

**Enrolled**  
**House Bill 2246**

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Chief Education Office)

CHAPTER .....

AN ACT

Relating to the High School Graduation and College and Career Readiness Act; creating new provisions; amending sections 2, 3, 5, 6, 7, 8, 12 and 16, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)); and declaring an emergency.

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

**SECTION 1.** Section 2, chapter 1, Oregon Laws 2017 (Ballot Measure 98), is amended to read:

**Sec. 2. (1)** The High School Graduation and College and Career Readiness Fund is established in the **State Treasury, separate and distinct from the** General Fund, for the purposes of improving the graduation rates and college and career readiness of all high school students in Oregon. **Interest earned by the High School Graduation and College and Career Readiness Fund shall be credited to the General Fund.**

**(2)(a)** The Legislative Assembly shall appropriate, allocate or otherwise make available to the **High School Graduation and College and Career Readiness** Fund an amount not less than \$800 per high school student per school year.

**(b)** The Department of Education, on behalf of the State of Oregon, may solicit and accept gifts, grants, donations and other moneys from public and private sources for the purposes of sections 2 to 16, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)). Moneys received under this paragraph shall be deposited in the High School Graduation and College and Career Readiness Fund.

**(3)** The **High School Graduation and College and Career Readiness** Fund is continuously appropriated to the Department of Education for the purposes of sections 2 to 16, **chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016))** [of this 2016 Act].

**SECTION 2.** Section 3, chapter 1, Oregon Laws 2017 (Ballot Measure 98), is amended to read:

**Sec. 3. (1)(a)** Subject to sections 10 and 14, **chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016))**, [of this 2016 Act,] for school years beginning on or after July 1, 2017, the High School Graduation and College and Career Readiness Fund shall be apportioned to each school district based on the extended weighted average daily membership of high school students computed:

**(A)** As provided in ORS 327.013 (1)(c)[.], **for common or union high school districts.**

**(B)** **By multiplying the average daily membership for students in grades 9 through 12 by 2.0, as calculated for the current school year and the previous school year and using the greater amount, for the Oregon School for the Deaf.**

**(C)** **As provided in ORS 327.026, for an educational program under the Youth Corrections Education Program or the Juvenile Detention Education Program.**

(b) In the event the Department of Education is unable to determine the extended weighted average daily membership of high school students for a school district, the department may determine the average extended weighted average daily membership for all students in the school district and apply the average extended weighted average daily membership to the number of high school students in the school district.

(2)(a) For school years beginning on or after July 1, 2018, the amount appropriated, allocated or otherwise made available to the fund under section 2, **chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016))**, [of this 2016 Act] shall be increased each school year in a biennium by the amount derived from the application of the process in Executive Order 14-14 used to calculate the cost to maintain the current level of service.

(b) The intent of paragraph (a) of this subsection is to apply the process in Executive Order 14-14 in the event Executive Order 14-14 is canceled, superseded or otherwise made ineffective.

**SECTION 3.** Section 5, chapter 1, Oregon Laws 2017 (Ballot Measure 98), is amended to read:

**Sec. 5. (1)** A school district shall use a portion of the funds apportioned under section 3, **chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016))**, [of this 2016 Act] to establish [and] or expand [career-technical] **career and technical** education programs in high schools that are relevant to the job market in the community or region the school district serves.

**(2) For purposes of this section**, establishment [and] or expansion of a [career-technical] **career and technical** education program includes the purchase of equipment, the construction of facilities and the recruitment, licensing, employment and training of personnel to provide [career-technical] **career and technical** education.

**(3) The portion of funds to be used as described in this section shall be determined as provided by section 8, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)).**

**SECTION 4.** Section 6, chapter 1, Oregon Laws 2017 (Ballot Measure 98), is amended to read:

**Sec. 6. (1)** A school district shall use a portion of the amount apportioned under section 3, **chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016))**, [of this 2016 Act] to establish [and] or expand college-level educational opportunities for students in high schools.

**(2) For purposes of this section**, the college-level educational opportunities must include:

(a)(A) Advanced placement, International Baccalaureate or comparable college-level courses; or

(B) Dual credit[, *co-enrollment programs or extended co-enrollment programs*] **and other accelerated college credit programs** offered in conjunction with an Oregon community college, public university or other accredited institutions of higher learning or post-high school career schools;

(b) Assisting students with the selection and successful completion of college-level educational opportunities; and

(c) The recruitment, licensing, employment and training of personnel to provide college-level educational opportunities for students in all high schools.

**(3) The portion of funds to be used as described in this section shall be determined as provided by section 8, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)).**

**SECTION 5.** Section 7, chapter 1, Oregon Laws 2017 (Ballot Measure 98), is amended to read:

**Sec. 7. (1)** A school district shall use a portion of the amount apportioned under section 3, **chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016))**, [of this 2016 Act] to establish [and] or expand dropout-prevention strategies in all high schools.

