

Requested by JOINT COMMITTEE ON STUDENT SUCCESS

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3427**

1 In line 2 of the printed bill, before the period insert “; creating new pro-  
2 visions; amending ORS 327.008, 327.527, 327.535, 329.095, 417.790 and 417.847;  
3 and prescribing an effective date”.

4 Delete lines 4 through 8 and insert:  
5

6 **“FUND FOR STUDENT SUCCESS**  
7

8 **“SECTION 1. Section 2 of this 2019 Act is added to and made a part**  
9 **of ORS chapter 327.**

10 **“SECTION 2. Fund for Student Success; transfers to accounts. (1)**  
11 **The Fund for Student Success is established in the State Treasury,**  
12 **separate and distinct from the General Fund.**

13 **“(2) The Fund for Student Success shall consist of moneys appro-**  
14 **priated by the Legislative Assembly and moneys received as provided**  
15 **in subsection (3) of this section.**

16 **“(3) The Department of Education, on behalf of the State of Oregon,**  
17 **may solicit and accept gifts, grants, donations and other moneys from**  
18 **public and private sources for the Fund for Student Success. Moneys**  
19 **received as provided in this subsection shall be deposited into the Fund**  
20 **for Student Success.**

21 **“(4) Moneys in the Fund for Student Success are continuously ap-**

1 **propriated to the department for:**

2 **“(a) Transfer to the State School Fund in the amount calculated**  
3 **by the Legislative Fiscal Officer and the Legislative Revenue Officer**  
4 **to be the sum of:**

5 **“(A) At least \$40 million, for the purpose of a transfer under ORS**  
6 **327.008 (11) to the High Cost Disabilities Account established in ORS**  
7 **327.348; and**

8 **“(B) The amount of change in General Fund revenue to be collected**  
9 **in the biennium due to sections XXX to YYY of this 2019 Act.**

10 **“(b) Of the amount remaining in the Fund for Student Success after**  
11 **the transfer prescribed by paragraph (a) of this subsection, transfer**  
12 **to other education accounts as follows:**

13 **“(A) At least 50 percent to the School District Investment Account**  
14 **established in section 8 of this 2019 Act.**

15 **“(B) Up to 30 percent to the Statewide Education Initiatives Ac-**  
16 **count established in section 21 of this 2019 Act.**

17 **“(C) At least 20 percent to the Early Learning Account established**  
18 **in section 48 of this 2019 Act.**

19 **“SECTION 3. (1) In addition to and not in lieu of the transfer under**  
20 **section 2 of this 2019 Act, for the biennium beginning July 1, 2019, the**  
21 **Department of Education shall transfer from the Fund for Student**  
22 **Success to the State School Fund an amount that equals \$200 million.**

23 **“(2) Notwithstanding section 2 (4)(a) of this 2019 Act, for the**  
24 **biennium beginning July 1, 2019, the amount the Department of Edu-**  
25 **cation shall transfer from the Fund for Student Success to the State**  
26 **School Fund for the purpose of a transfer under ORS 327.008 (11) to the**  
27 **High Cost Disabilities Account established in ORS 327.348 shall be \$20**  
28 **million.**

29

30

**“STATE SCHOOL FUND**

1       **“SECTION 4.** ORS 327.008, as amended by section 22, chapter 639, Oregon  
2 Laws 2017, and section 5, chapter 700, Oregon Laws 2017, is amended to read:

3       “327.008. (1)(a) There is established a State School Fund in the General  
4 Fund.

5       “(b) The Department of Education, on behalf of the State of Oregon, may  
6 solicit and accept gifts, grants, donations and other moneys from public and  
7 private sources for the State School Fund. Moneys received as provided in  
8 this paragraph shall be deposited into the State School Fund.

9       “(c) The State School Fund shall consist of moneys appropriated by the  
10 Legislative Assembly, **moneys transferred from the Fund for Student**  
11 **Success**, moneys transferred from the Education Stability Fund and the  
12 Oregon Marijuana Account and moneys received as provided in paragraph  
13 (b) of this subsection.

