

# Senate Bill 21

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## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Eliminates types of youth correction facilities at which youth may receive educational services under Youth Corrections Education Program.

Requires Department of Education to be responsible for payment of education of certain youths in confinement. Requires school district in which youth is confined to be responsible for education of youth.

Revises method by which State School Fund grants for Youth Corrections Education Program and Juvenile Detention Education Program are calculated.

Declares emergency, effective July 1, 2011.

## A BILL FOR AN ACT

1  
2 Relating to the education of youths in confinement; creating new provisions; amending ORS 326.695,  
3 326.712, 327.026, 327.297, 336.585 and 339.133; and declaring an emergency.

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

5 **SECTION 1.** ORS 326.695 is amended to read:

6 326.695. As used in ORS 326.700 and 326.712:

7 (1) "Juvenile Detention Education Program" means the provision of educational services to  
8 youths lodged overnight who receive educational services on consecutive days within a detention  
9 facility, as defined in ORS 419A.004.

10 (2)(a) "Youth Corrections Education Program" means the provision of educational services to  
11 youths in [*youth correction facilities, as defined in ORS 420.005.*] **a facility used for the confine-**  
12 **ment of youth offenders and other persons placed in the legal or physical custody of the**  
13 **Oregon Youth Authority.**

14 (b) "Youth Corrections Education Program" **does not include the provision of educational**  
15 **services to youths in regional youth accountability camps, regional residential academies and**  
16 **satellites, camps and branches of those facilities.**

17 **SECTION 2.** ORS 339.133, as amended by sections 1 and 3, chapter 21, Oregon Laws 2010, is  
18 amended to read:

19 339.133. (1) Except as provided in subsection (3), (4), (5), (6) or [(7)] (8) of this section, children  
20 between the ages of 4 and 18 shall be considered resident for school purposes in the school district  
21 in which their parents, their guardians or persons in parental relationship to them reside.

22 (2) Nonemancipated individuals between the ages of 4 and 18 living outside the geographic area  
23 of the school district for such reasons as attending college, military service, hospital confinement  
24 or employment away from home shall be considered resident in the district in which their parents,  
25 their guardians or persons in parental relationship to them reside.

26 (3) Individuals considered legally emancipated from their parents shall be considered resident  
27 in the district in which they actually reside, irrespective of the residence of their parents, their

**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 guardians or persons in parental relationship.

2 (4) Children placed by public or private agencies who are living in licensed, certified or ap-  
 3 proved substitute care programs shall be considered resident in the school district in which they  
 4 reside because of placement by a public or private agency.

5 (5)(a) Notwithstanding subsection (4) of this section, when a juvenile court determines that it is  
 6 in a child’s best interest to continue to attend the school that the child attended prior to placement  
 7 by a public agency, the child:

8 (A) Shall be considered resident for school purposes in the school district in which the child  
 9 resided prior to the placement; and

10 (B) May continue to attend the school the child attended prior to the placement through the  
 11 highest grade level of the school.

12 (b) The public agency that has placed the child shall be responsible for providing the child with  
 13 transportation to and from school when the need for transportation is due to the placement by the  
 14 public agency.

15 (c) Paragraph (b) of this subsection applies only to a public agency for which funds have been  
 16 designated for the specific purpose of providing a child with transportation to and from school under  
 17 this subsection.

18 **(6) Youths placed by the Oregon Youth Authority in regional youth accountability camps,  
 19 regional residential academies and satellites, camps and branches of those facilities shall be  
 20 considered resident in the school district in which the facility is located.**

21 [(6)] (7) Persons living temporarily in a school district for the primary purpose of attending a  
 22 district school may not be considered resident in the district in which they are living temporarily,  
 23 but shall be considered resident in the district in which they, their parents, their guardians or per-  
 24 sons in parental relationship to them maintain residency.

25 [(7)] (8) Except as provided in ORS 327.006 (7) and 335.090, persons whose legal residence is not  
 26 within the district but who attend school in the district with the written consent of the affected  
 27 district school boards shall be considered to be residents in the district in which the persons attend  
 28 school for purposes of the receipt by that district of State School Fund moneys for those persons.

29 [(8)] (9) For the purposes of this section:

30 (a) “Person in parental relationship” means an adult who has physical custody of a child or re-  
 31 sides in the same household as the child, interacts with the child daily, provides the child with food,  
 32 clothing, shelter and incidental necessities and provides the child with necessary care, education  
 33 and discipline. “Person in parental relationship” does not mean a person with a power of attorney  
 34 or other written delegation of parental responsibilities if the person does not have other evidence  
 35 of a parental relationship.

36 (b) “Substitute care program” means family foster care, family group home care, parole foster  
 37 care, family shelter care, adolescent shelter care and professional group care.

