

**PROPOSED AMENDMENTS TO
HOUSE BILL 3499**

1 On page 1 of the printed bill, line 2, after “amending” insert “327.008,”.

2 In line 3, after “329.157,” insert “329.488,”.

3 Delete lines 5 through 28 and delete pages 2 through 9 and insert:

4 **“SECTION 1. (1) The Department of Education shall convene an**
5 **advisory group to develop uniform budget coding requirements and**
6 **uniform reporting requirements to provide budget transparency for**
7 **the spending of moneys received by school districts as provided by ORS**
8 **327.013 (1)(c)(A)(ii) for students in average daily membership eligible**
9 **for and enrolled in an English language learner program under ORS**
10 **336.079.**

11 **“(2) Taking into consideration the work of the advisory group under**
12 **this section, the State Board of Education shall adopt rules related to**
13 **uniform budget coding requirements no later than January 1, 2016.**

14 **“SECTION 2. Section 1 of this 2015 Act is repealed on January 1,**
15 **2016.**

16 **“SECTION 3. (1) The Department of Education shall convene a work**
17 **group related to English language learner programs.**

18 **“(2) The work group must consist of educators, parents and com-**
19 **munity stakeholders.**

20 **“(3) The work group shall identify the following:**

21 **“(a) Criteria for determining if a school district has low-performing**
22 **outcomes for students eligible for and enrolled in an English language**

1 learner program or if the school district is in need of targeted assist-
2 ance.

3 “(b) Information necessary for school districts to include in an an-
4 nual report on the outcomes for students eligible for and enrolled in
5 an English language learner program for the purpose of determining
6 if a school district has low-performing outcomes or is in need of tar-
7 geted assistance.

8 “(c) Technical assistance that the department will provide to a
9 school district that is determined to have low-performing outcomes
10 and or is in need of targeted assistance.

11 “(d) Guidelines for how the department shall direct a school district
12 on how to expend moneys received under ORS 327.013 (1)(c)(A)(ii) if the
13 school district has low-performing outcomes or is in need of targeted
14 assistance.

15 “(4) In addition to the duties of the work group prescribed by sub-
16 section (3) of this section, the work group shall develop recommen-
17 dations on the following:

18 “(a) Methods to provide ongoing support to students of the school
19 district who no longer are eligible for or enrolled in an English lan-
20 guage learner program under ORS 336.079.

21 “(b) Methods by which the school district will engage parents and
22 deliver essential notifications related to English language learner
23 programs.

24 “(c) Methods by which the school district will identify students who
25 are eligible to be enrolled in an English language learner program,
26 including any identification methods that occur before a student en-
27 rolls in kindergarten.

28 “(d) Appropriate accommodations for assessments for English lan-
29 guage learners.

30 “(e) A list of assessments for English language learners to be ap-

1 proved by the department.

2 “(f) Opportunities for school districts to acquire student library
3 books in languages other than English.

4 “(5) Taking into consideration the work of the work group under
5 this section, the State Board of Education shall adopt rules:

6 “(a) Related to the work of the work group as described in sub-
7 section (3) of this section no later than January 1, 2016.

8 “(b) Related to the work of the work group as described in sub-
9 section (4) of this section no later than January 1, 2017.

10 “SECTION 4. Section 5 of this 2015 Act is repealed on January 1,
11 2017.

12 “SECTION 5. Section 6 of this 2015 Act is added to and made a part
13 of ORS 327.006 to 327.133.

14 “SECTION 6. (1) Each school district shall prepare an annual report
15 that:

16 “(a) Identifies the total amounts that are:

17 “(A) Allocated to the school district from the State School Fund for
18 students eligible for and enrolled in an English language learner pro-
19 gram as provided by ORS 327.013 (1)(c)(A)(ii);

20 “(B) Expended from the amounts identified in subparagraph (A) of
21 this paragraph for students in average daily membership who are eli-
22 gible for and enrolled in an English language learner program; and

23 “(C) Expended as described in subparagraph (B) of this paragraph
24 by category of expenditure, as identified and defined by the State
25 Board of Education by rule.

26 “(b) Summarizes the progress and outcomes for students eligible for
27 and enrolled in an English language learner program.

