

House Bill 3553

Sponsored by Representative PARRISH; Representative CONGER, Senator OLSEN

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**.

Provides funding for instruction for talented and gifted children based on amount per student.
Requires school districts to provide instruction for talented and gifted children.

First applies to 2011-2012 school year.

Declares emergency, effective July 1, 2011.

A BILL FOR AN ACT

1
2 Relating to funding for talented and gifted children; creating new provisions; amending ORS 327.008,
3 327.023, 343.395, 343.396, 343.397 and 343.411; repealing ORS 343.399 and 343.401; and declaring
4 an emergency.

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

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

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

12 (2) There shall be apportioned from the State School Fund to each school district a State School
13 Fund grant, consisting of the positive amount equal to a general purpose grant and a facility grant
14 and a transportation grant and a high cost disabilities grant minus local revenue, computed as pro-
15 vided in ORS 327.011 and 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
27 grants among those school districts that qualified for a facility grant.

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

30 (9) Each fiscal year, the Department of Education shall transfer the amount of \$2.5 million from

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 the State School Fund to the Small School District Supplement Fund established in ORS 327.360.

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

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

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

11 **(13) Each fiscal year, the Department of Education shall distribute from the State School**
 12 **Fund to school districts for each student identified as a talented and gifted child under ORS**
 13 **343.391 to 343.413 an amount that equals:**

14 **(a) \$300 per student if the school district has identified fewer than 75 talented and gifted**
 15 **children in the school district; or**

16 **(b) \$250 per student if the school district has identified 75 or more talented and gifted**
 17 **children in the school district.**

18 ~~[(13)]~~ (14) Each biennium, the Department of Education may expend up to \$150,000 from the
 19 State 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 2.** ORS 327.008, as amended by section 12, chapter 846, Oregon Laws 2007, section
 22 2, chapter 39, Oregon Laws 2008, and section 9, chapter 698, Oregon Laws 2009, 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 327.011 and 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 described in ORS 329.488. The amount distributed to education service
 3 districts from the State School Fund under this section and ORS 327.019 shall be reduced by the
 4 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 fiscal year, the Department of Education shall distribute from the State School**
 11 **Fund to school districts for each student identified as a talented and gifted child under ORS**
 12 **343.391 to 343.413 an amount that equals:**

13 **(a) \$300 per student if the school district has identified fewer than 75 talented and gifted**
 14 **children in the school district; or**

15 **(b) \$250 per student if the school district has identified 75 or more talented and gifted**
 16 **children in the school district.**

17 ~~[(12)]~~ (13) Each biennium, the Department of Education may expend up to \$150,000 from the
 18 State School Fund for the administration of a program to increase the number of speech-language
 19 pathologists and speech-language pathology assistants under ORS 348.394 to 348.406.

20 **SECTION 3. (1) The amendments to ORS 327.008 by section 1 of this 2011 Act apply to**
 21 **State School Fund distributions commencing with the 2011-2012 distributions.**

22 **(2) The amendments to ORS 327.008 by section 2 of this 2011 Act apply to State School**
 23 **Fund distributions commencing with the 2012-2013 distributions.**

24 **SECTION 4.** ORS 327.008, as amended by section 12, chapter 846, Oregon Laws 2007, section
 25 2, chapter 39, Oregon Laws 2008, section 9, chapter 698, Oregon Laws 2009, and section 2 of this
 26 2011 Act, is amended to read:

27 327.008. (1) There is established a State School Fund in the General Fund. The fund shall consist
 28 of moneys appropriated by the Legislative Assembly and moneys transferred from the Education
 29 Stability Fund. The State School Fund is continuously appropriated to the Department of Education
 30 for the purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125, 327.137, 327.348,
 31 336.575, 336.580, 336.635, 342.173, 343.243, 343.533 and 343.961.

32 (2) There shall be apportioned from the State School Fund to each school district a State School
 33 Fund grant, consisting of the positive amount equal to a general purpose grant and a facility grant
 34 and a transportation grant and a high cost disabilities grant minus local revenue, computed as pro-
 35 vided in ORS 327.011 and 327.013.

