

Requested by HOUSE COMMITTEE ON EDUCATION

**PROPOSED AMENDMENTS TO
HOUSE BILL 2246**

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating
2 new provisions; amending sections 2, 3, 5, 6, 7, 8, 12 and 16, chapter 1, Oregon
3 Laws 2017 (Ballot Measure 98 (2016));”.

4 Delete lines 5 through 30 and delete page 2 and insert:

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

7 **“Sec. 2. (1)** The High School Graduation and College and Career Read-
8 iness Fund is established in the **State Treasury, separate and distinct**
9 **from the** General Fund, for the purposes of improving the graduation rates
10 and college and career readiness of all high school students in Oregon. **In-**
11 **terest earned by the High School Graduation and College and Career**
12 **Readiness Fund shall be credited to the General Fund.**

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

17 **“(b)** The Department of Education, on behalf of the State of Oregon,
18 may solicit and accept gifts, grants, donations and other moneys from
19 public and private sources for the purposes of sections 2 to 16, chapter
20 1, Oregon Laws 2017 (Ballot Measure 98 (2016)). Moneys received under
21 this paragraph shall be deposited in the High School Graduation and

1 **College and Career Readiness Fund.**

2 “(3) The **High School Graduation and College and Career Readiness**
3 Fund is continuously appropriated to the Department of Education for the
4 purposes of sections 2 to 16, **chapter 1, Oregon Laws 2017 (Ballot Measure**
5 **98 (2016))** [*of this 2016 Act*].

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

8 “**Sec. 3.** (1)(a) Subject to sections 10 and 14, **chapter 1, Oregon Laws**
9 **2017 (Ballot Measure 98 (2016))**, [*of this 2016 Act*,] for school years begin-
10 ning on or after July 1, 2017, the High School Graduation and College and
11 Career Readiness Fund shall be apportioned to each school district based on
12 the extended weighted average daily membership of high school students
13 computed:

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

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

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

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

29 “(2)(a) For school years beginning on or after July 1, 2018, the amount
30 appropriated, allocated or otherwise made available to the fund under section

1 2, **chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016))**, [*of this 2016*
2 *Act*] shall be increased each school year in a biennium by the amount derived
3 from the application of the process in Executive Order 14-14 used to calculate
4 the cost to maintain the current level of service.

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

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

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

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

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

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

25 **“Sec. 6. (1)** A school district shall use a portion of the amount appor-
26 tioned under section 3, **chapter 1, Oregon Laws 2017 (Ballot Measure 98**
27 **(2016))**, [*of this 2016 Act*] to establish [*and*] **or** expand college-level educa-
28 tional opportunities for students in high schools.

29 **“(2) For purposes of this section,** the college-level educational oppor-
30 tunities must include:

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

3 “(B) Dual credit[, *co-enrollment programs or extended co-enrollment pro-*
4 *grams*] **and other accelerated college credit programs** offered in con-
5 junction with an Oregon community college, public university or other
6 accredited institutions of higher learning or post-high school career schools;

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

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

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

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

17 “**Sec. 7.** (1) A school district shall use a portion of the amount appor-
18 tioned under section 3, **chapter 1, Oregon Laws 2017 (Ballot Measure 98**
19 **(2016)),** [*of this 2016 Act*] to establish [*and*] **or** expand dropout-prevention
20 strategies in all high schools.

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

23 “(a) Implementing activities designed to reduce chronic absenteeism;

24 “(b) Establishing and maintaining data management systems that provide
25 timely reports on students’ grades, absences and discipline by school and by
26 course;

27 “(c) Beginning with grade 8, using attendance, course grades, credits
28 earned and disciplinary referrals to identify students at risk of not graduat-
29 ing;

30 “(d) Beginning in the summer after grade 8, providing academic and social

1 supports for students at risk of not graduating to ensure that the students
2 are on track to graduate by the time the students enter grade 10 and stay
3 on track to graduate after entering grade 10, including such supports as
4 summer programs, additional instructional time before and after school
5 hours, tutoring or small-group instruction during the school day or coun-
6 seling services; and