38 **SECTION 3.** ORS 326.712 is amended to read:

39 326.712. *[The Superintendent of Public Instruction may contract with an education service district  
 40 or a school district to provide teachers, counselors or other personnel for the Youth Corrections Edu-  
 41 cation Program and the Juvenile Detention Education Program. However, The programs may not be  
 42 considered a component district and the students enrolled in the programs may not be counted in de-  
 43 termining the number of pupils in average daily membership for purposes of ORS 334.175 (5).]*

44 **(1) The Department of Education is responsible for paying the costs of providing educa-  
 45 tion to youths enrolled in the Youth Corrections Education Program or the Juvenile De-**

1 **tention Education Program. Payment shall be made from the State School Fund grant**  
 2 **allocated for those programs under ORS 327.026.**

3 **(2) The school district in which an educational program under the Youth Corrections**  
 4 **Education Program or the Juvenile Detention Education Program is located is responsible**  
 5 **for ensuring that youths enrolled in the program receive an appropriate education from:**

6 **(a) The school district;**

7 **(b) An adjacent school district;**

8 **(c) The education service district in which the program is located; or**

9 **(d) An education service district contiguous to the education service district in which the**  
 10 **program is located.**

11 **(3) The Superintendent of Public Instruction may enter into a contract with a school**  
 12 **district or an education service district to provide teachers, counselors or other personnel**  
 13 **for educational programs under the Youth Corrections Education Program or the Juvenile**  
 14 **Detention Education Program.**

15 **(4) The Youth Corrections Education Program and the Juvenile Detention Education**  
 16 **Program are not considered part of a component school district of an education service dis-**  
 17 **trict and the youths enrolled in the programs may not be counted in determining the number**  
 18 **of pupils in average daily membership for purposes of ORS 334.175 (5).**

19 **SECTION 4.** ORS 336.585 is amended to read:

20 *336.585. [(1) The Department of Education shall provide or cause to be provided appropriate edu-*  
 21 *cation for children placed in a detention facility. The Superintendent of Public Instruction may contract*  
 22 *with a school district or education service district to provide or cause to be provided appropriate edu-*  
 23 *cation to children placed in a detention facility.]*

24 *[(2) The superintendent shall pay the costs of providing education to children placed in detention*  
 25 *facilities from the State School Fund grant allocated to the Juvenile Detention Education Program for*  
 26 *that purpose under ORS 327.026.]*

27 **(1) As used in this section:**

28 **(a) “Juvenile Detention Education Program” means the program defined in ORS 326.695.**

29 **(b) “Resident district” means the school district in which the parents or legal guardian,**  
 30 **if any, of a child resided at the time of the child’s enrollment in the Juvenile Detention Ed-**  
 31 **ucation Program. If the child has no parents or legal guardian, or none can be located, the**  
 32 **resident district is the school district in which the child is physically located.**

33 *[(3)] (2) The State Board of Education shall adopt by rule standards to be applied to the opera-*  
 34 *tion of the Juvenile Detention Education Program[, as defined in ORS 326.695].*

35 *[(4)] (3) The Superintendent of Public Instruction shall ensure that the resident district of each*  
 36 *child [placed in a detention facility] enrolled in the Juvenile Detention Education Program is*  
 37 *notified, if the resident district can be reasonably identified. The purposes of the notification include,*  
 38 *but are not limited to:*

39 *(a) Removing the child from the resident district’s census;*

40 *(b) Facilitating transfers of the child’s educational records; and*

41 *(c) Facilitating planning for the child’s possible return to the resident district.*

42 *[(5) As used in this section:]*

43 *[(a) “Detention facility” has the meaning given the term in ORS 419A.004.]*

44 *[(b) “Placed in a detention facility” means lodged overnight between consecutive days of receiving*  
 45 *educational services within the detention facility.]*

1        [(c) "Resident district" means the school district in which the parents or legal guardian, if any, of  
 2        the child resided at the time of placement. If the child has no parents or legal guardian, or none can  
 3        be located, the resident district shall be the school district in which the child is physically located.]

4        **SECTION 5. The amendments to ORS 326.695, 326.712, 336.585 and 339.133 by sections 1**  
 5        **to 4 of this 2011 Act first apply to the 2011-2012 school year.**

6        **SECTION 6.** ORS 327.026 is amended to read:

7        327.026. (1) In order to accomplish the purpose described in ORS 326.700, the State Board of  
 8        Education shall adopt by rule definitions and procedures to be applied to the computation of the  
 9        State School Fund allocations where necessary to make students enrolled in the Youth Corrections  
 10        Education Program, as defined in ORS 326.695, and the Juvenile Detention Education Program, as  
 11        defined in ORS 326.695, equivalent to students enrolled in common and union high school districts  
 12        for purposes of distribution of the fund.

