

Senate Bill 976

Sponsored by Senator HASS, Representative HARKER; Senators ATKINSON, BATES, BONAMICI, BURDICK, DEVLIN, GEORGE, MONNES ANDERSON, MONROE, PROZANSKI, TELFER, WALKER, Representatives BARKER, DEMBROW, HOLVEY, MAURER, READ, WINGARD

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 school district to renew waiver that allows school district to contract with entity that administers nationally normed assessments if entity meets specified requirements. Directs Department of Education to reimburse school district for cost of assessments that are administered under waiver.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to nationally normed assessments; amending ORS 327.008 and 329.488 and section 19,
3 chapter 846, Oregon Laws 2007; repealing section 2, chapter 20, Oregon Laws 2008; and declar-
4 ing an emergency.

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

6 **SECTION 1.** ORS 329.488, as amended by section 1, chapter 20, Oregon Laws 2008, is amended
7 to read:

8 329.488. (1) **Except as provided in subsections (3) and (4) of this section**, the Department of
9 Education shall contract with [a] **one** nonprofit entity to administer a nationally normed assessment,
10 in collaboration with the department, to all students in grade 10 who are enrolled in a public school.
11 The purpose of the assessment is to predict the success of students on, and provide practice for
12 students taking, college entrance exams.

13 (2) The department shall base the selection of the contractor under subsection (1) of this section
14 on all of the following criteria:

15 (a) The contractor must be able to provide to the department statewide data containing the re-
16 sults of the assessment;

17 (b) The contractor shall provide an assessment that:

18 (A) Identifies students with high potential to excel in advanced placement (AP) or other honors
19 courses based on a research-based correlation of scores on the grade 10 assessment to advanced
20 placement examinations;

21 (B) Examines students in mathematics, reading and writing; and

22 (C) Provides results that can be used by Oregon's higher education institutions to recruit stu-
23 dents to attend college;

24 (c) The contractor must be able to supply schools with an item-by-item analysis of student per-
25 formance on the assessment; and

26 (d) The contractor must be able to make available to each student taking the assessment a free
27 career assessment and online exploration of colleges and career opportunities.

28 *[(3) Notwithstanding subsection (1) of this section.]*

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

1 *[(a) The department may, under rules adopted by the State Board of Education, waive the assess-*
 2 *ment for specific groups of students; and]*

3 *[(b) Upon request from a student who is enrolled in a public school operated by a school district*
 4 *or the parent or guardian of the student, the school district shall waive the assessment for the*
 5 *student.]*

6 **(3) A student is not required to take an assessment described in subsection (1) of this**
 7 **section if:**

8 **(a) The department, under rules adopted by the State Board of Education, waives the**
 9 **assessment for a specific group of students; or**

10 **(b) A school district waives the assessment for a student upon request from a student**
 11 **who is enrolled in a public school operated by the school district or from the parent or**
 12 **guardian of the student.**

13 **(4)(a) The department shall grant a waiver to a school district that is valid for one school**
 14 **year and that allows the school district to enter into a contract with an entity other than**
 15 **the entity selected by the department pursuant to subsection (1) of this section if:**

16 **(A) The district had entered into a contract with the entity for the 2007-2008 school year**
 17 **to administer an assessment to students in the district who are in grade 10;**

18 **(B) The entity, in coordination with the district, administered an assessment during the**
 19 **2007-2008 school year to students in the district who are in grade 10;**

20 **(C) The entity met the criteria established under subsection (2) of this section for the**
 21 **school year prior to the school year for which the school district seeks a waiver; and**

22 **(D) The entity plans to meet the criteria established under subsection (2) of this section**
 23 **for the school year for which the school district seeks a waiver.**

24 **(b) A waiver granted under this subsection may be renewed each school year.**

25 **(c) The department shall reimburse a school district for the cost of assessments allowed**
 26 **under this subsection from funds available to the department under ORS 327.008 (10).**

27 **SECTION 2.** ORS 327.008, as amended by section 1, chapter 39, Oregon Laws 2008, is amended
 28 to read:

29 327.008. (1) There is established a State School Fund in the General Fund. The fund shall consist
 30 of moneys appropriated by the Legislative Assembly and moneys transferred from the Education
 31 Stability Fund. The State School Fund is continuously appropriated to the Department of Education
 32 for the purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125, 327.137, 327.348,
 33 327.355, 327.357, 327.360, 336.575, 336.580, 336.635, 342.173, 343.243, 343.533 and 343.961.