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

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

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

15 “**Sec. 8.** (1) A school district must use the amount apportioned under
16 section 3, **chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016))**, [*of this*
17 *2016 Act*] to establish [*and*] **or** expand programs, opportunities and strategies
18 under sections 5, 6 and 7, **chapter 1, Oregon Laws 2017 (Ballot Measure**
19 **98 (2016))**, [*of this 2016 Act*] and may not use the amount apportioned to
20 maintain programs, opportunities and strategies established prior to [*the ef-*
21 *fective date of this 2016 Act*] **December 8, 2016**, except when a use is neces-
22 sary to replace the loss or expiration of time-limited grants[,] **or** federal
23 funds [*and funds that support extended co-enrollment programs in effect prior*
24 *to the effective date of this 2016 Act*].

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

28 “(A) **If a school district receives less than \$100,000 for the school**
29 **year from an apportionment made under section 3, chapter 1, Oregon**
30 **Laws 2017 (Ballot Measure 98 (2016)), the school district may use all**

1 of the funds for any one of the purposes described in section 5, 6 or
2 7, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)).

3 “(B) If a school district receives \$100,000 or more but less than
4 \$350,000 for the school year from an apportionment made under section
5 3, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)), the school
6 district must use a portion of the funds for the purpose described in
7 section 5, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)), and
8 a portion of the funds for a purpose described in section 6 or 7, chapter
9 1, Oregon Laws 2017 (Ballot Measure 98 (2016)).

10 “(C) If a school district receives \$350,000 or more for the school year
11 from an apportionment made under section 3, chapter 1, Oregon Laws
12 2017 (Ballot Measure 98 (2016)), the school district must use a portion
13 of the funds for all three of the purposes described in sections 5, 6 and
14 7, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)).

15 “(b) Notwithstanding paragraph (a) of this subsection, if a school
16 district receives an apportionment for the second school year of a
17 biennium that is greater than the apportionment for the first school
18 year of the biennium and the increase would affect the portion of
19 moneys the school district is required to use for the purposes described
20 in sections 5, 6 and 7, chapter 1, Oregon Laws 2017 (Ballot Measure 98
21 (2016)), as described in paragraph (a) of this subsection, the school
22 district is not required to change the portions that the school district
23 uses for the purposes of sections 5, 6 and 7, chapter 1, Oregon Laws
24 2017 (Ballot Measure 98 (2016)), for the second school year of the
25 biennium.

26 “(c) Nothing in this subsection prohibits a school district receiving
27 an apportionment as described in paragraph (a)(A) or (B) of this sub-
28 section from using any portion of the apportionment for more pur-
29 poses than what is described in paragraph (a)(A) or (B) of this
30 subsection.

1 **“(3) Notwithstanding the requirements in sections 5, 6, 7 and 15 (3),**
2 **chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)), that appor-**
3 **tionments made under section 3, chapter 1, Oregon Laws 2017 (Ballot**
4 **Measure 98 (2016)), be used for career and technical education pro-**
5 **grams in high schools, college-level educational opportunities for stu-**
6 **dents in high schools and dropout-prevention strategies in high**
7 **schools, a school district may use up to 15 percent of the apportion-**
8 **ments the school district receives, after deducting any amounts used**
9 **for administrative costs under section 15, chapter 1, Oregon Laws 2017**
10 **(Ballot Measure 98 (2016)), for programs, opportunities and strategies**
11 **for students in eighth grade. The use of apportionments under this**
12 **subsection must comply with the distribution requirements described**
13 **in subsection (2) of this section.**

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

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

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

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

26 **“[(3)] (4) When establishing [and] or expanding [career-technical] career**
27 **and technical** education programs and college-level educational opportu-
28 nities, school districts may, and are encouraged to, give preference to pro-
29 grams and opportunities in science, technology, engineering and
30 mathematics.

