

# Senate Bill 1066

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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**.

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 anabolic steroids and performance enhancing substances.

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

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to education; amending ORS 327.008, 342.726, 343.401 and 343.404 and section 16, chapter  
3 7, Oregon Laws 2007, and section 5, chapter 395, Oregon Laws 2007; and declaring an emer-  
4 gency.

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.

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

24 (7) The total amount of the State School Fund that is distributed as facility grants may not ex-  
25 ceed \$25 million in any biennium. If the total amount to be distributed as facility grants exceeds this  
26 limitation, the Department of Education shall prorate the amount of funds available for facility

**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 grants among those school districts that qualified for a facility grant.

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

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

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

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

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

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

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

20 327.008. (1) There is established a State School Fund in the General Fund. The fund shall consist  
21 of moneys appropriated by the Legislative Assembly and moneys transferred from the Education  
22 Stability Fund. The State School Fund is continuously appropriated to the Department of Education  
23 for the purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125, 327.137, 327.348,  
24 336.575, 336.580, 336.635, 342.173, 343.243, 343.533 and 343.961.

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

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

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

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

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

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

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

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

1 amount expended by the department under this subsection.

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

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

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

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

11 343.401. (1) **Except as provided in ORS 343.404,** the funds specifically appropriated for the  
12 program under ORS 343.391 to 343.413 shall be distributed to districts that have approved, written  
13 plans and have submitted an application to the Superintendent of Public Instruction *[which]* **that**  
14 has been approved.

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

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

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

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

24 343.404. (1) The Superintendent of Public Instruction may annually expend funds appropriated  
25 for the talented and gifted program to provide **administration of and** support for the development  
26 of talented and gifted education statewide.

27 (2) These services may include:

28 (a) Teacher training programs and workshops;

29 (b) Consultant and technical assistance to districts;

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

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

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

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

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

40 342.726. (1) *[The Department of Education]* **School districts** shall work in conjunction with vol-  
41 untary organizations approved to administer interscholastic activities under ORS 339.430 to develop  
42 and implement a program for kindergarten through grade 12 students of evidence-based education  
43 to prevent the use of anabolic steroids and performance-enhancing substances.

44 (2) *[The department and]* School districts shall include information on anabolic steroids and  
45 performance-enhancing substances, including prevention strategies, strength-building alternatives

1 and the understanding of health food labels, in health and physical education curricula.

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

7 (4) The department shall require school district employees who are coaches or athletic directors  
8 to receive training once every four years on identifying the components of anabolic steroid abuse  
9 and use and prevention strategies for the use of performance-enhancing substances.

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

11 **Sec. 5. (1)** [*Sections 2 and 3 of this 2007 Act*] **ORS 342.723 and 342.726 (3) and (4)** first apply  
12 to the 2007-2008 school year.

13 **(2) The amendments to ORS 342.726 (1) and (2) by section 5 of this 2008 Act first apply**  
14 **to the 2008-2009 school year.**

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

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

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

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

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

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

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

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

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

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

35 [(A) *If the contract expires before October 1, 2010, section 14 of this 2007 Act first applies to the*  
36 *district and employees of the district upon the expiration of the contract, except as provided in sub-*  
37 *section (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 [(4) *A district that was self-insured before January 1, 2007, or a district that had an independent*  
41 *health insurance trust established and functioning before January 1, 2007, may provide or contract for*  
42 *benefit plans other than benefit plans provided and administered by the board. However:*]

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

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

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

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

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

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

15        **(2) If a collective bargaining agreement exists between a district and a group of employ-**  
16 **ees of the district on July 1, 2007, and the contract does not expire before July 1, 2008, ORS**  
17 **243.886 does not apply to the group of represented employees until the earlier of:**

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

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

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

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

28        **SECTION 8. 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