

Enrolled House Bill 2109

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CHAPTER

AN ACT

Relating to professional technical education; amending ORS 326.051, 327.023, 327.485, 329.850, 332.075, 332.155, 334.175, 336.135, 339.883, 340.005, 341.005, 341.009, 341.485, 341.535, 341.655, 344.055, 344.058, 344.070, 344.120, 344.130, 344.745, 344.840, 657.335, 657.337, 657.340, 657.345 and 657.350.

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

SECTION 1. ORS 326.051 is amended to read:

326.051. Subject to ORS 417.300 and 417.305:

(1) In addition to such other duties as are prescribed by law and pursuant to the requirement of ORS chapter 183, the State Board of Education shall:

(a) Establish state standards for public kindergartens and public elementary and secondary schools consistent with the policies stated in ORS 326.011.

(b) Adopt rules for the general governance of public kindergartens and public elementary and secondary schools and public community colleges.

(c) Prescribe required or minimum courses of study.

(d) Adopt rules regarding school and interscholastic activities in accordance with standards established pursuant to paragraph (f) of this subsection.

(e) Adopt rules that provide that no public elementary or secondary school shall discriminate in determining participation in interscholastic activities. As used in this paragraph, "discrimination" has the meaning given that term in ORS 659.850.

(f) Adopt standards applicable to voluntary organizations that administer interscholastic activities as provided in ORS 339.430.

(g) Adopt rules that will eliminate the use and purchase of elemental mercury, mercury compounds and mercury-added instructional materials by public elementary and secondary schools.

(2) The State Board of Education may:

(a) Consistent with the laws of this state, accept money or property not otherwise provided for under paragraph (b) of this subsection, which is donated for the use or benefit of the public kindergartens and public elementary and secondary schools and public community colleges and use such money or property for the purpose for which it was donated. Until it is used, the board shall deposit any money received under this paragraph in a special fund with the State Treasurer as provided in ORS 293.265 to 293.275.

(b) Apply for federal funds and accept and enter into any contracts or agreements [in] on behalf of the state for the receipt of such funds from the federal government or its agencies for:

(A) Educational purposes, including but not limited to any funds available for the school lunch program; [*for career education purposes, for professional technical educational purposes, for*]

(B) **Career and technical education programs;**

(C) Adult education[*for manpower programs*] **programs;**

(D) **Workforce training programs;** and

(E) Any grants available to the state or its political subdivisions for general federal aid for public kindergartens, [*and*] public elementary **schools**, [*and*] **public** secondary schools and public community colleges and their auxiliary services, improvement of teacher preparation, teacher salaries, construction of school buildings, administration of the Department of Education and any other educational activities under the jurisdiction of the State Board of Education.

(c) Adopt rules to administer the United States Department of Agriculture's National School Lunch Program and School Breakfast Program for public and private prekindergarten through grade 12 schools and residential child care facilities.

(3) The State Board of Education shall provide a separate, identifiable place on its agenda six times a year for community college issues. The state board may also consider matters affecting community colleges at any regular or special meeting.

SECTION 2. ORS 327.023 is amended to read:

327.023. In addition to those moneys distributed through the State School Fund, the Department of Education shall provide from state funds appropriated therefor, grants in aid or support for special and compensatory education programs including:

(1) The Oregon School for the Blind and the Oregon School for the Deaf.

(2) Medicaid match for administration efforts to secure Medicaid funds for services provided to children with disabilities.

(3) Hospital programs for education services to children who are hospitalized for extended periods of time or who require hospitalization due to severe disabilities as described in ORS 343.261.

(4) Private agency programs for education services to children who are placed by the state in long term care or treatment facilities as described in ORS 343.961.

(5) Regional services provided to children with low-incidence disabling conditions as described in ORS 343.236.

(6) Early childhood special education provided to preschool children with disabilities from age three until age of eligibility for kindergarten as described in ORS 339.185, 343.035, 343.041, 343.055, 343.065, 343.157 and 343.455 to 343.534.

(7) Early intervention services for preschool children from birth until age three as described in ORS 339.185, 343.035, 343.041, 343.055, 343.065, 343.157 and 343.455 to 343.534.

(8) Evaluation services for children with disabilities to determine program eligibility and needs as described in ORS 343.146.

(9) Education services to children residing at state hospitals.

(10) Disadvantaged children program under ORS 343.680.

(11) Early childhood education under ORS 329.228 and 329.235.

(12) Child development specialist program under ORS 329.255.

(13) Youth care centers under ORS 420.885.

(14) Staff development and mentoring.

(15) [*Professional*] **Career and** technical education grants.

(16) Special science education programs.

(17) Talented and Gifted children program under ORS 343.391 to 343.413.

SECTION 3. ORS 327.485 is amended to read:

327.485. (1) The Education Cash Account of the General Fund consists of all moneys made available to the Department of Education by:

(a) Charitable and philanthropic foundations, organizations and agencies if the moneys have not been dedicated for specific use by requirements of other sections of Oregon Revised Statutes;

(b) Miscellaneous receipts;

(c) Collection of fees from sale of supplies and publications compiled and furnished by the Department of Education and distributed or sold to other persons or groups;

(d) Funds received as gifts, contributions and bequests for [*professional*] **career and technical education** and moneys received as reimbursements for funds theretofore expended;

(e) Moneys received through charges to grants, contracts and other funds for indirect costs; and

(f) Any other nondedicated moneys received by the Department of Education for which the Legislative Assembly has established an administrative funds limitation.