13        (2)(a) The Youth Corrections Education Program shall [*be entitled to*] receive from the State  
 14        School Fund for each school year a special State School Fund grant, consisting of a general purpose  
 15        grant that is equal to the Youth Corrections Education Program **extended ADMw** [*ADM multiplied*  
 16        *by 2.0 multiplied by the additional per student weight, as calculated in ORS 327.013 (1)(c)(A)(i),*]  
 17        multiplied by Funding Percentage and further multiplied by Statewide Target per ADMw Grant. **For**  
 18        **the purpose of the calculation made under this paragraph:**

19        **(A) ADMw equals ADM multiplied by 2.0 multiplied by the additional per student weight,**  
 20        **as calculated in ORS 327.013 (1)(c)(A)(i).**

21        **(B) Extended ADMw equals ADMw or ADMw of the prior year, whichever is greater.**

22        (b) Notwithstanding paragraph (a) of this subsection, the Youth Corrections Education Program  
 23        may not receive moneys under this section from the State School Fund for any youth in the program  
 24        who:

25        (A) Has received a high school diploma; or

26        (B) Is 21 years of age or older.

27        (3) The Juvenile Detention Education Program shall [*be entitled to*] receive from the State School  
 28        Fund for each school year a special State School Fund grant, consisting of a general purpose grant  
 29        that is equal to the Juvenile Detention Education Program **extended ADMw** [*ADM multiplied by*  
 30        *1.5*] multiplied by Funding Percentage and further multiplied by Statewide Target per ADMw Grant.  
 31        **For the purpose of the calculation made under this subsection:**

32        **(a) ADMw equals ADM multiplied by 2.0.**

33        **(b) Extended ADMw equals ADMw or ADMw of the prior year, whichever is greater.**

34        (4) Funds allocated to the Youth Corrections Education Program and the Juvenile Detention  
 35        Education Program from the State School Fund shall remain with the Department of Education and  
 36        shall be adjusted in the year following the distribution to reflect the actual ADMw of students in  
 37        the Youth Corrections Education Program and the Juvenile Detention Education Program in the  
 38        same manner as for the school districts under ORS 327.101.

39        **SECTION 7. The amendments to ORS 327.026 by section 6 of this 2011 Act apply to State**  
 40        **School Fund distributions commencing with the 2011-2012 distribution.**

41        **SECTION 8.** ORS 327.297 is amended to read:

42        327.297. (1) In addition to those moneys distributed through the State School Fund, the Depart-  
 43        ment of Education shall award grants to school districts, education service districts, the Youth  
 44        Corrections Education Program and the Juvenile Detention Education Program for activities that  
 45        relate to increases in student achievement, including:

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

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

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

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

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

9 (f) Services to at-risk youth;

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

12 (h) Vocational education programs;

13 (i) Literacy programs;

14 (j) School library programs; and

15 (k) Other research-based student improvement strategies approved by the State Board of Edu-  
16 cation.

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

20 (b) The department shall review and approve applications based on criteria established by the  
21 State Board of Education. In establishing the criteria, the State Board of Education shall consider  
22 the recommendations of the Quality Education Commission established under ORS 327.500.

23 (c) The applications shall include the activities to be funded and the goals of the district or  
24 program for increases in student performance. The applications shall become part of the local dis-  
25 trict continuous improvement plan described in ORS 329.095.

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

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

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

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

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

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

45 (b) The amount of each grant for an education service district = the education service district's

1 ADMw  $\times$  (the total amount available for distribution to education service districts as grants in  
 2 each fiscal year  $\div$  the total ADMw of all education service districts that receive a grant).

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

4 (A) For a school district, the extended weighted average daily membership as calculated under  
 5 ORS 327.013, 338.155 (1) and 338.165 (3);

6 (B) For the Youth Corrections Education Program, the **extended weighted** average daily mem-  
 7 bership as [*defined in ORS 327.006 multiplied by 2.0*] **calculated under ORS 327.026**;

8 (C) For the Juvenile Detention Education Program, the **extended weighted** average daily  
 9 membership as [*defined in ORS 327.006 multiplied by 1.5*] **calculated under ORS 327.026**; and

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

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

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

17 **SECTION 9. The amendments to ORS 327.297 by section 8 of this 2011 Act apply to grants**  
 18 **first awarded for the 2011-2012 school year.**

19 **SECTION 10. This 2011 Act being necessary for the immediate preservation of the public**  
 20 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**  
 21 **July 1, 2011.**

22 \_\_\_\_\_