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

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

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

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

44 (7) The total amount of the State School Fund that is distributed as facility grants may not ex-
 45 ceed \$25 million in any biennium. If the total amount to be distributed as facility grants exceeds this

1 limitation, the Department of Education shall prorate the amount of funds available for facility
2 grants among those school districts that qualified for a facility grant.

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

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

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

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

14 (12) Each fiscal year, the Department of Education shall distribute from the State School Fund
15 to school districts for each student identified as a talented and gifted child under ORS 343.391 to
16 343.413 an amount that equals **\$375 per student.**[.]

17 *[(a) \$300 per student if the school district has identified fewer than 75 talented and gifted children
18 in the school district; or]*

19 *[(b) \$250 per student if the school district has identified 75 or more talented and gifted children in
20 the school district.]*

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

24 **SECTION 5. (1) The amendments to ORS 327.008 by section 4 of this 2011 Act become
25 operative on July 1, 2013.**

26 **(2) The amendments to ORS 327.008 by section 4 of this 2011 Act apply to State School
27 Fund distributions commencing with the 2013-2014 distributions.**

28 **SECTION 6.** ORS 327.008, as amended by section 12, chapter 846, Oregon Laws 2007, section
29 2, chapter 39, Oregon Laws 2008, section 9, chapter 698, Oregon Laws 2009, and sections 2 and 4
30 of this 2011 Act, is amended to read:

31 327.008. (1) There is established a State School Fund in the General Fund. The fund shall consist
32 of moneys appropriated by the Legislative Assembly and moneys transferred from the Education
33 Stability Fund. The State School Fund is continuously appropriated to the Department of Education
34 for the purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125, 327.137, 327.348,
35 336.575, 336.580, 336.635, 342.173, 343.243, 343.533 and 343.961.

36 (2) There shall be apportioned from the State School Fund to each school district a State School
37 Fund grant, consisting of the positive amount equal to a general purpose grant and a facility grant
38 and a transportation grant and a high cost disabilities grant minus local revenue, computed as pro-
39 vided in ORS 327.011 and 327.013.

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

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

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

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

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

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

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

13 (10) 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 (11) 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 (12) Each fiscal year, the Department of Education shall distribute from the State School Fund
 19 to school districts for each student identified as a talented and gifted child under ORS 343.391 to
 20 343.413 an amount that equals [~~\$375~~] **\$500** per student.

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

24 **SECTION 7. (1) The amendments to ORS 327.008 by section 6 of this 2011 Act become**
 25 **operative on July 1, 2015.**

26 **(2) The amendments to ORS 327.008 by section 6 of this 2011 Act apply to State School**
 27 **Fund distributions commencing with the 2015-2016 distributions.**

28 **SECTION 8.** ORS 327.023 is amended to read:

29 327.023. In addition to those moneys distributed through the State School Fund, the Department
 30 of Education shall provide from state funds appropriated therefor, grants in aid or support for spe-
 31 cial and compensatory education programs including:

32 (1) The Oregon School for the Deaf.

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

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

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

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

41 (6) Early childhood special education provided to preschool children with disabilities from age
 42 three until age of eligibility for kindergarten as described in ORS 339.185, 343.035, 343.041, 343.055,
 43 343.065, 343.157 and 343.455 to 343.534.

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

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

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

4 (10) Disadvantaged children program under ORS 343.680.

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

6 (12) Child development specialist program under ORS 329.255.

7 (13) Youth care centers under ORS 420.885.

8 (14) Staff development and mentoring.

9 (15) Career and technical education grants.

10 (16) Special science education programs.

