

A-Engrossed
Senate Bill 1066

Ordered by the Senate February 13
Including Senate Amendments dated February 13

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Education and General Government)

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.

Allows Department of Education to expend moneys from State School Fund for administration and support of talented and gifted education. Allows department to contract for creation and administration of regional talented and gifted centers. Removes limit on percentage of amount of appropriated moneys that department may use for support of talented and gifted education.

Directs school districts to [*develop and implement program to prevent use of*] **include information on anabolic steroids and performance-enhancing substances in kindergarten through grade 12 curricula.**

Clarifies dates when represented and nonrepresented employees of school districts participate in school district benefit plans.

Directs post-secondary institutions to waive tuition for child or spouse of certain service members. Requires institutions to report to Legislative Assembly.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to education; creating new provisions; amending ORS 327.008, 342.223, 342.726, 343.401 and
3 343.404 and section 16, chapter 7, Oregon Laws 2007, and section 5, chapter 395, Oregon Laws
4 2007; repealing ORS 342.126; and declaring an emergency.

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

6 **SECTION 1.** ORS 327.008 is amended to read:

7 327.008. (1) There is established a State School Fund in the General Fund. The fund shall consist
8 of moneys appropriated by the Legislative Assembly and moneys transferred from the Education
9 Stability Fund. The State School Fund is continuously appropriated to the Department of Education
10 for the purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125, 327.137, 327.348,
11 327.355, 327.357, 327.360, 336.575, 336.580, 336.635, 342.173, 343.243, 343.533 and 343.961.

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

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

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

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

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

3 (7) The total amount of the State School Fund that is distributed as facility grants may not ex-
4 ceed \$25 million in any biennium. If the total amount to be distributed as facility grants exceeds this
5 limitation, the Department of Education shall prorate the amount of funds available for facility
6 grants among those school districts that qualified for a facility grant.

7 (8) Each fiscal year, the Department of Education shall transfer the amount of \$18 million from
8 the State School Fund to the High Cost Disabilities Account established in ORS 327.348.

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

11 (10) Each fiscal year, the Department of Education may expend up to \$550,000 from the State
12 School Fund for the contract described in ORS 329.488. The amount distributed to education service
13 districts from the State School Fund under this section and ORS 327.019 shall be reduced by the
14 amount expended by the department under this subsection.

15 (11) Each biennium, the Department of Education may expend up to \$800,000 from the State
16 School Fund for the administration of ORS 326.133 and 326.136.

17 (12) Each biennium, the Department of Education may expend up to \$350,000 from the State
18 School Fund **to provide administration of and support** for the **development of** talented and gifted
19 *[program under ORS 343.391 to 343.413]* **education under ORS 343.404.**

20 (13) Each biennium, the Department of Education may expend up to \$150,000 from the State
21 School Fund for the administration of a program to increase the number of speech-language
22 pathologists and speech-language pathology assistants under ORS 348.394 to 348.406.

23 **SECTION 2.** ORS 327.008, as amended by section 12, chapter 846, Oregon Laws 2007, is
24 amended to read:

25 327.008. (1) There is established a State School Fund in the General Fund. The fund shall consist
26 of moneys appropriated by the Legislative Assembly and moneys transferred from the Education
27 Stability Fund. The State School Fund is continuously appropriated to the Department of Education
28 for the purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125, 327.137, 327.348,
29 336.575, 336.580, 336.635, 342.173, 343.243, 343.533 and 343.961.

30 (2) There shall be apportioned from the State School Fund to each school district a State School
31 Fund grant, consisting of the positive amount equal to a general purpose grant and a facility grant
32 and a transportation grant and a high cost disabilities grant minus local revenue, computed as pro-
33 vided in ORS 327.013.

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

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

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

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

42 (7) The total amount of the State School Fund that is distributed as facility grants may not ex-
43 ceed \$25 million in any biennium. If the total amount to be distributed as facility grants exceeds this
44 limitation, the Department of Education shall prorate the amount of funds available for facility
45 grants among those school districts that qualified for a facility grant.

1 (8) Each fiscal year, the Department of Education shall transfer the amount of \$18 million from
2 the State School Fund to the High Cost Disabilities Account established in ORS 327.348.

3 (9) Each fiscal year, the Department of Education may expend up to \$550,000 from the State
4 School Fund for the contract described in ORS 329.488. The amount distributed to education service
5 districts from the State School Fund under this section and ORS 327.019 shall be reduced by the
6 amount expended by the department under this subsection.

7 (10) Each biennium, the Department of Education may expend up to \$800,000 from the State
8 School Fund for the administration of ORS 326.133 and 326.136.

