

House Bill 2889

Sponsored by Representative KOMP; Representative HUFFMAN, Senators KRUSE, MONROE

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 method by which State School Fund grants for Juvenile Detention Education Program are calculated. Provides that students in youth care center within detention facility are to be treated similarly to students in Juvenile Detention Education Program.

Declares emergency, effective July 1, 2013.

A BILL FOR AN ACT

1
2 Relating to the Juvenile Detention Education Program; creating new provisions; amending ORS
3 326.695, 327.023, 327.026, 327.297, 336.580 and 339.137; 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), multiplied by Funding
16 Percentage and further multiplied by Statewide Target per ADMw Grant.

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

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

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

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

27 (a) **ADMw equals ADM multiplied by 2.0 multiplied by the additional per student weight**
28 **as calculated under ORS 327.013 (1)(c)(A)(i).**

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

30 (4) Funds allocated to the Youth Corrections Education Program and the Juvenile Detention

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

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

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

8 327.297. (1) In addition to those moneys distributed through the State School Fund, the Depart-
 9 ment of Education shall award grants to school districts, education service districts, the Youth
 10 Corrections Education Program and the Juvenile Detention Education Program for activities that
 11 relate to increases in student achievement, including:

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

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

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

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

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

20 (f) Services to at-risk youth;

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

23 (h) Vocational education programs;

24 (i) Literacy programs;

25 (j) School library programs; and

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

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

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

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

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

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

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

44 (4)(a) The amount of each grant for a program or school district = the program's or school
 45 district's ADMw \times (the total amount available for distribution to programs and school districts as

1 grants in each fiscal year ÷ the total ADMw of all programs and school districts that receive a
2 grant).

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

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

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

9 (B) For the Youth Corrections Education Program, the average daily membership [*as defined in*
10 *ORS 327.006 multiplied by 2.0*] **calculated under ORS 327.026**;

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

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

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

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

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

22 327.297. (1) In addition to those moneys distributed through the State School Fund, the Depart-
23 ment of Education shall award grants to school districts, education service districts, the Youth
24 Corrections Education Program and the Juvenile Detention Education Program for activities that
25 relate to increases in student achievement, including:

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

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

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

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

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

34 (f) Services to at-risk youth;

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

37 (h) Vocational education programs;

38 (i) Literacy programs;

39 (j) School library programs; and

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

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

45 (b) The department shall review and approve applications based on criteria established by the

1 State Board of Education. In establishing the criteria, the State Board of Education shall consider
 2 the recommendations of the Quality Education Commission established under ORS 327.500.

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

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

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

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

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

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

20 (c) As used in this subsection, “ADMw” means:

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

23 (B) For the Youth Corrections Education Program, the average daily membership [*as defined in*
 24 *ORS 327.006 multiplied by 2.0*] **calculated under ORS 327.026;**

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

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

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

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

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

36 **SECTION 6.** ORS 326.695 is amended to read:

37 326.695. As used in ORS 326.700 and 326.712:

38 (1) “Juvenile Detention Education Program” means the provision of educational services to:

39 (a) **Youths placed in a youth care center, as defined in ORS 420.855, that is within a de-**
 40 **tention facility, as defined in ORS 419A.004; and**

41 (b) Youths lodged overnight who receive educational services on consecutive days within a de-
 42 tention facility, as defined in ORS 419A.004.

43 (2) “Youth Corrections Education Program” means the provision of educational services to
 44 youths in youth correction facilities, as defined in ORS 420.005.

45 **SECTION 7.** ORS 327.023 is amended to read:

1 327.023. In addition to those moneys distributed through the State School Fund, the Department
 2 of Education shall provide from state funds appropriated therefor, grants in aid or support for spe-
 3 cial and compensatory education programs including:

4 (1) The Oregon School for the Deaf.

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

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

9 (4) Day treatment programs and residential treatment programs for education services to chil-
 10 dren who are placed by the state in long term care or treatment facilities as described in ORS
 11 343.961.

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

14 (6) Early childhood special education provided to preschool children with disabilities from age
 15 three until age of eligibility for kindergarten as described in ORS 339.185, 343.035, 343.041, 343.055,
 16 343.065, 343.157 and 343.455 to 343.534.

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

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

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

22 (10) Disadvantaged children program under ORS 343.680.

23 (11) Early childhood education under ORS 329.235.

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

25 (13) Youth care centers under ORS 420.885 **that are not within a detention facility, as de-**
 26 **defined in ORS 419A.004.**

27 (14) Staff development and mentoring.

28 (15) Career and technical education grants.

29 (16) Special science education programs.

30 (17) Talented and Gifted children program under ORS 343.391 to 343.413.

31 **SECTION 8. The amendments to ORS 327.023 by section 7 of this 2013 Act apply to grants**
 32 **distributed on or after July 1, 2013.**

33 **SECTION 9.** ORS 336.580 is amended to read:

34 336.580. (1) Every child at a youth care center, as defined in ORS 420.855, is entitled to receive
 35 appropriate education suited to the needs of the child in the least restrictive environment in which
 36 the child can function until the child is no longer of compulsory school age or receives a high school
 37 diploma or an equivalent.

38 (2)(a) **Except as provided by paragraph (b) of this subsection,** the school district in which
 39 the youth care center is located shall develop an educational plan for the children in the youth care
 40 center in consultation with the director of the center. The plan shall be approved annually by the
 41 school district board.

42 **(b) For children placed at a youth care center within a detention facility, as defined in**
 43 **ORS 419A.004, the children shall be treated as students placed in the Juvenile Detention**
 44 **Education Program as described in ORS 326.695.**

45 (3) The Superintendent of Public Instruction shall have the authority to enforce the provisions

1 of ORS 336.575 and 339.137 and this section. If a district fails to comply, the superintendent shall
2 find the district deficient and shall apply the penalty provided in ORS 327.103.

3 (4) The State Board of Education shall adopt rules to implement this section.

4 **SECTION 10.** ORS 339.137 is amended to read:

5 339.137. (1) **Except for students described in ORS 336.580 (2)(b)**, a student described in ORS
6 336.580 shall be considered a resident of the school district in which the student resides by reason
7 of the placement under ORS 336.580 for purposes of distribution of the State School Fund.

8 **(2) For students described in ORS 336.580 (2)(b), the students shall be treated as students**
9 **placed in the Juvenile Detention Education Program as described in ORS 326.695.**

10 [(2)] **(3)** A student described in subsection (1) of this section must be admitted to the public
11 schools of the school district where the student is placed pursuant to ORS 336.580.

12 [(3)] **(4)** Except as provided in ORS 343.261, 343.961 and 346.010, the school district shall provide
13 or cause to be provided appropriate education to any student described in subsection (1) of this
14 section, including the identification and evaluation of the student for purposes of determining eligi-
15 bility as a child with a disability to receive special education and related services enumerated in
16 ORS 343.035 and services related to a disadvantaged child as defined in ORS 343.650. Suspension
17 or expulsion of a student from the regular school program does not relieve the district of the obli-
18 gation to provide instruction in the residential program in which the child resides or in another
19 appropriate facility.

20 **SECTION 11. This 2013 Act being necessary for the immediate preservation of the public**
21 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
22 **July 1, 2013.**