruction shall issue an Oregon Report Card on the state of the public schools and progress to-
39 ward achieving the goals contained in ORS 329.025 [*and 329.035*]. **The purpose of the Oregon**
40 **Report Card is to monitor trends among school districts and Oregon’s progress toward**
41 **achieving the goals stated in this chapter and the Department of Education key performance**
42 **measures established by the Oregon Progress Board.**

43 **“(2) The Oregon Report Card shall include information on the following:**

44 **“(a) Student performance on Oregon state assessments and national assessments;**

45 **“(b) Data required by the federal No Child Left Behind Act of 2001 (P.L. 107-110, 115 Stat.**

1 1425);

2 “(c) Public school funding, expenditures and employee salary information;

3 “(d) Instructional hours;

4 “(e) School staff information;

5 “(f) District size, student demographics and student enrollment;

6 “(g) Dropout rates;

7 “(h) Alternative education programs;

8 “(i) Public charter schools;

9 “(j) Early childhood education and Oregon prekindergarten; and

10 “(k) Programs for students with special needs.

11 “[2] *The purpose of the Oregon Report Card is to monitor trends among school districts and*
12 *Oregon’s progress toward achieving the goals stated in this chapter. The report on the state of the*
13 *public schools shall be designed to:*]

14 “[a] *Allow educators and local citizens to determine and share successful and unsuccessful school*
15 *programs;*]

16 “[b] *Allow educators to sustain support for reforms demonstrated to be successful;*]

17 “[c] *Recognize schools for their progress and achievements; and*]

18 “[d] *Facilitate the use of educational resources and innovations in the most effective manner.*]

19 “[3] *The report shall contain, but need not be limited to:*]

20 “[a] *Demographic information on public school children in this state.*]

21 “[b] *Information pertaining to student achievement, including statewide assessment data, gradu-*
22 *ation rates and dropout rates, including progress toward achieving the education benchmarks estab-*
23 *lished by the Oregon Progress Board, with arrangements by minority groupings where applicable.*]

24 “[c] *Information pertaining to special program offerings.*]

25 “[d] *Information pertaining to the characteristics of the school and school staff, including assign-*
26 *ment of teachers, experience of staff and the proportion of minorities and women represented on the*
27 *teaching and administrative staff.*]

28 “[e] *Budget information, including source and disposition of school district operating funds and*
29 *salary data.*]

30 “[f] *Examples of exemplary programs, proven practices, programs designed to reduce costs or other*
31 *innovations in education being developed by school districts in this state that show improved student*
32 *learning.*]

33 “[g] *Such other information as the superintendent obtains under ORS 329.105.*]

34 “[4] *In the second and subsequent years that the report is issued, the report shall include a com-*
35 *parison between the current and previous data and an analysis of trends in public education.]”.*

36 On page 7, delete lines 1 through 8.

37 On page 13, after line 33, insert:

38 “**SECTION 25a.** ORS 329.830 is amended to read:

39 “329.830. (1) The State Board of Education shall establish a system of determining successful
40 schools and dispensing appropriate incentive rewards to those schools. The system shall be based
41 on a school being the measurement unit to determine success. School success shall be determined
42 by measuring a school’s improvement over a specific assessment period. The successful schools
43 program shall be voluntary.

44 “(2) A school may submit an application to the Department of Education for the successful
45 schools program. The application shall include a short statement from the school requesting con-

1 sideration for the successful schools program. The application shall also include a copy of the
2 [school] **district continuous** improvement plan implemented pursuant to ORS 329.095 **for the**
3 **school.**

4 “(3) A school may not amend its application after the application is submitted without approval
5 by the state board. A school that has submitted an application may not submit a new application
6 until the assessment period has ended, unless the school withdraws the previous application.

7 “(4) The department shall distribute incentive rewards to schools that are determined to be
8 successful schools. The board shall establish criteria for determining successful schools. The criteria
9 shall include, but not be limited to:

10 “(a) The results from the statewide assessment system developed pursuant to ORS 329.485;

11 “(b) The achievement of measurable academic goals from [school] **district continuous** improve-
12 ment plans; and

13 “(c) Other criteria relating to improvement in student learning.

