

D R A F T

SUMMARY

Modifies requirements for English language learners.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to English language learners; creating new provisions; amending
3 ORS 327.013, 327.345, 329.157, 336.079, 342.950 and 344.257; and declaring
4 an emergency.

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

6 **SECTION 1.** ORS 336.079 is amended to read:

7 336.079. (1) **As used in this section, “English language learner”**
8 **means a student who:**

9 (a) **Has limited English language proficiency because English is not**
10 **the native language of the student or the student comes from an en-**
11 **vironment where a language other than English has had a significant**
12 **impact on the student’s level of English language proficiency; and**

13 (b) **Meets any other criteria established by the State Board of Edu-**
14 **cation by rule.**

15 (2) Specific courses to teach speaking, reading and writing of the English
16 language shall be provided at kindergarten and each grade level to [*those*
17 *children*] **students** who are unable to [*profit*] **benefit** from classes taught in
18 English. [*Such*] **The** courses shall be taught [*to such a level in school as may*
19 *be required until children are able to profit*] **at school until the students**
20 **are able to benefit** from classes conducted in English.

21 (3)(a) **Each school district shall develop and submit a local plan to**

1 the Department of Education that describes the school district's Eng-
2 lish language learner program.

3 (b) Each plan must describe:

4 (A) The method for the teachers of the school district to select an
5 assessment as described in subsection (4) of this section.

6 (B) The process and content requirements for student response
7 plans, which must be individually developed for each English language
8 learner, be based on the skills and needs of the student and the re-
9 sources of the school district, and, if practicable and appropriate, ad-
10 dress transitions into post-secondary education or employment. The
11 plans must be developed by a student services team under the follow-
12 ing circumstances:

13 (i) An English language learner has been eligible for and enrolled
14 in an English language learner program for six or more years;

15 (ii) An English language learner is designated as a student with an
16 interrupted formal education according to rules adopted by the State
17 Board of Education; or

18 (iii) The English language learner begins grade six or any subse-
19 quent grade without proficiency in numbers or any language, as de-
20 termined by a placement assessment administered by the school
21 district.

22 (C) The methods by which the school district will deliver to parents
23 essential notifications related to English language learner programs
24 and whether the school district will allow parents to identify at least
25 two preferred methods of communication.

26 (D) Any assistance provided to English language learners during
27 nonschool hours, including homework assistance centers in schools
28 that are staffed by teachers, instructional assistants or trained vol-
29 unteers.

30 (E) The methods by which the school district will identify students
31 who are eligible to be enrolled in an English language learner pro-

1 **gram, including any identification methods that occur before a student**
2 **enrolls in kindergarten.**

3 **(F) Any support or referral programs provided by the school district**
4 **to the families of English language learners, including programs that**
5 **assist parents in improving their proficiency in English language.**

6 **(G) Any programs or resources available to English language**
7 **learners to support the improvement of their proficiency in English**
8 **language even after they have gained sufficient proficiency to no**
9 **longer be eligible for an English language learner program.**

10 **(c) The State Board of Education shall prescribe the form and**
11 **timelines for the submission of plans.**

12 **(4) English language learners shall be assessed using an assessment**
13 **selected from a list of assessments approved by the Department of**
14 **Education. The assessment shall be chosen by the teacher of the**
15 **English language learner, based on the educational and developmental**
16 **needs of the English language learner and based on the local plan de-**
17 **veloped as provided by subsection (3) of this section.**

18 **(5) The State Board of Education shall adopt rules for English**
19 **learner programs that:**

20 **(a) Take into consideration requirements and standards prescribed**
21 **by federal law; and**

22 **(b) Provide budget transparency by prescribing uniform budget**
23 **coding by school districts, including comprehensive descriptions of**
24 **costs incurred in relation to the program and comprehensive identifi-**
25 **cations of revenue sources for the program.**