28 “(2) The report required under subsection (1) of this section must:

29 “(a) Be filed with the Department of Education by September 1 of
30 each year;

1 “(b) Cover the school year ending on the preceding June 30; and

2 “(c) Comply with the form and content requirements for the report
3 that are prescribed by the Department of Education.

4 “(3) Notwithstanding subsection (2)(a) of this section and pursuant
5 to rules adopted by the State Board of Education, the Superintendent
6 of Public Instruction may waive a reporting date or specify an alter-
7 native date for filing the report if a human-created disaster or a na-
8 tural disaster affects the ability of the school district to file a report
9 by the specified date.

10 “(4) Prior to January 1 of each odd-numbered year, the Department
11 of Education shall submit to the interim legislative committees on
12 education a report on the data collected under subsection (2) of this
13 section. The report must include the data collected for the preceding
14 two school years.

15 “SECTION 7. A school district shall first file the report required
16 under section 6 of this 2015 Act by September 1, 2016.

17 “SECTION 8. ORS 336.079 is amended to read:

18 “336.079. (1) As used in this section, ‘English language learner’
19 means a student who:

20 “(a) Has limited English language proficiency because English is
21 not the native language of the student or the student comes from an
22 environment where a language other than English has had a signif-
23 icant impact on the student’s level of English language proficiency;
24 and

25 “(b) Meets any other criteria established by the State Board of Ed-
26 ucation by rule.

27 “(2) Specific courses to teach speaking, reading and writing of the Eng-
28 lish language shall be provided at kindergarten and each grade level to [*those*
29 *children*] **students** who are unable to [*profit*] **benefit** from classes taught in
30 English. [*Such*] **The** courses shall be taught [*to such a level in school as may*

1 *be required until children are able to profit] at school until the students*
2 **are able to benefit** from classes conducted in English.

3 **“(3) The Department of Education shall develop and implement a**
4 **statewide plan to support students eligible for and enrolled in an**
5 **English language learner program under this section.**

6 **“(4) Each school district shall file a report related to students eli-**
7 **gible for and enrolled in an English language learner program as pro-**
8 **vided by section 6 of this 2015 Act.**

9 **“(5)(a) Based on the report received under subsection (4) of this**
10 **section, the department shall identify school districts that have low-**
11 **performing outcomes or that otherwise are in need of targeted assist-**
12 **ance. For each school district that has been identified as having**
13 **low-performing outcomes or as being in need of targeted assistance,**
14 **the department shall establish the expected growth in outcomes and**
15 **the expected benchmarks for outcomes for English language learners.**

16 **“(b) The department shall design and implement an accountability**
17 **system of progressive interventions for school districts that have low-**
18 **performing outcomes. The interventions shall be provided for up to**
19 **four years after the school district has been identified as having low-**
20 **performing outcomes.**

21 **“(c) The department shall provide technical assistance to school**
22 **districts that have been identified as being in need of targeted assist-**
23 **ance. Technical assistance shall be provided for up to four years after**
24 **the district has been identified as being in need of targeted assistance.**

25 **“(d) If a school district has been identified as having low-performing**
26 **outcomes or as being in need of targeted assistance for four years and**
27 **has not met the expected growth in outcomes or expected benchmarks**
28 **for outcomes established under paragraph (a) of this subsection, the**
29 **department shall direct the school district on how to expend moneys**
30 **received under ORS 327.013 (1)(c)(A)(ii).**

1 **“SECTION 9. (1) The Statewide English Language Learner Program**
2 **Account is established in the State Treasury, separate and distinct**
3 **from the General Fund. Interest earned by the Statewide English**
4 **Language Learner Program Account shall be credited to the General**
5 **Fund.**

6 **“(2) Moneys in the Statewide English Language Learner Program**
7 **Account are continuously appropriated to the Department of Educa-**
8 **tion for statewide activities related to English language learner pro-**
9 **grams.**

10 **“(3) The Department of Education, on behalf of the State of Oregon,**
11 **may solicit and accept gifts, grants or donations from public and pri-**
12 **vate sources for English language learner programs. Moneys received**
13 **under this subsection shall be deposited into the Statewide English**
14 **Language Learner Program Account.**

15 **“SECTION 10.** ORS 327.008, as amended by section 6, chapter 81, Oregon
16 Laws 2014, is amended to read:

17 “327.008. (1) There is established a State School Fund in the General
18 Fund. The fund shall consist of moneys appropriated by the Legislative As-
19 sembly and moneys transferred from the Education Stability Fund. The State
20 School Fund is continuously appropriated to the Department of Education
21 for the purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125,
22 327.137, 327.348, 336.575, 336.580, 336.635, 342.173, 343.243, 343.533 and 343.961
23 and sections 1 to 3, chapter 735, Oregon Laws 2013, and section 2, chapter
24 81, Oregon Laws 2014.

