

Senate Bill 214

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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**.

Makes calculation of aggregate days membership for kindergarten students contingent on early reading program.

Establishes Kindergarten Through Grade Three Reading Initiative Program to assist community-based organizations and tribes of this state with entering into partnerships with school districts to implement early reading programs in summer or before or after school.

Establishes Kindergarten Through Grade Three Reading Initiative Account.

Declares emergency, effective July 1, 2015.

A BILL FOR AN ACT

1
2 Relating to early reading programs; creating new provisions; amending ORS 327.006; and declaring
3 an emergency.

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

5 **SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS 327.006 to**
6 **327.133.**

7 **SECTION 2. (1) Subject to subsection (2) of this section, the aggregate days membership**
8 **of kindergarten students shall be calculated on the basis of a half-day program for half-day**
9 **kindergarten and on the basis of a full-day program for full-day kindergarten.**

10 **(2)(a) The aggregate days membership of kindergarten students shall be calculated on the**
11 **basis of a full-day program for full-day kindergarten only if the requirements of subsection**
12 **(3) of this section are met. If the Department of Education determines that the requirements**
13 **of subsection (3) of this section are not met, the department shall calculate the aggregate**
14 **days membership of kindergarten students on the basis of a half-day program regardless of**
15 **whether the school district is providing half-day kindergarten or full-day kindergarten.**

16 **(b) The department shall make determinations under this subsection based on a review**
17 **of each kindergarten program in the school district. Failure by a kindergarten program in**
18 **the school district to comply with the requirements of subsection (3) of this section does not**
19 **preclude another kindergarten program in the school district from complying with the re-**
20 **quirements of subsection (3) of this section and being considered a full-day program.**

21 **(3) The aggregate days membership of full-day kindergarten shall be calculated on the**
22 **basis of a full-day program only if, for the full-day kindergarten, the school district:**

23 **(a) Has an early reading program with the following elements:**

24 **(A) Implementation of full-day kindergarten, as provided by ORS 336.095;**

25 **(B) Implementation of an evidence-based reading program that is aligned to academic**
26 **standards and that is tailored to the specific needs of the students served in the school dis-**
27 **trict;**

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 (C) Goals and objectives that address the achievement gap between student groups iden-
2 tified by disability, culture, poverty, language and race and other student groups;

3 (D) Implementation of evidence-based interventions;

4 (E) A process to engage families and community-based organizations;

5 (F) The use of data-driven instruction;

6 (G) The use of instructional coaches; and

7 (H) A professional development plan for staff.

8 (b) Provides the department with a description of the anticipated improvements in stu-
9 dent performance that will result from the funding of the elements described in paragraph
10 (a) of this subsection.

11 **SECTION 3.** ORS 327.006, as amended by section 7, chapter 704, Oregon Laws 2011, and section
12 5, chapter 735, Oregon Laws 2013, is amended to read:

13 327.006. As used in ORS 327.006 to 327.133, 327.348 and 327.731]

14 (1) "Aggregate days membership" means the sum of days present and absent, according to the
15 rules of the State Board of Education, of all resident pupils when school is actually in session during
16 a certain period. The aggregate days membership of kindergarten pupils shall be calculated [*on the*
17 *basis of a half-day program for half-day kindergarten and on the basis of a full-day program for full-*
18 *day kindergarten*] **as provided by section 2 of this 2015 Act.**

19 (2)(a) "Approved transportation costs" means those costs as defined by rule of the State Board
20 of Education and is limited to those costs attributable to transporting or room and board provided
21 in lieu of transporting:

22 (A) Elementary school students who live at least one mile from school;

23 (B) Secondary school students who live at least 1.5 miles from school;

24 (C) Any student required to be transported for health or safety reasons, according to supple-
25 mental plans from districts that have been approved by the state board identifying students who are
26 required to be transported for health or safety reasons, including special education;

27 (D) Preschool children with disabilities requiring transportation for early intervention services
28 provided pursuant to ORS 343.224 and 343.533;

29 (E) Students who require payment of room and board in lieu of transportation;

30 (F) A student transported from one school or facility to another school or facility when the
31 student attends both schools or facilities during the day or week; and

32 (G) Students participating in school-sponsored field trips that are extensions of classroom
33 learning experiences.

34 (b) "Approved transportation costs" does not include the cost of constructing boarding school
35 facilities.

36 (3) "Average daily membership" or "ADM" means the aggregate days membership of a school
37 during a certain period divided by the number of days the school was actually in session during the
38 same period. However, if a district school board adopts a class schedule that operates throughout
39 the year for all or any schools in the district, average daily membership shall be computed by the
40 Department of Education so that the resulting average daily membership will not be higher or lower
41 than if the board had not adopted such schedule.