26 **SECTION 2. (1) The amendments to ORS 336.079 by section 1 of this**
27 **2015 Act become operative on July 1, 2016.**

28 **(2) The amendments to ORS 336.079 by section 1 of this 2015 Act first**
29 **apply to the 2016-2017 school year.**

30 **SECTION 3. (1) The Task Force on English Language Learners is**
31 **established.**

1 **(2) The Task Force shall consist of seven members appointed as**
2 **follows:**

3 **(a) The President of the Senate shall appoint one member from**
4 **among members of the Senate.**

5 **(b) The Speaker of the House of Representatives shall appoint one**
6 **member from among members of the House of Representatives.**

7 **(c) The Superintendent of Public Instruction shall appoint five**
8 **members as follows:**

9 **(A) Three members who are teachers of English language learners,**
10 **as defined in ORS 336.079, and who are selected following consultation**
11 **with professional organizations representing English language learner**
12 **teachers.**

13 **(B) One member who is an expert in compliance with Title III of**
14 **the federal Elementary and Secondary Education Act of 1965.**

15 **(C) One member from the Department of Education who is an ex-**
16 **pert in assessments.**

17 **(3) Members of the Legislative Assembly appointed to the task force**
18 **are nonvoting members of the task force and may act in an advisory**
19 **capacity only.**

20 **(4) The task force shall:**

21 **(a) Develop appropriate accommodations for assessments of English**
22 **language learners; and**

23 **(b) Identify a list of assessments for English language learners to**
24 **be approved by the Department of Education as described in ORS**
25 **336.079 (4).**

26 **(5) A majority of the voting members of the task force constitutes**
27 **a quorum for the transaction of business.**

28 **(6) Official action by the task force requires the approval of a ma-**
29 **jority of the voting members of the task force.**

30 **(7) The task force shall elect one of its members to serve as chair-**
31 **person.**

1 (8) If there is a vacancy for any cause, the appointing authority
2 shall make an appointment to become immediately effective.

3 (9) The task force shall meet at times and places specified by the
4 call of the chairperson or of a majority of the voting members of the
5 task force.

6 (10) The task force may adopt rules necessary for the operation of
7 the task force.

8 (11) The task force shall submit a report in the manner provided
9 by ORS 192.245, and may include recommendations for legislation, to
10 the interim legislative committees on education no later than June 1,
11 2016.

12 (12) The Department of Education shall provide staff support to the
13 task force.

14 (13) Members of the task force who are not members of the Legis-
15 lative Assembly are not entitled to compensation, but may be reim-
16 bursed for actual and necessary travel and other expenses incurred by
17 them in the performance of their official duties in the manner and
18 amounts provided for in ORS 292.495. Claims for expenses incurred in
19 performing functions of the task force shall be paid out of funds ap-
20 propriated to Department of Education for purposes of the task force.

21 (14) All agencies of state government, as defined in ORS 174.111, are
22 directed to assist the task force in the performance of its duties and,
23 to the extent permitted by laws relating to confidentiality, to furnish
24 such information and advice as the members of the task force consider
25 necessary to perform their duties.

26 SECTION 4. Section 3 of this 2015 Act is repealed on December 31,
27 2016.

28 SECTION 5. (1) In addition to distributing moneys through the
29 State School Fund, the Department of Education may award grants
30 to school districts for the costs associated with purchasing and dis-
31 tributing to students library books that are printed in languages other

1 **than English.**

2 **(2) Books purchased as provided by this section must be used in a**
3 **manner that complies with the requirements of ORS 336.074.**

4 **(3) The grants must be available to any school district that can**
5 **demonstrate a need for assistance in purchasing books after exhaust-**
6 **ing resources for donated books and library lending programs.**

7 **(4) The department may seek and accept gifts, grants and donations**
8 **from any source, public or private, for the purpose of carrying out the**
9 **grant program under this section.**

10 **(5) The State Board of Education may adopt any rules necessary for**
11 **the administration of the grant program. The rules adopted by the**
12 **board must include a method for determining the grant amount that**
13 **a school district may receive under this section.**

14 **SECTION 6.** ORS 327.013 is amended to read:

15 327.013. The State School Fund distributions for school districts include
16 the following grants:

17 (1) General Purpose Grant = Funding Percentage × Target Grant ×
18 District extended ADMw. For the purpose of the calculation made under this
19 subsection:

20 (a) The funding percentage shall be calculated by the Superintendent of
21 Public Instruction to distribute as nearly as practicable the total sum of
22 money available for distribution.

