

**PROPOSED AMENDMENTS TO
SENATE BILL 272**

1 In line 2 of the printed bill, after the semicolon insert “creating new
2 provisions; amending ORS 327.008, 343.397, 343.399, 343.404, 343.407 and
3 343.409; appropriating money;”.

4 After line 2, insert:

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

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

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

11 “Whereas inconsistent attention to the needs of talented and gifted chil-
12 dren has resulted in limiting talented and gifted children’s access to chal-
13 lenging learning opportunities; and

14 “Whereas the federal government does not provide any funding for tal-
15 ented and gifted education; and

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

18 “Whereas Oregon mandates that school districts identify talented and
19 gifted children and provide services to talented and gifted children, but does
20 not provide any direct funding to school districts to implement those man-
21 dates; and

22 “Whereas this state has quietly failed its talented and gifted children;

1 now, therefore.”.

2 Delete lines 4 through 15 and insert:

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

5 **“SECTION 2. (1) The Department of Education shall develop a uni-**
6 **form statewide plan for the education of talented and gifted children.**

7 **“(2) The plan developed as provided by subsection (1) of this section**
8 **shall establish requirements for:**

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

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

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

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

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

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

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

19 **“(D) Address special needs of talented and gifted children from dif-**
20 **ferent socioeconomic, racial and cultural backgrounds;**

21 **“(E) Improve teacher proficiencies in teaching talented and gifted**
22 **children; and**

23 **“(F) Meet any speciality certification requirements for teaching**
24 **talented and gifted children that may be established by the Teacher**
25 **Standards and Practices Commission.**

26 **“(e) Improving the involvement of family and communities in the**
27 **education of talented and gifted children.**

28 **“(3) The plan developed as provided by subsection (1) of this section**
29 **shall be a guide by which school districts shall align their practices for**
30 **educating talented and gifted children. A school district must align**

1 **its practices for educating talented and gifted children with the plan**
2 **to receive funding for talented and gifted education.**

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

4 “343.397. A school district shall submit to the Superintendent of Public
5 Instruction a written plan of instruction for talented and gifted children. The
6 plan shall **align with the uniform statewide plan developed as provided**
7 **by section 2 of this 2013 Act and must** include, but not be limited to:

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

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

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

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

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

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

19 “343.399. (1) [*Any*] **A** school district may apply for state funds for special
20 programs and services for talented and gifted children [*identified in the dis-*
21 *trict*]. A school district [*may*] **shall** apply for state funds by submitting an
22 application to the Superintendent of Public Instruction.

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

25 “(3) The superintendent may approve only applications that comply with
26 ORS 343.391 to 343.413 and rules adopted by the State Board of Education.
27 Any criteria used by the superintendent to evaluate applications shall in-
28 clude, but need not be limited to:

29 “(a) A statement of the school district’s present level of special educa-
30 tional programs and services for talented and gifted children and how the

1 special educational programs and services contained in the application con-
2 form with **the uniform statewide plan developed as provided by section**
3 **2 of this 2013 Act and with** the school district’s written plan for instruction
4 for talented and gifted children described in ORS 343.397.

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

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

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

10 “(e) A justification of special educational services and programs for tal-
11 ented and gifted children identified in the school district in terms of the
12 student assessment and evaluation.

13 “(f) An evaluation design that meets standards set forth by the Depart-
14 ment of Education.

15 “(4) The superintendent may not approve an application unless the school
16 district agrees to expend district funds for special educational programs for
17 talented and gifted children in an amount equal to or greater than the
18 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 ex-
21 pend funds appropriated for the talented and gifted program to provide ad-
22 ministration of and support for the development of talented and gifted
23 education statewide.

