

Senate Bill 210

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs Department of Education to develop system to hold schools and school districts accountable for student achievement and compliance with law. Specifies requirements for local district continuous improvement plans. Modifies requirements of school and school district performance reports.

Applies to 2008-2009 school year.

Declares emergency, effective July 1, 2007.

A BILL FOR AN ACT

1
2 Relating to education; creating new provisions; amending ORS 327.297, 329.075, 329.085, 329.095,
3 329.105, 329.445, 329.485, 329.585, 329.825 and 329.830; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS chapter 329.**

6 **SECTION 2. (1) It is the policy of the State of Oregon that all students:**

7 (a) **Can learn;**

8 (b) **Are held to rigorous academic content standards; and**

9 (c) **Are expected to succeed.**

10 (2) **The Department of Education shall develop a system that holds schools and school**
11 **districts accountable for student achievement and compliance with state and federal law. The**
12 **system shall have the following characteristics:**

13 (a) **Be fair, effective and efficient;**

14 (b) **Be based on reliable data;**

15 (c) **Include rewards and sanctions that are clear, fair and predictable;**

16 (d) **Meet the requirements of state and federal law; and**

17 (e) **Be created with public input.**

18 **SECTION 3. ORS 329.075 is amended to read:**

19 329.075. (1) The State Board of Education shall adopt rules, in accordance with ORS 183.750 and
20 ORS chapter 183, as necessary for the statewide implementation of this chapter. The rules shall be
21 prepared in consultation with appropriate representatives from the educational and business and
22 labor communities.

23 (2) The Department of Education shall [*be responsible for coordinating research, planning and*
24 *public discussion so that activities necessary to the implementation of this chapter can be achieved*]
25 **develop and implement accountability measures related to school and school district**
26 **achievement of state education goals.** Actions by the department to fulfill this responsibility and
27 to increase student achievement may include, but are not limited to:

28 (a) **Developing academic content standards;**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 [(a)] (b) Updating Common Curriculum Goals to meet rigorous academic content standards;

2 [(b)] (c) Developing criterion-referenced assessments including performance-based, content-based
3 and other assessment mechanisms to test knowledge and skills **and whether students meet the**
4 **performance expectations determined by the board; and**

5 [(c) *Establishing criteria for Certificates of Initial Mastery and Advanced Mastery;*]

6 (d) Establishing criteria for early childhood [*improvement*] **education** programs[;].

7 [(e) *Amending the application process for school improvement grants;*]

8 [(f) *Researching and developing public school choice plans;*]

9 [(g) *Working with the Education and Workforce Policy Advisor and the Department of Community*
10 *Colleges and Workforce Development to develop no fewer than six broad career endorsement areas of*
11 *study; and*]

12 [(h) *Establishing criteria for learning options that may include alternative learning centers.*]

13 [(3) *The State Board of Education shall create, by rule, a process for school districts to initiate and*
14 *propose pilot programs. The rules shall include a process for waivers of rules and regulations and a*
15 *process for approval of the proposed pilot programs.*]

16 [(4)] (3) The department [*of Education*] shall make school districts and the public aware of public
17 school choice options available within our current public education framework.

18 [(5) *The Department of Education shall:*]

19 [(a) *Evaluate pilot programs developed pursuant to ORS 329.690 using external evaluators to pro-*
20 *vide data that specify the educational effectiveness, implementation requirements and costs of the pro-*
21 *grams and to describe what training, funding and related factors are required to replicate pilot*
22 *programs that are shown to be effective;*]

23 [(b) *Present to the State Board of Education and the appropriate legislative committee an annual*
24 *evaluation of all pilot programs; and*]

25 [(c) *Include funding for the implementation and evaluation of pilot programs in the Department of*
26 *Education budget.*]

27 [(6)] (4) As used in this section:

28 (a) “Criterion-referenced assessment” means testing of the knowledge or ability of a student with
29 respect to some standard.

30 (b) “Content-based assessment” means testing of the understanding of a student of a predeter-
31 mined body of knowledge.