23 (b) Target Grant = Statewide Target per ADMw Grant + Teacher Ex-
24 perience Factor. For the purpose of the calculation made under this para-
25 graph:

26 (A) Statewide Target per ADMw Grant = \$4,500.

27 (B) Teacher Experience Factor = \$25 × {District average teacher expe-
28 rience – statewide average teacher experience}. As used in this subpara-
29 graph, “average teacher experience” means the average, in years, of teaching
30 experience of licensed teachers as reported to the Department of Education.

31 (c) District extended ADMw = ADMw or ADMw of the prior year,

1 whichever is greater. The calculation of the district extended ADMw must
2 be made as provided by ORS 338.155 (1)(b) if a public charter school is lo-
3 cated in the school district. For the purpose of this paragraph:

4 (A) Weighted average daily membership or ADMw = average daily
5 membership + an additional amount computed as follows:

6 (i) 1.0 for each student in average daily membership eligible for special
7 education as a child with a disability under ORS 343.035, which may not
8 exceed 11 percent of the district's ADM without review and approval by the
9 Department of Education. Children with disabilities eligible for special ed-
10 ucation in adult local correctional facilities, as defined in ORS 169.005, or
11 adult regional correctional facilities, as defined in ORS 169.620, may not be
12 included in the calculation made under this sub-subparagraph.

13 (ii) 0.5 for each student in average daily membership eligible for and en-
14 rolled in an English [*as a second*] language **learner** program under ORS
15 336.079.

16 (iii) 0.2 for each student in average daily membership enrolled in a union
17 high school district or in an area of a unified school district where the dis-
18 trict is only responsible for educating students in grades 9 through 12 in that
19 area.

20 (iv) -0.1 for each student in average daily membership enrolled in an
21 elementary district operating kindergarten through grade six or kindergarten
22 through grade eight or in an area of a unified school district where the dis-
23 trict is only responsible for educating students in kindergarten through
24 grade eight.

25 (v) 0.25 times the sum of the following:

26 (I) The number of students who are in average daily membership and who
27 are also in poverty families, as determined by the Department of Education
28 based on rules adopted by the State Board of Education that incorporate
29 poverty data published by the United States Census Bureau, student data
30 provided by school districts and other data identified by the board;

31 (II) The number of children in foster homes in the district as determined

1 by the report of the Department of Human Services to the United States
2 Department of Education, "Annual Statistical Report on Children in Foster
3 Homes and Children in Families Receiving AFDC Payments in Excess of the
4 Poverty Income Level," or its successor, for October 31 of the year prior to
5 the year of distribution; and

6 (III) The number of children in the district in state-recognized facilities
7 for neglected and delinquent children, based on information from the De-
8 partment of Human Services for October 31 of the year prior to the year of
9 distribution.

10 (vi) The amount determined under ORS 327.077 for each remote small el-
11 ementary school and for each small high school in the district.

12 (B) All numbers of children used for the computation in this paragraph
13 must reflect any district consolidations that have occurred since the numbers
14 were compiled.

15 (C) The total additional weight that shall be assigned to any student in
16 average daily membership in a district, exclusive of students described in
17 subparagraph (A)(v) and (vi) of this paragraph, may not exceed 2.0.

18 (2) High cost disabilities grant = the total amount received by a school
19 district under ORS 327.348 for providing special education and related ser-
20 vices to resident pupils with disabilities.

