

Senate Bill 330

Sponsored by Senator HASS; Senator BONAMICI, Representatives HARKER, READ (Presession filed.)

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 weighted average daily membership. Requires school districts to provide instruction for talented and gifted children.

First applies to 2012-2013 school year.

Takes effect on July 1, 2012.

A BILL FOR AN ACT

1
2 Relating to instruction for talented and gifted children; creating new provisions; amending ORS
3 327.013, 327.023, 338.157, 343.395, 343.396, 343.397 and 343.411; repealing ORS 343.399 and
4 343.401; and prescribing an effective date.

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

6 **SECTION 1.** ORS 327.013 is amended to read:

7 327.013. The State School Fund distributions for school districts include the following grants:

8 (1) General Purpose Grant = Funding Percentage \times Target Grant \times District extended ADMw.

9 For the purpose of the calculation made under this subsection:

10 (a) The funding percentage shall be calculated by the Superintendent of Public Instruction to
11 distribute as nearly as practicable the total sum of money available for distribution.

12 (b) Target Grant = Statewide Target per ADMw Grant + Teacher Experience Factor. For the
13 purpose of the calculation made under this paragraph:

14 (A) Statewide Target per ADMw Grant = \$4,500.

15 (B) Teacher Experience Factor = $\$25 \times$ {District average teacher experience – statewide av-
16 erage teacher experience}. As used in this subparagraph, "average teacher experience" means the
17 average, in years, of teaching experience of licensed teachers as reported to the Department of Ed-
18 ucation.

19 (c) District extended ADMw = ADMw or ADMw of the prior year, whichever is greater. For
20 the purpose of this paragraph:

21 (A) Weighted average daily membership or ADMw = average daily membership + an additional
22 amount computed as follows:

23 (i) 1.0 for each student in average daily membership eligible for special education as a child with
24 a disability under ORS 343.035, which may not exceed 11 percent of the district's ADM without re-
25 view and approval by the Department of Education. Children with disabilities eligible for special
26 education in adult local correctional facilities, as defined in ORS 169.005, or adult regional
27 correctional facilities, as defined in ORS 169.620, may not be included in the calculation made under
28 this sub-subparagraph.

29 (ii) 0.5 for each student in average daily membership eligible for and enrolled in an English as
30 a second language program under ORS 336.079.

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 **(iii) _____ for each student in average daily membership eligible for and enrolled in**
 2 **instruction for talented and gifted children under ORS 343.391 to 343.413.**

3 [(iii)] **(iv)** 0.2 for each student in average daily membership enrolled in a union high school dis-
 4 trict or in an area of a unified school district where the district is only responsible for educating
 5 students in grades 9 through 12 in that area.

6 [(iv)] **(v)** -0.1 for each student in average daily membership enrolled in an elementary district
 7 operating kindergarten through grade six or kindergarten through grade eight or in an area of a
 8 unified school district where the district is only responsible for educating students in kindergarten
 9 through grade eight.

10 [(v)] **(vi)** 0.25 times the sum of the following:

11 (I) The number of children 5 to 17 years of age in poverty families in the district, as determined
 12 by the Department of Education from a report of the United States Department of Education based
 13 on the most recent federal decennial census, as adjusted by the school district's proportion of stu-
 14 dents in the county receiving free or reduced price lunches under the United States Department of
 15 Agriculture's current Income Eligibility Guidelines if the number is higher than the number deter-
 16 mined from census data and only if the school district had an average daily membership of 2,500 or
 17 less for the 1995-1996 school year, and as further adjusted by the number of students in average
 18 daily membership in June of the year of distribution divided by number of students in average daily
 19 membership in the district, or its predecessors, in June of the year of the most recent federal
 20 decennial census;

21 (II) The number of children in foster homes in the district as determined by the report of the
 22 Department of Human Services to the United States Department of Education, "Annual Statistical
 23 Report on Children in Foster Homes and Children in Families Receiving AFDC Payments in Excess
 24 of the Poverty Income Level," or its successor, for October 31 of the year prior to the year of dis-
 25 tribution; and

26 (III) The number of children in the district in state-recognized facilities for neglected and de-
 27 linquent children, based on information from the Department of Human Services for October 31 of
 28 the year prior to the year of distribution.

29 [(vi)] **(vii)** The amount determined under ORS 327.077 for each remote small elementary school
 30 and for each small high school in the district.

31 (B) All numbers of children used for the computation in this paragraph must reflect any district
 32 consolidations that have occurred since the numbers were compiled.

33 (C) The total additional weight that shall be assigned to any student in average daily member-
 34 ship in a district, exclusive of students described in subparagraph [(A)(v) and (vi)] **(A)(vi) and (vii)**
 35 of this paragraph, may not exceed 2.0.

36 (2) High cost disabilities grant = the total amount received by a school district under ORS
 37 327.348 for providing special education and related services to resident pupils with disabilities.

