

## SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 4014

By COMMITTEE ON EDUCATION AND WORKFORCE DEVELOPMENT

February 28

1 On page 1 of the printed A-engrossed bill, line 2, after “education” delete the rest of the line  
2 and lines 3 and 4 and insert “; creating new provisions; amending ORS 297.210, 327.008, 329.025,  
3 329.045, 334.095, 336.012, 336.179, 337.120, 337.141, 338.005, 338.075, 339.010 and 339.020 and section  
4 12, chapter 828, Oregon Laws 2005, section 5, chapter 59, Oregon Laws 2010, section 2, chapter 139,  
5 Oregon Laws 2011, and sections 9 and 11, chapter 609, Oregon Laws 2011; repealing ORS 326.131,  
6 326.133, 326.136, 336.015, 336.023, 336.025, 336.475 and 337.275 and sections 6 and 7, chapter 706,  
7 Oregon Laws 2009; and declaring an emergency.”.

8 On page 7, delete lines 32 and 33 and insert:

9 **“SECTION 10.** ORS 334.095 is amended to read:

10 **“334.095. (1) The education service district board shall declare the office of a director vacant**  
11 **[upon the happening of any of the following] when the incumbent:**

12 **“(a) [When an incumbent] Dies or resigns;**

13 **“(b) [When an incumbent] Is removed from office or a court declares the election [thereto has**  
14 **been declared void by the judgment of any court] for the office void;**

15 **“(c) [When an incumbent] Ceases to be a resident of a school district that is [a component school**  
16 **district] located within the territory of the education service district;**

17 **“(d) [Subject to the provision of subsection (2) of this section, when an incumbent] Subject to**  
18 **subsection (3) of this section, ceases to be a resident of the zone from which nominated;**

19 **“(e) [When an incumbent] Ceases to discharge the duties of office for two consecutive months**  
20 **unless prevented [therefrom] from discharging the duties by sickness or other unavoidable cause;**

21 or

22 **“(f) [When an incumbent] Is recalled.**

23 **“(2) The education service district board may not declare the office of a director vacant**  
24 **if the director is a resident of a school district that withdraws from the education service**  
25 **district as provided by ORS 334.015 unless:**

26 **“(a) The director’s term expires; or**

27 **“(b) The education service district board declares the office vacant for a reason described**  
28 **in subsection (1) of this section.**

29 **“[(2)] (3) A director nominated from a zone who changes permanent residence from one zone to**  
30 **another zone in which another director resides shall continue to serve as director until the next**  
31 **regular election when a successor shall be elected to serve for the remainder of the unexpired term.**

32 **“[(3)] (4) A director guilty of misfeasance or malfeasance in office, by the appropriate proceed-**  
33 **ing, may be removed from office by a court of competent jurisdiction.**

34 **“[(4)] (5) Members may be recalled in the manner provided in ORS 249.865 to 249.877. If the**  
35 **member was elected by a zone, the recall petition shall be signed by electors from that zone and**

1 electors from the zone are the only electors eligible to vote in the recall election. If the member  
2 was elected at large, the recall petition shall be signed by electors from the district and electors  
3 from the district are eligible to vote in the recall election.

4 “**SECTION 11.** Section 12, chapter 828, Oregon Laws 2005, is amended to read:

5 “**Sec. 12.** (1) ORS 334.095 does not apply to a pilot education service district. However, the  
6 board of directors of a pilot education service district shall declare the office of a director vacant  
7 *[upon the occurrence of any of the following]* **when the incumbent:**

8 “(a) *[When an incumbent]* Dies or resigns;

9 “(b) *[When an incumbent]* Is removed from office or **a court declares** the election or appoint-  
10 ment *[thereto has been declared void by the judgment of any court]* **for the office void;**

11 “(c) *[When an incumbent]* Ceases to be a resident of **a school district that is located within**  
12 **the territory of** the pilot education service district;

13 “(d) *[When an incumbent]* Ceases to be a resident of the zone from which elected; or

14 “(e) *[When an incumbent]* Ceases to discharge the duties of office for two consecutive months  
15 unless prevented *[therefrom]* **from discharging the duties** by sickness or other unavoidable cause.