**(2) For purposes of this section**, the dropout-prevention strategies must include:

(a) Implementing activities designed to reduce chronic absenteeism;

(b) Establishing and maintaining data management systems that provide timely reports on students' grades, absences and discipline by school and by course;

(c) Beginning with grade 8, using attendance, course grades, credits earned and disciplinary referrals to identify students at risk of not graduating;

(d) Beginning in the summer after grade 8, providing academic and social supports for students at risk of not graduating to ensure that the students are on track to graduate by the time the students enter grade 10 and stay on track to graduate after entering grade 10, including such supports

as summer programs, additional instructional time before and after school hours, tutoring or small-group instruction during the school day or counseling services; and

(e) Providing counseling and coaching to provide early exposure for students to employment opportunities and requirements and options for post-secondary education.

**(3) The portion of funds to be used as described in this section shall be determined as provided by section 8, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)).**

**SECTION 6.** Section 8, chapter 1, Oregon Laws 2017 (Ballot Measure 98), is amended to read:

**Sec. 8.** (1) A school district must use the amount apportioned under section 3, **chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016))**, [of this 2016 Act] to establish [and] or expand programs, opportunities and strategies under sections 5, 6 and 7, **chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016))**, [of this 2016 Act] and may not use the amount apportioned to maintain programs, opportunities and strategies established prior to [the effective date of this 2016 Act] **December 8, 2016**, except when a use is necessary to replace the loss or expiration of time-limited grants[,] or federal funds [and funds that support extended co-enrollment programs in effect prior to the effective date of this 2016 Act].

**(2)(a) The portion of funds that a school district uses for the purposes of sections 5, 6 and 7, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)), shall be determined as follows:**

**(A) If a school district receives less than \$100,000 for the school year from an apportionment made under section 3, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)), the school district may use all of the funds for any one of the purposes described in section 5, 6 or 7, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)).**

**(B) If a school district receives \$100,000 or more but less than \$350,000 for the school year from an apportionment made under section 3, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)), the school district must use a portion of the funds for the purpose described in section 5, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)), and a portion of the funds for a purpose described in section 6 or 7, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)).**

**(C) If a school district receives \$350,000 or more for the school year from an apportionment made under section 3, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)), the school district must use a portion of the funds for all three of the purposes described in sections 5, 6 and 7, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)).**

**(b) Notwithstanding paragraph (a) of this subsection, if a school district receives an apportionment for the second school year of a biennium that is greater than the apportionment for the first school year of the biennium and the increase would affect the portion of moneys the school district is required to use for the purposes described in sections 5, 6 and 7, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)), as described in paragraph (a) of this subsection, the school district is not required to change the portions that the school district uses for the purposes of sections 5, 6 and 7, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)), for the second school year of the biennium.**

**(c) Nothing in this subsection prohibits a school district receiving an apportionment as described in paragraph (a)(A) or (B) of this subsection from using any portion of the apportionment for more purposes than what is described in paragraph (a)(A) or (B) of this subsection.**

**(3) Notwithstanding the requirements in sections 5, 6, 7 and 15 (3), chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)), that apportionments made under section 3, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)), be used for career and technical education programs in high schools, college-level educational opportunities for students in high schools and dropout-prevention strategies in high schools, a school district may use up to 15 percent of the apportionments the school district receives, after deducting any amounts used for administrative costs under section 15, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)), for programs, opportunities and strategies for students in eighth grade. The use of**

**apportionments under this subsection must comply with the distribution requirements described in subsection (2) of this section.**

*[(2) School districts may, and are encouraged to:]*

*[(a) Cooperate, coordinate or act jointly with other school districts and with education service districts, including through the use of professional learning communities, to achieve the purposes of the High School Graduation and College and Career Readiness Fund and to maximize benefits from apportionments under section 3 of this 2016 Act;]*

*[(b) Cooperate, coordinate or act jointly with nonprofit programs and community-based organizations that have demonstrated achievement of positive outcomes in work with underserved student populations; and]*

*[(c) Use evidence-based criteria to determine appropriate staffing ratios and class sizes to achieve the purposes of the fund and to maximize benefits from apportionments under section 3 of this 2016 Act.]*

*[(3)] (4) When establishing [and] or expanding [career-technical] **career and technical** education programs and college-level educational opportunities, school districts may, and are encouraged to, give preference to programs and opportunities in science, technology, engineering and mathematics.*

**SECTION 7.** Section 12, chapter 1, Oregon Laws 2017 (Ballot Measure 98), is amended to read:

**Sec. 12.** (1) *[By March 1, 2017,]* The State Board of Education shall by rule adopt eligibility requirements, biennial plan guidelines, biennial plan submission deadlines, reporting criteria and audit processes to ensure that amounts apportioned under section 3, **chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016))**, *[of this 2016 Act]* improve students' progress toward graduation beginning with grade 9, increase the graduation rates of high schools and improve high school graduates' readiness for college or career.