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

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

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

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

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

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

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

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

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

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

15 (12) Each biennium, the Department of Education may expend up to \$350,000 from the State
16 School Fund to provide administration of and support for the development of talented and gifted
17 education under ORS 343.404.

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

21 **SECTION 3.** ORS 327.008, as amended by section 12, chapter 846, Oregon Laws 2007, and sec-
22 tion 2, chapter 39, Oregon Laws 2008, is amended to read:

23 327.008. (1) There is established a State School Fund in the General Fund. The fund shall consist
24 of moneys appropriated by the Legislative Assembly and moneys transferred from the Education
25 Stability Fund. The State School Fund is continuously appropriated to the Department of Education
26 for the purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125, 327.137, 327.348,
27 336.575, 336.580, 336.635, 342.173, 343.243, 343.533 and 343.961.

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

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

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

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

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

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

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

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

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

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

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

13 **SECTION 4.** ORS 329.488, as amended by section 1, chapter 20, Oregon Laws 2008, and section
 14 1 of this 2009 Act, is amended to read:

15 329.488. (1) Except as provided in subsections (3) and (4) of this section, the Department of Ed-
 16 ucation shall contract with one nonprofit entity to administer a nationally normed assessment, in
 17 collaboration with the department, to all students in grade 10 who are enrolled in a public school.
 18 The purpose of the assessment is to predict the success of students on, and provide practice for
 19 students taking, college entrance exams.

20 (2) The department shall base the selection of the contractor under subsection (1) of this section
 21 on all of the following criteria:

22 (a) The contractor must be able to provide to the department statewide data containing the re-
 23 sults of the assessment;

24 (b) The contractor shall provide an assessment that:

25 (A) Identifies students with high potential to excel in advanced placement (AP) or other honors
 26 courses based on a research-based correlation of scores on the grade 10 assessment to advanced
 27 placement examinations;

28 (B) Examines students in mathematics, reading and writing; and

29 (C) Provides results that can be used by Oregon's higher education institutions to recruit stu-
 30 dents to attend college;

31 (c) The contractor must be able to supply schools with an item-by-item analysis of student per-
 32 formance on the assessment; and

33 (d) The contractor must be able to make available to each student taking the assessment a free
 34 career assessment and online exploration of colleges and career opportunities.

35 (3) A student is not required to take an assessment described in subsection (1) of this section
 36 if:

37 (a) The department, under rules adopted by the State Board of Education, waives the assessment
 38 for a specific group of students; or

39 (b) A school district waives the assessment for a student upon request from a student who is
 40 enrolled in a public school operated by the school district or from the parent or guardian of the
 41 student.

42 (4)(a) The department shall grant a waiver to a school district that is valid for one school year
 43 and that allows the school district to enter into a contract with an entity other than the entity se-
 44 lected by the department pursuant to subsection (1) of this section if:

45 (A) The district had entered into a contract with the entity for the 2007-2008 school year to

1 administer an assessment to students in the district who are in grade 10;

2 (B) The entity, in coordination with the district, administered an assessment during the
3 2007-2008 school year to students in the district who are in grade 10;

4 (C) The entity met the criteria established under subsection (2) of this section for the school
5 year prior to the school year for which the school district seeks a waiver; and

6 (D) The entity plans to meet the criteria established under subsection (2) of this section for the
7 school year for which the school district seeks a waiver.

8 (b) A waiver granted under this subsection may be renewed each school year.

9 (c) The department shall reimburse a school district for the cost of assessments allowed under
10 this subsection from funds available to the department under ORS 327.008 [(10)] (9).

11 **SECTION 5.** Section 19, chapter 846, Oregon Laws 2007, is amended to read:

12 **Sec. 19. (1)** The amendments to ORS 327.006, 327.008, 327.019, 327.125, 327.137, 339.129 and
13 340.045 by sections 11 to 17, **chapter 846, Oregon Laws 2007**, [*of this 2007 Act*] and the repeal of
14 ORS 327.355, 327.357 and 327.360 by section 18, **chapter 846, Oregon Laws 2007**, [*of this 2007*
15 *Act*] become operative on June 30, 2012.

16 **(2) The amendments to ORS 329.488 by section 4 of this 2009 Act become operative on**
17 **June 30, 2012.**

18 **SECTION 6.** Section 2, chapter 20, Oregon Laws 2008, is repealed.

19 **SECTION 7.** **This 2009 Act being necessary for the immediate preservation of the public**
20 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
21 **on its passage.**

22