16 “**(2) Except for a reason described in subsection (1) of this section, the board of directors**  
17 **of a pilot education service district may not declare vacant prior to June 30, 2013, the office**  
18 **of a director who is a resident of a school district that withdraws from the pilot education**  
19 **service district as provided by ORS 334.015.**

20 “[2)] **(3)** A director guilty of misfeasance or malfeasance in office, by the appropriate proceed-  
21 ing, may be removed from office by a court of competent jurisdiction.

22 “**SECTION 12.** Section 5, chapter 59, Oregon Laws 2010, is amended to read:

23 “**Sec. 5.** (1) The term of office of a director who serves on the board of directors of the North-  
24 west Regional Education Service District terminates on June 30, 2013, if:

25 “(a) The director was elected or appointed under section 11, chapter 828, Oregon Laws 2005; and

26 “(b) The director’s term of office has not been completed by June 30, 2013.

27 “[2)(a) *The term of office of a director who serves on the board of directors of the Willamette*  
28 *Education Service District or the High Desert Education Service District and who was elected or ap-*  
29 *pointed under section 11, chapter 828, Oregon Laws 2005, for a term beginning prior to or on June 30,*  
30 *2010, terminates on June 30, 2010. Vacancies on the board of directors shall be filled following the*  
31 *process described in section 11, chapter 828, Oregon Laws 2005.]*

32 “[b) *The term of office of a director who serves on the board of directors of the Willamette Edu-*  
33 *cation Service District or the High Desert Education Service District and who was elected or appointed*  
34 *under section 11, chapter 828, Oregon Laws 2005, for a term beginning after June 30, 2010, shall be*  
35 *determined by lot. The boards of directors of the Willamette Education Service District and the High*  
36 *Desert Education Service District shall draw lots to ensure that the term of office of:]*

37 “[A) *Two of the directors who were elected under section 11, chapter 828, Oregon Laws 2005,*  
38 *terminate on June 30, 2012;]*

39 “[B) *Two of the directors who were appointed under section 11, chapter 828, Oregon Laws 2005,*  
40 *terminate on June 30, 2012;]*

41 “[C) *Three of the directors who were elected under section 11, chapter 828, Oregon Laws 2005,*  
42 *terminate on June 30, 2013; and]*

43 “[D) *Two of the directors who were appointed under section 11, chapter 828, Oregon Laws 2005,*  
44 *terminate on June 30, 2013.]*

45 “[c) **(2)** *[Except as provided in paragraph (b) of this subsection,]* The term of office of a director

1 who serves on the board of directors of the Willamette Education Service District or the High De-  
2 sert Education Service District terminates on June 30, 2013, **if the director was elected or ap-**  
3 **pointed under section 11, chapter 828, Oregon Laws 2005.**

4 “**SECTION 13.** ORS 339.010 is amended to read:

5 “339.010. Except as provided in ORS 339.030[,]:

6 “(1) All children between the ages of 7 and 18 years who have not completed the 12th grade  
7 are required to attend regularly a public full-time school [*of the school district in which the child*  
8 *resides*] **during the entire school term.**

9 “(2) **All children five or six years of age who have been enrolled in a public school are**  
10 **required to attend regularly the public school while enrolled in the public school.**

11 “**SECTION 14.** ORS 339.020 is amended to read:

12 “339.020. Except as provided in ORS 339.030[,]:

13 “(1) Every person having control of [*any*] a child between the ages of 7 and 18 years who has  
14 not completed the 12th grade is required to send [*such*] **the** child to, and maintain [*such*] **the** child  
15 in, regular attendance at a public full-time school during the entire school term.