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

30 “(3) There shall be apportioned from the State School Fund to each edu-

1 cation service district a State School Fund grant as calculated under ORS
2 327.019.

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

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

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

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

15 “(8) Each fiscal year, the Department of Education shall transfer to the
16 Pediatric Nursing Facility Account established in section 5, chapter 81,
17 Oregon Laws 2014, the amount necessary to pay the costs of educational
18 services provided to students admitted to pediatric nursing facilities as pro-
19 vided in section 2, chapter 81, Oregon Laws 2014.

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

23 “(10)(a) Each biennium, the Department of Education shall transfer \$33
24 million from the State School Fund to the Network of Quality Teaching and
25 Learning Fund established under ORS 342.953.

26 “(b) For the purpose of making the transfer under this subsection:

27 “(A) The total amount available for all distributions from the State
28 School Fund shall be reduced by \$5 million;

29 “(B) The amount distributed to school districts from the State School
30 Fund under this section and ORS 327.013 shall be reduced by \$14 million; and

1 “(C) The amount distributed to education service districts from the State
2 School Fund under this section and ORS 327.019 shall be reduced by \$14
3 million.

4 “(c) For each biennium, the amounts identified in paragraph (b)(B) and
5 (C) of this subsection shall be adjusted by the same percentage by which the
6 amount appropriated to the State School Fund for that biennium is increased
7 or decreased compared [*to*] **with** the preceding biennium, as determined by
8 the Department of Education after consultation with the Legislative Fiscal
9 Officer.

10 “(11)(a) **Each biennium, the Department of Education shall transfer**
11 **\$12.5 million from the State School Fund to the Statewide English**
12 **Language Learner Program Account established by section 9 of this**
13 **2015 Act.**

14 “(b) **For each biennium, the amount identified in paragraph (a) of**
15 **this subsection shall be adjusted by the same percentage by which the**
16 **amount appropriated to the State School Fund for that biennium is**
17 **increased or decreased compared with the preceding biennium, as de-**
18 **termined by the Department of Education after consultation with the**
19 **Legislative Fiscal Officer.**

20 “[(11)] (12) Each fiscal year, the Department of Education may expend up
21 to \$550,000 from the State School Fund for the contract described in ORS
22 329.488. The amount distributed to education service districts from the State
23 School Fund under this section and ORS 327.019 shall be reduced by the
24 amount expended by the department under this subsection.

25 “[(12)] (13) Each biennium, the Department of Education may expend up
26 to \$350,000 from the State School Fund to provide administration of and
27 support for the development of talented and gifted education under ORS
28 343.404.

29 “[(13)] (14) Each biennium, the Department of Education may expend up
30 to \$150,000 from the State School Fund for the administration of a program

1 to increase the number of speech-language pathologists and speech-language
2 pathology assistants under ORS 348.394 to 348.406.

3 “[~~(14)~~] (15) Each fiscal year, the Department of Education shall transfer
4 the amount of \$2.5 million from the State School Fund to the Small School
5 District Supplement Fund established in section 3, chapter 735, Oregon Laws
6 2013.

7 **“SECTION 11.** ORS 327.008, as amended by section 7, chapter 735, Oregon
8 Laws 2013, and section 7, chapter 81, Oregon Laws 2014, is amended to read:

9 “327.008. (1) There is established a State School Fund in the General
10 Fund. The fund shall consist of moneys appropriated by the Legislative As-
11 sembly and moneys transferred from the Education Stability Fund. The State
12 School Fund is continuously appropriated to the Department of Education
13 for the purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125,
14 327.137, 327.348, 336.575, 336.580, 336.635, 342.173, 343.243, 343.533 and 343.961
15 and section 2, chapter 81, Oregon Laws 2014.