21 (3)(a) Transportation grant equals:

22 (A) 70 percent of approved transportation costs for those school districts
23 ranked below the 80th percentile under paragraph (b) of this subsection.

24 (B) 80 percent of approved transportation costs for those school districts
25 ranked in or above the 80th percentile but below the 90th percentile under
26 paragraph (b) of this subsection.

27 (C) 90 percent of approved transportation costs for those school districts
28 ranked in or above the 90th percentile under paragraph (b) of this subsection.

29 (b) Each fiscal year, the Department of Education shall rank school dis-
30 tricts based on the approved transportation costs per ADM of each school
31 district, ranking the school district with the highest approved transportation

1 costs per ADM at the top of the order.

2 (4)(a) Facility Grant = 8 percent of total construction costs of new school
3 buildings.

4 (b) A school district shall receive a Facility Grant in the distribution year
5 that a new school building is first used.

6 (c) As used in this subsection:

7 (A) "New school building" includes new school buildings, structures
8 added onto existing school buildings and premanufactured structures added
9 to a school district if those buildings or structures are to be used for in-
10 structuring students.

11 (B) "Construction costs" does not include costs for land acquisition.

12 **SECTION 7.** ORS 327.345 is amended to read:

13 327.345. (1) As used in this section, [*ESL student*] "**ELL student**"
14 means a student who is eligible for and enrolled in an English [*as a*
15 *second*] language **learner** program under ORS 336.079.

16 (2) In addition to distributing moneys through the State School Fund, the
17 Department of Education may award grants to school districts for the costs
18 of training English [*as a second*] language **learner** teachers.

19 (3) The grants shall be available to any school district:

20 (a) In which three percent or more of the students enrolled are [*ESL*]
21 **ELL** students;

22 (b) That serves [*ESL*] **ELL** students or bilingual students within a large
23 geographic area in the district;

24 (c) That has a high growth, as defined by rule of the State Board of Ed-
25 ucation, of [*ESL*] **ELL** students or bilingual students in any school year; or

26 (d) That can demonstrate extraordinary need, as defined by rule of the
27 board, for English [*as a second*] language **learner** teachers or training for
28 English [*as a second*] language **learner** teachers.

29 (4) A school district that receives a grant under this section may use the
30 grant to reimburse teachers for tuition costs associated with completing an
31 English [*as a second*] language **learner** or a bilingual teaching program.

1 (5) The department may seek and accept gifts, grants and donations from
2 any source and federal funds for the purpose of carrying out the grant pro-
3 gram under this section.

4 (6) The board may adopt any rules necessary for the administration of the
5 grant program. The rules adopted by the board shall include a method for
6 determining the grant amount that a qualified school district may receive
7 under this section.

8 **SECTION 8.** ORS 329.157 is amended to read:

9 329.157. (1) Community learning centers shall promote identification and
10 coordination of existing resources including, but not limited to, the following
11 services and activities:

12 (a) Before-school and after-school enrichment activities linked with the
13 school curriculum;

14 (b) Youth development and service learning activities;

15 (c) Child care programs;

16 (d) Mentoring and tutoring programs;

17 (e) Parent literacy and adult education programs;

18 (f) Prenatal and early childhood support programs;

19 (g) Parent education and support groups;

20 (h) Cultural activities and English [*as a second*] language **learner** pro-
21 grams;

22 (i) School-to-work and workforce development programs;

23 (j) Intergenerational activities connecting senior citizens with children;

24 (k) Referrals for health care and other social and educational services;

25 (L) Primary health care services, including immunizations, sports phys-
26 icals and well-child checkups; and

27 (m) Counseling services.

28 (2) School districts that create community learning centers shall encour-
29 age existing family resource centers to become involved in the development
30 and implementation of the community learning centers. An existing family
31 resource center developed under ORS 417.725 may be designated as a com-

1 munity learning center if the family resource center meets the standards
2 specified in this section and ORS 329.156.