32 (c) “Performance-based assessment” means testing of the ability of a student to use knowledge
33 and skills to create a complex or multifaceted product or complete a complex task.

34 **SECTION 4.** ORS 329.085 is amended to read:

35 329.085. (1) To facilitate the attainment and successful implementation of educational standards
36 under ORS 326.051 (1)(a), 329.025 and 329.035, the State Board of Education or its designee shall
37 assess the effectiveness of each public school, **public charter school and school** district. The
38 findings of the assessment shall be reported to the **school or** school district within six months.

39 (2) The board shall establish the standards, including standards of accessibility to educational
40 opportunities, upon which the assessment is based.

41 (3) On a periodic basis, the board shall review [*existing*] **school and school district** standards
42 and[, *after public hearings and consultation with local school officials, shall adopt by rule a revised*
43 *set of standards*] **credit and performance requirements. The board shall seek public input in**
44 **this process.**

45 **SECTION 5.** ORS 329.095 is amended to read:

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

7 (2) As part of setting local goals, school districts [*are encouraged to*] **shall** undertake a commu-
 8 nications process that involves parents, students, teachers, school employees and community repre-
 9 sentatives to explain and discuss the local goals and their relationship to programs under this
 10 chapter.

11 (3) At the request of the school district, Department of Education staff shall provide ongoing
 12 technical assistance in the development and implementation of the local district **continuous** im-
 13 provement plan.

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

15 (a) **A rigorous curriculum aligned to state standards;**

16 (b) **High-quality instructional programs;**

17 (c) **Short-term and long-term professional development plans;**

18 (d) **Programs and policies to achieve a safe educational environment;**

19 (e) **A plan for family and community engagement;**

20 (f) **Staff leadership development;**

21 (g) **High-quality data systems;**

22 (h) **Improvement planning that is data-driven;**

23 (i) **Education service plans for students who have or have not exceeded all the academic**
 24 **content standards;**

25 (j) **A review of demographics, student performance, staff characteristics and student ac-**
 26 **cess to, and use of, educational opportunities; and**

27 (k) District efforts to achieve local efficiencies and efforts to make better use of resources.
 28 [*Efficiencies may include, but are not limited to, use of magnet schools, energy programs, public and*
 29 *private partnerships, staffing and other economies.*]

30 [(5) *All school districts shall, as part of their local district improvement plan, develop programs*
 31 *and policies to achieve a safe, educational environment.*]

32 [(6) *Local district improvement plans shall include the district's and school's short-term and long-*
 33 *term plans for staff development.*]

34 [(7) *Local district and school goals and district and school improvement plans shall be made*
 35 *available to the public.*]

36 [(8) *The self-evaluations shall include a review of demographics, student performance, student ac-*
 37 *cess to and utilization of educational opportunities and staff characteristics. However, failure to com-*
 38 *plete the self-evaluation process shall not constitute grounds for withholding of state moneys.*]

39 **SECTION 6.** ORS 329.105 is amended to read:

40 329.105. (1) The Superintendent of Public Instruction shall collect data and produce annual
 41 school district and school performance reports containing information on student performance, stu-
 42 dent behavior and school characteristics. The purpose of the performance reports is to provide in-
 43 formation to parents and to improve schools through greater parental involvement.

44 (2)(a) In consultation with representatives of parents, teachers, school district boards and school
 45 administrators, the State Board of Education shall adopt, by rule, criteria for grading schools. Such

1 criteria shall take into account student performance, improvement in student performance and the
 2 participation rate of students on the statewide assessments. The Superintendent of Public Instruc-
 3 tion, based on the criteria adopted by the State Board of Education, shall assign a grade to each
 4 school for student performance, student behavior and school characteristics and also shall assign
 5 an overall grade to the school. *[The grades shall include classifications for exceptional performance,*
 6 *strong performance, satisfactory performance, low performance and unacceptable performance.]*

