

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3499**

1 On page 1 of the printed bill, line 2, after “ORS” 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 Section 1 of this 2015 Act is repealed on January 2,**  
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, community**  
19 **stakeholders, experts on English language learner policy and experts**  
20 **in collecting and analyzing data. The department shall solicit recom-**  
21 **mendations for membership from organizations that represent educa-**  
22 **tors, administrators, school district boards and parents when**

1 **determining membership of the work group.**

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

3 **“(a) Criteria for determining if a school district is:**

4 **“(A) Not meeting objectives and the needs of students eligible for**  
5 **and enrolled in an English language learner program, taking into ac-**  
6 **count the specific learning challenges and demographics of the stu-**  
7 **dents; or**

8 **“(B) In need of targeted assistance.**

9 **“(b) Information necessary for school districts to include in an an-**  
10 **nual report on student progress indicators for students eligible for and**  
11 **enrolled in an English language learner program for the purpose of**  
12 **determining if a school district is:**

13 **“(A) Not meeting objectives and the needs of students eligible for**  
14 **and enrolled in an English language learner program, taking into ac-**  
15 **count the specific learning challenges and demographics of the stu-**  
16 **dents; or**

17 **“(B) In need of targeted assistance.**

18 **“(c) Technical assistance that the department will provide to a**  
19 **school district that is:**

20 **“(A) Not meeting objectives and the needs of students eligible for**  
21 **and enrolled in an English language learner program, taking into ac-**  
22 **count the specific learning challenges and demographics of the stu-**  
23 **dents; or**

24 **“(B) In need of targeted assistance.**

25 **“(d) Guidelines for how the department shall direct a school district**  
26 **on how to expend moneys received under ORS 327.013 (1)(c)(A)(ii) if the**  
27 **school district is:**

28 **“(A) Not meeting objectives and the needs of students eligible for**  
29 **and enrolled in an English language learner program, taking into ac-**  
30 **count the specific learning challenges and demographics of the stu-**

1 **dents; or**

2 **“(B) In need of targeted assistance.**

3 **“(4) In addition to the duties of the work group prescribed by sub-**  
4 **section (3) of this section, the work group shall establish criteria to**  
5 **define and identify long-term English language learners and develop**  
6 **recommendations for best practices on the following:**

7 **“(a) Providing ongoing support to students of a school district who**  
8 **no longer are eligible for or enrolled in an English language learner**  
9 **program under ORS 336.079.**

10 **“(b) Engaging parents and delivering essential notifications related**  
11 **to English language learner programs.**

12 **“(c) Identifying students who are eligible to be enrolled in an Eng-**  
13 **lish language learner program, including any identification methods**  
14 **that occur before a student enrolls in kindergarten.**

15 **“(d) Providing accommodations for assessments for English lan-**  
16 **guage learners.**

17 **“(e) Assessing English language learners, which may allow for a list**  
18 **of assessments to be approved by the department.**

19 **“(f) Acquiring student library books in languages other than Eng-**  
20 **lish.**

21 **“(g) Providing support to students who have been identified as**  
22 **long-term English language learners.**

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

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

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

29 **“SECTION 4. Section 3 of this 2015 Act is repealed on January 2,**  
30 **2017.**

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

3       **“SECTION 6. (1) Each school district shall prepare an annual report**  
4 **that:**

5       **“(a) Identifies the total amounts that are:**

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

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

12       **“(C) Expended as described in subparagraph (B) of this paragraph**  
13 **by category of expenditure, as identified and defined by the State**  
14 **Board of Education by rule.**

15       **“(b) Summarizes the progress for a school district on meeting ob-**  
16 **jectives and the needs of students eligible for and enrolled in an Eng-**  
17 **lish language learner program.**

18       **“(c) Provides information on student demographics, including:**

19       **“(A) The average number of years students have been enrolled in**  
20 **an English language learner program;**

21       **“(B) The average number of years the students have attended their**  
22 **current schools;**

23       **“(C) The percentage of students who also receive special education**  
24 **and related services; and**

25       **“(D) Any other information required by the Department of Educa-**  
26 **tion.**

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

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

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

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

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

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

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

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

17       “336.079. (1) As used in this section, ‘English language learner’  
18 means a student who:

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

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

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

1 are able to benefit from classes conducted in English.

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

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

8 “(5)(a) Based on the report received under subsection (4) of this  
9 section, the department shall identify school districts that are:

10 “(A) Not meeting objectives and the needs of students eligible for  
11 and enrolled in an English language learner program, taking into ac-  
12 count the specific learning challenges and demographics of the stu-  
13 dents; or

14 “(B) In need of targeted assistance.