14 “(5) The department shall base the amount of the reward to each successful school on the
15 number of teachers employed by the school. The minimum reward for each full-time teacher shall
16 be \$1,000. Part-time teachers shall receive a percentage of the reward based on the amount of time
17 the part-time teacher worked. Teachers hired during the assessment period shall receive a per-
18 centage of the reward based on the length of time the teacher worked at the school during the as-
19 sessment period.

20 “(6) Each teacher shall individually decide how to use the reward. A reward shall be used by
21 a teacher for classroom enhancements or professional development. As used in this subsection,
22 ‘classroom enhancements’ means items and activities that will improve student learning, including,
23 but not limited to, books, instructional materials, multimedia equipment and software, supplies and
24 field trips.

25 “(7) The State Board of Education shall adopt any rules necessary to implement the successful
26 schools program.”.

27 On page 18, after line 16, insert:

28 “**SECTION 30a.** ORS 327.297 is amended to read:

29 “327.297. (1) In addition to those moneys distributed through the State School Fund, the De-
30 partment of Education shall award grants to school districts, the Youth Corrections Education
31 Program and the Juvenile Detention Education Program for activities that relate to increases in
32 student achievement, including:

33 “(a) Class size reduction;

34 “(b) Increases in instructional time;

35 “(c) Professional development;

36 “(d) Remediation and alternative learning;

37 “(e) Early childhood support;

38 “(f) Services to at-risk youth;

39 “(g) Additional instructional materials;

40 “(h) Curriculum and instructional support;

41 “(i) Services for English as a second language students; and

42 “(j) Other activities approved by the State Board of Education that are shown to have a re-
43 lationship to increasing student achievement.

44 “(2) Each school district, the Youth Corrections Education Program and the Juvenile Detention
45 Education Program may apply to the Department of Education for a grant. The department shall

1 review and approve applications based on criteria established by the State Board of Education. In
2 establishing the criteria, the State Board of Education shall consider the recommendations of the
3 Quality Education Commission established under Executive Order 99-16 and the recommendations
4 of the Quality Education Commission established under ORS 327.500. The applications shall include
5 the activities to be funded and the goals of the school district or program for increases in student
6 performance. The applications shall become part of the local district **continuous** improvement plan
7 described in ORS 329.095.

8 “(3) The Department of Education shall evaluate the annual progress of each recipient of grant
9 funds under this section toward the performance targets established by the Quality Education
10 Commissions that have been funded by the Legislative Assembly. The evaluation shall become part
11 of the requirements of the department for assessing the effectiveness of the district under ORS
12 329.085, 329.095 and 329.105. The department shall ensure school district and program accountability
13 by providing appropriate assistance, intervening and establishing consequences in order to support
14 progress toward the performance targets.

15 “(4) Each biennium the Department of Education shall report to the Legislative Assembly on the
16 grant program and the results of the grant program.

17 “(5)(a) Notwithstanding ORS 338.155 (9), the Department of Education may not award a grant
18 under this section directly to a public charter school.

19 “(b) A school district that receives a grant under this section may transfer a portion of the
20 grant to a public charter school based on the charter of the school or any other agreement between
21 the school district and the public charter school.

22 “(c) A public charter school that receives grant funds under this subsection shall use those
23 funds for the activities specified in subsection (1) of this section.

24 “(6)(a) The amount of each grant = the program’s or school district’s ADMw × (the total
25 amount available for the grants in each distribution year ÷ the total statewide ADMw).

26 “(b) As used in this subsection:

27 “(A) ‘ADMw’ means:

28 “(i) For a school district, the extended weighted average daily membership as calculated under
29 ORS 327.013, 338.155 (1) and 338.165 (2);

30 “(ii) For the Youth Corrections Education Program, the average daily membership as defined in
31 ORS 327.006 multiplied by 2.0; and

32 “(iii) For the Juvenile Detention Education Program, the average daily membership as defined
33 in ORS 327.006 multiplied by 1.5.

34 “(B) ‘Total statewide ADMw’ means the total extended ADMw of all school districts plus the
35 ADMw of the Youth Corrections Education Program plus the ADMw of the Juvenile Detention Ed-
36 ucation Program.