7 *[(b) The grades received by a school shall be included in the school district and school performance*
 8 *reports.]*

9 *[(c) (b) If a school [is within the low performance or unacceptable performance classification in*
 10 *any category] receives a low grade, the school shall file a school improvement plan with the Su-*
 11 *perintendent of Public Instruction and with the school district board [and the 21st Century Schools*
 12 *Council for the school].*

13 **(c) The Department of Education shall implement a system of progressive interventions**
 14 **for and provide technical assistance to schools that do not demonstrate improvement.**

15 (3) The Superintendent of Public Instruction shall include in the school **and district** perform-
 16 ance reports data *[for the following areas, for each school, that are]* **that meet the requirements**
 17 **adopted by the United States Department of Education pursuant to the federal No Child Left**
 18 **Behind Act of 2001 (P.L. 107-110, 115 Stat. 1425) and other data that are** available to the De-
 19 partment of Education from the most recent school year[:].

20 *[(a) Enrollment in English as a second language courses under ORS 336.079;]*

21 *[(b) Attendance rates;]*

22 *[(c) School safety, such as expulsions involving weapons in the school;]*

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

24 *[(e) Dropout rates and the number of students who dropped out of school;]*

25 *[(f) Parent and community involvement such as volunteer hours;]*

26 *[(g) Classes taught by a teacher outside the teacher's area of certification; and]*

27 *[(h) School staff, identified by category.]*

28 *[(4) The Superintendent of Public Instruction shall include in the school district performance re-*
 29 *ports data for the following areas, for each school district, that are available to the Department of*
 30 *Education from the most recent school year:]*

31 *[(a) Resident students who attend a public school in another school district;]*

32 *[(b) Facilities used for distance learning;]*

33 *[(c) Election results of any bond levy proposed to the electors of the district;]*

34 *[(d) Expenditures;]*

35 *[(e) Level of support from the education service district;]*

36 *[(f) Administrators not assigned to a specific school;]*

37 *[(g) School district staff, identified by category; and]*

38 *[(h) Students who are eligible for special education.]*

39 *[(5)]* **(4)** The Superintendent of Public Instruction shall notify the public and the media by Jan-
 40 uary 30 of each year that school district and school performance reports are available at schools
 41 and school districts and at the Department of Education website and offices. The superintendent
 42 shall also include notice that copies of school **improvement plans** and **local** district **continuous**
 43 **improvement plans** can be obtained from school and school district offices. Each school district shall
 44 send a copy of the school district and applicable school performance reports to each parent of a
 45 child enrolled in a public school in the school district.

1 **SECTION 7. The amendments to ORS 329.105 by section 6 of this 2007 Act apply to school**
2 **district and school performance reports issued on or after July 1, 2008.**

3 **SECTION 8.** ORS 329.445 is amended to read:

4 329.445. The Department of Education shall review **local** district **continuous** improvement plans
5 to ensure that the school restructuring efforts framed in this chapter address the unique learning
6 and developmental needs of the middle educational levels between the early childhood education and
7 Certificate of Initial Mastery levels detailed in this chapter.

8 **SECTION 9.** ORS 329.485 is amended to read:

9 329.485. (1)(a) The Department of Education shall implement statewide a valid and reliable as-
10 sessment system for all students that meets technical adequacy standards. The assessment system
11 shall include criterion-referenced assessments including performance-based assessments, content-
12 based assessments, as those terms are defined in ORS 329.075, **classroom work samples** and other
13 valid methods to measure the academic content standards and to identify students who meet or ex-
14 ceed the standards [*for each mastery level leading to the Certificate of Initial Mastery, Certificate of*
15 *Initial Mastery subject area endorsements and the Certificate of Advanced Mastery*].

16 (b) The Department of Education shall develop the statewide assessment system in mathematics,
17 science, English, history, geography, economics and civics.

18 (2) School districts and public charter schools shall implement the statewide assessment system
19 in mathematics, science and English. In addition, school districts and public charter schools may
20 implement the statewide assessment system in history, geography, economics and civics.