3 (3) Community learning centers shall follow best practice standards to
4 ensure their effectiveness.

5 **SECTION 9.** ORS 342.950 is amended to read:

6 342.950. (1) The Network of Quality Teaching and Learning is established.
7 The network consists of the Oregon Education Investment Board, the De-
8 partment of Education and public and private entities that receive funding
9 as provided by this section to accomplish the purposes of the network de-
10 scribed in subsection (2) of this section.

11 (2) The purposes of the network are the following:

12 (a) To enhance a culture of leadership and collaborative responsibility for
13 advancing the profession of teaching among providers of early learning ser-
14 vices, teachers and administrators in kindergarten through grade 12, educa-
15 tion service districts and teacher education institutions.

16 (b) To strengthen and enhance existing evidence-based practices that im-
17 prove student achievement, including practices advanced by or described in
18 ORS 329.788 to 329.820, 329.822, 329.824, 329.838, 342.433 to 342.449 and 342.805
19 to 342.937.

20 (c) To improve recruitment, preparation, induction, career advancement
21 opportunities and support of educators.

22 (3) To accomplish the purposes of the network described in subsection (2)
23 of this section, the Department of Education, subject to the direction and
24 control of the Chief Education Officer, shall distribute funding as follows:

25 (a) To school districts, schools, nonprofit organizations, post-secondary
26 institutions and consortiums that are any combination of those entities for
27 the purpose of supporting the implementation of common core state stan-
28 dards.

29 (b) To school districts and nonprofit organizations for the purposes of
30 complying with the core teaching standards adopted as provided by ORS
31 342.856 and complying with related standards prescribed by federal law.

1 (c) To school districts and nonprofit organizations for the purpose of
2 providing teachers with opportunities for professional collaboration and
3 professional development and for the pursuit of career pathways in a manner
4 that is consistent with the School District Collaboration Grant Program de-
5 scribed in ORS 329.838.

6 (d) To school districts and nonprofit organizations for the purpose of
7 providing beginning teachers and administrators with mentors in a manner
8 that is consistent with the beginning teacher and administrator mentorship
9 program described in ORS 329.788 to 329.820.

10 (e) To school districts for the purposes of obtaining assessments and de-
11 veloping professional development plans to meet school improvement objec-
12 tives and educator needs.

13 (f) To school districts, nonprofit organizations and post-secondary insti-
14 tutions for the purpose of closing achievement gaps by providing and im-
15 proving the effectiveness of professional development, implementing
16 data-driven decision making, supporting practice communities and imple-
17 menting culturally competent practices.

18 (g) To school districts and nonprofit organizations for the purposes of
19 developing and engaging in proficiency-based or student-centered learning
20 practices and assessments.

21 (h) To school districts, nonprofit organizations and post-secondary insti-
22 tutions for the purposes of strengthening educator preparation programs and
23 supporting the development and sustainability of partnerships between pro-
24 viders of early learning services, public schools with any grades from
25 kindergarten through grade 12 and post-secondary institutions.

26 (i) To providers of early learning services, nonprofit organizations and
27 post-secondary institutions for the purposes of providing professional devel-
28 opment and supporting providers of early learning services with opportu-
29 nities for professional collaboration and advancement.

30 (4) The Oregon Education Investment Board shall support the network
31 by:

1 (a) Conducting and coordinating research to determine best practices and
2 evidence-based models.

3 (b) Working with educator preparation programs to ensure ongoing col-
4 laboration with education providers.

5 (c) Supporting programs that help to achieve the goal of the Minority
6 Teacher Act of 1991 as described in ORS 342.437.

7 (d) Creating and supporting a statewide plan for increasing the successful
8 recruitment of high-ability and culturally diverse candidates to work in
9 high-need communities and fields.

10 (5) The Department of Education shall support the network by:

11 (a) Developing a system that ensures statewide dissemination of best
12 practices and evidence-based models.