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

21 “(3) There shall be apportioned from the State School Fund to each edu-
22 cation service district a State School Fund grant as calculated under ORS
23 327.019.

24 “(4) All figures used in the determination of the distribution of the State
25 School Fund shall be estimates for the same year as the distribution occurs,
26 unless otherwise specified.

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

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

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

6 “(8) Each fiscal year, the Department of Education shall transfer to the
7 Pediatric Nursing Facility Account established in section 5, chapter 81,
8 Oregon Laws 2014, the amount necessary to pay the costs of educational
9 services provided to students admitted to pediatric nursing facilities as pro-
10 vided in section 2, chapter 81, Oregon Laws 2014.

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

14 “(10)(a) Each biennium, the Department of Education shall transfer \$33
15 million from the State School Fund to the Network of Quality Teaching and
16 Learning Fund established under ORS 342.953.

17 “(b) For the purpose of making the transfer under this subsection:

18 “(A) The total amount available for all distributions from the State
19 School Fund shall be reduced by \$5 million;

20 “(B) The amount distributed to school districts from the State School
21 Fund under this section and ORS 327.013 shall be reduced by \$14 million; and

22 “(C) The amount distributed to education service districts from the State
23 School Fund under this section and ORS 327.019 shall be reduced by \$14
24 million.

25 “(c) For each biennium, the amounts identified in paragraph (b)(B) and
26 (C) of this subsection shall be adjusted by the same percentage by which the
27 amount appropriated to the State School Fund for that biennium is increased
28 or decreased compared [to] **with** the preceding biennium, as determined by
29 the Department of Education after consultation with the Legislative Fiscal
30 Officer.

1 “(11)(a) Each biennium, the Department of Education shall transfer
2 \$12.5 million from the State School Fund to the Statewide English
3 Language Learner Program Account established by section 9 of this
4 2015 Act.

5 “(b) For each biennium, the amount identified in paragraph (a) of
6 this subsection shall be adjusted by the same percentage by which the
7 amount appropriated to the State School Fund for that biennium is
8 increased or decreased compared with the preceding biennium, as de-
9 termined by the Department of Education after consultation with the
10 Legislative Fiscal Officer.

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

16 “[(12)] (13) Each biennium, the Department of Education may expend up
17 to \$350,000 from the State School Fund to provide administration of and
18 support for the development of talented and gifted education under ORS
19 343.404.

20 “[(13)] (14) Each biennium, the Department of Education may expend up
21 to \$150,000 from the State School Fund for the administration of a program
22 to increase the number of speech-language pathologists and speech-language
23 pathology assistants under ORS 348.394 to 348.406.

24 “**SECTION 12. The amendments to ORS 327.008 by sections 10 and**
25 **11 of this 2015 Act apply to State School Fund distributions com-**
26 **mencing with the 2015-2016 distributions.**

27 “**SECTION 13.** ORS 327.013 is amended to read:

28 “327.013. The State School Fund distributions for school districts include
29 the following grants:

30 “(1) General Purpose Grant = Funding Percentage × Target Grant ×

1 District extended ADMw. For the purpose of the calculation made under this
2 subsection:

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

6 “(b) Target Grant = Statewide Target per ADMw Grant + Teacher Ex-
7 perience Factor. For the purpose of the calculation made under this para-
8 graph:

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

10 “(B) Teacher Experience Factor = $\$25 \times \{\text{District average teacher expe-}$
11 $\text{rience} - \text{statewide average teacher experience}\}$. As used in this subpara-
12 graph, ‘average teacher experience’ means the average, in years, of teaching
13 experience of licensed teachers as reported to the Department of Education.

14 “(c) District extended ADMw = ADMw or ADMw of the prior year,
15 whichever is greater. The calculation of the district extended ADMw must
16 be made as provided by ORS 338.155 (1)(b) if a public charter school is lo-
17 cated in the school district. For the purpose of this paragraph:

18 “(A) Weighted average daily membership or ADMw = average daily
19 membership + an additional amount computed as follows:

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

27 “(ii) 0.5 for each student in average daily membership eligible for and
28 enrolled in an English [*as a second*] language **learner** program under ORS
29 336.079.