38 (3)(a) Transportation grant equals:

39 (A) 70 percent of approved transportation costs for those school districts ranked below the 80th
 40 percentile under paragraph (b) of this subsection.

41 (B) 80 percent of approved transportation costs for those school districts ranked in or above the
 42 80th percentile but below the 90th percentile under paragraph (b) of this subsection.

43 (C) 90 percent of approved transportation costs for those school districts ranked in or above the
 44 90th percentile under paragraph (b) of this subsection.

45 (b) Each fiscal year, the Department of Education shall rank school districts based on the ap-

1 proved transportation costs per ADM of each school district, ranking the school district with the
 2 highest approved transportation costs per ADM at the top of the order.

3 (4)(a) Facility Grant = 8 percent of total construction costs of new school buildings.

4 (b) A school district shall receive a Facility Grant in the distribution year that a new school
 5 building is first used.

6 (c) As used in this subsection:

7 (A) "New school building" includes new school buildings, structures added onto existing school
 8 buildings and premanufactured structures added to a school district if those buildings or structures
 9 are to be used for instructing students.

10 (B) "Construction costs" does not include costs for land acquisition.

11 **SECTION 2.** ORS 327.023 is amended to read:

12 327.023. In addition to those moneys distributed through the State School Fund, the Department
 13 of Education shall provide from state funds appropriated therefor, grants in aid or support for spe-
 14 cial and compensatory education programs including:

15 (1) The Oregon School for the Deaf.

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

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

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

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

24 (6) Early childhood special education provided to preschool children with disabilities from age
 25 three until age of eligibility for kindergarten as described in ORS 339.185, 343.035, 343.041, 343.055,
 26 343.065, 343.157 and 343.455 to 343.534.

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

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

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

32 (10) Disadvantaged children program under ORS 343.680.

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

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

35 (13) Youth care centers under ORS 420.885.

36 (14) Staff development and mentoring.

37 (15) Career and technical education grants.

38 (16) Special science education programs.

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

40 **SECTION 3. The amendments to ORS 327.013 and 327.023 by sections 1 and 2 of this 2011**
 41 **Act apply to State School Fund distributions commencing with the 2012-2013 distributions.**

42 **SECTION 4.** ORS 343.395 is amended to read:

43 343.395. As used in ORS 343.391 to 343.413, unless the context requires otherwise:

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

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

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

3 [(4)] (1) “Identification” means the formal process of screening and selecting talented and gifted
4 children according to administrative rules established by the board.

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

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

9 [(7)] (3) “Talented and gifted children” means those children who require special educational
10 programs or services, or both, beyond those normally provided by the regular school program in
11 order to realize their contribution to self and society and who demonstrate outstanding ability or
12 potential in one or more of the following areas:

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

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

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

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

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

19 **SECTION 5.** ORS 343.396 is amended to read:

20 343.396. It is legislative policy that[, when] talented and gifted programs [are offered, the pro-
21 grams] should be provided by common or union high school districts, combinations of such districts
22 or education service districts, in accordance with ORS 334.175, and that the state will provide fi-
23 nancial and technical support to the districts to implement the education programs within the limits
24 of available funds.

25 **SECTION 6.** ORS 343.397 is amended to read:

26 343.397. (1) [Any school district may submit to the Superintendent of Public Instruction for ap-
27 proval] **Each school district must develop** a written plan of instruction for talented and gifted
28 children. The plan shall include, but not be limited to:

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

30 [(2)] (b) An assessment of current special programs and services provided by the district for
31 talented and gifted children;

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

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

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

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

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

44 **SECTION 7.** ORS 338.157 is amended to read:

45 338.157. For purposes of calculating the weighted average daily membership (ADMw) of a public

1 charter school, it shall be assumed that the public charter school has the same percentage of chil-
2 dren in poverty families, as calculated under ORS 327.013 [(1)(c)(A)(v)(I)] (1)(c)(A)(vi)(I), as the
3 school district in which the public charter school is located. Based on this percentage, an additional
4 amount shall be added to the average daily membership (ADM) of the public charter school.

5 **SECTION 8.** ORS 343.411 is amended to read:

6 343.411. (1) ORS 343.407 and 343.409 shall apply to the identification of and provision of special
7 educational programs and services for the talented and gifted as described in ORS 343.395 [(7)(a)]
8 (3)(a) and (b) and rules adopted by the State Board of Education.

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

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

14 **SECTION 9.** ORS 343.399 and 343.401 are repealed.

15 **SECTION 10.** The amendments to ORS 343.395, 343.396 and 343.397 by sections 4 to 6 of
16 this 2011 Act and the repeal of ORS 343.399 and 343.401 by section 9 of this 2011 Act first
17 apply to the 2012-2013 school year.

18 **SECTION 11.** This 2011 Act takes effect on July 1, 2012.

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