13 (b) Supporting the development and implementation of standards-based
14 curriculum, high-leverage practices and assessments that promote student
15 learning and improve outcomes for students [*learning English as a second*
16 *language*] **who are English language learners** and for students with disa-
17 bilities.

18 (c) Administering the distribution of funding as described in subsection
19 (3) of this section.

20 (6) The Oregon Education Investment Board shall develop processes to
21 establish the network and ensure the accountability of the network. The
22 processes must ensure that the network:

23 (a) Gives preference to entities that have demonstrated success in im-
24 proving student outcomes.

25 (b) Delivers services for the benefit of all regions of this state.

26 (c) Is accountable for improving education outcomes identified by the
27 Oregon Education Investment Board, contained in achievement compacts or
28 set forth in ORS 351.009.

29 (d) Includes and connects education providers and leaders from pre-
30 kindergarten through post-secondary education.

31 (7) No more than two percent of all moneys received for the purposes of

1 this section may be expended by the Oregon Education Investment Board or
2 the Department of Education for administrative costs incurred under this
3 section. For the purpose of this subsection, technical assistance and direct
4 program services provided to school districts and nonprofit organizations are
5 not considered administrative costs.

6 (8) The State Board of Education may adopt any rules necessary for the
7 Department of Education to support the network and perform any duties
8 assigned to the department under this section or assigned to the department
9 by the Oregon Education Investment Board. Any rules adopted by the State
10 Board of Education must be consistent with this section and with actions
11 taken by the Oregon Education Investment Board to implement this section.

12 **SECTION 10.** ORS 342.950, as amended by section 2, chapter 661, Oregon
13 Laws 2013, is amended to read:

14 342.950. (1) The Network of Quality Teaching and Learning is established.
15 The network consists of the Department of Education and public and private
16 entities that receive funding as provided by this section to accomplish the
17 purposes of the network described in subsection (2) of this section.

18 (2) The purposes of the network are the following:

19 (a) To enhance a culture of leadership and collaborative responsibility for
20 advancing the profession of teaching among providers of early learning ser-
21 vices, teachers and administrators in kindergarten through grade 12, educa-
22 tion service districts and teacher education institutions.

23 (b) To strengthen and enhance existing evidence-based practices that im-
24 prove student achievement, including practices advanced by or described in
25 ORS 329.788 to 329.820, 329.822, 329.824, 329.838, 342.433 to 342.449 and 342.805
26 to 342.937.

27 (c) To improve recruitment, preparation, induction, career advancement
28 opportunities and support of educators.

29 (3) To accomplish the purposes of the network described in subsection (2)
30 of this section, the Department of Education, subject to the direction and
31 control of the Superintendent of Public Instruction, shall distribute funding

1 as follows:

2 (a) To school districts, schools, nonprofit organizations, post-secondary
3 institutions and consortiums that are any combination of those entities for
4 the purpose of supporting the implementation of common core state stan-
5 dards.

6 (b) To school districts and nonprofit organizations for the purposes of
7 complying with the core teaching standards adopted as provided by ORS
8 342.856 and complying with related standards prescribed by federal law.

9 (c) To school districts and nonprofit organizations for the purpose of
10 providing teachers with opportunities for professional collaboration and
11 professional development and for the pursuit of career pathways in a manner
12 that is consistent with the School District Collaboration Grant Program de-
13 scribed in ORS 329.838.

14 (d) To school districts and nonprofit organizations for the purpose of
15 providing beginning teachers and administrators with mentors in a manner
16 that is consistent with the beginning teacher and administrator mentorship
17 program described in ORS 329.788 to 329.820.

18 (e) To school districts for the purposes of obtaining assessments and de-
19 veloping professional development plans to meet school improvement objec-
20 tives and educator needs.

