

A-Engrossed
Senate Bill 272

Ordered by the Senate April 23
Including Senate Amendments dated April 23

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Education and Workforce Development 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.

[Directs Department of Education to conduct study on instruction of talented and gifted children.]
[Requires department to submit report to interim legislative committees no later than July 1, 2014.]

[Declares emergency, effective on passage.]

Directs Department of Education to develop uniform statewide plan for education of talented and gifted children.

Requires school districts' written plans of instruction for talented and gifted children to align with uniform statewide plan.

Directs Department of Education to expend specified amount from State School Fund to provide administration of and support for talented and gifted education.

Appropriates moneys to Department of Education for uniform statewide plan and school district plans.

Declares emergency, effective July 1, 2013.

A BILL FOR AN ACT

1
2 Relating to the instruction of talented and gifted children; creating new provisions; amending ORS
3 327.008, 343.397, 343.399, 343.404, 343.407 and 343.409; appropriating money; and declaring an
4 emergency.

5 Whereas Oregon has 42,375 talented and gifted children, who constitute 7.3 percent of this
6 state's learners; and

7 Whereas talented and gifted children are in all socioeconomic groups, all races and all
8 ethnicities and are in every school in this state; and

9 Whereas services for talented and gifted children are instrumental in helping this state meet its
10 40-40-20 goal; and

11 Whereas inconsistent attention to the needs of talented and gifted children has resulted in lim-
12 iting talented and gifted children's access to challenging learning opportunities; and

13 Whereas the federal government does not provide any funding for talented and gifted education;
14 and

15 Whereas this state has not funded talented and gifted education in school districts since 2004;
16 and

17 Whereas Oregon mandates that school districts identify talented and gifted children and provide
18 services to talented and gifted children, but does not provide any direct funding to school districts
19 to implement those mandates; and

20 Whereas this state has quietly failed its talented and gifted children; now, therefore,

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

2 **SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS 343.391 to**
3 **343.413.**

4 **SECTION 2. (1) The Department of Education shall develop a uniform statewide plan for**
5 **the education of talented and gifted children.**

6 **(2) The plan developed as provided by subsection (1) of this section shall establish re-**
7 **quirements for:**

8 **(a) Assessments to identify students who may be talented and gifted children;**

9 **(b) The delivery of services to talented and gifted children;**

10 **(c) Curriculum and instruction for talented and gifted children that may be adapted to**
11 **match a child's varied and diverse needs;**

12 **(d) Professional development to assist teachers to:**

13 **(A) Identify talented and gifted children;**

14 **(B) Provide services to talented and gifted children;**

15 **(C) Develop curriculum and provide instruction for talented and gifted children;**

16 **(D) Address special needs of talented and gifted children from different socioeconomic,**
17 **racial and cultural backgrounds;**

18 **(E) Improve teacher proficiencies in teaching talented and gifted children; and**

19 **(F) Meet any specialty certification requirements for teaching talented and gifted chil-**
20 **dren that may be established by the Teacher Standards and Practices Commission; and**

21 **(e) Improving the involvement of family and communities in the education of talented**
22 **and gifted children.**

23 **(3) The plan developed as provided by subsection (1) of this section shall be a guide by**
24 **which school districts shall align their practices for educating talented and gifted children.**
25 **A school district must align its practices for educating talented and gifted children with the**
26 **plan to receive funding for talented and gifted education.**

27 **SECTION 3. ORS 343.397 is amended to read:**

28 343.397. A school district shall submit to the Superintendent of Public Instruction a written plan
29 of instruction for talented and gifted children. The plan shall **align with the uniform statewide**
30 **plan developed as provided by section 2 of this 2013 Act and must** include, but not be limited
31 to:

32 (1) A statement of school district policy on the education of talented and gifted children;

33 (2) An assessment of current special programs and services provided by the district for talented
34 and gifted children;

35 (3) A statement of district goals for providing comprehensive special programs and services and
36 over what span of time the goals will be achieved;

37 (4) A description of the nature of the special programs and services which will be provided to
38 accomplish the goals; and

39 (5) A plan for evaluating progress on the district plan including each component program and
40 service.

41 **SECTION 4. ORS 343.399 is amended to read:**

42 343.399. (1) [Any] **A** school district may apply for state funds for special programs and services
43 for talented and gifted children [*identified in the district*]. A school district [*may*] **shall** apply for
44 state funds by submitting an application to the Superintendent of Public Instruction.

45 (2) The superintendent shall annually establish a date after which no further applications for

1 state funds may be submitted under this section.

