

# Senate Bill 20

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## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Updates references to federal education law to reflect passage of Every Student Succeeds Act. Declares emergency, effective July 1, 2017.

## A BILL FOR AN ACT

1  
2 Relating to federal education law; amending ORS 279A.050, 329.105, 329.115 and 338.120; and de-  
3 claring an emergency.

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

5 **SECTION 1.** ORS 279A.050 is amended to read:

6 279A.050. (1)(a) Except as otherwise provided in the Public Contracting Code, a contracting  
7 agency shall exercise all of the contracting agency's procurement authority in accordance with the  
8 provisions of the Public Contracting Code.

9 (b) If a contracting agency has authority under this section to carry out functions described in  
10 this section, or has authority to make procurements under a provision of law other than the Public  
11 Contracting Code, the contracting agency need not exercise the contracting agency's authority in  
12 accordance with the provisions of the code if, under ORS 279A.025, the code does not apply to the  
13 contract or contracting agency.

14 (2)(a) Except as otherwise provided in paragraph (b) of this subsection and the Public Con-  
15 tracting Code, for state agencies the Director of the Oregon Department of Administrative Services  
16 has all the authority available to carry out the provisions of the Public Contracting Code.

17 (b) Except as otherwise provided in the Public Contracting Code, for state agencies the director  
18 may delegate to the State Chief Information Officer the authority to procure or supervise the pro-  
19 curement of all goods, services and personal services related to information technology and tele-  
20 communications for state contracting agencies. This paragraph does not apply to contracts under  
21 which the contractor delivers to the state agency information technology products or services inci-  
22 dentally in performing a personal services contract described in ORS chapter 279C or a construction  
23 contract described in ORS chapter 279C.

24 (3) Except as otherwise provided in the Public Contracting Code, the Director of Transportation  
25 has all the authority available to:

26 (a) Procure or supervise the procurement of all services and personal services to construct, ac-  
27 quire, plan, design, maintain and operate passenger terminal facilities and motor vehicle parking  
28 facilities in connection with any public transportation system in accordance with ORS 184.689 (5);

29 (b) Procure or supervise the procurement of all goods, services, public improvements and per-  
30 sonal services that relate to operating, maintaining or constructing highways, bridges and other

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 transportation facilities that are subject to the authority of the Department of Transportation; and

2 (c) Establish standards for, prescribe forms for and conduct the prequalification of prospective  
3 bidders on public improvement contracts that relate to operating, maintaining or constructing  
4 highways, bridges and other transportation facilities that are subject to the authority of the De-  
5 partment of Transportation.

6 (4) Except as otherwise provided in the Public Contracting Code, the Secretary of State has all  
7 the authority to procure or supervise the procurement of goods, services and personal services re-  
8 lated to programs under the authority of the Secretary of State.

9 (5) Except as otherwise provided in the Public Contracting Code, the State Treasurer has all the  
10 authority to procure or supervise the procurement of goods, services and personal services related  
11 to programs under the authority of the State Treasurer.

12 (6) The state agencies listed in this subsection have all the authority to do the following in ac-  
13 cordance with the Public Contracting Code:

14 (a) The Department of Human Services to procure or supervise the procurement of goods, ser-  
15 vices and personal services under ORS 179.040 for the department's institutions and the procurement  
16 of goods, services and personal services for constructing, demolishing, exchanging, maintaining, op-  
17 erating and equipping housing for the purpose of providing care to individuals with intellectual  
18 disabilities or other developmental disabilities, subject to applicable provisions of ORS 427.335;

19 (b) The Oregon Health Authority to procure or supervise the procurement of goods, services and  
20 personal services under ORS 179.040 and construction materials, equipment and supplies for the  
21 authority's institutions and the procurement of goods, services, personal services, construction ma-  
22 terials, equipment and supplies for constructing, demolishing, exchanging, maintaining, operating  
23 and equipping housing for individuals with chronic mental illness, subject to applicable provisions  
24 of ORS 426.504;