(2) The provisions of this section do not relieve the department of its responsibilities to separately account for moneys received as trust funds.

(3) Disbursements from the Education Cash Account shall be made as directed by the Department of Education. The department shall keep a record of all moneys deposited in such account. The record shall indicate by separate cumulative accounts the source from which the moneys are derived and the individual activity against which each withdrawal is charged.

SECTION 4. ORS 329.850 is amended to read:

329.850. (1) The Education and Workforce Policy Advisor, in consultation with the Department of Education, the Department of Community Colleges and Workforce Development, the Bureau of Labor and Industries, the Economic and Community Development Department and the Department of Human Services, shall propose policies and strategies consistent with this chapter.

(2) The Education and Workforce Policy Advisor's policies and strategies must take into account that:

(a) The state must promote innovative thinking with respect to the curriculum and educational delivery system of Oregon public schools;

(b) The state must require of all youth a level of achievement that prepares them to pursue college, [*professional technical*] **career and technical education** programs, apprenticeships, work-based training and school-to-work programs;

(c) Greater employer investment is essential in the ongoing training of all workers to meet workforce needs;

(d) The state must encourage Oregon businesses to improve productivity by creating high performance work organizations that provide high skills and high wage opportunities for youth and adults; and

(e) All employment-related training, education and job placement services and sources of funds must be coordinated among state agencies and boards and must complement the state's overall efforts on behalf of youth and adults.

SECTION 5. ORS 332.075 is amended to read:

332.075. (1) Any district school board may:

(a) Fix the days of the year and the hours of the day when schools shall be in session.

(b) Adopt textbooks and other instructional materials as provided in ORS 337.120 and 337.141 and courses of study for the use of such schools as provided in ORS 336.035.

(c) Authorize the use of the schools for purposes of training students of an approved teacher education institution, as defined in ORS 342.120, and for such purposes may enter into contracts with the approved teacher education institutions on such terms as may be agreed upon. Such contracts as they relate to student teachers shall have the same effect and be subject to the same regulations as a contract between a licensed teacher and a district school board.

(d) Develop and operate with other school districts or community college districts secondary [*professional*] **career and technical education** programs for pupils of more than one district and fix by agreement the duration of the district's obligation to continue such activity, subject to the availability of funds therefor.

(e) Authorize the school district to be a member of and pay fees, if any, to any voluntary organization, approved under ORS 339.430, that administers interscholastic activities or that facilitates the scheduling and programming of interscholastic activities.

(f) Accept money or property donated for the use or benefit of the school district and, consistent with the laws of this state, use such money or property for the purpose for which it was donated.

(2) All contracts of the school district must be approved by the district school board before an order can be drawn for payment. If a contract is made without the authority of the district school board, the individual making such contract shall be personally liable.

(3) Notwithstanding subsection (2) of this section, a district school board may, by resolution or policy, authorize its superintendent or the superintendent's designee to enter into and approve payment on contracts for products, materials, supplies, capital outlay, equipment and services that are within appropriations made by the district school board pursuant to ORS 294.435. A district school board may not authorize its superintendent or the superintendent's designee under this subsection to enter into and approve payment on contracts that are collective bargaining agreements or service contracts that include the provision of labor performed by employees of the school district.

SECTION 6. ORS 332.155 is amended to read:

332.155. A district school board:

(1) May furnish, equip, repair, lease, purchase and build schoolhouses, including high schools, junior high schools, [*professional technical*] **career and technical education** schools, gymnasiums, houses for teachers and other employees, and like buildings; and locate, buy and lease lands for all school purposes. Leases authorized by this section include lease-purchase agreements whereunder the district may acquire ownership of the leased property at a nominal price. Such leases and lease-purchase agreements may be for a term of up to 30 years.

(2) May contract for the removal or containment of asbestos substances in school buildings and for repairs made necessary by such removal or containment. Contracts authorized by this section may be for a term exceeding one year.

(3) May construct or cooperate in the construction of schools for training of student teachers on state or district owned lands, for any state institution of higher education in or contiguous to the district, and to expend district funds in so doing.

(4) May acquire personal property by a lease-purchase agreement or contract of purchase for a term exceeding one year. A lease-purchase agreement is one in which the rent payable by the district is expressly agreed to have been established to reflect the savings resulting from the exemption from taxation, and the district is entitled to ownership of the property at a nominal or other price [*which*] **that** is stated or determinable by the terms of the agreement and was not intended to reflect the true value of the property.

(5) May lease, sell and convey all property of the district as may not in the judgment of the district school board be required for school purposes.

