

A-Engrossed
Senate Bill 71

Ordered by the Senate April 14
Including Senate Amendments dated April 14

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 Superintendent of Public Instruction Susan Castillo for Department of Education)

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.

Changes resident district of public charter school students who receive special education and related services to school district in which public charter school is located.

Declares emergency, effective July 1, 2009.

A BILL FOR AN ACT

1
2 Relating to residency of public charter school students; creating new provisions; amending ORS
3 327.297, 338.165 and 340.073; and declaring an emergency.

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

5 **SECTION 1.** ORS 338.165 is amended to read:

6 338.165. (1) [*Notwithstanding ORS 338.155 (1),*] For purposes of this section, the "resident school
7 district" of a student who is eligible for special education and related services [*shall be*] **is** the
8 school district in which the [*student's parent or guardian or person in parental relationship to the*
9 *student resides pursuant to ORS 339.133 and 339.134*] **public charter school that the student at-**
10 **tends is located.**

11 **(2) A resident school district shall identify, locate and evaluate students attending public**
12 **charter schools in the district to determine which students have disabilities and may be in**
13 **need of special education and related services.**

14 [(2)] **(3)** For students who attend public charter schools and are eligible for special education
15 and related services:

16 (a) The resident school district of the student [*shall be*] **is** responsible for providing any required
17 special education and related services to the student; and

18 (b) Amounts from the State School Fund for [*those*] students **requiring special education and**
19 **related services** shall be distributed through the resident school district pursuant to this section.

20 [(3)] **(4)** Notwithstanding ORS 338.155 (2), a resident school district of a student who is eligible
21 for special education and related services shall contractually establish, with any public charter
22 school in which the student is enrolled, payment for provision of special education and related ser-
23 vices to the student. If a student is enrolled in a public charter school and is eligible for special
24 education and related services, an additional amount shall be added to the ADM of the public
25 charter school as described in ORS 327.013 (7)(a)(A). The payment per ADMw in the public charter
26 school that is attributable to the student who is eligible for special education and related services

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 shall equal an amount that is at least equal to:

2 (a) 40 percent of the amount of the school district's General Purpose Grant per ADMw as cal-
3 culated under ORS 327.013 for students who are enrolled in kindergarten through grade eight; and

4 (b) 47.5 percent of the amount of the school district's General Purpose Grant per ADMw as
5 calculated under ORS 327.013 for students who are enrolled in grades 9 through 12.

6 [(4)] (5) If the [*resident school district is not*] **State Board of Education** is the sponsor of a
7 public charter school, the resident school district for each ADMw that is attributable to a student
8 enrolled in a public charter school who is eligible for special education and related services shall
9 transfer five percent of the amount of the school district's General Purpose Grant per ADMw as
10 calculated under ORS 327.013 to the [*sponsor of the public charter school*] **State Board of**
11 **Education**.

12 [(5)] (6) Notwithstanding subsection [(3)] (4) of this section, a school district and a public charter
13 school may negotiate on a case-by-case basis for an alternative distribution of funds other than the
14 distribution prescribed by subsection [(3)] (4) of this section.

15 **SECTION 2. The amendments to ORS 338.165 by section 1 of this 2009 Act first apply to**
16 **the 2009-2010 school year.**

17 **SECTION 3.** ORS 327.297 is amended to read:

18 327.297. (1) In addition to those moneys distributed through the State School Fund, the Depart-
19 ment of Education shall award grants to school districts, education service districts, the Youth
20 Corrections Education Program and the Juvenile Detention Education Program for activities that
21 relate to increases in student achievement, including:

22 (a) Early childhood support including establishing, maintaining or expanding quality
23 prekindergarten programs and full-day kindergarten programs;

24 (b) Class size reduction with an emphasis on the reduction of kindergarten through grade three
25 class sizes;

26 (c) Increases in instructional time including summer programs and before- and after-school pro-
27 grams;

28 (d) Mentoring, teacher retention and professional development;

29 (e) Remediation, alternative learning and student retention;

30 (f) Services to at-risk youth;

31 (g) Programs to improve a student achievement gap between student groups identified by cul-
32 ture, poverty, language and race and other student groups;

33 (h) Vocational education programs;

34 (i) Literacy programs; and

35 (j) Other research-based student improvement strategies approved by the State Board of Educa-
36 tion.

37 (2)(a) Each school district, each education service district, the Youth Corrections Education
38 Program and the Juvenile Detention Education Program may apply to the Department of Education
39 for a grant.

40 (b) The department shall review and approve applications based on criteria established by the
41 State Board of Education. In establishing the criteria, the State Board of Education shall consider
42 the recommendations of the Quality Education Commission established under Executive Order 99-16
43 and the recommendations of the Quality Education Commission established under ORS 327.500.

44 (c) The applications shall include the activities to be funded and the goals of the district or
45 program for increases in student performance. The applications shall become part of the local dis-

1 trict continuous improvement plan described in ORS 329.095.

2 (3) The Department of Education shall evaluate the annual progress of each recipient of grant
3 funds under this section toward the performance targets established by the Quality Education
4 Commissions. The evaluation shall become part of the requirements of the department for assessing
5 the effectiveness of the district under ORS 329.085, 329.095 and 329.105. The department shall ensure
6 district and program accountability by providing appropriate assistance, intervening and establish-
7 ing consequences in order to support progress toward the performance targets.

8 (4) Each biennium the Department of Education shall issue a report to the Legislative Assembly
9 on the grant program and the results of the grant program.

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

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

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

17 (6)(a) The amount of each grant for a program or school district = the program's or school
18 district's ADMw \times (the total amount available for distribution to programs and school districts as
19 grants in each fiscal year \div the total ADMw of all programs and school districts that receive a
20 grant).

21 (b) The amount of each grant for an education service district = the education service district's
22 ADMw \times (the total amount available for distribution to education service districts as grants in
23 each fiscal year \div the total ADMw of all education service districts that receive a grant).

24 (c) As used in this subsection, "ADMw" means:

25 (A) For a school district, the extended weighted average daily membership as calculated under
26 ORS 327.013, 338.155 (1) and 338.165 [(2)] (4);

27 (B) For the Youth Corrections Education Program, the average daily membership as defined in
28 ORS 327.006 multiplied by 2.0;

29 (C) For the Juvenile Detention Education Program, the average daily membership as defined in
30 ORS 327.006 multiplied by 1.5; and

31 (D) For an education service district, the sum of the ADMw of the component school districts
32 of the education service district.

33 (7) Each district or program shall deposit the grant amounts it receives under this section in a
34 separate account, and shall apply amounts in that account to pay for activities described in the
35 district's or program's application.

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

38 **SECTION 4.** ORS 340.073 is amended to read:

39 340.073. (1) A public charter school may elect to participate in the Expanded Options Program
40 by amending its charter under ORS 338.065.

41 (2) Actual instructional costs associated with participating eligible students shall be negotiated
42 and paid directly to the eligible post-secondary institution by the public charter school.

43 (3) The participating public charter school may not require funding from the sponsor of the
44 school for payment of Expanded Options Program costs that is in addition to funding that already
45 has been contractually established pursuant to ORS 338.155 (2)(b) or (3)(b) or 338.165 [(3)(b)] (4)(b).

1 **SECTION 5. This 2009 Act being necessary for the immediate preservation of the public**
2 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
3 **July 1, 2009.**

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