15 “(b) The department, in consultation with a school district identi-  
16 fied under paragraph (a) of this subsection, shall establish the ex-  
17 pected growth in student progress indicators, and the expected  
18 benchmarks for student progress indicators, for English language  
19 learners of the school district. The interventions shall be provided for  
20 four years after the school district has been identified.

21 “(c) The department, in consultation with a school district identi-  
22 fied under paragraph (a)(A) of this subsection, shall design and im-  
23 plement an accountability system of progressive interventions for the  
24 school district. The interventions shall be provided for four years after  
25 the school district has been identified.

26 “(d) The department shall provide technical assistance to school  
27 districts that have been identified under paragraph (a)(B) of this sub-  
28 section. Technical assistance shall be provided for four years after the  
29 school district has been identified.

30 “(e) If a school district has been identified under paragraph (a) of

1 **this subsection for four years and has not met the expected growth in**  
2 **student progress indicators, and the expected benchmarks for student**  
3 **progress indicators, established under paragraph (b) of this subsection,**  
4 **the department shall direct the school district on how to expend**  
5 **moneys received under ORS 327.013 (1)(c)(A)(ii) for up to three years.**

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

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

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

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

22 **“327.008. (1) There is established a State School Fund in the General**  
23 **Fund. The fund shall consist of moneys appropriated by the Legislative As-**  
24 **sembly and moneys transferred from the Education Stability Fund. The State**  
25 **School Fund is continuously appropriated to the Department of Education**  
26 **for the purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125,**  
27 **327.137, 327.348, 336.575, 336.580, 336.635, 342.173, 343.243, 343.533 and 343.961**  
28 **and sections 1 to 3, chapter 735, Oregon Laws 2013, and section 2, chapter**  
29 **81, Oregon Laws 2014.**

30 **“(2) There shall be apportioned from the State School Fund to each school**

1 district a State School Fund grant, consisting of the positive amount equal  
2 to a general purpose grant and a facility grant and a transportation grant  
3 and a high cost disabilities grant minus local revenue, computed as provided  
4 in ORS 327.011 and 327.013.

5 “(3) There shall be apportioned from the State School Fund to each edu-  
6 cation service district a State School Fund grant as calculated under ORS  
7 327.019.

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

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

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

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

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

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

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



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

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

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

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

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

15 “**(11) Each biennium, the Department of Education shall transfer**  
16 **\$12.5 million from the State School Fund to the Statewide English**  
17 **Language Learner Program Account established under section 9 of this**  
18 **2015 Act.**

19 “[*(11)*] **(12)** Each fiscal year, the Department of Education may expend up  
20 to \$550,000 from the State School Fund for the contract described in ORS  
21 329.488. The amount distributed to education service districts from the State  
22 School Fund under this section and ORS 327.019 shall be reduced by the  
23 amount expended by the department under this subsection.

24 “[*(12)*] **(13)** Each biennium, the Department of Education may expend up  
25 to \$350,000 from the State School Fund to provide administration of and  
26 support for the development of talented and gifted education under ORS  
27 343.404.

28 “[*(13)*] **(14)** Each biennium, the Department of Education may expend up  
29 to \$150,000 from the State School Fund for the administration of a program  
30 to increase the number of speech-language pathologists and speech-language

1 pathology assistants under ORS 348.394 to 348.406.

2 “[~~(14)~~] (15) Each fiscal year, the Department of Education shall transfer  
3 the amount of \$2.5 million from the State School Fund to the Small School  
4 District Supplement Fund established in section 3, chapter 735, Oregon Laws  
5 2013.

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

8 “327.008. (1) There is established a State School Fund in the General  
9 Fund. The fund shall consist of moneys appropriated by the Legislative As-  
10 sembly and moneys transferred from the Education Stability Fund. The State  
11 School Fund is continuously appropriated to the Department of Education  
12 for the purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125,  
13 327.137, 327.348, 336.575, 336.580, 336.635, 342.173, 343.243, 343.533 and 343.961  
14 and section 2, chapter 81, Oregon Laws 2014.

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

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

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

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

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

30 “(7) The total amount of the State School Fund that is distributed as fa-

1 cility grants may not exceed \$20 million in any biennium. If the total amount  
2 to be distributed as facility grants exceeds this limitation, the Department  
3 of Education shall prorate the amount of funds available for facility grants  
4 among those school districts that qualified for a facility grant.