25 (c) The State Department of Fish and Wildlife to procure or supervise the procurement of con-  
26 struction materials, equipment, supplies, services and personal services for public improvements,  
27 public works or ordinary construction described in ORS 279C.320 that is subject to the authority  
28 of the State Department of Fish and Wildlife;

29 (d) The State Parks and Recreation Department to procure or supervise the procurement of all  
30 goods, services, public improvements and personal services related to state parks;

31 (e) The Oregon Department of Aviation to procure or supervise the procurement of construction  
32 materials, equipment, supplies, services and personal services for public improvements, public works  
33 or ordinary construction described in ORS 279C.320 that is subject to the authority of the Oregon  
34 Department of Aviation;

35 (f) The Oregon Business Development Department to procure or supervise the procurement of  
36 all goods, services, personal services and public improvements related to its foreign trade offices  
37 operating outside the state;

38 (g) The Housing and Community Services Department to procure or supervise the procurement  
39 of goods, services and personal services as provided in ORS 279A.025 (2)(o);

40 (h) The Department of Corrections to procure or supervise the procurement of construction  
41 materials, equipment, supplies, services and personal services for public improvements, public works  
42 or ordinary construction described in ORS 279C.320 that is subject to the authority of the Depart-  
43 ment of Corrections;

44 (i) The Department of Corrections, subject to any applicable provisions of ORS 279A.120,  
45 279A.125, 279A.145 and 283.110 to 283.395, to procure or supervise the procurement of goods, ser-

1 vices and personal services under ORS 179.040 for its institutions;

2 (j) The Department of Veterans' Affairs to procure or supervise the procurement of real estate  
3 broker and principal real estate broker services related to programs under the department's au-  
4 thority;

5 (k) The Oregon Military Department to procure or supervise the procurement of construction  
6 materials, equipment, supplies, services and personal services for public improvements, public works  
7 or ordinary construction described in ORS 279C.320 that is subject to the authority of the Oregon  
8 Military Department;

9 (L) The Department of Education, subject to any applicable provisions of ORS 329.075, 329.085  
10 and 329.485 and the federal [*No Child Left Behind Act of 2001 (P.L. 107-110, 115 Stat. 1425)*] **Every**  
11 **Student Succeeds Act (P.L. 114-95, 129 Stat. 1802)**, to procure or supervise the procurement of  
12 goods, services, personal services and information technology related to student assessment; and

13 (m) Any state agency to conduct a procurement when the agency is specifically authorized by  
14 any provision of law other than the Public Contracting Code to enter into a contract.

15 (7)(a) Notwithstanding this section and ORS 279A.140 (1), the Director of the Oregon Depart-  
16 ment of Administrative Services has exclusive authority, unless the director delegates the authority,  
17 to procure or supervise the procurement of all price agreements on behalf of the state agencies  
18 identified in subsection (6) of this section under which more than one state agency may order goods,  
19 services or personal services.

20 (b) The director may delegate to the State Chief Information Officer the exclusive authority to  
21 procure or supervise the procurement of all price agreements related to information technology and  
22 telecommunications on behalf of the state agencies identified in subsection (6) of this section.  
23 Notwithstanding any authority that a state agency may have under subsection (3) or (6) of this  
24 section, the state agency may not establish a price agreement or enter into a contract for goods,  
25 services or personal services without the approval of the director or the State Chief Information  
26 Officer if the director or the State Chief Information Officer has established a price agreement for  
27 the goods, services or personal services.

28 (c) The State Chief Information Officer may review any solicitation document for procuring in-  
29 formation technology or telecommunications that a state agency intends to issue before the state  
30 agency issues the solicitation document and may require the state agency to name the State Chief  
31 Information Officer as a third-party beneficiary with full authority to enforce the terms and condi-  
32 tions of any public contract for information technology or telecommunications. The State Chief In-  
33 formation Officer must approve a state agency's procurement for information technology or  
34 telecommunications if the procurement has an anticipated contract price of \$1 million or more. The  
35 State Chief Information Officer may require the state agency to name the State Chief Information  
36 Officer as the contracting party on behalf of the State of Oregon in a procurement for information  
37 technology or telecommunications that has an anticipated contract price of \$1 million or more.

