

House Bill 2097

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Department of Education)

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**.

Revises methods by which State School Fund grants, and School Improvement Fund grants, for Youth Corrections Education Program and Juvenile Detention Education Program are calculated.
Declares emergency, effective July 1, 2013.

A BILL FOR AN ACT

1
2 Relating to distributions of state funds for the education of youths in confinement; creating new
3 provisions; amending ORS 327.026 and 327.297; and declaring an emergency.

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

5 **SECTION 1.** ORS 327.026 is amended to read:

6 327.026. (1) In order to accomplish the purpose described in ORS 326.700, the State Board of
7 Education shall adopt by rule definitions and procedures to be applied to the computation of the
8 State School Fund allocations where necessary to make students enrolled in the Youth Corrections
9 Education Program, as defined in ORS 326.695, and the Juvenile Detention Education Program, as
10 defined in ORS 326.695, equivalent to students enrolled in common and union high school districts
11 for purposes of distribution of the fund.

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

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

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

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

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

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

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

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) ADMw equals ADM multiplied by 1.5.**

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

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

8 **SECTION 2. The amendments to ORS 327.026 by section 1 of this 2013 Act apply to State**
9 **School Fund distributions commencing with the 2013-2014 distribution.**

10 **SECTION 3.** ORS 327.297 is amended to read:

11 327.297. (1) In addition to those moneys distributed through the State School Fund, the Depart-
12 ment of Education shall award grants to school districts, education service districts, the Youth
13 Corrections Education Program and the Juvenile Detention Education Program for activities that
14 relate to increases in student achievement, including:

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

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

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

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

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

23 (f) Services to at-risk youth;

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

26 (h) Vocational education programs;

27 (i) Literacy programs;

28 (j) School library programs; and

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

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

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

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

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

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

45 (c) A public charter school that receives grant funds under this subsection shall use those funds

1 for the activities specified in subsection (1) of this section.

2 (4)(a) The amount of each grant for a program or school district = the program's or school
 3 district's ADMw × (the total amount available for distribution to programs and school districts as
 4 grants in each fiscal year ÷ the total ADMw of all programs and school districts that receive a
 5 grant).

6 (b) The amount of each grant for an education service district = the education service district's
 7 ADMw × (the total amount available for distribution to education service districts as grants in
 8 each fiscal year ÷ the total ADMw of all education service districts that receive a grant).

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

10 (A) For a school district, the extended weighted average daily membership as calculated under
 11 ORS 327.013, 338.155 (1) and 338.165 (2);

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

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

16 (D) For an education service district, the sum of the ADMw of the school districts located
 17 within the territory of the education service district.

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

21 (6) The State Board of Education may adopt any rules necessary for the administration of the
 22 grant program.

23 **SECTION 4.** ORS 327.297, as amended by section 9, chapter 704, Oregon Laws 2011, is amended
 24 to read:

25 327.297. (1) In addition to those moneys distributed through the State School Fund, the Depart-
 26 ment of Education shall award grants to school districts, education service districts, the Youth
 27 Corrections Education Program and the Juvenile Detention Education Program for activities that
 28 relate to increases in student achievement, including:

29 (a) Early childhood support including establishing, maintaining or expanding quality
 30 prekindergarten programs;

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

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

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

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

37 (f) Services to at-risk youth;

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

40 (h) Vocational education programs;

41 (i) Literacy programs;

42 (j) School library programs; and

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

45 (2)(a) Each school district, each education service district, the Youth Corrections Education

1 Program and the Juvenile Detention Education Program may apply to the Department of Education
2 for a grant.

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

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

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

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

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

16 (4)(a) The amount of each grant for a program or school district = the program's or school
17 district's ADMw × (the total amount available for distribution to programs and school districts as
18 grants in each fiscal year ÷ the total ADMw of all programs and school districts that receive a
19 grant).

20 (b) The amount of each grant for an education service district = the education service district's
21 ADMw × (the total amount available for distribution to education service districts as grants in
22 each fiscal year ÷ the total ADMw of all education service districts that receive a grant).

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

24 (A) For a school district, the extended weighted average daily membership as calculated under
25 ORS 327.013, 338.155 (1) and 338.165 (2);

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

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

30 (D) For an education service district, the sum of the ADMw of the school districts located
31 within the territory of the education service district.

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

35 (6) The State Board of Education may adopt any rules necessary for the administration of the
36 grant program.

37 **SECTION 5. The amendments to ORS 327.297 by sections 3 and 4 of this 2013 Act apply**
38 **to School Improvement Fund grants first awarded for the 2013-2014 school year.**

39 **SECTION 6. This 2013 Act being necessary for the immediate preservation of the public**
40 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
41 **July 1, 2013.**