

B-Engrossed House Bill 3075

Ordered by the Senate May 30
Including House Amendments dated April 16 and Senate Amendments
dated May 30

Sponsored by Representative BARKER (at the request of Oregon School Boards Association)

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.

Reduces frequency by which Department of Education collects information related to physical education.

Allows school district board to determine how to make written personnel policies available for inspection.

Revises timelines for achievement compacts for school districts and education service districts.

Establishes requirements related to admission of nonresident students, including factors that cannot be considered when giving consent, responses when student is interested in changing school districts or has disciplinary incident and limitations on advertising. Limits types of costs that are considered approved transportation costs for purpose of payment from State School Fund.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to education; creating new provisions; amending ORS 329.498 and 332.505 and sections 9
3 and 21, chapter 718, Oregon Laws 2011, and sections 14 and 16, chapter 36, Oregon Laws 2012;
4 and declaring an emergency.

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

6 **SECTION 1.** ORS 329.498 is amended to read:

7 329.498. (1) The Department of Education shall collect data from school districts on:

8 [(1)] (a) The number of minutes of physical education that are provided to students in
9 kindergarten through grade 8 each school week in each public school within the district;

10 [(2)] (b) The physical capacity of public schools to provide students in kindergarten through
11 grade 5 with at least 150 minutes of physical education during each school week and to provide
12 students in grades 6 through 8 with at least 225 minutes of physical education during each school
13 week; and

14 [(3)] (c) The additional facilities required by public schools to provide physical education to
15 students as described in [subsection (2) of this section] **paragraph (b) of this subsection.**

16 **(2) The department shall collect the data described in subsection (1) of this section:**

17 **(a) Annually, for data described in subsection (1)(a) of this section.**

18 **(b) Whenever a public school increases or decreases the school's physical capacity to
19 provide students with physical education, for data described in subsection (1)(b) and (c) of
20 this section.**

21 **SECTION 2.** ORS 332.505 is amended to read:

22 332.505. (1) A district school board may:

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) Employ a superintendent of schools and necessary assistant superintendents for the district
2 and fix the terms and conditions of employment and the compensation. The district school board
3 shall not contract with a superintendent for more than a period of three years at a time. The con-
4 tract shall automatically expire at the end of its term. However, the district school board may elect
5 to issue a subsequent contract for an additional three years at any time.

6 (b) Employ personnel, including teachers and administrators, necessary to carry out the duties
7 and powers of the board and fix the duties, terms and conditions of employment and the compen-
8 sation.

9 (c) Compensate district employees in any form which may include, but shall not be limited to,
10 insurance, tuition reimbursement and salaries.

11 (d) Employ educational assistants and intern teachers subject to the rules of the State Board
12 of Education.

13 (2) The district school board shall maintain written personnel policies [*at least one copy of which*
14 *shall be placed in the library and one copy in the business office of every school in the district. Copies*
15 *shall be*] **and make the policies** available for inspection by any school employee or member of the
16 public.

17 (3) The superintendent of the school district shall cause each employee to be specifically in-
18 formed of the existence and availability of the personnel policies.

19 **SECTION 3.** Section 16, chapter 36, Oregon Laws 2012, is amended to read:

20 **Sec. 16.** (1) Each school district and education service district shall form an achievement com-
21 pact advisory committee.

22 (2) An achievement compact advisory committee shall be responsible for developing an
23 achievement compact and ensuring that an achievement compact is implemented.

24 (3) The governing body of a district shall appoint the members of an achievement compact ad-
25 visory committee. The members shall consist of teachers, administrators and other appropriate edu-
26 cation personnel who are employed by the district. When an employee organization represents
27 educators of a district, the superintendent of the district, at the direction of the governing board
28 of the district, shall collaborate with the local president of the employee organization to recommend
29 the appointment of educators to the achievement compact advisory committee.

30 (4) An achievement compact advisory committee shall:

31 (a) Develop plans for achieving the district's outcomes, measures of progress, goals and targets
32 expressed in an achievement compact, including methods of assessing and reporting progress toward
33 the achievement of goals and targets; and

34 (b) Recommend outcomes, measures of progress, goals and targets to be contained in the
35 district's achievement compact for the next fiscal year.