38 **SECTION 2.** ORS 329.105 is amended to read:

39 329.105. (1) The Superintendent of Public Instruction shall collect data and produce annual  
40 school district and school performance reports to provide information to parents and to improve  
41 schools.

42 (2) The superintendent shall include in the school district and school performance reports data  
43 for the following areas, for each school or district, that are available to the Department of Educa-  
44 tion from the most recent school year:

45 (a) Data required by the federal [*No Child Left Behind Act of 2001 (P.L. 107-110, 115 Stat.*

1 1425)] **Every Student Succeeds Act (P.L. 114-95, 129 Stat. 1802)**;

2 (b) Information about how to access the website that is maintained by the State Department of  
3 Geology and Mineral Industries as provided by ORS 516.030 (6)(b);

4 (c) Information related to the number of children served in the district and the number of chil-  
5 dren who are susceptible to restrictable disease, as reported under ORS 433.269 (2)(a); and

6 (d) Any other data identified by the Department of Education as required by federal law to be  
7 in the reports.

8 (3) In addition to the data required by subsection (2) of this section, the superintendent may  
9 include other data on the school district and school performance reports.

10 (4) The department shall work with stakeholders to:

11 (a) Design and implement an accountability system of progressive interventions for schools and  
12 school districts that do not demonstrate improvement; and

13 (b) Provide technical assistance to schools and school districts that do not demonstrate im-  
14 provement.

15 **SECTION 3.** ORS 329.115 is amended to read:

16 329.115. (1) Prior to December 1 of each year, the Superintendent of Public Instruction shall is-  
17 sue an Oregon Report Card on the state of the public schools of this state.

18 (2) The Oregon Report Card shall include information on the following:

19 (a) Data required by the federal [*No Child Left Behind Act of 2001 (P.L. 107-110, 115 Stat.*  
20 **1425)] **Every Student Succeeds Act (P.L. 114-95, 129 Stat. 1802)**; and**

21 (b) Any other data identified by the Department of Education as required by federal law.

22 (3) In addition to the information required under subsection (2) of this section, the superinten-  
23 dent may include other information in the Oregon Report Card.

24 **SECTION 4.** ORS 338.120 is amended to read:

25 338.120. (1) In addition to any other requirements of this chapter for a public charter school, a  
26 virtual public charter school must have:

27 (a) A plan for academic achievement that addresses how the school will improve student learn-  
28 ing and meet academic content standards required by ORS 329.045.

29 (b) Performance criteria the school will use to measure the progress of the school in meeting  
30 the academic performance goals set by the school for its first five years of operation.

31 (c) A plan for implementing the proposed education program of the school by directly and sig-  
32 nificantly involving parents and guardians of students enrolled in the school and involving the pro-  
33 fessional employees of the school.

34 (d) A budget, business plan and governance plan for the operation of the school.

35 (e) In the charter of the school, a requirement that the school:

36 (A) Monitor and track student progress and attendance; and

37 (B) Provide student assessments in a manner that ensures that an individual student is being  
38 assessed and that the assessment is valid.

39 (f) Notwithstanding ORS 338.135 (7), a plan to ensure that:

40 (A) All superintendents, assistant superintendents and principals of the school are licensed to  
41 administer by the Teacher Standards and Practices Commission; and

42 (B) Teachers who are licensed to teach by the Teacher Standards and Practices Commission  
43 [*and who are highly qualified as described in the federal No Child Left Behind Act of 2001 (P.L.*  
44 *107-110, 115 Stat. 1425)] teach at least 95 percent of the school's instructional hours.*

45 (g) A plan for maintaining student records and school records, including financial records, at a

1 designated central office of operations that is located:

2 (A) If the sponsor is a school district, within the school district that is the sponsor and as  
3 specified in the charter of the school; or

4 (B) If the sponsor is the State Board of Education, at a central office located in Oregon and as  
5 specified in the charter of the school.