42 (4) "Consumer Price Index" means the Consumer Price Index for All Urban Consumers of the
43 Portland, Oregon, Metropolitan Statistical Area, as compiled by the United States Department of
44 Labor, Bureau of Labor Statistics.

45 (5) "Kindergarten" means a kindergarten program that conforms to the standards and rules

1 adopted by the State Board of Education.

2 (6) "Net operating expenditures" means the sum of expenditures of a school district in
3 kindergarten through grade 12 for administration, instruction, attendance and health services, op-
4 eration of plant, maintenance of plant, fixed charges and tuition for resident students attending in
5 another district, as determined in accordance with the rules of the State Board of Education, but
6 net operating expenditures does not include transportation, food service, student body activities,
7 community services, capital outlay, debt service or expenses incurred for nonresident students.

8 (7)(a) "Resident pupil" means any pupil:

9 (A) Whose legal school residence is within the boundaries of a school district reporting the pu-
10 pil, if the district is legally responsible for the education of the pupil, except that "resident pupil"
11 does not include a pupil who pays tuition or for whom the parent pays tuition or for whom the
12 district does not pay tuition for placement outside the district; or

13 (B) Whose legal residence is not within the boundaries of the district reporting the pupil but
14 who attends school in the district with the written consent of the district school board where the
15 school is located as provided by ORS 339.133 (5).

16 (b) A pupil is not considered to be a resident pupil under paragraph (a)(A) of this subsection if
17 the pupil is attending school in another school district pursuant to a contract under ORS 339.125
18 and in the prior year was considered to be a resident pupil in another school district under para-
19 graph (a)(B) of this subsection. The pupil shall continue to be considered a resident of another
20 school district under paragraph (a)(B) of this subsection.

21 (c) A pupil is not considered to be a resident pupil under paragraph (a)(B) of this subsection if
22 the pupil is attending school in a school district pursuant to ORS 339.133 (5) and in the prior year
23 was considered to be a resident pupil under paragraph (a)(A) of this subsection because the pupil
24 was attending school in another school district pursuant to a contract under ORS 339.125. The pupil
25 shall continue to be considered a resident pupil under paragraph (a)(A) of this subsection.

26 (d) "Resident pupil" includes a pupil admitted to a school district under ORS 339.115 (7).

27 (8) "Standard school" means a school meeting the standards set by the rules of the State Board
28 of Education.

29 (9) "Tax" and "taxes" includes all taxes on property, excluding exempt bonded indebtedness, as
30 those terms are defined in ORS 310.140.

31 **SECTION 4. Section 2 of this 2015 Act and the amendments to ORS 327.006 by section 3**
32 **of this 2015 Act apply to State School Fund distributions commencing with the 2015-2016**
33 **distributions.**

34 **SECTION 5. (1) The Kindergarten Through Grade Three Reading Initiative Program is**
35 **established within the Department of Education.**

36 **(2) Each fiscal year, the department shall award grants to community-based organiza-**
37 **tions and tribes of this state to implement early reading programs. The programs must be**
38 **provided:**

39 **(a) As a summer program or as a before-school or after-school program; and**

40 **(b) To students who are in any grade from kindergarten through grade three or who will**
41 **be in kindergarten at the beginning of the next school year.**

42 **(3) To qualify for a grant, a community-based organization or a tribe must have:**

43 **(a) A partnership with one or more school districts; and**

44 **(b) A reading program that focuses on students who are expected to be a grade level**
45 **behind their peers or who are struggling to read.**

1 **(4) A community-based organization or a tribe may apply to the department for a grant**
2 **under this section. An application under this section must be in a form prescribed by the**
3 **State Board of Education by rule.**

4 **(5) The department shall review and approve applications based on criteria established**
5 **by the State Board of Education by rule.**

6 **SECTION 6.** **(1) The Kindergarten Through Grade Three Reading Initiative Account is**
7 **established in the State Treasury, separate and distinct from the General Fund. Interest**
8 **earned by the Kindergarten Through Grade Three Reading Initiative Account shall be cred-**
9 **ited to the account.**

10 **(2) Moneys in the Kindergarten Through Grade Three Reading Initiative Account are**
11 **continuously appropriated to the Department of Education for the purposes of awarding**
12 **grants under section 5 of this 2015 Act.**

13 **SECTION 7.** **This 2015 Act being necessary for the immediate preservation of the public**
14 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
15 **July 1, 2015.**