36 (5) Each achievement compact advisory committee shall present its recommendations in a report
37 to the governing board of the district no later than [*February*] **May** 1 of each year. An achievement
38 compact advisory committee's report and recommendations shall be considered by the governing
39 board of the district when entering into an achievement compact for the next fiscal year. The gov-
40 erning board shall file the achievement compact advisory committee's report with each achievement
41 compact it adopts and forwards to the Oregon Education Investment Board.

42 **SECTION 4.** Section 14, chapter 36, Oregon Laws 2012, is amended to read:

43 **Sec. 14.** (1) For the purposes of this section:

44 (a) "Achievement compact" means an agreement entered into between the Oregon Education
45 Investment Board and the governing body of an education entity as described in this section.

1 (b) "Education entity" means:

2 (A) A school district, as defined in ORS 332.002;

3 (B) An education service district operated under ORS chapter 334;

4 (C) A community college district or community college service district operated under ORS
5 chapter 341;

6 (D) The Oregon University System established by ORS 351.011;

7 (E) A public university of the Oregon University System, as listed in ORS 352.002; and

8 (F) The health professions and graduate science programs of the Oregon Health and Science
9 University operated under ORS chapter 353.

10 (c) "Governing body of an education entity" means:

11 (A) For a school district, the school district board.

12 (B) For an education service district, the board of directors of the education service district.

13 (C) For a community college district or a community college service district, the board of edu-
14 cation of the community college district.

15 (D) For the Oregon University System, the State Board of Higher Education.

16 (E) For a public university of the Oregon University System, the president of the university.

17 (F) For the Oregon Health and Science University, the Oregon Health and Science University
18 Board of Directors.

19 (2)(a) Prior to the beginning of each fiscal year, the governing body of each education entity
20 must enter into an achievement compact with the Oregon Education Investment Board for the fiscal
21 year.

22 (b) Governing bodies of education entities identified in subsection (1)(b)(A) to (C) of this section
23 shall enter into achievement compacts as part of the budgeting process under ORS 294.305 to 294.565
24 and shall submit achievement compacts to the board prior to:

25 **(A) October 15 of each year for governing bodies of education entities identified in sub-**
26 **section (1)(b)(A) or (B) of this section; or**

27 **(B) July 1 of each year for governing bodies of education entities identified in subsection**
28 **(1)(b)(C) of this section.**

29 (c) The board shall specify a process for adoption and a timeline for submission of achievement
30 compacts for education entities identified in subsection (1)(b)(D) to (F) of this section.

31 (d) The board shall provide to each school district a number quantifying the district's estimated
32 level of funding for the next fiscal year compared to the determination of funding needed to ensure
33 that the state's system of kindergarten through grade 12 public education meets the quality goals
34 specified under ORS 327.506.

35 (3)(a) The board shall establish the terms for achievement compacts.

36 (b) The terms of an achievement compact may include:

37 (A) A description of goals for outcomes that are consistent with the educational goals identified
38 in ORS 329.015, the findings described in ORS 351.003 and the mission of education provided in ORS
39 351.009.

40 (B) A description of the outcomes and measures of progress that will allow each education entity
41 to quantify:

42 (i) Completion rates for:

43 (I) Critical stages of learning and programs of study;

44 (II) The attainment of diplomas, certificates and degrees; and

45 (III) Achieving the high school and post-secondary education goals established in ORS 351.009

1 and a projection of the progress needed to achieve those goals by 2025;

2 (ii) Validations of the quality of knowledge and skills acquired by students of the education en-
3 tity; and

4 (iii) The relevance of the knowledge and skills acquired by the students of the education entity
5 and the means by which those skills and knowledge will contribute to the workforce, the economy
6 and society as described in state policy.

7 (C) Other information suggested by the governing body of an education entity and approved by
8 the board.

9 (c) Notwithstanding the terms described in paragraph (b) of this subsection, for an achievement
10 compact entered into by an education entity identified in subsection (1)(b)(F) of this section, the
11 terms of the achievement compact shall be limited to the enrollment of, and attainment of degrees
12 by, Oregon residents in programs for which the state provides funding.

13 (4)(a) The governing body of each education entity shall identify a target number and percentage
14 of students for achievement of the outcomes, measures of progress and goals specified in the
15 achievement compact for the fiscal year.