21 (f) To school districts, nonprofit organizations and post-secondary insti-
22 tutions for the purpose of closing achievement gaps by providing and im-
23 proving the effectiveness of professional development, implementing
24 data-driven decision making, supporting practice communities and imple-
25 menting culturally competent practices.

26 (g) To school districts and nonprofit organizations for the purposes of
27 developing and engaging in proficiency-based or student-centered learning
28 practices and assessments.

29 (h) To school districts, nonprofit organizations and post-secondary insti-
30 tutions for the purposes of strengthening educator preparation programs and
31 supporting the development and sustainability of partnerships between pro-

1 viders of early learning services, public schools with any grades from
2 kindergarten through grade 12 and post-secondary institutions.

3 (i) To providers of early learning services, nonprofit organizations and
4 post-secondary institutions for the purposes of providing professional devel-
5 opment and supporting providers of early learning services with opportu-
6 nities for professional collaboration and advancement.

7 (4) The Department of Education shall support the network by:

8 (a) Conducting and coordinating research to determine best practices and
9 evidence-based models.

10 (b) Working with educator preparation programs to ensure ongoing col-
11 laboration with education providers.

12 (c) Supporting programs that help to achieve the goal of the Minority
13 Teacher Act of 1991 as described in ORS 342.437.

14 (d) Creating and supporting a statewide plan for increasing the successful
15 recruitment of high-ability and culturally diverse candidates to work in
16 high-need communities and fields.

17 (e) Developing a system that ensures statewide dissemination of best
18 practices and evidence-based models.

19 (f) Supporting the development and implementation of standards-based
20 curriculum, high-leverage practices and assessments that promote student
21 learning and improve outcomes for students [*learning English as a second*
22 *language*] **who are English language learners** and for students with disa-
23 bilities.

24 (g) Administering the distribution of funding as described in subsection
25 (3) of this section.

26 (5) The State Board of Education shall develop processes to establish the
27 network and ensure the accountability of the network. The processes must
28 ensure that the network:

29 (a) Gives preference to entities that have demonstrated success in im-
30 proving student outcomes.

31 (b) Delivers services for the benefit of all regions of this state.

1 (c) Is accountable for improving education outcomes identified by the
2 State Board of Education, contained in achievement compacts or set forth
3 in ORS 351.009.

4 (d) Includes and connects education providers and leaders from pre-
5 kindergarten through post-secondary education.

6 (6) No more than two percent of all moneys received for the purposes of
7 this section may be expended by the Department of Education for adminis-
8 trative costs incurred under this section. For the purpose of this subsection,
9 technical assistance and direct program services provided to school districts
10 and nonprofit organizations are not considered administrative costs.

11 (7) The State Board of Education may adopt any rules necessary for the
12 Department of Education to support the network and perform any duties
13 assigned to the department under this section. Any rules adopted by the
14 State Board of Education must be consistent with this section.

15 **SECTION 11.** ORS 344.257 is amended to read:

16 344.257. (1) For the purposes of ORS 344.259, “continuing education”
17 means organized instruction to serve the needs of post-secondary students,
18 including but not limited to:

19 (a) Courses as offered to the regular full-time resident post-secondary
20 student consisting of professional preparatory courses and professional sup-
21 plementary, technical, academic and professional courses;

22 (b) Developmental education, consisting of adult basic education, high
23 school completion courses for a high school diploma, instruction to pass the
24 General Educational Development (GED) tests, English [*as a second language*
25 *instruction*] **language learner programs**, and remedial instruction;

26 (c) Educational activities, consisting of adult self-improvement courses
27 and Federal Cooperative Extension Service; and

28 (d) Hobby and recreation activities.

29 (2) “Continuing education” for a community college is limited to instruc-
30 tion within district boundaries and instruction outside district boundaries
31 offered under contract.

1 **SECTION 12. This 2015 Act being necessary for the immediate**
2 **preservation of the public peace, health and safety, an emergency is**
3 **declared to exist, and this 2015 Act takes effect on its passage.**

4