14       “(d) The State School Fund is continuously appropriated to the Depart-  
15 ment of Education for the purposes of ORS 327.006 to 327.077, 327.095,  
16 327.099, 327.101, 327.125, 327.137, 327.348, 336.575, 336.580, 336.635, 343.243,  
17 343.533, 343.941 and 343.961 and sections 1 to 3, chapter 735, Oregon Laws  
18 2013.

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

24       “(3) For the first school year after a public charter school ceases to op-  
25 erate because of dissolution or closure or because of termination or  
26 nonrenewal of a charter, there shall be apportioned from the State School  
27 Fund to each school district that had sponsored a public charter school that  
28 ceased to operate an amount equal to the school district’s general purpose  
29 grant per extended ADMw multiplied by five percent of the ADM of the  
30 public charter school for the previous school year.

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

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

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

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

11 “(8) The total amount of the State School Fund that is distributed as fa-  
12 cility grants may not exceed \$7 million in any biennium. If the total amount  
13 to be distributed as facility grants exceeds this limitation, the Department  
14 of Education shall prorate the amount of funds available for facility grants  
15 among those school districts that qualified for a facility grant. If the total  
16 amount to be distributed as facility grants does not exceed this limitation,  
17 any remaining amounts shall be expended for expenses incurred by the Office  
18 of School Facilities as provided in ORS 326.125 (1).

19 “(9) Each biennium, the Department of Education may expend from the  
20 State School Fund no more than \$6 million for expenses incurred by the Of-  
21 fice of School Facilities under ORS 326.125 (2) to (6).

22 “(10) Each fiscal year, the Department of Education shall transfer to the  
23 Pediatric Nursing Facility Account established in ORS 327.022 the amount  
24 necessary to pay the costs of educational services provided to students ad-  
25 mitted to pediatric nursing facilities as provided in ORS 343.941.

26 “(11) Each fiscal year, the Department of Education shall transfer the  
27 amount of \$35 million from the State School Fund to the High Cost Disa-  
28 bilities Account established in ORS 327.348.

29 “(12)(a) Each biennium, the Department of Education shall transfer \$39.5  
30 million from the State School Fund to the Educator Advancement Fund es-

1 tablished under ORS 342.953.

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

3 “(A) The total amount available for all distributions from the State  
4 School Fund shall be reduced by \$6 million;

5 “(B) The amount distributed to school districts from the State School  
6 Fund under this section and ORS 327.013 shall be reduced by \$16.75 million;  
7 and

8 “(C) The amount distributed to education service districts from the State  
9 School Fund under this section and ORS 327.019 shall be reduced by \$16.75  
10 million.

11 “(c) For each biennium, the amounts identified in this subsection shall  
12 be adjusted by the same percentage by which the instructions furnished to  
13 state agencies by the Governor under ORS 291.204 direct the state agencies  
14 to adjust their agency budget requests for special payments under ORS  
15 291.216 (6)(a)(C).

16 “(13) Each biennium, the Department of Education shall transfer \$12.5  
17 million from the State School Fund to the Statewide English Language  
18 Learner Program Account established under ORS 327.344.

19 “(14) Each fiscal year, the Department of Education may expend up to  
20 \$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 “(15) Each biennium, the Department of Education may expend up to  
25 \$350,000 from the State School Fund to provide administration of and support  
26 for the development of talented and gifted education under ORS 343.404.

27 “(16) Each biennium, the Department of Education may expend up to  
28 \$150,000 from the State School Fund for the administration of a program to  
29 increase the number of speech-language pathologists and speech-language  
30 pathology assistants under ORS 348.394 to 348.406.

1       “(17) Each fiscal year, the Department of Education shall transfer the  
2 amount of \$2.5 million from the State School Fund to the Small School Dis-  
3 trict Supplement Fund established in section 3, chapter 735, Oregon Laws  
4 2013.

5       “(18) Each biennium, the Department of Education shall transfer \$2  
6 million from the State School Fund for deposit to the Healthy School Facil-  
7 ities Fund established under ORS 332.337. Notwithstanding ORS 332.337, the  
8 department may expend moneys received in the Healthy School Facilities  
9 Fund under this subsection only as grants for costs associated with testing  
10 for elevated levels of lead in water used for drinking or food preparation.