16 (b) The governing body of each education entity shall provide a target number and percentage
17 of students for the aggregate of all disadvantaged subgroups, as defined by federal law or specified
18 by rules adopted by the board. The target number and percentage of students must reflect the edu-
19 cation entity's goals of improving education outcomes for disadvantaged student groups and closing
20 any student achievement gaps between disadvantaged student groups and other student groups.

21 (5) As part of the process of entering into an achievement compact, the governing body of an
22 education entity shall ensure that open communications are provided to parents, students, teachers
23 or faculty, employees, exclusive bargaining representatives and community representatives for the
24 purposes of explaining and discussing the outcomes, measures of progress, goals and targets speci-
25 fied in the achievement compact for the fiscal year. The open communications must be provided
26 during each education entity's public budget process.

27 (6) The board shall specify the format of the achievement compacts and provide model achieve-
28 ment compacts to the governing body of each education entity.

29 (7) The board may adopt a timeline and method for governing bodies of education entities to
30 provide the board with a report at the end of a fiscal year that describes the achievements made
31 by the education entities during the fiscal year. The report:

32 (a) Must include disaggregated data for each disadvantaged student group specified by the
33 board; and

34 (b) May state achievements in numbers and percentages and in relation to the outcomes, meas-
35 ures of progress, goals and targets specified in the achievement compact for the fiscal year.

36 **SECTION 5.** Section 9, chapter 718, Oregon Laws 2011, is amended to read:

37 **Sec. 9.** (1) For purposes of ORS 339.133 (5)(b), a person whose legal residence is not within a
38 school district but who attends school in the district is considered a resident of the district in which
39 the person attends school if the person receives written consent to attend school from the district
40 school board where the school is located, as provided by this section.

41 (2)(a) By March 1 of each year, a district school board shall determine whether the board will
42 give consent to persons whose legal residence is not within the school district.

43 (b) If the district school board will give consent, the board shall establish standards by which
44 consent will be given. The standards must:

45 (A) Identify the number of persons to whom consent will be given for the school year. The dis-

1 trict school board may limit the number of persons to whom consent will be given based on school,
2 grade or a combination of school and grade.

3 (B) Allow persons who live within the boundaries of the school district the first opportunity to
4 change to a different school in the district if the district school board will be giving consent to at-
5 tend that school to persons who do not reside within the district.

6 (3) A person seeking consent as provided by this section must request consent no later than
7 April 1 prior to the beginning of the school year for which consent is being requested. Requests may
8 be submitted before the district school board makes the determination and establishes the standards
9 described in subsection (2) of this section, but may not be considered by the board when the board
10 makes the determination and establishes the standards.

11 (4)(a) A district school board must give consent to a person who requests consent unless:

12 (A) The board decides to not give consent to any person as allowed by subsection (2) of this
13 section;

14 (B) The board decides to limit the number of persons to whom consent will be given and the
15 person was not selected to be given consent based on the selection process described in subsection
16 (5) of this section; or

17 (C) The board is not required to admit the person, as provided by ORS 339.115 (8).

18 (b) A district school board may not deny consent or give priority based on race, religion, sex,
19 sexual orientation, ethnicity, national origin, disability, terms of an individualized education pro-
20 gram, income level, proficiency in the English language, [or] athletic ability **or residence**.

21 (5) If the number of persons seeking consent exceeds the number of persons to whom the district
22 school board has determined will be given consent, the board shall give consent based on an equi-
23 table lottery selection process. The process may give priority to persons who have siblings currently
24 enrolled in a school of the school district, but in no event may a sibling be given priority to any
25 open spot in the schools of the school district over any persons who reside within the school district.

26 **(6)(a) If a person is considered a resident of the school district as provided by this section**
27 **and the person has expressed an interest in attending the schools of another school district**
28 **before the end of the school year, the school district shall meet with the person and en-**
29 **courage the person to continue to attend the schools of the school district for the remainder**
30 **of the school year.**

31 **(b) If a person is considered a resident of the school district as provided by this section,**
32 **the school district may not encourage or require the person to attend the schools of another**
33 **school district as a condition of avoiding a disciplinary measure, including but not limited to**
34 **suspension or expulsion.**

35 [(6)(a)] **(7)(a)** Except as provided by paragraphs (b) and (c) of this subsection, a person who re-
36 ceives consent and who is considered a resident of a district as provided by this section shall be
37 considered a resident of the district for all educational purposes. A person who is considered a
38 resident of the district as provided by this section shall continue to be considered a resident of the
39 district until the person:

40 (A) Graduates from high school;

41 (B) Is no longer required to be admitted to the schools of the school district under ORS 339.115;
42 or

43 (C) Enrolls in a school in a different school district.