(6) May sell property of the district in transactions whereby the district has the right to lease, occupy or reacquire the property following the sale or have facilities constructed thereon or furnished to the specifications of the district. The construction or furnishing of such facilities shall be subject to:

(a) ORS chapter 279A, except ORS 279A.125 and 279A.250 to 279A.290;

(b) ORS chapter 279B, except ORS 279B.235, 279B.240, 279B.270, 279B.275 and 279B.280; and

(c) ORS chapter 279C.005, 279C.100 to 279C.125 and 279C.300 to 279C.470.

(7) Shall furnish the schools with supplies, equipment, apparatus and services essential to meeting the requirements of a standard school and may furnish such other supplies, equipment, apparatus and services as the board considers advisable.

(8) May construct, purchase or lease in cooperation with other school districts or community college districts facilities for secondary [*professional technical*] **career and technical education** programs for pupils of more than one district and may furnish or cooperate in furnishing supplies and equipment for such facilities, to be financed in the same manner as other school buildings and supplies are financed.

(9) May purchase real property upon a contractual basis when the period of time allowed for payment under the contract does not exceed 30 years.

(10) May purchase relocatable classrooms and other relocatable structures in installment transactions in which deferred installments of the purchase price are payable over not more than 10 years from the date such property is delivered to the district for occupancy and are secured by

a security interest in such property. Such transactions may take the form of, but are not limited to, lease-purchase agreements.

(11) May enter into rental or lease-purchase agreements covering motor vehicles operated by the district.

SECTION 7. ORS 334.175 is amended to read:

334.175. (1) An education service district shall provide regionalized core services to component school districts. The goals of these services are to:

- (a) Assist component school districts in meeting the requirements of state and federal law;
- (b) Improve student learning;
- (c) Enhance the quality of instruction provided to students;
- (d) Provide professional development to component school district employees;
- (e) Enable component school districts and the students who attend schools in those districts to have equitable access to resources; and
- (f) Maximize operational and fiscal efficiencies for component school districts.

(2) The services provided by an education service district shall be provided according to a local service plan developed by the education service district and component school districts. The education service district and component school districts shall develop the local service plan to meet the goals specified in subsection (1) of this section. The local service plan must include services in at least the following areas:

(a) Programs for children with special needs, including but not limited to special education services, services for at-risk students and professional development for employees who provide those services.

(b) Technology support for component school districts and the individual technology plans of those districts, including but not limited to technology infrastructure services, data services, instructional technology services, distance learning and professional development for employees who provide those services.

(c) School improvement services for component school districts, including but not limited to:

(A) Services designed to support component school districts in meeting the requirements of state and federal law[.];

(B) Services designed to allow the education service district to participate in and facilitate a review of the state and federal standards related to the provision of a quality education by component school districts[.];

(C) Services designed to support and facilitate continuous school improvement planning[.];

(D) Services designed to address schoolwide behavior and climate issues [and];

(E) [professional] **Services designed to support career and** technical education; and

(F) Professional development for employees who provide [those services] **the services described in this paragraph.**

(d) Administrative and support services for component school districts, including but not limited to services designed to consolidate component school district business functions, liaison services between the Department of Education and component school districts and registration of children being taught by private teachers, parents or legal guardians pursuant to ORS 339.035.

(e) Other services that an education service district is required to provide by state or federal law, including but not limited to services required under ORS 339.005 to 339.090.

(3) In addition to the services specified in subsection (2) of this section, a local service plan may include other services that are designed to meet regional needs.

(4) A local service plan shall also contain annual performance measures for the education service district.

(5) A local service plan must:

(a) Be adopted by the board of the education service district.

(b) After being adopted by the board of the education service district, be approved on or before March 1 by resolution of two-thirds of the component school districts that are a part of the education service district and that have at least a majority of the pupils included in the average daily

membership of the education service district, as determined by the reports of such school districts for the preceding year, enrolled in the schools of the school districts.

(6) Notwithstanding the process for approval and adoption required by subsection (5) of this section, if the component school districts approve an amendment to a local service plan pursuant to subsection (5)(b) of this section, the board of an education service district may amend a local service plan that has been previously adopted by the board and approved by the component school districts. An amendment to a local service plan may be done at any time.

(7) An education service district may provide the services required by the local service plan directly through the staff of the district. In addition, an education service district may provide services required by the local service plan through the operation of a public school, a public charter school pursuant to ORS chapter 338, an alternative school or a preschool.

(8) An education service district may provide the services required by the local service plan in cooperation with another education service district or with a school district. In addition, an education service district may contract with a public or private entity for the provision of services.

SECTION 8. ORS 336.135 is amended to read:

336.135. (1) The district school board of any school district in which reside or are employed, or both, at least 15 employed children between the ages of 14 and 18 years shall, and any district school board may, provide classes for such employed children.

(2) The State Board of Education shall adopt rules governing the organization and administration of classes and shall expend from the funds available for the promotion of *[professional]* **career and** technical education such sums of money as are necessary for the classes.

SECTION 9. ORS 339.883 is amended to read:

339.883. (1) A facility shall not permit any person under 18 years of age to possess tobacco products, as defined in ORS 431.840, while the person is present on facility grounds or in facility buildings or attending facility-sponsored activities.

(2) The facility must have written policies prohibiting the possession of tobacco products described in subsection (1) of this section by persons under 18 years of age. The facility must have written plans to implement such policies.