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

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

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

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

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

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

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

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

30 “(11) **Each biennium, the Department of Education shall transfer**

1 **\$12.5 million from the State School Fund to the Statewide English**  
2 **Language Learner Program Account established under section 9 of this**  
3 **2015 Act.**

4 “[~~(11)~~] (12) Each fiscal year, the Department of Education may expend up  
5 to \$550,000 from the State School Fund for the contract described in ORS  
6 329.488. The amount distributed to education service districts from the State  
7 School Fund under this section and ORS 327.019 shall be reduced by the  
8 amount expended by the department under this subsection.

9 “[~~(12)~~] (13) Each biennium, the Department of Education may expend up  
10 to \$350,000 from the State School Fund to provide administration of and  
11 support for the development of talented and gifted education under ORS  
12 343.404.

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

17 **“SECTION 12. The amendments to ORS 327.008 by sections 10 and**  
18 **11 of this 2015 Act apply to State School Fund distributions com-**  
19 **mencing with the 2015-2016 distributions.**

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

21 “327.013. The State School Fund distributions for school districts include  
22 the following grants:

23 “(1) General Purpose Grant = Funding Percentage × Target Grant ×  
24 District extended ADMw. For the purpose of the calculation made under this  
25 subsection:

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

29 “(b) Target Grant = Statewide Target per ADMw Grant + Teacher Ex-  
30 perience Factor. For the purpose of the calculation made under this para-

1 graph:

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

3 “(B) Teacher Experience Factor =  $\$25 \times \{\text{District average teacher experi-}$   
4  $\text{ence} - \text{statewide average teacher experience}\}$ . As used in this subpara-  
5 graph, ‘average teacher experience’ means the average, in years, of teaching  
6 experience of licensed teachers as reported to the Department of Education.

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

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

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

20 “(ii) 0.5 for each student in average daily membership eligible for and  
21 enrolled in an English [*as a second*] language **learner** program under ORS  
22 336.079.

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

27 “(iv) -0.1 for each student in average daily membership enrolled in an  
28 elementary district operating kindergarten through grade six or kindergarten  
29 through grade eight or in an area of a unified school district where the dis-  
30 trict is only responsible for educating students in kindergarten through

1 grade eight.

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

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

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

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

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

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

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

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

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

30 “(A) 70 percent of approved transportation costs for those school districts

1 ranked below the 80th percentile under paragraph (b) of this subsection.

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

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

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

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

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

15 “(c) As used in this subsection:

16 “(A) ‘New school building’ includes new school buildings, structures  
17 added onto existing school buildings and premanufactured structures added  
18 to a school district if those buildings or structures are to be used for in-  
19 structuring students.

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

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

22 “327.345. (1) As used in this section, [*ESL student*] ‘**ELL student**’ means  
23 a student who is eligible for and enrolled in an English [*as a second*] lan-  
24 guage **learner** program under ORS 336.079.

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

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

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

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

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

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

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

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

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

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

20 “329.157. (1) Community learning centers shall promote identification and  
21 coordination of existing resources including, but not limited to, the following  
22 services and activities:

23 “(a) Before-school and after-school enrichment activities linked with the  
24 school curriculum;

25 “(b) Youth development and service learning activities;

26 “(c) Child care programs;

27 “(d) Mentoring and tutoring programs;

28 “(e) Parent literacy and adult education programs;

29 “(f) Prenatal and early childhood support programs;

30 “(g) Parent education and support groups;



1 “(h) Cultural activities and English [*as a second*] language **learner** pro-  
2 grams;

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

4 “(j) Intergenerational activities connecting senior citizens with children;

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

6 “(L) Primary health care services, including immunizations, sports phys-  
7 icals and well-child checkups; and

8 “(m) Counseling services.

9 “(2) School districts that create community learning centers shall en-  
10 courage existing family resource centers to become involved in the develop-  
11 ment and implementation of the community learning centers. An existing  
12 family resource center developed under ORS 417.725 may be designated as a  
13 community learning center if the family resource center meets the standards  
14 specified in this section and ORS 329.156.

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

17 **“SECTION 16.** ORS 329.488, as amended by section 10, chapter 81, Oregon  
18 Laws 2014, is amended to read:

19 “329.488. (1) The Department of Education shall contract with a nonprofit  
20 entity to administer a nationally normed assessment, in collaboration with  
21 the department, to all students in grade 10 who are enrolled in a public  
22 school. The purpose of the assessment is to predict the success of students  
23 on, and provide practice for students taking, college entrance exams.

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

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

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

29 “(A) Identifies students with high potential to excel in advanced place-  
30 ment (AP) or other honors courses based on a research-based correlation of

1 scores on the grade 10 assessment to advanced placement examinations;

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

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

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

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

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

16 “(A) The district had entered into a contract with the entity for the  
17 2007-2008 school year to administer a grade 10 assessment;

18 “(B) The entity, in coordination with the district, administered a grade  
19 10 assessment during the 2007-2008 school year;

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

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

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

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

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

30 “(c) The department shall reimburse a school district for the cost of as-

1 assessments allowed under this subsection from funds available to the depart-  
2 ment under ORS 327.008 [(11)] (12).

