

House Bill 3465

Sponsored by Representative PARRISH

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 **as introduced**.

Modifies distributions of State School Fund moneys to school districts for student enrolled in English as second language program.

Declares emergency, effective July 1, 2015.

A BILL FOR AN ACT

1
2 Relating to State School Fund distributions for English as a second language programs; creating new
3 provisions; amending ORS 327.013, 327.133, 336.079 and 338.157; and declaring an emergency.

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

5 **SECTION 1.** ORS 327.013 is amended to read:

6 327.013. The State School Fund distributions for school districts include the following grants:

7 (1) General Purpose Grant = Funding Percentage × Target Grant × District extended ADMw.

8 For the purpose of the calculation made under this subsection:

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

11 (b) Target Grant = Statewide Target per ADMw Grant + Teacher Experience Factor. For the
12 purpose of the calculation made under this paragraph:

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

14 (B) Teacher Experience Factor = \$25 × {District average teacher experience – statewide av-
15 erage teacher experience}. As used in this subparagraph, “average teacher experience” means the
16 average, in years, of teaching experience of licensed teachers as reported to the Department of Ed-
17 ucation.

18 (c) District extended ADMw = ADMw or ADMw of the prior year, whichever is greater. The
19 calculation of the district extended ADMw must be made as provided by ORS 338.155 (1)(b) if a
20 public charter school is located in the school district. For the purpose of this paragraph:

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

23 (i) 1.0 for each student in average daily membership **who is** eligible for special education as a
24 child with a disability under ORS 343.035, which may not exceed 11 percent of the district's ADM
25 without review and approval by the Department of Education. Children with disabilities **who are**
26 eligible for special education in adult local correctional facilities, as defined in ORS 169.005, or adult
27 regional correctional facilities, as defined in ORS 169.620, may not be included in the calculation
28 made under this sub-subparagraph.

29 (ii) 0.5 for each student in average daily membership **who is** eligible for and enrolled in an
30 English as a second language program under ORS 336.079[.] **and who:**

31 **(I) Was determined to be in the least proficient level identified in ORS 336.079 when the**

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 student began instruction in the program and has received instruction in the program for
 2 fewer than seven total school years; or

3 (II) Was determined to be in the third or fourth most proficient level identified in ORS
 4 336.079 when the student began instruction in the program and has received instruction in
 5 the program for fewer than four total school years.

6 (iii) 0.1 for each student in average daily membership who had been eligible for and en-
 7 rolled in an English as a second language program under ORS 336.079, who no longer is en-
 8 rolled in the program and who was last enrolled in the program no more than two school
 9 years prior to the current school year.

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

13 [(iv)] (v) -0.1 for each student in average daily membership enrolled in an elementary district
 14 operating kindergarten through grade six or kindergarten through grade eight or in an area of a
 15 unified school district where the district is only responsible for educating students in kindergarten
 16 through grade eight.

17 [(v)] (vi) 0.25 times the sum of the following:

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

22 (II) The number of children in foster homes in the district as determined by the report of the
 23 Department of Human Services to the United States Department of Education, "Annual Statistical
 24 Report on Children in Foster Homes and Children in Families Receiving AFDC Payments in Excess
 25 of the Poverty Income Level," or its successor, for October 31 of the year prior to the year of dis-
 26 tribution; and

27 (III) The number of children in the district in state-recognized facilities for neglected and de-
 28 linquent children, based on information from the Department of Human Services for October 31 of
 29 the year prior to the year of distribution.

30 [(vi)] (vii) The amount determined under ORS 327.077 for each remote small elementary school
 31 and for each small high school in the district.

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

34 (C) The total additional weight that shall be assigned to any student in average daily member-
 35 ship in a district, exclusive of students described in subparagraph [(A)(v) and (vi)] (A)(vi) and (vii)
 36 of this paragraph, may not exceed 2.0.

37 (2) High cost disabilities grant = the total amount received by a school district under ORS
 38 327.348 for providing special education and related services to resident pupils with disabilities.

39 (3)(a) Transportation grant equals:

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

42 (B) 80 percent of approved transportation costs for those school districts ranked in or above the
 43 80th percentile but below the 90th percentile under paragraph (b) of this subsection.

44 (C) 90 percent of approved transportation costs for those school districts ranked in or above the
 45 90th percentile under paragraph (b) of this subsection.

1 (b) Each fiscal year, the Department of Education shall rank school districts based on the ap-
 2 proved transportation costs per ADM of each school district, ranking the school district with the
 3 highest approved transportation costs per ADM at the top of the order.

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

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

7 (c) As used in this subsection:

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

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

12 **SECTION 2. The amendments to ORS 327.013 by section 1 of this 2015 Act apply to State**
 13 **School Fund distributions commencing with the 2015-2016 distributions.**

14 **SECTION 3.** ORS 336.079 is amended to read:

15 336.079. (1) Specific courses to teach speaking, reading and writing of the English language shall
 16 be provided at kindergarten and each grade level to those children who are unable to [*profit*] **benefit**
 17 from classes taught in English. [*Such courses shall be taught to such a level in school as may be re-*
 18 *quired until children are able to profit from classes conducted in English.*]

19 **(2) Courses described in this section shall be taught to children in school until the chil-**
 20 **children are able to achieve a proficiency that allows them to benefit from classes taught in**
 21 **English.**

22 **(3) For purposes of State School Fund distributions under ORS 327.013 (1)(c)(A)(ii):**

23 **(a) The State Board of Education shall adopt by rule a matrix that provides for five levels**
 24 **of English language proficiency; and**

25 **(b) A school district may not expend less than 90 percent of the amounts received from**
 26 **the State School Fund under ORS 327.013 (1)(c)(A)(ii) on courses described in this section.**

27 **SECTION 4.** ORS 327.133 is amended to read:

28 327.133. (1)(a) Except as provided in paragraph (b) of this subsection, each school district, other
 29 than an education service district, shall file with the Superintendent of Public Instruction:

30 (A) By July 15 of each year, an annual report covering the school year ending on the preceding
 31 June 30; and

32 (B) By January 15, of each year, a December quarterly report covering the quarter of the cur-
 33 rent school year commencing October 1 and ending December 31.

34 (b) Pursuant to rules adopted by the State Board of Education, the Superintendent of Public
 35 Instruction may waive a reporting date or specify an alternative date for filing a report if a
 36 human-created disaster or a natural disaster affects the ability of the school district to file a report
 37 by the specified date.

38 (2) Each such report shall:

39 **(a) Show the average daily membership of resident pupils of the school district for the period**
 40 **covered [*and shall also*];**

41 **(b) Show compliance with the provisions of ORS 336.079 (3)(b); and**

42 **(c) Contain such other information as the Superintendent of Public Instruction may require.**

43 **SECTION 5.** ORS 338.157 is amended to read:

44 338.157. For purposes of calculating the weighted average daily membership (ADMw) of a public
 45 charter school, it shall be assumed that the public charter school has the same percentage of chil-

1 dren in poverty families, as calculated under ORS 327.013 [(1)(c)(A)(v)(I)] (1)(c)(A)(vi)(I), as the
2 school district in which the public charter school is located. Based on this percentage, an additional
3 amount shall be added to the average daily membership (ADM) of the public charter school.

4 **SECTION 6. This 2015 Act being necessary for the immediate preservation of the public**
5 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
6 **July 1, 2015.**

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