24 “(2) These services may include:

25 “(a) Teacher training programs and workshops;

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

27 “(c) Small grants to and contracts with school districts, education service
28 districts, colleges and universities and private contractors to produce and
29 disseminate curriculum and instruction materials to other school districts;

30 “(d) Training and assistance for parents of the talented and gifted chil-

1 dren in meeting the educational needs of their children; *[and]*

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

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

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

8 “343.407. School districts shall identify talented and gifted students en-
9 rolled in public schools *[under rules adopted by the State Board of*
10 *Education]* **as provided by the uniform statewide plan developed under**
11 **section 2 of this 2013 Act.**

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

13 “343.409. School districts shall provide educational programs or services
14 to talented and gifted students enrolled in public schools *[under rules*
15 *adopted by the State Board of Education]* **as provided by the uniform**
16 **statewide plan developed under section 2 of this 2013 Act.**

17 **“SECTION 8. The amendments to ORS 343.397, 343.399, 343.404,**
18 **343.407 and 343.409 by sections 3 to 7 of this 2013 Act become operative**
19 **July 1, 2016.**

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

22 “327.008. (1) There is established a State School Fund in the General
23 Fund. The fund shall consist of moneys appropriated by the Legislative As-
24 sembly and moneys transferred from the Education Stability Fund. The State
25 School Fund is continuously appropriated to the Department of Education
26 for the purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125,
27 327.137, 327.348, 336.575, 336.580, 336.635, 342.173, 343.243, 343.533 and 343.961.

28 “(2) There shall be apportioned from the State School Fund to each school
29 district a State School Fund grant, consisting of the positive amount equal
30 to a general purpose grant and a facility grant and a transportation grant

1 and a high cost disabilities grant minus local revenue, computed as provided
2 in ORS 327.011 and 327.013.

3 “(3) There shall be apportioned from the State School Fund to each edu-
4 cation service district a State School Fund grant as calculated under ORS
5 327.019.

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

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

12 “(6) Numbers of students in average daily membership used in the dis-
13 tribution formula shall be the numbers as of June of the year of distribution.

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

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

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

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

29 “(11) Each biennium, the Department of Education may expend up to
30 [~~\$350,000~~] **\$1,350,000** from the State School Fund to provide administration

1 of and support for [*the development of*] talented and gifted education under
2 ORS 343.404.

3 “(12) Each biennium, the Department of Education may expend up to
4 \$150,000 from the State School Fund for the administration of a program to
5 increase the number of speech-language pathologists and speech-language
6 pathology assistants under ORS 348.394 to 348.406.

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

9 **“(2) The amendments to ORS 327.008 by section 9 of this 2013 Act
10 apply to State School Fund distributions commencing with the
11 2015-2016 distributions.**

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

14 “327.008. (1) There is established a State School Fund in the General
15 Fund. The fund shall consist of moneys appropriated by the Legislative As-
16 sembly and moneys transferred from the Education Stability Fund. The State
17 School Fund is continuously appropriated to the Department of Education
18 for the purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125,
19 327.137, 327.348, 336.575, 336.580, 336.635, 342.173, 343.243, 343.533 and 343.961.

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

25 “(3) There shall be apportioned from the State School Fund to each edu-
26 cation service district a State School Fund grant as calculated under ORS
27 327.019.

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

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

4 “(6) Numbers of students in average daily membership used in the dis-
5 tribution formula shall be the numbers as of June of the year of distribution.

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

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

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

16 “(10) Each fiscal year, the Department of Education may expend up to
17 \$550,000 from the State School Fund for the contract described in ORS
18 329.488. The amount distributed to education service districts from the State
19 School Fund under this section and ORS 327.019 shall be reduced by the
20 amount expended by the department under this subsection.

21 “(11) Each biennium, the Department of Education may expend up to
22 [~~\$1,350,000~~] **\$5,850,000** from the State School Fund to provide administration
23 of and support for talented and gifted education under ORS 343.404.

24 “(12) Each biennium, the Department of Education may expend up to
25 \$150,000 from the State School Fund for the administration of a program to
26 increase the number of speech-language pathologists and speech-language
27 pathology assistants under ORS 348.394 to 348.406.

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

30 **“(2) The amendments to ORS 327.008 by section 11 of this 2013 Act**

1 apply to State School Fund distributions commencing with the
2 2016-2017 distributions.

3 **“SECTION 13.** In addition to and not in lieu of any other appropri-
4 ation, there is appropriated to the Department of Education, for the
5 biennium beginning July 1, 2013, out of the General Fund, the amount
6 of \$1,000,000, which may be expended as follows:

7 **“(1) \$500,000** for the development of the uniform statewide plan de-
8 scribed in section 2 of this 2013 Act.

9 **“(2) \$500,000** to assist school districts to develop district plans that
10 align with the uniform statewide plan described in section 2 of this
11 2013 Act.

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

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