(2) The requirements for eligibility adopted under subsection *[(2)]* (1) of this section must include:

**(a) The requirement that the biennial plan include:**

**(A) A district needs assessment and an explanation of how the establishment or expansion of career and technical education programs, college-level educational opportunities or dropout-prevention strategies addresses those needs.**

**(B) A description of how the school district will establish or expand career and technical education programs, college-level educational opportunities and dropout-prevention strategies in compliance with section 8, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)).**

**(C) The four-year plan of the school district relating to the establishment or expansion of career and technical education programs, college-level educational opportunities and dropout-prevention strategies, as provided by section 8, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)).**

**(b) The requirement that the school district demonstrate in the biennial plan how the school district will:**

*[(a)] (A) [A school district's providing] **Provide** sufficient time for teachers and staff of students in grade 9 to review data on students' grades, absences and discipline by school and by course and to develop strategies to ensure at-risk students stay on track to graduate;*

*[(b)] (B) [A school district's implementing] **Implement** district-wide evidence-based practices for reducing chronic absenteeism in grades 9 through 12;*

*[(c)] (C) [A school district's assignment of] **Assign** high school students to advanced and dual-credit courses based on academic qualifications in order to avoid bias in course assignments; and*

*[(d)] (D) [A school district's implementing] **Implement** systems to ensure that high school students, including English Language Learners, are taking courses required for on-time graduation.*

**(c) If necessary for the success of the establishment or expansion of career and technical education programs, college-level educational opportunities and dropout-prevention strategies, the requirement that a school district must demonstrate in the biennial plan that the school district will:**

(A) Cooperate, coordinate or act jointly with other school districts, education service districts, regional achievement collaboratives, post-secondary institutions or other education partners, including professional learning communities, to achieve the purposes of the High School Graduation and College and Career Readiness Fund and to maximize benefits from apportionments under section 3, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016));

(B) Cooperate, coordinate or act jointly with nonprofit programs and community-based organizations that have demonstrated achievement of positive outcomes in work with underserved student populations;

(C) Consult with federally recognized Oregon Indian tribes, as required by rule of the State Board of Education; and

(D) Use evidence-based criteria to determine appropriate staffing ratios and class sizes to achieve the purposes of the fund and to maximize benefits from apportionments under section 3, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)).

**SECTION 8.** Notwithstanding the requirement for a biennial plan under section 13, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)), and any rules adopted by the State Board of Education related to biennial plans under section 12, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)), plans submitted for school years beginning on or after July 1, 2018, but before July 1, 2021, shall describe the school district's plans for using amounts apportioned under section 3, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)), for each school year for which apportionments are sought and that are prior to the school year that begins July 1, 2021.

**SECTION 9.** Section 8 of this 2017 Act is repealed on July 1, 2021.

**SECTION 10.** Section 16, chapter 1, Oregon Laws 2017 (Ballot Measure 98), is amended to read:

**Sec. 16.** As used in sections 2 to 16, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)):

(1) [As used in sections 7 and 12 of this 2016 Act,] "Chronic absenteeism" means a [student's missing two weeks or more in] **student has missed 10 percent or more of school days, including excused, nonexcused and disciplinary exclusion, within** a school year.

(2) [As used in section 12 of this 2016 Act,] "English Language Learner" [means a child whose native language is other than English or who speaks a language other than English in the child's home] **has the meaning given that term in ORS 336.079.**

(3) As used in this section and sections 6 and 8 of this 2016 Act, "Extended co-enrollment program" means a program in which a student who has satisfied the requirements for a diploma established by the State Board of Education under ORS 329.451:]

[a) Does not receive a diploma;]

[b) Remains enrolled at a school district;]

[c) Attends a community college for at least half of the student's coursework; and]

[d) Has some or all of the student's tuition, fees and books for coursework at the community college paid by the school district where the student is enrolled.]

(4) (3) [As used in sections 3 and 12 of this 2016 Act,] "High school student" means a student enrolled in grades 9 through 12 or age level equivalent.

(5) (4) [As used in section 11 of this 2016 Act,] "Program audit" means determining:

(a) The extent to which the desired results or benefits of a program are being achieved;

(b) The extent to which the need for or objectives of an ongoing program are necessary or relevant;

(c) Whether the program complements, duplicates, overlaps or conflicts with other related programs;

(d) The effectiveness of organizations, programs, activities or functions; and

(e) Whether the entity that is the subject of the audit has complied with laws and regulations applicable to the program.

(6) (5) [As used in sections 2 to 16 of this 2016 Act,] "School district" means:

(a) A common or union high school district[.];

(b) The Oregon School for the Deaf; and  
(c) An educational program under the Youth Corrections Education Program or the Juvenile Detention Education Program, as those terms are defined in ORS 326.695.

**SECTION 11.** This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect on its passage.

**Passed by House July 5, 2017**

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

**Passed by Senate July 6, 2017**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M.,....., 2017

**Approved:**

.....M.,....., 2017

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2017

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Dennis Richardson, Secretary of State