11 [(17) *Talented and Gifted children program under ORS 343.391 to 343.413.*]

12 **SECTION 9.** ORS 343.395 is amended to read:

13 343.395. As used in ORS 343.391 to 343.413, unless the context requires otherwise:

14 [(1) *“Application” means a request by a school district for state funds to develop and operate pro-*
15 *grams for students under an approved, written plan as contained in ORS 343.397.*]

16 [(2) *“Board” means the State Board of Education.*]

17 [(3) *“Department” means the Department of Education.*]

18 [(4) (1) *“Identification” means the formal process of screening and selecting talented and gifted*
19 *children according to administrative rules established by the board.*

20 [(5) (2) *“School district” has the [same meaning as] meaning given that term in ORS 330.005*
21 *(2) [and also]. “School district” includes, where appropriate, an education service district, state*
22 *operated schools or programs or a consortium of school districts submitting a joint plan.*

23 [(6) *“Superintendent” means the Superintendent of Public Instruction.*]

24 [(7) (3) *“Talented and gifted children” means those children who require special educational*
25 *programs or services, or both, beyond those normally provided by the regular school program in*
26 *order to realize their contribution to self and society and who demonstrate outstanding ability or*
27 *potential in one or more of the following areas:*

28 (a) General intellectual ability as commonly measured by measures of intelligence and aptitude.

29 (b) Unusual academic ability in one or more academic areas.

30 (c) Creative ability in using original or nontraditional methods in thinking and producing.

31 (d) Leadership ability in motivating the performance of others either in educational or nonedu-
32 cational settings.

33 (e) Ability in the visual or performing arts, such as dance, music or art.

34 **SECTION 10.** ORS 343.396 is amended to read:

35 343.396. It is legislative policy that[, *when*] talented and gifted programs [*are offered, the pro-*
36 *grams*] should be provided by common or union high school districts, combinations of such districts
37 or education service districts, in accordance with ORS 334.175, and that the state will provide fi-
38 nancial and technical support to the districts to implement the education programs within the limits
39 of available funds.

40 **SECTION 11.** ORS 343.397 is amended to read:

41 343.397. (1) [*Any school district may submit to the Superintendent of Public Instruction for ap-*
42 *proval*] **Each school district must develop** a written plan of instruction for talented and gifted
43 children. The plan shall include, but not be limited to:

44 [(1)] (a) A statement of school district policy on the education of talented and gifted children;

45 [(2)] (b) An assessment of current special programs and services provided by the district for

1 talented and gifted children;

2 [(3)] (c) A statement of district goals for providing comprehensive special programs and services
3 and over what span of time the goals will be achieved;

4 [(4)] (d) A description of the nature of the special programs and services which will be provided
5 to accomplish the goals; and

6 [(5)] (e) A plan for evaluating progress on the district plan including each component program
7 and service.

8 **(2) The State Board of Education may adopt by rule standards that a school district must**
9 **implement into a plan developed under subsection (1) of this section. The standards may in-**
10 **volve identification procedures, student assessments and evaluative procedures.**

11 **(3) School districts shall account for amounts expended for the instruction of talented**
12 **and gifted children on a form acceptable to the Department of Education, as described in**
13 **rules adopted by the board.**

14 **SECTION 12.** ORS 343.411 is amended to read:

15 343.411. (1) ORS 343.407 and 343.409 shall apply to the identification of and provision of special
16 educational programs and services for the talented and gifted as described in ORS 343.395 [(7)(a)]
17 **(3)(a)** and (b) and rules adopted by the State Board of Education.

18 (2) School districts may identify and provide special educational programs and services for stu-
19 dents who demonstrate creative abilities, leadership abilities or unusual abilities in the visual or
20 performing arts as described in ORS 343.395 [(7)(c)] **(3)(c)**, (d) and (e) and rules adopted by the board.

21 (3) The board shall adopt state guidelines for the identification and provision of special educa-
22 tional programs and services described in subsection (2) of this section.

23 **SECTION 13.** **ORS 343.399 and 343.401 are repealed.**

24 **SECTION 14.** **The amendments to ORS 343.395, 343.396 and 343.397 by sections 9 to 11 of**
25 **this 2011 Act and the repeal of ORS 343.399 and 343.401 by section 13 of this 2011 Act first**
26 **apply to the 2011-2012 school year.**

27 **SECTION 15.** **This 2011 Act being necessary for the immediate preservation of the public**
28 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
29 **July 1, 2011.**

30