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

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

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

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

13 **“(A) A district needs assessment and an explanation of how the**
14 **establishment or expansion of career and technical education pro-**
15 **grams, college-level educational opportunities or dropout-prevention**
16 **strategies addresses those needs.**

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

21 **“(C) The four-year plan of the school district relating to the estab-**
22 **lishment or expansion of career and technical education programs,**
23 **college-level educational opportunities and dropout-prevention strate-**
24 **gies, as provided by section 8, chapter 1, Oregon Laws 2017 (Ballot**
25 **Measure 98 (2016)).**

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

28 **“[(a)] (A) [A school district’s providing] Provide** sufficient time for
29 teachers and staff of students in grade 9 to review data on students’ grades,
30 absences and discipline by school and by course and to develop strategies to

1 ensure at-risk students stay on track to graduate;

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

5 “[*(c)*] **(C)** [*A school district’s assignment of*] **Assign** high school students
6 to advanced and dual-credit courses based on academic qualifications in or-
7 der to avoid bias in course assignments; and

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

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

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

23 **“(B) Cooperate, coordinate or act jointly with nonprofit programs**
24 **and community-based organizations that have demonstrated achieve-**
25 **ment of positive outcomes in work with underserved student popu-**
26 **lations;**

27 **“(C) Consult with federally recognized Oregon Indian tribes, as re-**
28 **quired by rule of the State Board of Education; and**

29 **“(D) Use evidence-based criteria to determine appropriate staffing**
30 **ratios and class sizes to achieve the purposes of the fund and to max-**

1 imize benefits from apportionments under section 3, chapter 1, Oregon
2 Laws 2017 (Ballot Measure 98 (2016)).

3 **“SECTION 8.** Notwithstanding the requirement for a biennial plan
4 under section 13, chapter 1, Oregon Laws 2017 (Ballot Measure 98
5 (2016)), and any rules adopted by the State Board of Education related
6 to biennial plans under section 12, chapter 1, Oregon Laws 2017 (Ballot
7 Measure 98 (2016)), plans submitted for school years beginning on or
8 after July 1, 2018, but before July 1, 2021, shall describe the school
9 district’s plans for using amounts apportioned under section 3, chapter
10 1, Oregon Laws 2017 (Ballot Measure 98 (2016)), for each school year for
11 which apportionments are sought and that are prior to the school year
12 that begins July 1, 2021.

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

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

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

18 “(1) [*As used in sections 7 and 12 of this 2016 Act,*] ‘Chronic
19 absenteeism’ means a [*student’s missing two weeks or more in*] **student has**
20 **missed 10 percent or more of school days, including excused, nonex-**
21 **cused and disciplinary exclusion, within** a school year.

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

26 “[*(3) As used in this section and sections 6 and 8 of this 2016 Act,* ‘Ex-
27 tended co-enrollment program’ means a program in which a student who has
28 satisfied the requirements for a diploma established by the State Board of
29 Education under ORS 329.451:]

30 “[*(a) Does not receive a diploma;*]

1 “[(b) *Remains enrolled at a school district;*]

2 “[(c) *Attends a community college for at least half of the student’s*
3 *coursework; and*]

4 “[(d) *Has some or all of the student’s tuition, fees and books for coursework*
5 *at the community college paid by the school district where the student is en-*
6 *rolled.*]

7 “[(4)] **(3)** [*As used in sections 3 and 12 of this 2016 Act,*] ‘High school
8 student’ means a student enrolled in grades 9 through 12 or age level
9 equivalent.

10 “[(5)] **(4)** [*As used in section 11 of this 2016 Act,*] ‘Program audit’ means
11 determining:

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

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

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

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

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

22 “[(6)] **(5)** [*As used in sections 2 to 16 of this 2016 Act,*] ‘School district’
23 means:

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

25 “(b) **The Oregon School for the Deaf; and**

26 “(c) **An educational program under the Youth Corrections Educa-**
27 **tion Program or the Juvenile Detention Education Program, as those**
28 **terms are defined in ORS 326.695.**

29 “**SECTION 11. This 2017 Act being necessary for the immediate**
30 **preservation of the public peace, health and safety, an emergency is**

1 **declared to exist, and this 2017 Act takes effect on its passage.”.**

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