11       “**SECTION 5.** ORS 327.008, as amended by section 7, chapter 735, Oregon  
12 Laws 2013, section 7, chapter 81, Oregon Laws 2014, section 2, chapter 68,  
13 Oregon Laws 2015, section 38, chapter 245, Oregon Laws 2015, section 2,  
14 chapter 555, Oregon Laws 2015, section 11, chapter 604, Oregon Laws 2015,  
15 section 2, chapter 644, Oregon Laws 2015, section 8, chapter 783, Oregon  
16 Laws 2015, sections 22 and 23, chapter 639, Oregon Laws 2017, sections 5 and  
17 6, chapter 700, Oregon Laws 2017, and section 34, chapter 725, Oregon Laws  
18 2017, is amended to read:

19       “327.008. (1)(a) There is established a State School Fund in the General  
20 Fund.

21       “(b) The Department of Education, on behalf of the State of Oregon, may  
22 solicit and accept gifts, grants, donations and other moneys from public and  
23 private sources for the State School Fund. Moneys received as provided in  
24 this paragraph shall be deposited into the State School Fund.

25       “(c) The State School Fund shall consist of moneys appropriated by the  
26 Legislative Assembly, **moneys transferred from the Fund for Student**  
27 **Success**, moneys transferred from the Education Stability Fund and the  
28 Oregon Marijuana Account and moneys received as provided in paragraph  
29 (b) of this subsection.

30       “(d) The State School Fund is continuously appropriated to the Depart-

1 ment of Education for the purposes of ORS 327.006 to 327.077, 327.095,  
2 327.099, 327.101, 327.125, 327.137, 327.348, 336.575, 336.580, 336.635, 343.243,  
3 343.533, 343.941 and 343.961.

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

9 “(3) For the first school year after a public charter school ceases to op-  
10 erate because of dissolution or closure or because of termination or  
11 nonrenewal of a charter, there shall be apportioned from the State School  
12 Fund to each school district that had sponsored a public charter school that  
13 ceased to operate an amount equal to the school district’s general purpose  
14 grant per extended ADMw multiplied by five percent of the ADM of the  
15 public charter school for the previous school year.

16 “(4) There shall be apportioned from the State School Fund to each edu-  
17 cation service district a State School Fund grant as calculated under ORS  
18 327.019.

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

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

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

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

1 amount to be distributed as facility grants does not exceed this limitation,  
2 any remaining amounts shall be expended for expenses incurred by the Office  
3 of School Facilities as provided in ORS 326.125 (1).

4 “(9) Each biennium, the Department of Education may expend from the  
5 State School Fund no more than \$6 million for expenses incurred by the Of-  
6 fice of School Facilities under ORS 326.125 (2) to (6).

7 “(10) Each fiscal year, the Department of Education shall transfer to the  
8 Pediatric Nursing Facility Account established in ORS 327.022 the amount  
9 necessary to pay the costs of educational services provided to students ad-  
10 mitted to pediatric nursing facilities as provided in ORS 343.941.

11 “(11) Each fiscal year, the Department of Education shall transfer the  
12 amount of [~~\$35~~] **\$55** million from the State School Fund to the High Cost  
13 Disabilities Account established in ORS 327.348.

14 “(12)(a) Each biennium, the Department of Education shall transfer \$39.5  
15 million from the State School Fund to the Educator Advancement Fund es-  
16 tablished under ORS 342.953.

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

18 “(A) The total amount available for all distributions from the State  
19 School Fund shall be reduced by \$6 million;

20 “(B) The amount distributed to school districts from the State School  
21 Fund under this section and ORS 327.013 shall be reduced by \$16.75 million;  
22 and

23 “(C) The amount distributed to education service districts from the State  
24 School Fund under this section and ORS 327.019 shall be reduced by \$16.75  
25 million.

26 “(c) For each biennium, the amounts identified in this subsection shall  
27 be adjusted by the same percentage by which the instructions furnished to  
28 state agencies by the Governor under ORS 291.204 direct the state agencies  
29 to adjust their agency budget requests for special payments under ORS  
30 291.216 (6)(a)(C).



1 “(13) Each biennium, the Department of Education shall transfer \$12.5  
2 million from the State School Fund to the Statewide English Language  
3 Learner Program Account established under ORS 327.344.