(3) This section does not apply to any person for whom a tobacco or nicotine product has been lawfully prescribed.

(4) As used in this section, "facility" means public or private schools, youth correction facilities or juvenile detention facilities. "Facility" does not include colleges or universities, *[professional technical]* **career and technical education** schools or community colleges.

SECTION 10. ORS 340.005 is amended to read:

340.005. For purposes of this chapter:

(1) "Accelerated college credit program" has the meaning given that term by rules adopted by the State Board of Education.

(2) "At-risk student" means:

(a) A student who qualifies for a free or reduced lunch program; or

(b) An at-risk student as defined by rules adopted by the board if the board has adopted rules to define an at-risk student.

(3) "Duplicate course" means a course with a scope that is identical to the scope of another course.

(4)(a) "Eligible post-secondary course" means any nonsectarian course or program offered through an eligible post-secondary institution if the course or program may lead to high school completion, a certificate, professional certification, associate degree or baccalaureate degree.

(b) "Eligible post-secondary course" does not include a duplicate course offered at the student's resident school.

(c) "Eligible post-secondary course" includes:

(A) Academic **courses**;

(B) *[and professional technical]* **Career and technical education** courses; and

[(B)] (C) Distance education courses.

(5) "Eligible post-secondary institution" means:

- (a) A community college;
- (b) A state institution of higher education listed in ORS 352.002; and
- (c) The Oregon Health and Science University.

(6)(a) "Eligible student" means a student who is enrolled in an Oregon public school and who:

(A) Is 16 years of age or older at the time of enrollment in a course under the Expanded Options Program;

(B)(i) Is in grade 11 or 12 at the time of enrollment in a course under the Expanded Options Program; or

(ii) Is not in grade 11 or 12, because the student has not completed the required number of credits, but who has been allowed by the school district to participate in the program;

(C) Has developed an educational learning plan as described in ORS 340.025; and

(D) Has not successfully completed the requirements for a high school diploma as established by ORS 329.451, the State Board of Education and the school district board.

(b) "Eligible student" does not include a foreign exchange student enrolled in a school under a cultural exchange program.

(7) "Expanded Options Program" means the program created under this chapter.

(8) "Scope" means depth and breadth of course content as evidenced through a planned course statement including content outline, applicable state content standards where appropriate, course goals and student outcomes.

SECTION 11. ORS 341.005 is amended to read:

341.005. As used in this chapter, unless the context otherwise requires:

(1) "Academic year" means the year beginning July 1 of each year and ending June 30 of the following year running concurrently with the fiscal year.

(2) "Board" means the board of education of a community college district.

(3) "Board member" means a member of the board of education of a community college district.

(4) "Commissioner" means the Commissioner for Community College Services appointed under ORS 326.375.

(5) "Community college" means a public institution operated by a community college district for the purposes of providing courses of study limited to not more than two years' full-time attendance, with the exception of technical programs in which the curriculum may require more than two years of attendance but less than four years, and designed to meet the needs of a geographical area by providing educational services, including but not limited to [*professional*] **career and** technical education programs or lower division collegiate programs.

(6) "Community college district" or "district" means a district formed under this chapter to operate one or more community colleges or to secure educational services available at a community college. "Community college district" includes a community college service district.

(7) "Full-time equivalent student" means a student or combination of several students who carries or carry among them, within a single academic year, a minimum number of clock hours of instruction, in any program, to be specified by rule by the State Board of Education.

(8) "Operating expenses" means the sum of the expenditures of a community college district for administration, instruction, necessary student services, operation and maintenance of plant and fixed charges, as determined in accordance with the rules of the State Board of Education.

(9) "Paying agent and registrar" means the county treasurer or county fiscal officer of the county in which the chief administrative officer of the community college district maintains the administrative office.

(10) "Petitioning territory" means a community college district petitioning to have an area outside the district included in the district or to have an area inside the district excluded from the district, or an area outside the district petitioning to be included within the district.

(11) "Principal county" means the county in which the chief administrative officer of the community college district maintains the administrative office.

(12) "State board" means the State Board of Education.

SECTION 12. ORS 341.009 is amended to read:
341.009. The Legislative Assembly finds that:

(1) The community college is an educational institution [*which*] **that** is intended to fill the institutional gap in education by offering broad, comprehensive programs in academic [*as well as professional technical*] **subjects and in career and technical education** subjects. It is primarily designed to provide associate or certificate degree programs for some, serve a transitional purpose for others who will continue baccalaureate or other college work, provide the ability to enter the workforce immediately and serve to determine future educational needs for other students. It can provide means for continuation of academic education, [*professional technical training*] **career and technical education** or the attainment of entirely new skills as demands for old skills and old occupations are supplanted by new technologies. It may also provide the means to coordinate courses and programs with high schools to accommodate successful transition to college degree programs.

(2) Each community college should be so located as to be within commuting time of a substantial majority of its students. As an economical method of providing education close to the student's home, the community college should remain a commuting institution.

(3) The community college should establish its organizational patterns to maintain a unique quality of flexibility and the ability to change to meet changing needs.