30 “(iii) 0.2 for each student in average daily membership enrolled in a union

1 high school district or in an area of a unified school district where the dis-
2 trict is only responsible for educating students in grades 9 through 12 in that
3 area.

4 “(iv) -0.1 for each student in average daily membership enrolled in an
5 elementary district operating kindergarten through grade six or kindergarten
6 through grade eight or in an area of a unified school district where the dis-
7 trict is only responsible for educating students in kindergarten through
8 grade eight.

9 “(v) 0.25 times the sum of the following:

10 “(I) The number of students who are in average daily membership and
11 who are also in poverty families, as determined by the Department of Edu-
12 cation based on rules adopted by the State Board of Education that incor-
13 porate poverty data published by the United States Census Bureau, student
14 data provided by school districts and other data identified by the board;

15 “(II) The number of children in foster homes in the district as determined
16 by the report of the Department of Human Services to the United States
17 Department of Education, ‘Annual Statistical Report on Children in Foster
18 Homes and Children in Families Receiving AFDC Payments in Excess of the
19 Poverty Income Level,’ or its successor, for October 31 of the year prior to
20 the year of distribution; and

21 “(III) The number of children in the district in state-recognized facilities
22 for neglected and delinquent children, based on information from the De-
23 partment of Human Services for October 31 of the year prior to the year of
24 distribution.

25 “(vi) The amount determined under ORS 327.077 for each remote small
26 elementary school and for each small high school in the district.

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

30 “(C) The total additional weight that shall be assigned to any student in

1 average daily membership in a district, exclusive of students described in
2 subparagraph (A)(v) and (vi) of this paragraph, may not exceed 2.0.

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

6 “(3)(a) Transportation grant equals:

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

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

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

14 “(b) Each fiscal year, the Department of Education shall rank school
15 districts based on the approved transportation costs per ADM of each school
16 district, ranking the school district with the highest approved transportation
17 costs per ADM at the top of the order.

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

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

22 “(c) As used in this subsection:

23 “(A) ‘New school building’ includes new school buildings, structures
24 added onto existing school buildings and premanufactured structures added
25 to a school district if those buildings or structures are to be used for in-
26 structing students.

27 “(B) ‘Construction costs’ does not include costs for land acquisition.

28 “**SECTION 14.** ORS 327.345 is amended to read:

29 “327.345. (1) As used in this section, [*ESL student*] ‘**ELL student**’ means
30 a student who is eligible for and enrolled in an English [*as a second*] lan-

1 guage **learner** program under ORS 336.079.

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

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

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

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

10 “(c) That has a high growth, as defined by rule of the State Board of
11 Education, of [*ESL*] **ELL** students or bilingual students in any school year;
12 or

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

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

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

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

26 “**SECTION 15.** ORS 329.157 is amended to read:

27 “329.157. (1) Community learning centers shall promote identification and
28 coordination of existing resources including, but not limited to, the following
29 services and activities:

30 “(a) Before-school and after-school enrichment activities linked with the

- 1 school curriculum;
- 2 “(b) Youth development and service learning activities;
- 3 “(c) Child care programs;
- 4 “(d) Mentoring and tutoring programs;
- 5 “(e) Parent literacy and adult education programs;
- 6 “(f) Prenatal and early childhood support programs;
- 7 “(g) Parent education and support groups;
- 8 “(h) Cultural activities and English [*as a second*] language **learner** pro-
- 9 grams;
- 10 “(i) School-to-work and workforce development programs;
- 11 “(j) Intergenerational activities connecting senior citizens with children;
- 12 “(k) Referrals for health care and other social and educational services;
- 13 “(L) Primary health care services, including immunizations, sports phys-
- 14 icals and well-child checkups; and
- 15 “(m) Counseling services.

16 “(2) School districts that create community learning centers shall en-

17 courage existing family resource centers to become involved in the develop-

18 ment and implementation of the community learning centers. An existing

19 family resource center developed under ORS 417.725 may be designated as a

20 community learning center if the family resource center meets the standards

21 specified in this section and ORS 329.156.

22 “(3) Community learning centers shall follow best practice standards to

23 ensure their effectiveness.