6 (h) A plan to provide equitable access to the education program of the school by ensuring that  
7 each student enrolled in the school:

8 (A) Has access to and use of computer and printer equipment as needed;

9 (B) Is offered an Internet service cost reimbursement arrangement under which the school re-  
10 imbursees the parent or guardian of the student, at a rate set by the school, for the costs of obtaining  
11 Internet service at the minimum connection speed required to effectively access the education pro-  
12 gram provided by the school; or

13 (C) Has access to and use of computer and printer equipment and is offered Internet service cost  
14 reimbursement.

15 (i) A plan to provide access to computer and printer equipment and the Internet service cost  
16 reimbursement as described in paragraph (h) of this subsection by students enrolled in the school  
17 who are from families that qualify as low-income under Title I of the federal Elementary and Sec-  
18 ondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

19 (j) A plan to conduct school-sponsored optional educational events at least six times each school  
20 year at locations selected to provide convenient access to all students enrolled in the school who  
21 want to participate.

22 (k) A plan to conduct meetings at least twice a week between teachers and students enrolled  
23 in the school, either in person or through the use of conference calls or other technology.

24 (L) A plan to provide opportunities for face-to-face meetings between teachers and students en-  
25 rolled in the school at least six times each school year.

26 (m) A plan to provide, at the time of a student's enrollment, written notice to the sponsor and,  
27 if different, to the school district where the student is a resident. Notification must be provided  
28 within 10 days after enrollment and must include:

29 (A) The name, age and address of the student; and

30 (B) The name of the school in which the student was formerly enrolled.

31 (n) A plan to provide, at the time of a student's withdrawal for a reason other than graduation  
32 from high school, written notice to the sponsor and, if different, to the school district where the  
33 student is a resident. Notification must be provided within 10 days after withdrawal and must in-  
34 clude:

35 (A) The name, age and address of the student;

36 (B) The reason the student no longer is enrolled and, if applicable, the name of the school in  
37 which the student will enroll, if known to the virtual public charter school; and

38 (C) The last day on which the student was enrolled at the virtual public charter school.

39 (o) An agreement to provide a student's education records to the student's resident school dis-  
40 trict or to the sponsor, upon request of the resident school district or sponsor.

41 (2) For a virtual public charter school:

42 (a) A person who is a member of the school district board for the sponsor of the virtual public  
43 charter school may not be:

44 (A) An employee of the virtual public charter school;

45 (B) A member of the governing body of the virtual public charter school; or

1 (C) An employee or other representative of any third-party entity with which the virtual public  
2 charter school has entered into a contract to provide educational services.

3 (b) A person who is a member of the governing body of the virtual public charter school may  
4 not be an employee of a third-party entity with which the virtual public charter school has entered,  
5 or intends to enter, into a contract to provide educational services.

6 (3) If a virtual public charter school enters into a contract with a third-party entity to provide  
7 educational services for the virtual public charter school:

8 (a) No employee or member of the governing board of the third-party entity may attend an  
9 executive session of the school district board of the school district that is the sponsor of the virtual  
10 public charter school;

11 (b) An employee of the virtual public charter school may not promote the sale or benefits of  
12 private supplemental services or classes offered by the third-party entity;

13 (c) The educational services provided by the third-party entity must be consistent with state  
14 standards and requirements, and must be changed on the same timelines that changes are imposed  
15 on the nonvirtual public charter schools of this state; and

16 (d) The virtual public charter school must have on file the third-party entity's budget for the  
17 provision of educational services and that budget must itemize:

18 (A) The salaries of supervisory and management personnel and consultants who are providing  
19 educational or related services for a public charter school in this state; and

20 (B) The annual operating expenses and profit margin of the third-party entity for providing ed-  
21 ucational services to a public charter school in this state.

22 (4)(a) The sponsor or a member of the public may request access to any of the documents de-  
23 scribed in subsections (1) and (3)(d) of this section that are public records, as provided by ORS  
24 192.410 to 192.505.

25 (b) Upon request by a sponsor or a member of the public, a virtual public charter school must  
26 provide reasonable access to the documents described in subsections (1) and (3)(d) of this section  
27 that are public records, as provided by ORS 192.410 to 192.505. The documents may be provided  
28 electronically.

29 **SECTION 5. This 2017 Act being necessary for the immediate preservation of the public**  
30 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**  
31 **July 1, 2017.**

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