2 (3) The superintendent may approve only applications that comply with ORS 343.391 to 343.413
3 and rules adopted by the State Board of Education. Any criteria used by the superintendent to
4 evaluate applications shall include, but need not be limited to:

5 (a) A statement of the school district's present level of special educational programs and ser-
6 vices for talented and gifted children and how the special educational programs and services con-
7 tained in the application conform with **the uniform statewide plan developed as provided by**
8 **section 2 of this 2013 Act and with** the school district's written plan for instruction for talented
9 and gifted children described in ORS 343.397.

10 (b) Identification procedures that comply with rules adopted by the board.

11 (c) A detailed budget for the program expenditures.

12 (d) A description of the individual student assessment and evaluative procedures and tools.

13 (e) A justification of special educational services and programs for talented and gifted children
14 identified in the school district in terms of the student assessment and evaluation.

15 (f) An evaluation design that meets standards set forth by the Department of Education.

16 (4) The superintendent may not approve an application unless the school district agrees to ex-
17 pend district funds for special educational programs for talented and gifted children in an amount
18 equal to or greater than the amount of state funds approved by the superintendent.

19 **SECTION 5.** ORS 343.404 is amended to read:

20 343.404. (1) The Superintendent of Public Instruction may annually expend funds appropriated
21 for the talented and gifted program to provide administration of and support for the development
22 of talented and gifted education statewide.

23 (2) These services may include:

24 (a) Teacher training programs and workshops;

25 (b) Consultant and technical assistance to districts;

26 (c) Small grants to and contracts with school districts, education service districts, colleges and
27 universities and private contractors to produce and disseminate curriculum and instruction materi-
28 als to other school districts;

29 (d) Training and assistance for parents of the talented and gifted children in meeting the edu-
30 cational needs of their children; *[and]*

31 (e) Contracting for the creation and administration of regional talented and gifted centers to
32 provide services related to talented and gifted programs[.]; **and**

33 **(f) Any other services that advance the uniform statewide plan developed as provided by**
34 **section 2 of this 2013 Act.**

35 **SECTION 6.** ORS 343.407 is amended to read:

36 343.407. School districts shall identify talented and gifted students enrolled in public schools
37 *[under rules adopted by the State Board of Education]* **as provided by the uniform statewide plan**
38 **developed under section 2 of this 2013 Act.**

39 **SECTION 7.** ORS 343.409 is amended to read:

40 343.409. School districts shall provide educational programs or services to talented and gifted
41 students enrolled in public schools *[under rules adopted by the State Board of Education]* **as provided**
42 **by the uniform statewide plan developed under section 2 of this 2013 Act.**

43 **SECTION 8. The amendments to ORS 343.397, 343.399, 343.404, 343.407 and 343.409 by**
44 **sections 3 to 7 of this 2013 Act become operative July 1, 2016.**

45 **SECTION 9.** ORS 327.008, as amended by section 3, chapter 91, Oregon Laws 2012, is amended

1 to read:

2 327.008. (1) There is established a State School Fund in the General Fund. The fund shall consist
3 of moneys appropriated by the Legislative Assembly and moneys transferred from the Education
4 Stability Fund. The State School Fund is continuously appropriated to the Department of Education
5 for the purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125, 327.137, 327.348,
6 336.575, 336.580, 336.635, 342.173, 343.243, 343.533 and 343.961.

7 (2) There shall be apportioned from the State School Fund to each school district a State School
8 Fund grant, consisting of the positive amount equal to a general purpose grant and a facility grant
9 and a transportation grant and a high cost disabilities grant minus local revenue, computed as pro-
10 vided in ORS 327.011 and 327.013.

11 (3) There shall be apportioned from the State School Fund to each education service district a
12 State School Fund grant as calculated under ORS 327.019.

13 (4) There shall be apportioned from the State School Fund the amount to be transferred to the
14 Regional Educational Services Account as calculated under ORS 327.009.

15 (5) All figures used in the determination of the distribution of the State School Fund shall be
16 estimates for the same year as the distribution occurs, unless otherwise specified.

17 (6) Numbers of students in average daily membership used in the distribution formula shall be
18 the numbers as of June of the year of distribution.

19 (7) A school district may not use the portion of the State School Fund grant that is attributable
20 to the facility grant for capital construction costs.

21 (8) The total amount of the State School Fund that is distributed as facility grants may not ex-
22 ceed \$25 million in any biennium. If the total amount to be distributed as facility grants exceeds this
23 limitation, the Department of Education shall prorate the amount of funds available for facility
24 grants among those school districts that qualified for a facility grant.

25 (9) Each fiscal year, the Department of Education shall transfer the amount of \$18 million from
26 the State School Fund to the High Cost Disabilities Account established in ORS 327.348.