21 (3) Each year the resident district shall be accountable for determining the student's progress
22 toward achieving the academic content standards. Progress toward the academic content standards
23 shall be measured in a manner that clearly enables the student and parents to know whether the
24 student is making progress toward meeting or exceeding the academic content standards. In addi-
25 tion, the district shall adopt a grading system based on the local school district board adopted
26 course content of the district's curriculum. The grading system shall clearly enable the student and
27 parents to know how well the student is achieving course requirements.

28 (4) If a student has not met or has exceeded all of the academic content standards, the school
29 district shall make additional services or alternative educational or public school options available
30 to the student. **A school district shall provide the district's plan for making additional services**
31 **and alternative options available to students in the local district continuous improvement**
32 **plan.**

33 (5) If the student to whom additional services or alternative educational options have been made
34 available does not meet or exceed the academic content standards within one year, the school dis-
35 trict, with the consent of the parents, shall make an appropriate placement, which may include an
36 alternative education program or the transfer of the student to another public school in the district
37 or to a public school in another district that agrees to accept the student. The district that receives
38 the student shall be entitled to payment. The payment shall consist of:

39 (a) An amount equal to the district expenses from its local revenues for each student in average
40 daily membership, payable by the resident district in the same year; and

41 (b) Any state and federal funds the attending district is entitled to receive payable as provided
42 in ORS 339.133 (2).

43 **SECTION 10.** ORS 329.585 is amended to read:

44 329.585. (1) In addition to the application described in ORS 329.575 for the Oregon 21st Century
45 Schools Program or ORS 329.695 for the School Improvement and Professional Development pro-

1 gram, a school district may submit proposals to:

2 (a) Modify laws, rules or policies; and

3 (b) Implement [*district or*] school improvement plans **or local district continuous improvement**
4 **plans.**

5 (2) A district that applies under this section shall submit a proposal in accordance with rules
6 adopted by the State Board of Education. When more than one school building is part of an appli-
7 cation, the board may require a demonstration in the application process of coordination among
8 such school buildings.

9 (3) A proposal submitted under this section shall be approved by the school district board and
10 by the exclusive representatives of the teachers in the district if waiver of a collective bargaining
11 obligation over mandatory subjects of collective bargaining, a right or obligation under a collective
12 bargaining contract or any right under ORS 243.650 to 243.782, 342.513, 342.545, 342.553, 342.608,
13 342.610, 342.613 or 342.650 is required.

14 **SECTION 11.** ORS 329.825 is amended to read:

15 329.825. It [*shall be*] **is** the policy of the State of Oregon to **establish performance expecta-**
16 **tions and accountability provisions to** promote and encourage successful and innovative schools.
17 Success shall be determined by establishing standards of improvement in student learning and
18 measuring each school's performance in meeting those standards. Schools that meet those standards
19 will be [*rewarded with additional tools to further improve student learning*] **recognized with addi-**
20 **tional flexibility as determined by the State Board of Education.**

21 **SECTION 12.** ORS 329.830 is amended to read:

22 329.830. [(1)] The State Board of Education shall establish a system of determining successful
23 schools and dispensing appropriate [*incentive rewards*] **recognition** to those schools. The system
24 shall be based on a school being the measurement unit to determine success. School success shall
25 be determined by measuring a school's improvement over a specific assessment period. [*The suc-*
26 *cessful schools program shall be voluntary.*]

27 [(2) *A school may submit an application to the Department of Education for the successful schools*
28 *program. The application shall include a short statement from the school requesting consideration for*
29 *the successful schools program. The application shall also include a copy of the school improvement*
30 *plan implemented pursuant to ORS 329.095.*]

31 [(3) *A school may not amend its application after the application is submitted without approval by*
32 *the state board. A school that has submitted an application may not submit a new application until the*
33 *assessment period has ended, unless the school withdraws the previous application.*]