(4) The community college is a post-high-school institution under the general supervision of the State Board of Education. It should not be a "starter" institution intended to evolve into a four-year baccalaureate institution. It should be concerned with programs terminating before reaching the baccalaureate degree.

(5) The community college should continue to be prohibited by law from becoming a baccalaureate degree granting institution.

(6) Admission to the community college should be open to high school graduates or to non-high school graduates who can profit from the instruction offered.

(7) There should be close cooperation between those directing the community college program and those responsible for higher education, so that lower-division college transfer programs of the community college will provide adequate preparation for entering baccalaureate degree granting programs, and so that students will be able to transfer with a minimum of difficulty.

(8) The community college should offer as comprehensive a program as the needs and resources of the area [*which*] **that** it serves dictate. Cost to student and quality of instruction in established private institutions should be among the factors in determining necessary duplication of effort.

(9) It should be the policy of the community college to open its facilities and make available its resources to the high schools of its area on a sound contractual basis, for appropriate secondary or transitional courses, either academic or [*professional technical*] **as part of career and technical education**, when it is within its ability to provide facilities and it is determined that the high school cannot or does not offer them.

(10) Programs designed to meet the needs of the area served should be based on the actual educational and service needs of the district. Specific [*professional technical*] **career and technical education** courses should be related not only to the employment opportunities of the area but of the state and nation as well. Such determination should be made in consultation with representatives of labor, business, industry, agriculture and other interested groups.

(11) The State Board of Education should be responsible for coordinating the community college program of the state and should have general supervisory responsibilities for that program. The State Board of Education should prepare estimates and make the requests for legislative appropriations for a reasonable and consistent basis of support and establish standards for the distribution of that support.

(12) The initiative for the establishment of new community colleges should come from the localities to be served, as a response to demonstrated educational needs of an area. However, these localities must not only be willing to assume the responsibility for the institutions but must be able to provide resources needed for an adequate educational and service program.

(13) The governing board of the community college should be charged with the policy-making function. With respect to educational programming, the governing board should in cooperation with the State Board of Education:

- (a) Identify educational needs of the district; and
- (b) Bring together the resources necessary to meet the needs.

(14) The state should maintain a policy of substantial state participation in community college building costs and the maintenance of an adequate level of state support for operation. However, no state funds should be appropriated for buildings such as dormitories or athletic facilities for spectator sports. The district should provide a substantial portion of the funds for capital improvement as well as for operation of a community college.

(15) State appropriations for community colleges shall be made separately from those for other segments of education.

(16) The formula for the distribution of funds for operating costs should reflect the heavier operating costs and capital outlay for certain [*professional technical*] **career and technical education** courses. Federal funds received for [*professional technical training*] **career and technical education**, adult basic education, workforce development or other federal initiatives should be used for those purposes only and be distributed separately from funds appropriated by the state and should be exempted from the computations of the present distribution formula for operating costs.

(17) The cost of education to the individual should be sufficiently low to permit students of low-income families to attend. This is particularly true of tuition costs. However, students should pay an amount sufficient to provide an incentive to profit from the instructional program offered.

(18) Any eligible Oregon resident should have the right to attend a community college even though not residing in a district operating one, subject to the right of the governing board to limit the size of classes and to give preference to students residing in the district. Local school districts and education service districts should have the authority to negotiate the terms and conditions with the governing boards for the enrollment of students residing in such areas.

SECTION 13. ORS 341.485 is amended to read:

341.485. (1) In addition to any other scholarships provided by law, the board may award tuition and fee-exempting scholarships in the college to students applying for enrollment or who are enrolled in the college.

(2) Scholarships shall be awarded on the basis of the student's:

(a) Demonstrated ability to profit [*from either professional technical or*] **either from career and technical education or from** college transfer courses; and

(b) Need for financial assistance.

(3) In addition to the qualifications specified in subsection (2) of this section, the board awarding the scholarship may prescribe qualifications that are of such nature that scholarships awarded under this section will benefit both the student and the people of this state.

SECTION 14. ORS 341.535 is amended to read:

341.535. (1) Community college faculty [*shall not be*] **are not** required to have teaching licenses.

(2) Notwithstanding ORS 342.173, community college faculty who provide instruction in cooperation with a school district for academic, [*professional technical*] **career and technical education**, school-to-work or other work-related programs under ORS chapter 329 [*shall not be*] **are not** required to have teaching licenses. If the faculty member is not a regular full-time employee of the community college, the school district shall follow the instructor appraisal committee procedures adopted by the Teacher Standards and Practices Commission.

(3) Until a community college becomes accredited by the Northwest Association of Schools and Colleges or its successor, the board shall obtain the approval of the accredited community college with which it contracts for curriculum and instructional services before employing any person to teach transfer courses.

SECTION 15. ORS 341.655 is amended to read:

341.655. (1) As used in this section, “approved expenses” means the operating expenses of community college districts for *[professional]* **career and technical education** programs *[which]* **that** have been approved by the Commissioner for Community College Services.

(2) Federal moneys received for purposes of reimbursing community college districts for *[professional]* **career and technical education** programs may be used by the districts to pay approved expenses.