27 (10) Each fiscal year, the Department of Education may expend up to \$550,000 from the State
28 School Fund for the contract described in ORS 329.488. The amount distributed to education service
29 districts from the State School Fund under this section and ORS 327.019 shall be reduced by the
30 amount expended by the department under this subsection.

31 (11) Each biennium, the Department of Education may expend up to [~~\$350,000~~] **\$1,350,000** from
32 the State School Fund to provide administration of and support for [*the development of*] talented and
33 gifted education under ORS 343.404.

34 (12) Each biennium, the Department of Education may expend up to \$150,000 from the State
35 School Fund for the administration of a program to increase the number of speech-language
36 pathologists and speech-language pathology assistants under ORS 348.394 to 348.406.

37 **SECTION 10. (1) The amendments to ORS 327.008 by section 9 of this 2013 Act become**
38 **operative on July 1, 2015.**

39 **(2) The amendments to ORS 327.008 by section 9 of this 2013 Act apply to State School**
40 **Fund distributions commencing with the 2015-2016 distributions.**

41 **SECTION 11.** ORS 327.008, as amended by section 3, chapter 91, Oregon Laws 2012, and section
42 9 of this 2013 Act, is amended to read:

43 327.008. (1) There is established a State School Fund in the General Fund. The fund shall consist
44 of moneys appropriated by the Legislative Assembly and moneys transferred from the Education
45 Stability Fund. The State School Fund is continuously appropriated to the Department of Education

1 for the purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125, 327.137, 327.348,
2 336.575, 336.580, 336.635, 342.173, 343.243, 343.533 and 343.961.

3 (2) There shall be apportioned from the State School Fund to each school district a State School
4 Fund grant, consisting of the positive amount equal to a general purpose grant and a facility grant
5 and a transportation grant and a high cost disabilities grant minus local revenue, computed as pro-
6 vided in ORS 327.011 and 327.013.

7 (3) There shall be apportioned from the State School Fund to each education service district a
8 State School Fund grant as calculated under ORS 327.019.

9 (4) There shall be apportioned from the State School Fund the amount to be transferred to the
10 Regional Educational Services Account as calculated under ORS 327.009.

11 (5) All figures used in the determination of the distribution of the State School Fund shall be
12 estimates for the same year as the distribution occurs, unless otherwise specified.

13 (6) Numbers of students in average daily membership used in the distribution formula shall be
14 the numbers as of June of the year of distribution.

15 (7) A school district may not use the portion of the State School Fund grant that is attributable
16 to the facility grant for capital construction costs.

17 (8) The total amount of the State School Fund that is distributed as facility grants may not ex-
18 ceed \$25 million in any biennium. If the total amount to be distributed as facility grants exceeds this
19 limitation, the Department of Education shall prorate the amount of funds available for facility
20 grants among those school districts that qualified for a facility grant.

21 (9) Each fiscal year, the Department of Education shall transfer the amount of \$18 million from
22 the State School Fund to the High Cost Disabilities Account established in ORS 327.348.

23 (10) Each fiscal year, the Department of Education may expend up to \$550,000 from the State
24 School Fund for the contract described in ORS 329.488. The amount distributed to education service
25 districts from the State School Fund under this section and ORS 327.019 shall be reduced by the
26 amount expended by the department under this subsection.

27 (11) Each biennium, the Department of Education may expend up to [~~\$1,350,000~~] **\$5,850,000** from
28 the State School Fund to provide administration of and support for talented and gifted education
29 under ORS 343.404.

30 (12) Each biennium, the Department of Education may expend up to \$150,000 from the State
31 School Fund for the administration of a program to increase the number of speech-language
32 pathologists and speech-language pathology assistants under ORS 348.394 to 348.406.

33 **SECTION 12. (1) The amendments to ORS 327.008 by section 11 of this 2013 Act become**
34 **operative on July 1, 2016.**

35 **(2) The amendments to ORS 327.008 by section 11 of this 2013 Act apply to State School**
36 **Fund distributions commencing with the 2016-2017 distributions.**

37 **SECTION 13. In addition to and not in lieu of any other appropriation, there is appro-**
38 **riated to the Department of Education, for the biennium beginning July 1, 2013, out of the**
39 **General Fund, the amount of \$1,000,000, which may be expended as follows:**

40 **(1) \$500,000 for the development of the uniform statewide plan described in section 2 of**
41 **this 2013 Act.**

42 **(2) \$500,000 to assist school districts to develop district plans that align with the uniform**
43 **statewide plan described in section 2 of this 2013 Act.**

44 **SECTION 14. This 2013 Act being necessary for the immediate preservation of the public**
45 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**

1 **July 1, 2013.**

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