

## SENATE AMENDMENTS TO SENATE BILL 272

By COMMITTEE ON EDUCATION AND WORKFORCE DEVELOPMENT

April 23

1 In line 2 of the printed bill, after the semicolon insert “creating new provisions; amending ORS  
2 327.008, 343.397, 343.399, 343.404, 343.407 and 343.409; appropriating money;”.

3 After line 2, insert:

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

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

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

10 “Whereas inconsistent attention to the needs of talented and gifted children has resulted in  
11 limiting talented and gifted children’s access to challenging learning opportunities; and

12 “Whereas the federal government does not provide any funding for talented and gifted educa-  
13 tion; and

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

16 “Whereas Oregon mandates that school districts identify talented and gifted children and pro-  
17 vide services to talented and gifted children, but does not provide any direct funding to school dis-  
18 tricts to implement those mandates; and

19 “Whereas this state has quietly failed its talented and gifted children; now, therefore,”.

20 Delete lines 4 through 15 and insert:

21 “**SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS 343.391 to**  
22 **343.413.**

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

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

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

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

29 “**(c) Curriculum and instruction for talented and gifted children that may be adapted to**  
30 **match a child’s varied and diverse needs;**

31 “**(d) Professional development to assist teachers to:**

32 “**(A) Identify talented and gifted children;**

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

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

35 “**(D) Address special needs of talented and gifted children from different socioeconomic,**

1 racial and cultural backgrounds;

2 “(E) Improve teacher proficiencies in teaching talented and gifted children; and

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

5 “(e) Improving the involvement of family and communities in the education of talented  
6 and gifted children.

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

11 “**SECTION 3.** ORS 343.397 is amended to read:

12 “343.397. A school district shall submit to the Superintendent of Public Instruction a written  
13 plan of instruction for talented and gifted children. The plan shall **align with the uniform state-**  
14 **wide plan developed as provided by section 2 of this 2013 Act and must** include, but not be  
15 limited to:

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

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

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

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

23 “(5) A plan for evaluating progress on the district plan including each component program and  
24 service.

25 “**SECTION 4.** ORS 343.399 is amended to read:

26 “343.399. (1) [*Any*] A school district may apply for state funds for special programs and services  
27 for talented and gifted children [*identified in the district*]. A school district [*may*] **shall** apply for  
28 state funds by submitting an application to the Superintendent of Public Instruction.

29 “(2) The superintendent shall annually establish a date after which no further applications for  
30 state funds may be submitted under this section.

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

34 “(a) A statement of the school district’s present level of special educational programs and ser-  
35 vices for talented and gifted children and how the special educational programs and services con-  
36 tained in the application conform with **the uniform statewide plan developed as provided by**  
37 **section 2 of this 2013 Act and with** the school district’s written plan for instruction for talented  
38 and gifted children described in ORS 343.397.

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

40 “(c) A detailed budget for the program expenditures.

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

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

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

45 “(4) The superintendent may not approve an application unless the school district agrees to ex-

1 pend district funds for special educational programs for talented and gifted children in an amount  
2 equal to or greater than the amount of state funds approved by the superintendent.

3 **“SECTION 5.** ORS 343.404 is amended to read:

4 “343.404. (1) The Superintendent of Public Instruction may annually expend funds appropriated  
5 for the talented and gifted program to provide administration of and support for the development  
6 of talented and gifted education statewide.

7 “(2) These services may include:

8 “(a) Teacher training programs and workshops;

9 “(b) Consultant and technical assistance to districts;

10 “(c) Small grants to and contracts with school districts, education service districts, colleges and  
11 universities and private contractors to produce and disseminate curriculum and instruction materi-  
12 als to other school districts;

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

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

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

19 **“SECTION 6.** ORS 343.407 is amended to read:

20 “343.407. School districts shall identify talented and gifted students enrolled in public schools  
21 *[under rules adopted by the State Board of Education]* **as provided by the uniform statewide plan  
22 developed under section 2 of this 2013 Act.**

23 **“SECTION 7.** ORS 343.409 is amended to read:

24 “343.409. School districts shall provide educational programs or services to talented and gifted  
25 students enrolled in public schools *[under rules adopted by the State Board of Education]* **as provided  
26 by the uniform statewide plan developed under section 2 of this 2013 Act.**

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

29 **“SECTION 9.** ORS 327.008, as amended by section 3, chapter 91, Oregon Laws 2012, is amended  
30 to read:

31 “327.008. (1) There is established a State School Fund in the General Fund. The fund shall con-  
32 sist of moneys appropriated by the Legislative Assembly and moneys transferred from the Education  
33 Stability Fund. The State School Fund is continuously appropriated to the Department of Education  
34 for the purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125, 327.137, 327.348,  
35 336.575, 336.580, 336.635, 342.173, 343.243, 343.533 and 343.961.

36 “(2) There shall be apportioned from the State School Fund to each school district a State  
37 School Fund grant, consisting of the positive amount equal to a general purpose grant and a facility  
38 grant and a transportation grant and a high cost disabilities grant minus local revenue, computed  
39 as provided in ORS 327.011 and 327.013.

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

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

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

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

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

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

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

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

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

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

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

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

25 “**SECTION 11.** ORS 327.008, as amended by section 3, chapter 91, Oregon Laws 2012, and sec-  
26 tion 9 of this 2013 Act, is amended to read:

27 “327.008. (1) There is established a State School Fund in the General Fund. The fund shall con-  
28 sist of moneys appropriated by the Legislative Assembly and moneys transferred from the Education  
29 Stability Fund. The State School Fund is continuously appropriated to the Department of Education  
30 for the purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125, 327.137, 327.348,  
31 336.575, 336.580, 336.635, 342.173, 343.243, 343.533 and 343.961.

32 “(2) There shall be apportioned from the State School Fund to each school district a State  
33 School Fund grant, consisting of the positive amount equal to a general purpose grant and a facility  
34 grant and a transportation grant and a high cost disabilities grant minus local revenue, computed  
35 as provided in ORS 327.011 and 327.013.

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

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

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

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

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

1 “(8) The total amount of the State School Fund that is distributed as facility grants may not  
2 exceed \$25 million in any biennium. If the total amount to be distributed as facility grants exceeds  
3 this limitation, the Department of Education shall prorate the amount of funds available for facility  
4 grants among those school districts that qualified for a facility grant.

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

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

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

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

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

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

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

24 **“(1) \$500,000 for the development of the uniform statewide plan described in section 2 of**  
25 **this 2013 Act.**

26 **“(2) \$500,000 to assist school districts to develop district plans that align with the uniform**  
27 **statewide plan described in section 2 of this 2013 Act.**

28 **“SECTION 14. This 2013 Act being necessary for the immediate preservation of the public**  
29 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**  
30 **July 1, 2013.”.**

31