37 “(7) Each school district or program shall deposit the grant amounts it receives under this sec-
38 tion in a separate account, and shall apply amounts in that account to pay for activities described
39 in the district’s or program’s application.

40 “(8) The State Board of Education may adopt any rules necessary for the administration of the
41 grant program.”.

42 On page 19, after line 34, insert:

43 “**SECTION 32a.** ORS 336.113 is amended to read:

44 “336.113. (1) The Superintendent of Public Instruction shall direct the Department of Education
45 to increase efforts to:

1 “(a) Evaluate the distribution of ethnic, racial and cultural backgrounds of the public school
2 students of Oregon and the use of demographic data by school districts for curricula and program
3 planning as reflected in [*school districts’ consolidated*] **district continuous** improvement plans;

4 “(b) Examine strategies to inform school district boards, school administrators, teachers, parents
5 of students and the public about multicultural and diversity laws and policies;

6 “(c) Identify and review exemplary multicultural curricula for different grade levels based on the
7 needs of Oregon’s public school students;

8 “(d) Identify and review strategies to integrate a multicultural education program with other
9 education programs of school districts; and

10 “(e) Evaluate how current laws on diversity and multicultural education are being implemented
11 and applied at the state and school district levels.

12 “(2) The superintendent shall:

13 “(a) Seek federal and other funds to develop and implement multicultural education;

14 “(b) Seek federal and other funds to provide funding and technical support for school districts
15 to develop and implement multicultural curricula and educational programs; and

16 “(c) Report to the State Board of Education on the funds available, the success in obtaining
17 funds, the plans to develop and implement multicultural education and the development of a system
18 for evaluation.

19 “(3) The superintendent may appoint an advisory committee to accomplish the requirements of
20 this section. The superintendent and the advisory committee shall seek and incorporate input from
21 the business community, educators and minority representatives that reflect the demographics and
22 geographic regions of this state.”.

23 On page 25, line 41, after “327.023,” insert “327.297,”.

24 In line 42, after “329.085,” insert “329.095,”.

25 In line 43, after “329.704,” insert “329.830,”.

26 In line 44, after “332.114,” insert “336.113,”.

27 On page 26, delete lines 6 through 8 and insert:

28 “**SECTION 42. (1) The Department of Education shall contract with a nonprofit entity to**
29 **administer a nationally normed assessment, in collaboration with the department, to all**
30 **students in grade 10 who are enrolled in a public school. The purpose of the assessment is**
31 **to predict the success of students on, and provide practice for students taking, college en-**
32 **trance exams.**

33 “**(2) The department shall base the selection of the contractor under subsection (1) of**
34 **this section on all of the following criteria:**

35 “**(a) The contractor must be able to provide to the department statewide data containing**
36 **the results of the assessment;**

37 “**(b) The contractor shall provide an assessment that:**

38 “**(A) Identifies students with high potential to excel in advanced placement (AP) or other**
39 **honors courses based on a research-based correlation of scores on the grade 10 assessment**
40 **to advanced placement examinations;**

41 “**(B) Examines students in mathematics, reading and writing; and**

42 “**(C) Provides results that can be used by Oregon’s higher education institutions to re-**
43 **cruit students to attend college;**

44 “**(c) The contractor must be able to supply schools with an item-by-item analysis of stu-**
45 **dent performance on the assessment; and**

1 “(d) **The contractor must be able to make available to each student taking the assess-**
2 **ment a free career assessment and online exploration of colleges and career opportunities.**

3 “(3) **Notwithstanding subsection (1) of this section, the department may allow the con-**
4 **tractor to waive the tests for specific groups of students.**

5 “**SECTION 43. The Department of Education shall enter into a contract under section 42**
6 **of this 2007 Act to first provide an assessment during the 2008-2009 school year.**

7 “**SECTION 44.** ORS 327.008, as amended by section 6a, chapter 803, Oregon Laws 2005, is
8 amended to read:

9 “327.008. (1) There is established a State School Fund in the General Fund. The fund shall con-
10 sist of moneys appropriated by the Legislative Assembly and moneys transferred from the Education
11 Stability Fund. The State School Fund is continuously appropriated to the Department of Education
12 for the purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125, 327.137, 327.348,
13 327.355, 327.357, 327.360, 336.575, 336.580, 336.635, 342.173, 343.243, 343.533 and 343.961.