SECTION 16. ORS 344.055 is amended to read:

344.055. It shall be the policy on *[professional]* **career and technical education** and employment training in this state that:

(1) Accessibility to *[professional]* **career and technical education** programs should be facilitated. Individuals should have a choice of training opportunities for which they are qualified and from which they can benefit. Such opportunities should be available from school districts, community colleges, federal and state workforce training programs, private *[professional technical]* **career and technical education** schools, apprenticeship programs and institutions of higher education. The student should have easy access to training with the flexibility to move in and out of programs as needs indicate. Opportunities should be available for all individuals to obtain the skills and knowledge needed for initial employment as well as for occupational upgrading and job changes.

(2) State and local planning and program operations should be coordinated to provide the most efficient use of federal, state, local and private resources.

(3) A comprehensive system of education and employment training should be developed. Secondary schools should provide an educational program that balances the educational skills of reading, writing, speaking, computation and reasoning ability, occupational skills including technical knowledge, manipulative ability and other skills required to perform job tasks and employment skills such as job seeking, work attitude, work adjustment and job-coping abilities. Community colleges should provide comprehensive programs in both academic and *[professional technical]* **career and technical education** subjects. In addition, community colleges should provide short-term training designed for specific occupations, related training for apprenticeships and opportunities for employed persons to improve their skills. Other providers of employment training should compliment this effort with programs aimed at specific job training.

(4) Full working partnerships among education, business, industry, labor, government and agriculture should be developed to meet employer needs for a skilled workforce and to promote employee job satisfaction. Such partnerships should be fostered by promoting efforts such as work site training stations, lending or donating of equipment to training programs, employee-teacher exchange programs, advisory committees and cooperative work experience programs. All segments of the community should be encouraged to assist in *[professional technical training]* **career and technical education**.

(5) Federal, state, local and private funding resources should be combined to ensure the development and implementation of quality programs. Both the governmental and private sectors should make a commitment to *[professional technical training]* **career and technical education** as an investment that will help bring about economic development and stability as well as high social and financial returns. Improvement of existing training programs, as opposed to development of duplicative or parallel efforts, should be utilized to promote flexibility and economy in the design and delivery of *[professional]* **career and technical education**.

(6) High quality *[professional technical training]* **career and technical education** requires an adequate supply of well prepared teachers and support personnel. Provisions should be made for the formal preparation of teachers and for the recruitment of teachers from business and industry. Programs should be designed and implemented to ensure that teachers remain current in their areas of expertise, and instructors should be encouraged to return to business and industry to gain additional experience in their fields. To promote retention of qualified personnel, institutions preparing and licensing teachers and agencies employing teachers should allow credit for relevant *[professional technical]* **career and technical education** experiences.

(7) [*Professional*] **Career and** technical education programs and other employment training programs should be developed, operated and evaluated jointly with representatives of the [*professional technical*] **career and technical education** instructional areas included in the programs. Evaluation of efforts should consider the cost effectiveness of the program both for society and the state.

(8) Each student's [*educational, professional technical*] **academic, career and technical education** and employment skills should be assessed upon entering so that proper placement in the educational program can occur. Credit should be given for prior education, work experience and community service. Assessments to determine progress, competency attainment and needed corrective action should be made on a periodic basis. Assistance in obtaining employment and follow-through services to help students succeed on the job should be provided.

(9) Provisions should be made to meet the needs of women, minorities, disadvantaged or persons with disabilities and others who have special training needs. Special curricula, facilities, equipment, counseling and instruction should be provided as necessary. The agencies and institutions serving these groups should coordinate use of the available resources to provide cost effective services.

(10) Career **and technical** education provides the learning [*experiences*] **experience** needed to make effective career choices and to develop the attitudes, [*knowledges*] **knowledge** and skills that enable persons to perform successfully in the producer role and to assist them in other related life roles. It progresses through the steps of awareness and exploration of work, preparation for a broad range of occupations and specialization in a specific occupation.

(11) [*Professional*] **Career and** technical education is taught at the secondary school level, in post-secondary [*professional technical*] **career and technical education** institutions, community colleges and apprenticeship programs and may continue through skill upgrading or retraining for a new career.

SECTION 17. ORS 344.058 is amended to read:

344.058. Each biennium, in addition to and not in lieu of any other moneys, the Department of Education shall award a grant to the Frontier Learning Network [*professional*] **career and** technical education program. The grant may be used for:

- (1) Mobile classrooms;
- (2) Developing information and technical systems;
- (3) Creating and implementing curricula;
- (4) Capital improvements;
- (5) Teachers and technical staff;
- (6) Distance learning communications expenses; and
- (7) Special project materials.

SECTION 18. ORS 344.070 is amended to read:

344.070. (1) The Oregon Department of Administrative Services may draw warrants upon any state fund to which federal funds for training or education have been credited, in payment of vouchers approved by the Superintendent of Public Instruction or the Commissioner for Community College Services pursuant to rules of the State Board of Education, in favor of school districts, education service districts and community college districts, for such sums, not exceeding \$100,000 for a single district in the aggregate, as the state board, by rule, shall determine. The warrants, upon delivery thereof to the districts, shall constitute advances from state funds to enable the districts more readily to effectuate the purposes set forth in any federal law or regulation pertaining to [*professional*] **career and** technical education or other education or training sponsored by the federal government.