9 (11) Each biennium, the Department of Education may expend up to \$350,000 from the State
10 School Fund **to provide administration of and support** for the **development of** talented and gifted
11 *[program under ORS 343.391 to 343.413]* **education under ORS 343.404.**

12 (12) Each biennium, the Department of Education may expend up to \$150,000 from the State
13 School Fund for the administration of a program to increase the number of speech-language
14 pathologists and speech-language pathology assistants under ORS 348.394 to 348.406.

15 **SECTION 3.** ORS 343.401 is amended to read:

16 343.401. (1) **Except as provided in ORS 343.404**, the funds specifically appropriated for the
17 program under ORS 343.391 to 343.413 shall be distributed to districts that have approved, written
18 plans and have submitted an application to the Superintendent of Public Instruction *[which]* **that**
19 has been approved.

20 (2) State funds shall be allocated on an approved program cost basis, the amount of which shall
21 be established by the State Board of Education annually.

22 (3) *[No application shall be approved by]* The superintendent **may not approve an application**
23 unless the district agrees to expend district funds for special educational programs for talented and
24 gifted children in an amount equal or greater than the amount of state funds approved by the su-
25 perintendent.

26 (4) The districts shall account for the grant funds as expended for the identified pupils on a form
27 acceptable to the Department of Education, as described in rules adopted by the board.

28 **SECTION 4.** ORS 343.404 is amended to read:

29 343.404. (1) The Superintendent of Public Instruction may annually expend funds appropriated
30 for the talented and gifted program to provide **administration of and** support for the development
31 of talented and gifted education statewide.

32 (2) These services may include:

33 (a) Teacher training programs and workshops;

34 (b) Consultant and technical assistance to districts;

35 (c) Small grants to and contracts with school districts, education service districts, colleges and
36 universities and private contractors to produce and disseminate curriculum and instruction materi-
37 als to other school districts; *[and]*

38 (d) Training and assistance for parents of the talented and gifted children in meeting the edu-
39 cational needs of their children; **and**

40 (e) **Contracting for the creation and administration of regional talented and gifted cen-**
41 **ters to provide services related to talented and gifted programs.**

42 *[(3) The amount of funds that may be expended for purposes described in this section shall not*
43 *exceed 10 percent of the amount appropriated in a biennium for purposes of ORS 343.391 to 343.413.]*

44 **SECTION 5.** ORS 342.726 is amended to read:

45 342.726. *[(1) The Department of Education shall work in conjunction with voluntary organizations*

1 *approved to administer interscholastic activities under ORS 339.430 to develop and implement a pro-*
2 *gram for kindergarten through grade 12 students of evidence-based education to prevent the use of*
3 *anabolic steroids and performance-enhancing substances.]*

4 [(2)] (1) *[The department and]* School districts shall include information on anabolic steroids and
5 performance-enhancing substances, including prevention strategies, strength-building alternatives
6 and the understanding of health food labels, in health and physical education curricula **for**
7 **kindergarten through grade 12 students.**

8 [(3)] (2) The Department **of Education** shall ensure that school districts are utilizing
9 **evidence-based** programs such as the Oregon Health and Science University's Athletes Training
10 and Learning to Avoid Steroids (ATLAS) and Athletes Targeting Healthy Exercise and Nutrition
11 Alternatives (ATHENA), which have demonstrated effectiveness in reducing anabolic steroid and
12 performance-enhancing substance use by high school athletes.

13 [(4)] (3) The department shall **work with voluntary organizations approved to administer**
14 **interscholastic activities under ORS 339.430** to require school district employees who are coaches
15 or athletic directors to receive training once every four years on identifying the components of
16 anabolic steroid abuse and use and prevention strategies for the use of performance-enhancing sub-
17 stances.

18 **SECTION 6.** Section 5, chapter 395, Oregon Laws 2007, is amended to read:

19 **Sec. 5. (1)** *[Sections 2 and 3 of this 2007 Act]* **ORS 342.723** first *[apply]* **applies** to the 2007-2008
20 school year.

21 **(2) The amendments to ORS 342.726 by section 5 of this 2008 Act first apply to the**
22 **2008-2009 school year.**

23 **SECTION 7.** Section 16, chapter 7, Oregon Laws 2007, is amended to read:

24 **Sec. 16.** *[Notwithstanding section 14 of this 2007 Act:]*

25 *[(1) Before October 1, 2008, a district is not required to offer benefit plans that are provided and*
26 *administered by the Oregon Educators Benefit Board under sections 1 to 14 of this 2007 Act.]*

27 *[(2) Except as provided in subsections (3) to (6) of this section, on and after October 1, 2008:]*

28 *[(a) A district may not offer a benefit plan unless the benefit plan is provided and administered*
29 *by the board; and]*