16 “(2) **If a person has control of a child five or six years of age and has enrolled the child**  
17 **in a public school, the person is required to send the child to, and maintain the child in,**  
18 **regular attendance at the public school while the child is enrolled in the public school.**

19 “**SECTION 15. (1) The amendments to ORS 339.010 and 339.020 by sections 13 and 14 of**  
20 **this 2012 Act become operative on July 1, 2012.**

21 “(2) **The amendments to ORS 339.010 and 339.020 by sections 13 and 14 of this 2012 Act**  
22 **first apply to the 2012-2013 school year.**

23 “**SECTION 16.** ORS 329.025 is amended to read:

24 “329.025. It is the intent of the Legislative Assembly to maintain a system of public elementary  
25 and secondary schools that allows students, parents, teachers, administrators, school district boards  
26 and the State Board of Education to be accountable for the development and improvement of the  
27 public school system. The public school system shall have the following characteristics:

28 “(1) Provides equal and open access and educational opportunities for all students in the state  
29 regardless of their linguistic background, culture, race, gender, capability or geographic location;

30 “(2) Assumes that all students can learn and establishes high, specific skill and knowledge ex-  
31 pectations and recognizes individual differences at all instructional levels;

32 “(3) Provides each student an education experience that supports academic growth beyond pro-  
33 ficiency in established academic content standards and encourages students to attain aspirational  
34 goals that are individually challenging;

35 “(4) Provides special education, compensatory education, linguistically and culturally appropri-  
36 ate education and other specialized programs to all students who need those services;

37 “(5) Supports the physical and cognitive growth and development of students;

38 “(6) Provides students with a solid foundation in the skills of reading, writing, problem solving  
39 and communication;

40 “(7) Provides opportunities for students to learn, think, reason, retrieve information, use tech-  
41 nology and work effectively alone and in groups;

42 “(8) Provides for rigorous academic content standards and instruction in mathematics, science,  
43 English, history, geography, economics, civics, physical education, health, the arts and second lan-  
44 guages;

45 “(9) **Provides increased learning time;**

1 “[(9)] (10) Provides students an educational background to the end that they will function suc-  
2 cessfully in a constitutional republic, a participatory democracy and a multicultural nation and  
3 world;

4 “[(10)] (11) Provides students with the knowledge and skills that will provide the opportunities  
5 to succeed in the world of work, as members of families and as citizens;

6 “[(11)] (12) Provides students with the knowledge and skills that lead to an active, healthy life-  
7 style;

8 “[(12)] (13) Provides students with the knowledge and skills to take responsibility for their de-  
9 cisions and choices;

10 “[(13)] (14) Provides opportunities for students to learn through a variety of teaching strategies;

11 “[(14)] (15) Emphasizes involvement of parents and the community in the total education of  
12 students;

13 “[(15)] (16) Transports children safely to and from school;

14 “[(16)] (17) Ensures that the funds allocated to schools reflect the uncontrollable differences in  
15 costs facing each district;

16 “[(17)] (18) Ensures that local schools have adequate control of how funds are spent to best meet  
17 the needs of students in their communities; and

18 “[(18)] (19) Provides for a safe, educational environment.

19 “**SECTION 17.** ORS 329.045 is amended to read:

20 “329.045. (1)(a) In order to achieve the goals contained in ORS 329.025, the State Board of Ed-  
21 ucation shall regularly and periodically review and revise its Common Curriculum Goals, perform-  
22 ance indicators and diploma requirements.

23 “(b) [*This includes*] **The review and revision conducted under this section shall:**

24 “(A) **Include** Essential Learning Skills and rigorous academic content standards in mathemat-  
25 ics, science, English, history, geography, economics, civics, physical education, health, the arts and  
26 second languages. [*School districts and public charter schools shall maintain control over course con-*  
27 *tent, format, materials and teaching methods. The regular review shall*]

28 “(B) Involve teachers and other educators, parents of students and other citizens and shall  
29 provide ample opportunity for public comment.

30 “(C) **Encourage increased learning time. As used in this subparagraph, ‘increased learn-**  
31 **ing time’ means a schedule that encompasses a longer school day, week or year for the**  
32 **purpose of increasing the total number of school hours available to provide:**

33 “(i) **Students with instruction in core academic subjects, including mathematics, science,**  
34 **English, history, geography, economics, civics, the arts and second languages;**

35 “(ii) **Students with instruction in subjects other than the subjects identified in sub-**  
36 **subparagraph (i) of this subparagraph, including health and physical education;**

37 “(iii) **Students with the opportunity to participate in enrichment activities that contrib-**  
38 **ute to a well-rounded education, including learning opportunities that may be based on ser-**  
39 **vice, experience or work and that may be provided through partnerships with other**  
40 **organizations; and**

41 “(iv) **Teachers with the opportunity to collaborate, plan and engage in professional de-**  
42 **velopment within and across grades and subjects.**

43 “(c) **Nothing in this subsection prevents a school district or public charter school from**  
44 **maintaining control over course content, format, materials and teaching methods.**

45 “(2) The State Board of Education shall continually review and revise all adopted academic

1 content standards necessary for students to successfully transition to the next phase of their edu-  
2 cation.