24 “**SECTION 16.** ORS 329.488, as amended by section 10, chapter 81, Oregon

25 Laws 2014, is amended to read:

26 “329.488. (1) The Department of Education shall contract with a nonprofit

27 entity to administer a nationally normed assessment, in collaboration with

28 the department, to all students in grade 10 who are enrolled in a public

29 school. The purpose of the assessment is to predict the success of students

30 on, and provide practice for students taking, college entrance exams.

1 “(2) The department shall base the selection of the contractor under sub-
2 section (1) of this section on all of the following criteria:

3 “(a) The contractor must be able to provide to the department statewide
4 data containing the results of the assessment;

5 “(b) The contractor shall provide an assessment that:

6 “(A) Identifies students with high potential to excel in advanced place-
7 ment (AP) or other honors courses based on a research-based correlation of
8 scores on the grade 10 assessment to advanced placement examinations;

9 “(B) Examines students in mathematics, reading and writing; and

10 “(C) Provides results that can be used by Oregon’s higher education in-
11 stitutions to recruit students to attend college;

12 “(c) The contractor must be able to supply schools with an item-by-item
13 analysis of student performance on the assessment; and

14 “(d) The contractor must be able to make available to each student taking
15 the assessment a free career assessment and online exploration of colleges
16 and career opportunities.

17 “(3)(a) In lieu of using the contractor selected by the department under
18 subsection (1) of this section, a school district may apply to the department
19 for a waiver to allow the district to enter into a contract with a different
20 nonprofit entity for the purpose of administering a nationally normed as-
21 sessment to all students in grade 10 who are enrolled in the public schools
22 operated by the district. The department shall grant the waiver if:

23 “(A) The district had entered into a contract with the entity for the
24 2007-2008 school year to administer a grade 10 assessment;

25 “(B) The entity, in coordination with the district, administered a grade
26 10 assessment during the 2007-2008 school year;

27 “(C) For the most recent school year in which the entity administered a
28 grade 10 assessment, the entity met the criteria set forth in subsection (2)
29 of this section as in effect for the school year in which the entity adminis-
30 tered the assessment; and

1 “(D) The entity plans to meet the criteria set forth in subsection (2) of
2 this section as in effect for the school year for which the school district
3 seeks a waiver.

4 “(b) A waiver granted by the department under this subsection:

5 “(A) Is valid for one school year; and

6 “(B) May be renewed each school year.

7 “(c) The department shall reimburse a school district for the cost of as-
8 sessments allowed under this subsection from funds available to the depart-
9 ment under ORS 327.008 [(11)] (12).

10 “(4) Notwithstanding subsections (1) and (3) of this section:

11 “(a) The department may, under rules adopted by the State Board of Ed-
12 ucation, waive the assessment for specific groups of students; and

13 “(b) Upon request from a student who is enrolled in a public school op-
14 erated by a school district or the parent or guardian of the student, the
15 school district shall waive the assessment for the student.

16 “**SECTION 17.** ORS 342.950 is amended to read:

17 “342.950. (1) The Network of Quality Teaching and Learning is estab-
18 lished. The network consists of the Oregon Education Investment Board, the
19 Department of Education and public and private entities that receive funding
20 as provided by this section to accomplish the purposes of the network de-
21 scribed in subsection (2) of this section.

22 “(2) The purposes of the network are the following:

23 “(a) To enhance a culture of leadership and collaborative responsibility
24 for advancing the profession of teaching among providers of early learning
25 services, teachers and administrators in kindergarten through grade 12, ed-
26 ucation service districts and teacher education institutions.

27 “(b) To strengthen and enhance existing evidence-based practices that
28 improve student achievement, including practices advanced by or described
29 in ORS 329.788 to 329.820, 329.822, 329.824, 329.838, 342.433 to 342.449 and
30 342.805 to 342.937.

1 “(c) To improve recruitment, preparation, induction, career advancement
2 opportunities and support of educators.

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

6 “(a) To school districts, schools, nonprofit organizations, post-secondary
7 institutions and consortiums that are any combination of those entities for
8 the purpose of supporting the implementation of common core state stan-
9 dards.

10 “(b) To school districts and nonprofit organizations for the purposes of
11 complying with the core teaching standards adopted as provided by ORS
12 342.856 and complying with related standards prescribed by federal law.