30 *[(b) Eligible employees of a district may participate in benefit plans provided and administered by*
31 *the board.]*

32 *[(3)(a) If a collective bargaining agreement exists between a district and employees of the district*
33 *and the agreement expires after July 1, 2008, subsection (2) of this section does not apply to the district*
34 *or employees of the district. However:]*

35 *[(A) If the collective bargaining agreement expires before October 1, 2010, section 14 of this 2007*
36 *Act first applies to the district and employees of the district upon the expiration of the agreement, ex-*
37 *cept as provided in subsection (4) of this section; and]*

38 *[(B) In any case, on and after October 1, 2010, section 14 of this 2007 Act applies to the district*
39 *and employees of the district.]*

40 *[(b) If no collective bargaining agreement exists between a district and employees of the district,*
41 *and if a contract exists between the district and a carrier and the contract expires after October 1, 2008,*
42 *subsection (2) of this section does not apply to the district or employees of the district. However:]*

43 *[(A) If the contract expires before October 1, 2010, section 14 of this 2007 Act first applies to the*
44 *district and employees of the district upon the expiration of the contract, except as provided in sub-*
45 *section (4) of this section; and]*

1 *[(B) In any case, on and after October 1, 2010, section 14 of this 2007 Act applies to the district*
2 *and employees of the district.]*

3 *[(4) A district that was self-insured before January 1, 2007, or a district that had an independent*
4 *health insurance trust established and functioning before January 1, 2007, may provide or contract for*
5 *benefit plans other than benefit plans provided and administered by the board. However:]*

6 *[(a) Until October 1, 2010, the benefit plans provided or contracted for by the self-insured district*
7 *or the district with an independent health insurance trust are not required to meet the condition pro-*
8 *vided in section 14 (2)(a) of this 2007 Act.]*

9 *[(b) On and after October 1, 2010, the benefit plans provided or contracted for by the self-insured*
10 *district or the district with an independent health insurance trust must meet the condition provided in*
11 *section 14 (2)(a) of this 2007 Act.]*

12 *[(c) This subsection does not apply to a community college district.]*

13 *[(5) A community college district may provide or contract for benefit plans other than benefit plans*
14 *provided and administered by the board.]*

15 *[(6) In accordance with procedures adopted by the board to extend benefit plan coverage under*
16 *sections 3 to 8 of this 2007 Act to eligible employees of a self-insured district, a district with an inde-*
17 *pendent health insurance trust or a community college district, these districts may choose to offer ben-*
18 *efit plans that are provided and administered by the board. Once employees of a district participate in*
19 *benefit plans provided and administered by the board, the district may not thereafter provide or con-*
20 *tract for benefit plans other than those provided and administered by the board.]*

21 **(1) Except as provided in this section, the requirements of ORS 243.886 become operative**
22 **on October 1, 2008.**

23 **(2) If a collective bargaining agreement exists between a district and a group of employ-**
24 **ees of the district on July 1, 2007, and the contract does not expire before July 1, 2008, ORS**
25 **243.886 does not apply to the group of represented employees until the earlier of:**

26 **(a) October 1, 2009, if the collective bargaining agreement expires before July 1, 2009; or**

27 **(b) October 1, 2010, if the collective bargaining agreement expires on or after July 1, 2009.**

28 **(3) A district with represented and nonrepresented employees is not required to offer**
29 **benefit plans to its nonrepresented employees in the manner provided by ORS 243.886 until**
30 **the district is required to offer those plans to all or part of the represented employees of the**
31 **district.**

32 **(4) The requirement of ORS 243.886 (2)(a) that self-insured districts and districts with**
33 **independent health insurance trusts have premiums for benefits that are equal to or less**
34 **than the premiums for comparable benefit plans provided and administered by the Oregon**
35 **Educators Benefit Board, becomes operative on October 1, 2010.**

36 **SECTION 8.** ORS 342.223 is amended to read:

37 342.223. (1) For the purpose of requesting a state or nationwide criminal records check under
38 ORS 181.534, the Teacher Standards and Practices Commission may require the fingerprints of:

39 (a) A person who is applying for initial issuance of a license under ORS 342.120 to 342.430 as
40 a teacher, administrator or personnel specialist if the person has not submitted to a criminal records
41 check by the commission within the previous year.

42 (b) A person who is applying for reinstatement of a license as a teacher, administrator or per-
43 sonnel specialist whose license has lapsed for at least three years.

44 (c) A person who is applying for initial issuance of a certificate under ORS 342.475 as a school
45 nurse.

1 (d) A person who is registering with the commission for student teaching, practicum or
2 internship as a teacher, administrator or personnel specialist, if the person has not submitted to a
3 criminal records check by the commission within the previous [year] **three years** for student
4 teaching, practicum or internship as a teacher, administrator or personnel specialist.