3 “(3) School districts and public charter schools shall offer students instruction in mathematics,  
4 science, English, history, geography, economics, civics, physical education, health, the arts and sec-  
5 ond languages that meets the academic content standards adopted by the State Board of Education  
6 and meets the requirements adopted by the State Board of Education and the board of the school  
7 district or public charter school.

8 “**SECTION 18. The amendments to ORS 329.025 and 329.045 by sections 16 and 17 of this**  
9 **2012 Act become operative on July 1, 2012.**

10 “**SECTION 19.** ORS 338.005 is amended to read:

11 “338.005. As used in this chapter, unless the context requires otherwise:

12 “(1) ‘Applicant’ means any person or group that develops and submits a written proposal for a  
13 public charter school to a sponsor.

14 “(2) ‘Institution of higher education’ means a community college operated under ORS chapter  
15 341, [*an institution of higher education*] **a public university** listed in ORS 352.002 or the Oregon  
16 Health and Science University.

17 “(3) ‘Public charter school’ means an elementary or secondary school offering a comprehensive  
18 instructional program operating under a written agreement entered into between a sponsor and an  
19 applicant and operating pursuant to this chapter.

20 “(4) ‘Remote and necessary school district’ means a school district that offers kindergarten  
21 through grade 12 and has:

22 “(a) An average daily membership (ADM), as defined in ORS 327.006, in the prior fiscal year of  
23 less than 110; and

24 “(b) A school that is located, by the nearest traveled road, more than 20 miles from the nearest  
25 school or from a city with a population of more than 5,000.

26 “(5) ‘Sponsor’ means:

27 “(a) The board of the common school district or the union high school district in which the  
28 public charter school is located that has developed a written charter with an applicant to create a  
29 public charter school.

30 “(b) The State Board of Education pursuant to ORS 338.075.

31 “(c) An institution of higher education pursuant to ORS 338.075.

32 “(6)(a) ‘Virtual public charter school’ means a public charter school that provides online  
33 courses.

34 “(b) ‘Virtual public charter school’ does not include a public charter school that primarily serves  
35 students in a physical location.

36 “**SECTION 20.** Section 9, chapter 609, Oregon Laws 2011, is amended to read:

37 “**Sec. 9.** (1) As used in this section, ‘Oregon Coalition for Quality Teaching and Learning’ means  
38 the collaborative group of state, school district, educator, administrator, community and higher ed-  
39 ucation representatives operating as a unit organized under the National Commission on Teaching  
40 and America’s Future.

41 “(2) The Teacher Standards and Practices Commission and the Department of Education, work-  
42 ing with the Oregon Coalition for Quality Teaching and Learning, shall propose guidelines to adopt  
43 a uniform set of model core teaching standards for teaching preparation, new teachers and experi-  
44 enced teachers that align with updated national teaching standards. The guidelines must allow the  
45 standards to be customized based on the collaborative efforts of the teachers and administrators of

1 the school district and the exclusive bargaining representative of the employees of the school dis-  
2 trict.

3 “(3) The guidelines must propose model core teaching standards that:

4 “(a) Are research-based;

5 “(b) Distinguish different levels of proficiency; and

6 “(c) Include multiple measures of student growth and achievement using student, school and  
7 school district data.

8 “(4) The commission and the department shall report to the Legislative Assembly prior to Jan-  
9 uary 1, 2012, on the proposed guidelines for model core teaching standards.

10 “(5) The commission shall adopt and distribute the model core teaching standards to school  
11 districts on or before March 1, 2012.