34 [(4) *The department shall distribute incentive rewards to schools that are determined to be suc-*
35 *cessful schools. The board shall establish criteria for determining successful schools. The criteria shall*
36 *include, but not be limited to:*]

37 [(a) *The results from the statewide assessment system developed pursuant to ORS 329.485;*]

38 [(b) *The achievement of measurable academic goals from school improvement plans; and*]

39 [(c) *Other criteria relating to improvement in student learning.*]

40 [(5) *The department shall base the amount of the reward to each successful school on the number*
41 *of teachers employed by the school. The minimum reward for each full-time teacher shall be \$1,000.*
42 *Part-time teachers shall receive a percentage of the reward based on the amount of time the part-time*
43 *teacher worked. Teachers hired during the assessment period shall receive a percentage of the reward*
44 *based on the length of time the teacher worked at the school during the assessment period.*]

45 [(6) *Each teacher shall individually decide how to use the reward. A reward shall be used by a*

1 *teacher for classroom enhancements or professional development. As used in this subsection, “classroom*
 2 *enhancements” means items and activities that will improve student learning, including, but not limited*
 3 *to, books, instructional materials, multimedia equipment and software, supplies and field trips.]*

4 [(7) *The State Board of Education shall adopt any rules necessary to implement the successful*
 5 *schools program.*]

6 **SECTION 13.** ORS 327.297 is amended to read:

7 327.297. (1) In addition to those moneys distributed through the State School Fund, the Depart-
 8 ment of Education shall award grants to school districts, the Youth Corrections Education Program
 9 and the Juvenile Detention Education Program for activities that relate to increases in student
 10 achievement, including:

11 (a) Class size reduction;

12 (b) Increases in instructional time;

13 (c) Professional development;

14 (d) Remediation and alternative learning;

15 (e) Early childhood support;

16 (f) Services to at-risk youth;

17 (g) Additional instructional materials;

18 (h) Curriculum and instructional support;

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

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

22 (2) Each school district, the Youth Corrections Education Program and the Juvenile Detention
 23 Education Program may apply to the Department of Education for a grant. The department shall
 24 review and approve applications based on criteria established by the State Board of Education. In
 25 establishing the criteria, the State Board of Education shall consider the recommendations of the
 26 Quality Education Commission established under Executive Order 99-16 and the recommendations
 27 of the Quality Education Commission established under ORS 327.500. The applications shall include
 28 the activities to be funded and the goals of the school district or program for increases in student
 29 performance. The applications shall become part of the local district **continuous** improvement plan
 30 described in ORS 329.095.

31 (3) The Department of Education shall evaluate the annual progress of each recipient of grant
 32 funds under this section toward the performance targets established by the Quality Education
 33 Commissions that have been funded by the Legislative Assembly. The evaluation shall become part
 34 of the requirements of the department for assessing the effectiveness of the district under ORS
 35 329.085, 329.095 and 329.105. The department shall ensure school district and program accountability
 36 by providing appropriate assistance, intervening and establishing consequences in order to support
 37 progress toward the performance targets.

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

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

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

45 (c) A public charter school that receives grant funds under this subsection shall use those funds

1 for the activities specified in subsection (1) of this section.

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

4 (b) As used in this subsection:

5 (A) "ADMw" means:

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

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

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

12 (B) "Total statewide ADMw" means the total extended ADMw of all school districts plus the
13 ADMw of the Youth Corrections Education Program plus the ADMw of the Juvenile Detention Ed-
14 ucation Program.

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

18 (8) The State Board of Education may adopt any rules necessary for the administration of the
19 grant program.

20 **SECTION 14. Section 2 of this 2007 Act and the amendments to ORS 327.297, 329.075,**
21 **329.085, 329.095, 329.445, 329.485, 329.585, 329.825 and 329.830 by sections 3 to 5 and 8 to 13 of**
22 **this 2007 Act first apply to the 2008-2009 school year.**

23 **SECTION 15. This 2007 Act being necessary for the immediate preservation of the public**
24 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
25 **July 1, 2007.**

26