5 (e) A person who is applying for initial issuance of a registration as a public charter school
6 teacher or administrator under ORS 342.125.

7 (2) The making of any false statement as to the conviction of a crime is grounds for refusal to
8 issue, renew or reinstate a license, certificate or registration and is in addition to the grounds stated
9 in ORS 342.143.

10 (3) A person may appeal the refusal to issue an initial license, certificate or registration under
11 this section as a contested case under ORS 183.413 to 183.470, but the refusal to renew or reinstate
12 a license or registration is subject to ORS 342.175 to 342.180, and the commission shall notify the
13 person of the right to appeal.

14 **SECTION 9. (1) As used in this section:**

15 (a) **“Child” means a child, adopted child or stepchild of a service member.**

16 (b) **“Eligible post-secondary institution” means:**

17 (A) **A state institution of higher education listed in ORS 352.002; and**

18 (B) **The Oregon Health and Science University.**

19 (c) **“Qualified student” means a child, a spouse or an unremarried surviving spouse of a**
20 **service member.**

21 (d) **“Service member” means a person who:**

22 (A) **As a member of the Armed Forces of the United States, died on active duty after**
23 **September 11, 2001;**

24 (B) **As a member of the Armed Forces of the United States, died as a result of a military**
25 **service connected disability sustained after September 11, 2001; or**

26 (C) **Is 100 percent disabled as the result of a military service connected disability sus-**
27 **tained after September 11, 2001, as certified by the United States Department of Veterans**
28 **Affairs or any branch of the Armed Forces of the United States.**

29 (2) **Subject to subsections (3) to (6) of this section, an eligible post-secondary institution**
30 **shall waive tuition for a qualified student for courses that may lead to a baccalaureate de-**
31 **gree or a master’s degree. A qualified student who received a tuition waiver for a**
32 **baccalaureate degree may also qualify for a tuition waiver for a master’s degree.**

33 (3)(a) **The maximum waiver granted under this section shall be as follows:**

34 (A) **For a baccalaureate degree, the total number of credit hours that equals four years**
35 **of full-time attendance at an eligible post-secondary institution.**

36 (B) **For a master’s degree, the total number of credit hours that equals two years of**
37 **full-time attendance at an eligible post-secondary institution.**

38 (b) **Notwithstanding paragraph (a) of this subsection, a waiver may not exceed the total**
39 **number of credit hours the qualified student needs to graduate with a baccalaureate degree**
40 **or a master’s degree.**

41 (4) **A waiver may be granted under this section only for credit hours for courses that are**
42 **offered by an eligible post-secondary institution and are available for enrollment regardless**
43 **of whether the qualified student attends the course and pays tuition.**

44 (5) **A qualified student may receive a waiver under this section if the student:**

45 (a) **At the time of application for a waiver, is considered a resident of this state for the**

1 purpose of determining tuition to be paid at an eligible post-secondary institution; and

2 (b) Has been admitted to an eligible post-secondary institution for a baccalaureate degree
3 program or has been admitted to a master's degree program at an eligible post-secondary
4 institution.

5 (6)(a) A child who applies for a waiver under this section must be 23 years of age or
6 younger at the time the child applies for a waiver.

7 (b) Notwithstanding paragraph (a) of this subsection, a child who is older than 23 years
8 of age is eligible for a waiver for a master's degree if the child:

9 (A) Applied for and received a waiver for a baccalaureate degree when the child was 23
10 years of age or younger; and

11 (B) Applied for a waiver for a master's degree within 12 months of receiving a
12 baccalaureate degree.

13 SECTION 10. (1) As used in this section, "qualified student" has the meaning given that
14 term in section 9 of this 2008 Act.

15 (2) No later than February 1, 2009, each state institution of higher education listed in
16 ORS 352.002, each community college as defined in ORS 341.005 and the Oregon Health and
17 Science University shall report to the Seventy-fifth Legislative Assembly as provided in ORS
18 192.245.

19 (3) The report required by subsection (2) of this section shall describe how the institu-
20 tion, community college or university is accommodating the financial needs of qualified stu-
21 dents, including:

22 (a) The number of qualified students who received a waiver under section 9 of this 2008
23 Act and the amounts of those waivers.

24 (b) Scholarships offered specifically to qualified students, the number of qualified stu-
25 dents who received those scholarships and the amounts of those scholarships.

26 (c) Any other financial assistance provided to qualified students.

27 SECTION 11. ORS 342.126 is repealed.

28 SECTION 12. This 2008 Act being necessary for the immediate preservation of the public
29 peace, health and safety, an emergency is declared to exist, and this 2008 Act takes effect
30 on its passage.

31