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

18 “(d) To school districts and nonprofit organizations for the purpose of
19 providing beginning teachers and administrators with mentors in a manner
20 that is consistent with the beginning teacher and administrator mentorship
21 program described in ORS 329.788 to 329.820.

22 “(e) To school districts for the purposes of obtaining assessments and de-
23 veloping professional development plans to meet school improvement objec-
24 tives and educator needs.

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

30 “(g) To school districts and nonprofit organizations for the purposes of

1 developing and engaging in proficiency-based or student-centered learning
2 practices and assessments.

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

8 “(i) To providers of early learning services, nonprofit organizations and
9 post-secondary institutions for the purposes of providing professional devel-
10 opment and supporting providers of early learning services with opportu-
11 nities for professional collaboration and advancement.

12 “(4) The Oregon Education Investment Board shall support the network
13 by:

14 “(a) Conducting and coordinating research to determine best practices and
15 evidence-based models.

16 “(b) Working with educator preparation programs to ensure ongoing col-
17 laboration with education providers.

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

20 “(d) Creating and supporting a statewide plan for increasing the success-
21 ful recruitment of high-ability and culturally diverse candidates to work in
22 high-need communities and fields.

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

24 “(a) Developing a system that ensures statewide dissemination of best
25 practices and evidence-based models.

26 “(b) Supporting the development and implementation of standards-based
27 curriculum, high-leverage practices and assessments that promote student
28 learning and improve outcomes for students [*learning English as a second*
29 *language*] **who are enrolled in an English language learner program**
30 **under ORS 336.079** and for students with disabilities.

1 “(c) Administering the distribution of funding as described in subsection
2 (3) of this section.

3 “(6) The Oregon Education Investment Board shall develop processes to
4 establish the network and ensure the accountability of the network. The
5 processes must ensure that the network:

6 “(a) Gives preference to entities that have demonstrated success in im-
7 proving student outcomes.

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

9 “(c) Is accountable for improving education outcomes identified by the
10 Oregon Education Investment Board, contained in achievement compacts or
11 set forth in ORS 351.009.

12 “(d) Includes and connects education providers and leaders from pre-
13 kindergarten through post-secondary education.

14 “(7) No more than two percent of all moneys received for the purposes
15 of this section may be expended by the Oregon Education Investment Board
16 or the Department of Education for administrative costs incurred under this
17 section. For the purpose of this subsection, technical assistance and direct
18 program services provided to school districts and nonprofit organizations are
19 not considered administrative costs.

20 “(8) The State Board of Education may adopt any rules necessary for the
21 Department of Education to support the network and perform any duties
22 assigned to the department under this section or assigned to the department
23 by the Oregon Education Investment Board. Any rules adopted by the State
24 Board of Education must be consistent with this section and with actions
25 taken by the Oregon Education Investment Board to implement this section.

26 **“SECTION 18.** ORS 342.950, as amended by section 2, chapter 661, Oregon
27 Laws 2013, is amended to read:

28 “342.950. (1) The Network of Quality Teaching and Learning is estab-
29 lished. The network consists of the Department of Education and public and
30 private entities that receive funding as provided by this section to accom-

1 plish the purposes of the network described in subsection (2) of this section.

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

3 “(a) To enhance a culture of leadership and collaborative responsibility
4 for advancing the profession of teaching among providers of early learning
5 services, teachers and administrators in kindergarten through grade 12, ed-
6 ucation service districts and teacher education institutions.

7 “(b) To strengthen and enhance existing evidence-based practices that
8 improve student achievement, including practices advanced by or described
9 in ORS 329.788 to 329.820, 329.822, 329.824, 329.838, 342.433 to 342.449 and
10 342.805 to 342.937.

11 “(c) To improve recruitment, preparation, induction, career advancement
12 opportunities and support of educators.

13 “(3) To accomplish the purposes of the network described in subsection
14 (2) of this section, the Department of Education, subject to the direction and
15 control of the Superintendent of Public Instruction, shall distribute funding
16 as follows:

17 “(a) To school districts, schools, nonprofit organizations, post-secondary
18 institutions and consortiums that are any combination of those entities for
19 the purpose of supporting the implementation of common core state stan-
20 dards.