44 (b) A school district is not required to provide transportation outside the boundaries of the
45 district to a person who is considered a resident of the district as provided by this section, except

1 that a district:

2 (A) Must allow persons who are considered a resident of the district as provided by this section
3 to use existing bus routes and transportation services of the district. **Costs incurred for transpor-**
4 **tation provided under this subparagraph [is] are considered approved transportation costs for pur-**
5 **poses of ORS 327.013, except for costs incurred for providing transportation solely to persons**
6 **who are considered residents of the district as provided by this section if the transportation**
7 **is provided:**

8 (i) **Outside the boundaries of the district; and**

9 (ii) **For the purpose of transporting the persons between home and school.**

10 (B) May provide a stipend for a person who is a member of a low-income family, as defined in
11 ORS 339.147, in an amount that does not exceed the district's average cost per student for trans-
12 portation.

13 (C) Must provide transportation if required by federal law. **Costs incurred for transportation**
14 **provided under this subparagraph are considered approved transportation costs for purposes**
15 **of ORS 327.013.**

16 (c) After the first year that a person is considered a resident of a district as provided by this
17 section, the district school board may transfer the person to a different school in the district. Any
18 transfers must be made consistent with district policy and do not affect the status of the person as
19 a resident of the district.

20 [(7)] (8) A district school board shall provide written notification of the attendance of a person
21 who receives consent as provided by this section to the district school board where the legal resi-
22 dence of the person is located. The written notification required by this subsection must be provided
23 no later than May 1 prior to the beginning of the school year for which consent was given.

24 [(8)] (9) Nothing in this section:

25 (a) Requires a district school board to give consent to siblings if the board determines that
26 consent will not be given to any students for a school year.

27 (b) Prevents a school district from entering into interagency agreements to provide services to
28 persons who do not reside in the school district or are not considered residents of the school dis-
29 trict.

30 (c) Prevents or otherwise limits a district school board from providing consent to a person who
31 has received consent from the district school board for the school district in which the person re-
32 sides, as provided by ORS 339.133 (5)(a).

33 **SECTION 6. The amendments to section 9, chapter 718, Oregon Laws 2011, by section 5**
34 **of this 2013 Act apply to:**

35 (1) **Consent or priority given on or after the effective date of this 2013 Act; and**

36 (2) **Costs incurred for transportation on or after July 1, 2013.**

37 **SECTION 7. A school district that provides consent to nonresident persons to attend the**
38 **schools of the school district as provided by section 9, chapter 718, Oregon Laws 2011, may**
39 **not expend moneys received from the State School Fund or as Local Revenues, as described**
40 **in ORS 327.011, to advertise openings for nonresident persons if the advertisements are:**

41 (1) **Located outside the boundaries of the school district, including advertisements that**
42 **are made by signage or billboards; or**

43 (2) **Directed to persons who are not residents of the school district, including:**

44 (a) **Advertisements that are targeted to nonresidents through direct mail or online direct**
45 **marketing;**

1 **(b) Television or radio advertisements; or**

2 **(c) Newspaper advertisements, unless the advertisement is in a newspaper that primarily**
3 **serves the residents of the school district.**

4 **SECTION 8. Section 7 of this 2013 Act applies to contracts for advertising entered into**
5 **by a school district on or after the effective date of this 2013 Act.**

6 **SECTION 9. Section 21, chapter 718, Oregon Laws 2011, is amended to read:**

7 **Sec. 21.** Section 9 [*of this 2011 Act is*], **chapter 718, Oregon Laws 2011, and section 7 of this**
8 **2013 Act are repealed on July 1, 2017.**

9 **SECTION 10. This 2013 Act being necessary for the immediate preservation of the public**
10 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
11 **on its passage.**

12