(2) The districts to which moneys are advanced shall be responsible for the full repayment to the state of all sums advanced. The advances are not within any limitation upon indebtedness prescribed by law for districts. The moneys advanced to districts [*shall*] **may** not exceed in the aggregate the moneys to the credit of the state fund from which they are paid, and shall constitute advances to the recipient district in anticipation of verified vouchers to be supplied therefor. The advances are to be used as revolving funds for the payment of the costs of [*professional technical*]

training] **career and technical education** programs. The advances shall be made only in those cases in which the federal government defrays all or part of the cost of such programs.

SECTION 19. ORS 344.120 is amended to read:

344.120. All lawfully incurred claims duly approved pursuant to rules of the State Board of Education, including all claims to be paid from the moneys received by the state from the federal government for [*professional*] **career and technical education** purposes and for which the State Treasurer is custodian shall be paid as provided in ORS 293.295 to 293.462. The Oregon Department of Administrative Services shall draw warrants on the State Treasurer in payment thereof out of the proper appropriations or funds.

SECTION 20. ORS 344.130 is amended to read:

344.130. Any district school board may cooperate with the State Board of Education in establishment of [*professional technical*] **career and technical education** schools or classes giving instruction in agricultural subjects, the trade or industrial subjects, or in home economics subjects, and may use any moneys raised by public taxation in the same manner as moneys for other school purposes are used for the maintenance and support of public schools.

SECTION 21. ORS 344.745 is amended to read:

344.745. (1) The State Apprenticeship and Training Council and the Department of Education shall establish youth apprenticeship and training and work based learning programs to provide occupational skill training for up to 2,000 individual high school students in each biennium. Notwithstanding the limitation on the number of program participants, the department and the Bureau of Labor and Industries may increase the number of participants if federal funds become available for such an increase. In the building and construction trades industries, there shall be a maximum of 100 youth apprentices or trainees per biennium. However, the council has the authority to increase the number of youth apprentices in building and construction trades on the basis of demonstrated industry need.

(2) Participating students must be 16 years of age or older and must be enrolled in a high school [*professional technical*] **career and technical education** program that is applicable to the specific youth apprenticeship and training or work based learning program for which they are applying. Students must demonstrate mastery of the essential competencies contained in an approved career exploration curriculum prior to being registered as a youth apprentice or trainee. In licensed trades for building and construction and for the operation of equipment and machinery defined as hazardous, on-the-job training for students 16 or 17 years of age may be simulated cooperatively at a training site.

(3) Participating schools shall develop and maintain a list of students eligible for youth apprenticeship and training programs. In a cooperative effort, school districts, education service districts and local apprenticeship and training committee members shall review and select students for participation from the list of eligible students established under this subsection.

(4) Employers under ORS 660.002 to 660.210 shall cooperate with the State Director of Apprenticeship and Training through the applicable apprenticeship committee to develop training guidelines consistent with youth apprenticeship and training standards for a specific trade. The guidelines shall provide listing of work processes and related training to be done that will permit the student to acquire necessary skills. The employer, school and youth apprentice shall evaluate monthly the student's progress in high school curriculum, related training and on-the-job training.

(5) No registered youth apprentice or trainee shall displace a regular employee of an approved employer.

SECTION 22. ORS 344.840 is amended to read:

344.840. Upon application of the Director of the Department of Consumer and Business Services, the district school board of a school district [*which employs professional technical*] **that employs career and technical education** instructors or maintains a [*professional technical*] **career and technical education** training program shall furnish to any person designated by the director such [*professional technical*] **career and technical education** instruction as is provided for district pupils

when the facilities of the district permit. The director shall cause to be paid to the district the actual cost of such instruction as nearly as may be estimated by the district school board.

SECTION 23. ORS 657.335 is amended to read:

657.335. As used in ORS 657.335 to 657.360:

(1) "Eligible dislocated workers" means individuals who:

(a) Have been terminated or laid off or who have received a notice of termination or layoff, are eligible for or have exhausted their entitlement to unemployment compensation and are unlikely to return to their previous industry or occupation;

(b) Have been terminated or have received a notice of termination of employment, as a result of any permanent closure of or any substantial layoff at a plant, facility or enterprise;

(c) Are long term unemployed and have limited opportunities for employment or reemployment in the same or a similar occupation in the area in which such individuals reside, including older individuals who may have substantial barriers to employment by reason of age;

(d) Were self-employed, including farmers and ranchers, and are unemployed as a result of general economic conditions in the community in which they reside or because of natural disasters; or

(e) Returned to service in the Oregon National Guard or the military reserve forces of the United States following active duty service as set forth in ORS 657.340 (3)(d).