21 “(b) To school districts and nonprofit organizations for the purposes of
22 complying with the core teaching standards adopted as provided by ORS
23 342.856 and complying with related standards prescribed by federal law.

24 “(c) To school districts and nonprofit organizations for the purpose of
25 providing teachers with opportunities for professional collaboration and
26 professional development and for the pursuit of career pathways in a manner
27 that is consistent with the School District Collaboration Grant Program de-
28 scribed in ORS 329.838.

29 “(d) To school districts and nonprofit organizations for the purpose of
30 providing beginning teachers and administrators with mentors in a manner

1 that is consistent with the beginning teacher and administrator mentorship
2 program described in ORS 329.788 to 329.820.

3 “(e) To school districts for the purposes of obtaining assessments and de-
4 veloping professional development plans to meet school improvement objec-
5 tives and educator needs.

6 “(f) To school districts, nonprofit organizations and post-secondary insti-
7 tutions for the purpose of closing achievement gaps by providing and im-
8 proving the effectiveness of professional development, implementing
9 data-driven decision making, supporting practice communities and imple-
10 menting culturally competent practices.

11 “(g) To school districts and nonprofit organizations for the purposes of
12 developing and engaging in proficiency-based or student-centered learning
13 practices and assessments.

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

19 “(i) To providers of early learning services, nonprofit organizations and
20 post-secondary institutions for the purposes of providing professional devel-
21 opment and supporting providers of early learning services with opportu-
22 nities for professional collaboration and advancement.

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

24 “(a) Conducting and coordinating research to determine best practices and
25 evidence-based models.

26 “(b) Working with educator preparation programs to ensure ongoing col-
27 laboration with education providers.

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

30 “(d) Creating and supporting a statewide plan for increasing the success-

1 ful recruitment of high-ability and culturally diverse candidates to work in
2 high-need communities and fields.

3 “(e) Developing a system that ensures statewide dissemination of best
4 practices and evidence-based models.

5 “(f) Supporting the development and implementation of standards-based
6 curriculum, high-leverage practices and assessments that promote student
7 learning and improve outcomes for students [*learning English as a second*
8 *language*] **who are enrolled in an English language learner program**
9 **under ORS 336.079** and for students with disabilities.

10 “(g) Administering the distribution of funding as described in subsection
11 (3) of this section.

12 “(5) The State Board of Education shall develop processes to establish the
13 network and ensure the accountability of the network. The processes must
14 ensure that the network:

15 “(a) Gives preference to entities that have demonstrated success in im-
16 proving student outcomes.

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

18 “(c) Is accountable for improving education outcomes identified by the
19 State Board of Education, contained in achievement compacts or set forth
20 in ORS 351.009.

21 “(d) Includes and connects education providers and leaders from pre-
22 kindergarten through post-secondary education.

23 “(6) No more than two percent of all moneys received for the purposes
24 of this section may be expended by the Department of Education for admin-
25 istrative costs incurred under this section. For the purpose of this sub-
26 section, technical assistance and direct program services provided to school
27 districts and nonprofit organizations are not considered administrative costs.

28 “(7) The State Board of Education may adopt any rules necessary for the
29 Department of Education to support the network and perform any duties
30 assigned to the department under this section. Any rules adopted by the

1 State Board of Education must be consistent with this section.

2 **“SECTION 19.** ORS 344.257 is amended to read:

3 “344.257. (1) For the purposes of ORS 344.259, ‘continuing education’
4 means organized instruction to serve the needs of post-secondary students,
5 including but not limited to:

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

9 “(b) Developmental education, consisting of adult basic education, high
10 school completion courses for a high school diploma, instruction to pass the
11 General Educational Development (GED) tests, English [*as a second language*
12 *instruction*] **language learner program**, and remedial instruction;

13 “(c) Educational activities, consisting of adult self-improvement courses
14 and Federal Cooperative Extension Service; and

15 “(d) Hobby and recreation activities.

16 “(2) ‘Continuing education’ for a community college is limited to in-
17 struction within district boundaries and instruction outside district bounda-
18 ries offered under contract.

19 **“SECTION 20. This 2015 Act being necessary for the immediate**
20 **preservation of the public peace, health and safety, an emergency is**
21 **declared to exist, and this 2015 Act takes effect July 1, 2015.”.**

22