12 “(6) All school districts shall begin using the model core teaching standards in annual evalu-  
13 ations of teachers [*beginning in the 2012-2013 school year*] **occurring on or after July 1, 2013.**

14 “**SECTION 21.** Section 11, chapter 609, Oregon Laws 2011, is amended to read:

15 “**Sec. 11.** Sections 8, 9 and 10 [*of this 2011 Act*], **chapter 609, Oregon Laws 2011**, are repealed  
16 on [*March 2, 2013*] **July 2, 2013.**

17 “**SECTION 22. (1) The Task Force on Accountable Schools is established, consisting of**  
18 **14 members appointed as follows:**

19 “(a) **The President of the Senate shall appoint two members from among members of the**  
20 **Senate;**

21 “(b) **The Speaker of the House of Representatives shall appoint two members from among**  
22 **members of the House of Representatives; and**

23 “(c) **The President of the Senate and the Speaker of the House of Representatives shall**  
24 **jointly appoint:**

25 “(A) **Two members who are school district superintendents;**

26 “(B) **Two members who are school administrators;**

27 “(C) **Two members who are teachers;**

28 “(D) **One member from a professional education organization;**

29 “(E) **One member representing the Department of Education; and**

30 “(F) **Two members from education advocacy groups.**

31 “(2) **The task force shall develop a plan to improve accountability practices for schools.**

32 “(3) **The task force shall recommend:**

33 “(a) **A new student summative assessment to be used in Oregon schools that:**

34 “(A) **Is based on a national standard; and**

35 “(B) **Occurs as required by federal law.**

36 “(b) **Measures of college and career readiness to be used in Oregon schools that evaluate:**

37 “(A) **Advanced course and dual enrollment completion;**

38 “(B) **National and state assessment results;**

39 “(C) **Dropout and graduation rates;**

40 “(D) **Post-secondary educational participation; and**

41 “(E) **Programs to close any achievement gaps.**

42 “(c) **A statewide standardized simple performance report and rating system based on**  
43 **letter grades that includes:**

44 “(A) **Absolute student achievement and growth;**

45 “(B) **School trends over time; and**

1           “(C) Comparisons to similar schools.  
2           “(d) Implementation of formative testing and instructionally useful student performance  
3 data systems for student achievement.  
4           “(e) Tools, resources and targeted assistance for schools needing assistance to meet state  
5 standards.  
6           “(4) A majority of the voting members of the task force constitutes a quorum for the  
7 transaction of business.  
8           “(5) Official action by the task force requires the approval of a majority of the voting  
9 members of the task force.  
10          “(6) The task force shall elect one of its members to serve as chairperson.  
11          “(7) If there is a vacancy for any cause, the appointing authority shall make an appoint-  
12 ment to become immediately effective.  
13          “(8) The task force shall meet at times and places specified by the call of the chairperson  
14 or of a majority of the voting members of the task force.  
15          “(9) The task force may adopt rules necessary for the operation of the task force.  
16          “(10) The task force shall submit a report that includes recommendations for legislation  
17 to an interim committee of the Legislative Assembly related to education as appropriate no  
18 later than November 1, 2012.  
19          “(11) The Legislative Administration Committee shall provide staff support to the task  
20 force.  
21          “(12) Members of the task force who are not members of the Legislative Assembly are  
22 not entitled to compensation or reimbursement for expenses and serve as volunteers on the  
23 task force.  
24          “(13) All agencies of state government, as defined in ORS 174.111, are directed to assist  
25 the task force in the performance of its duties and, to the extent permitted by laws relating  
26 to confidentiality, to furnish such information and advice as the members of the task force  
27 consider necessary to perform their duties.  
28          “SECTION 23. Section 22 of this 2012 Act is repealed on the date of the convening of the  
29 2013 regular session of the Legislative Assembly as specified in ORS 171.010.  
30          “SECTION 24. Section 2, chapter 139, Oregon Laws 2011, is amended to read:  
31          “Sec. 2. [*This 2011 Act*] Chapter 139, Oregon Laws 2011, takes effect July 1, [2012] 2013.  
32          “SECTION 25. ORS 326.131, 326.133, 326.136, 336.015, 336.023, 336.025, 336.475 and 337.275  
33 and sections 6 and 7, chapter 706, Oregon Laws 2009, are repealed.”  
34          In line 34, delete “11” and insert “26”.  
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