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

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

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

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

10 “342.950. (1) The Network of Quality Teaching and Learning is estab-  
11 lished. The network consists of the Oregon Education Investment Board, the  
12 Department of Education and public and private entities that receive funding  
13 as provided by this section to accomplish the purposes of the network de-  
14 scribed in subsection (2) of this section.

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

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

20 “(b) To strengthen and enhance existing evidence-based practices that  
21 improve student achievement, including practices advanced by or described  
22 in ORS 329.788 to 329.820, 329.822, 329.824, 329.838, 342.433 to 342.449 and  
23 342.805 to 342.937.

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

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

29 “(a) To school districts, schools, nonprofit organizations, post-secondary  
30 institutions and consortiums that are any combination of those entities for

1 the purpose of supporting the implementation of common core state stan-  
2 dards.

3 “(b) To school districts and nonprofit organizations for the purposes of  
4 complying with the core teaching standards adopted as provided by ORS  
5 342.856 and complying with related standards prescribed by federal law.

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

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

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

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

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

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

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

5       “(4) The Oregon Education Investment Board shall support the network  
6 by:

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

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

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

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

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

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

19       “(b) 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*] **student progress indicators for students who are enrolled in**  
23 **an English language learner program under ORS 336.079** and for stu-  
24 dents with disabilities.

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

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

30       “(a) Gives preference to entities that have demonstrated success in im-

1 proving student [*outcomes*] **progress indicators**.

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

3 “(c) Is accountable for improving [*education outcomes*] **student progress**  
4 **indicators** identified by the Oregon Education Investment Board, contained  
5 in achievement compacts or set forth in ORS 351.009.

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

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

14 “(8) The State Board of Education may adopt any rules necessary for the  
15 Department of Education to support the network and perform any duties  
16 assigned to the department under this section or assigned to the department  
17 by the Oregon Education Investment Board. Any rules adopted by the State  
18 Board of Education must be consistent with this section and with actions  
19 taken by the Oregon Education Investment Board to implement this section.

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

22 “342.950. (1) The Network of Quality Teaching and Learning is estab-  
23 lished. The network consists of the Department of Education and public and  
24 private entities that receive funding as provided by this section to accom-  
25 plish the purposes of the network described in subsection (2) of this section.

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

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

1       “(b) To strengthen and enhance existing evidence-based practices that  
2 improve student achievement, including practices advanced by or described  
3 in ORS 329.788 to 329.820, 329.822, 329.824, 329.838, 342.433 to 342.449 and  
4 342.805 to 342.937.

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

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

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

15       “(b) To school districts and nonprofit organizations for the purposes of  
16 complying with the core teaching standards adopted as provided by ORS  
17 342.856 and complying with related standards prescribed by federal law.

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

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

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

30       “(f) To school districts, nonprofit organizations and post-secondary insti-

1 tutions for the purpose of closing achievement gaps by providing and im-  
2 proving the effectiveness of professional development, implementing  
3 data-driven decision making, supporting practice communities and imple-  
4 menting culturally competent practices.

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

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

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

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

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

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

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

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

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

29 “(f) Supporting the development and implementation of standards-based  
30 curriculum, high-leverage practices and assessments that promote student



1 learning and improve [*outcomes for students learning English as a second*  
2 *language*] **student progress indicators for students who are enrolled in**  
3 **an English language learner program under ORS 336.079** and for stu-  
4 dents with disabilities.

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

7 “(5) The State Board of Education shall develop processes to establish the  
8 network and ensure the accountability of the network. The processes must  
9 ensure that the network:

10 “(a) Gives preference to entities that have demonstrated success in im-  
11 proving student [*outcomes*] **progress indicators**.

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

13 “(c) Is accountable for improving [*education outcomes*] **student progress**  
14 **indicators** identified by the State Board of Education, contained in  
15 achievement compacts or set forth in ORS 351.009.

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

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

23 “(7) The State Board of Education may adopt any rules necessary for the  
24 Department of Education to support the network and perform any duties  
25 assigned to the department under this section. Any rules adopted by the  
26 State Board of Education must be consistent with this section.

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

28 “344.257. (1) For the purposes of ORS 344.259, ‘continuing education’  
29 means organized instruction to serve the needs of post-secondary students,  
30 including but not limited to:

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

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

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

10 “(d) Hobby and recreation activities.

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

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

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