14 “(2) There shall be apportioned from the State School Fund to each school district a State
15 School Fund grant, consisting of the positive amount equal to a general purpose grant and a facility
16 grant and a transportation grant and a high cost disabilities grant minus local revenue, computed
17 as provided in ORS 327.013.

18 “(3) There shall be apportioned from the State School Fund to each education service district
19 a State School Fund grant as calculated under ORS 327.019.

20 “(4) All figures used in the determination of the distribution of the State School Fund shall be
21 estimates for the same year as the distribution occurs, unless otherwise specified.

22 “(5) Numbers of students in average daily membership used in the distribution formula shall be
23 the numbers as of June of the year of distribution.

24 “(6) A school district may not use the portion of the State School Fund grant that is attributable
25 to the facility grant for capital construction costs.

26 “(7) The total amount of the State School Fund that is distributed as facility grants may not
27 exceed \$25 million in any biennium. If the total amount to be distributed as facility grants exceeds
28 this limitation, the Department of Education shall prorate the amount of funds available for facility
29 grants among those school districts that qualified for a facility grant.

30 “(8) Each fiscal year, the Department of Education shall transfer the amount of \$12 million from
31 the State School Fund to the High Cost Disabilities Account established in ORS 327.348.

32 “(9) Each fiscal year, the Department of Education shall transfer the amount of \$2.5 million from
33 the State School Fund to the Small School District Supplement Fund established in ORS 327.360.

34 “**(10) Each fiscal year, the Department of Education may expend up to \$550,000 from the**
35 **State School Fund for the contract described in section 42 of this 2007 Act. The amount**
36 **distributed to education service districts from the State School Fund under this section and**
37 **ORS 327.019 shall be reduced by the amount expended by the department under this sub-**
38 **section.**

39 “**SECTION 45. The amendments to ORS 327.008 by section 44 of this 2007 Act apply to**
40 **State School Fund distributions commencing with the 2007-2008 distribution.**

41 “**SECTION 46.** ORS 328.542 is amended to read:

42 “328.542. Subject to the Local Budget Law (ORS 294.305 to 294.565) and to sections 11 and 11b,
43 Article XI, Oregon Constitution, each school district board shall prepare annually **or biennially** the
44 budget of the school district and shall certify ad valorem property taxes to the assessor as provided
45 by law.

1 “**SECTION 47.** ORS 346.010 is amended to read:

2 “346.010. (1) Pursuant to rules of the State Board of Education, the Superintendent of Public
3 Instruction shall provide free training and education services [*for deaf or blind children, or children*
4 *who are both deaf and blind,*] in facilities located in Marion County **for children who are blind or**
5 **deaf.**

6 “(2) The Superintendent of Public Instruction shall [*indicate*] **make recommendations to the**
7 **Legislative Assembly about** which facilities shall serve as the school for the deaf and **which fa-**
8 **cilities shall serve as** the school for the blind. [*The superintendent may order a change in all or part*
9 *in the purpose and use of facilities available under this section whenever the superintendent determines*
10 *that a change in purpose and use will better enable the state to meet its responsibilities for the educa-*
11 *tion and training of deaf or blind children, or children who are both deaf and blind.*] **The recom-**
12 **mendations may include recommendations about:**

13 “(a) **The location of the schools;**

14 “(b) **The sale or transfer of property that serves as the school for the blind or the school**
15 **for the deaf; and**

16 “(c) **Other matters relating to the school for the blind or the school for the deaf.**

17 “(3) The facilities shall be operated primarily for the provision of education and training ser-
18 vices for children [*with sensory disabilities*] **who are blind or deaf** who cannot be efficiently served
19 [*under the provisions of ORS chapter 343*] **in other schools or programs.**

20 “**SECTION 48.** **This 2007 Act being necessary for the immediate preservation of the public**
21 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
22 **on its passage.”.**

23