(2) "[*Professional*] **Career and** technical training" means [*professional and technical*] training or retraining and basic education, including literacy skills, designed to prepare individuals for gainful employment in recognized or new occupations or to prepare individuals to become self-employed. The term does not include programs of instruction for an individual, [(including transfer credit programs of instruction given at community colleges) *which*], **that** are primarily intended to lead toward a baccalaureate or higher degree or training that has for its purpose the preparation of individuals for employment in occupations [*which*] **that** require a baccalaureate or higher degree from institutions of higher education unless approved by the Director of the Employment Department.

SECTION 24. ORS 657.337 is amended to read:

657.337. (1) The state's economic stability is often threatened when workers are being displaced from the workforce and the workers and their families face hardship and serious social and health problems.

(2) The policy of the state is to promote workforce development by providing eligible dislocated workers with unemployment compensation and related benefits while they are receiving [*professional*] **career and** technical training so that they can continue to care for their families and obtain employment.

(3) The Employment Department and the Department of Community Colleges and Workforce Development will implement the necessary strategies, systems and structures that will provide consolidated, streamlined delivery of these services to dislocated workers.

(4) It is the policy of the state to encourage the movement of workers into higher wage jobs.

(5) It is the policy of the state to make the best use of currently existing service delivery vehicles, training programs and assessment devices to provide services to eligible dislocated workers.

(6) In order to assist eligible dislocated workers to continue or complete [*professional*] **career and** technical training, individuals who meet the requirements of ORS 657.335 to 657.360 are eligible for supplemental benefits as provided in ORS 657.340.

SECTION 25. ORS 657.340 is amended to read:

657.340. (1) Dislocated workers approved for [*professional*] **career and** technical training may not be denied unemployment insurance benefits solely because they are attending [*professional*] **career and** technical training, nor shall such individual be denied benefits by reason of leaving work to enter such training if the work left was part-time or temporary or paid less than 80 percent of the individual's average weekly wage during the base year.

(2) Notwithstanding provisions of this chapter relating to availability for work, actively seeking work or refusal to accept suitable work, dislocated workers approved for [*professional*] **career and** technical training and otherwise eligible for benefits are not ineligible for such benefits or waiting week credit because of attendance in [*professional*] **career and** technical training.

(3)(a) Eligible dislocated workers who file valid unemployment compensation claims, upon exhaustion of regular benefits, are eligible, subject to the availability of funds, for supplemental benefits from 1 to 26 times the individual's most recent weekly benefit amount based upon the amount needed to continue or complete approved [*professional*] **career and** technical training.

(b) Supplemental benefits shall be paid under the same terms and conditions as regular benefits under this chapter, except that the Director of the Employment Department may extend the benefit year of an individual attending an approved [*professional*] **career and** technical training program a sufficient number of weeks to allow the individual to complete the training program.

(c) Supplemental benefits under ORS 657.335 to 657.360 may be paid only when the eligible dislocated worker is not eligible to receive extended benefits as provided in ORS 657.321 to 657.329 or additional benefits as provided in ORS 657.331 to 657.334.

(d) Supplemental benefits may be paid only to eligible dislocated workers whose unemployment, as determined by the director:

(A) Is substantially due to the lack of employment opportunities in the workers' local labor market resulting from:

(i) High energy costs;

(ii) Extended drought conditions and the attendant economic conditions;

(iii) Secondary effects of foreign trade; or

(iv) A shift of production to another state or territory of the United States; or

(B) Resulted from the workers' return to service in the Oregon National Guard or military reserve forces of the United States following a change in status from serving under Title 32 to serving under Title 10 of the United States Code at a time designated by the President of the United States by executive order as a period of combatant activities.

(4) The receipt of supplemental benefits is conditioned upon the individual's demonstrating satisfactory progress and attendance in [*professional*] **career and** technical training.

SECTION 26. ORS 657.345 is amended to read:

657.345. (1) Individuals who are identified as dislocated workers under the federal Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), and implementing regulations, and who attend training programs identified under the Act shall be considered to be in approved [*professional*] **career and** technical training. The training shall be for occupations or skills for which there are or are expected to be reasonable employment opportunities in the area or in another area to which the individual is willing to relocate or which relate to the development of a self-employment enterprise for which there is reasonable opportunity for success.

(2) In approving [*professional*] **career and** technical training for eligible dislocated workers who do not attend training programs identified in subsection (1) of this section, the Director of the Employment Department shall require:

(a) That the [*professional*] **career and** technical training relates to an occupation or skill for which there are, or are expected to be, reasonable employment opportunities in this state or relates to the development of a self-employment enterprise for which there is a reasonable opportunity for success.

(b) That the individual has the qualifications and aptitudes to successfully complete such [*professional*] **career and** technical training.

SECTION 27. ORS 657.350 is amended to read:

657.350. The Director of the Employment Department, in consultation with the Department of Community Colleges and Workforce Development, shall promulgate rules as necessary for the administration of ORS 657.335 to 657.360, including but not limited to procedures for approval, undertaking periodic reviews for continued approval, or for disapproval of [*professional*] **career and** technical training for an individual.

Passed by House March 18, 2009

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Chief Clerk of House

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Speaker of House

Passed by Senate May 7, 2009

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President of Senate

Received by Governor:

.....M,....., 2009

Approved:

.....M,....., 2009

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Governor

Filed in Office of Secretary of State:

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Secretary of State