4 “(14) Each fiscal year, the Department of Education may expend up to  
5 \$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 “(15) Each biennium, the Department of Education may expend up to  
10 \$350,000 from the State School Fund to provide administration of and support  
11 for the development of talented and gifted education under ORS 343.404.

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

16 “(17) Each biennium, the Department of Education shall transfer \$2  
17 million from the State School Fund for deposit to the Healthy School Facil-  
18 ities Fund established under ORS 332.337. Notwithstanding ORS 332.337, the  
19 department may expend moneys received in the Healthy School Facilities  
20 Fund under this subsection only as grants for costs associated with testing  
21 for elevated levels of lead in water used for drinking or food preparation.

22 **“SECTION 6. (1) The amendments to ORS 327.008 by section 5 of this**  
23 **2019 Act become operative on July 1, 2020.**

24 **“(2) The amendments to ORS 327.008 by section 5 of this 2019 Act**  
25 **apply to State School Fund distributions commencing with the**  
26 **2020-2021 distributions.**

27

28

**“SCHOOL DISTRICT INVESTMENT ACCOUNT**

29

30 **“SECTION 7. Sections 8 to 17 of this 2019 Act are added to and made**

1 a part of ORS chapter 327.

2 **“SECTION 8. School District Investment Account.** (1) The School  
3 District Investment Account is established within the Fund for Stu-  
4 dent Success.

5 **“(2) The School District Investment Account shall consist of:**

6 **“(a) Moneys transferred to the account from the Fund for Student**  
7 **Success;**

8 **“(b) Moneys appropriated or otherwise transferred to the account**  
9 **by the Legislative Assembly;**

10 **“(c) Amounts donated to the account; and**

11 **“(d) Other amounts deposited into the account from any source.**

12 **“(3) The Department of Education, on behalf of the State of Oregon,**  
13 **may solicit and accept gifts, grants, donations and other moneys from**  
14 **public and private sources for the School District Investment Account.**  
15 **Moneys received as provided in this subsection shall be deposited into**  
16 **the School District Investment Account.**

17 **“(4) Moneys in the School District Investment Account are contin-**  
18 **uously appropriated to the Department of Education for the purposes**  
19 **of distributing grants under section 12 of this 2019 Act.**

20 **“SECTION 9. Allowed uses of grants from School District Invest-**  
21 **ment Account.** (1) In addition to those moneys distributed through the  
22 State School Fund, the Department of Education shall award grants  
23 from the School District Investment Account. Grants shall be distrib-  
24 uted as provided under section 12 of this 2019 Act.

25 **“(2) The purposes of grants distributed under section 12 of this 2019**  
26 **Act shall be to:**

27 **“(a) Meet students’ mental or behavioral health needs; and**

28 **“(b) Increase academic achievement for students, including reduc-**  
29 **ing academic disparities for:**

30 **“(A) Economically disadvantaged students, as determined based on**

1 eligibility for free or reduced price lunches under the United States  
2 Department of Agriculture’s current Income Eligibility Guidelines;

3 “(B) Students from racial or ethnic groups that have historically  
4 experienced academic disparities, as determined under rules adopted  
5 by the State Board of Education;

6 “(C) Students with disabilities;

7 “(D) Students who are English language learners;

8 “(E) Students who are foster children, as defined in ORS 30.297;

9 “(F) Students who are homeless, as determined under rules adopted  
10 by the State Board of Education; and

11 “(G) Any other student groups that have historically experienced  
12 academic disparities, as determined by the State Board of Education  
13 by rule.

14 “(3) Grant moneys received under section 12 of this 2019 Act may  
15 be used by a grant recipient only for:

16 “(a) Increasing instructional time, which may include:

17 “(A) More hours or days of instructional time;

18 “(B) Summer programs;

19 “(C) Before-school or after-school programs; or

20 “(D) Technological investments that minimize class time used for  
21 assessments administered to students.

22 “(b) Addressing students’ health or safety needs, which may in-  
23 clude:

24 “(A) Social-emotional learning and development;

25 “(B) Student mental and behavioral health;

26 “(C) Improvements to teaching and learning practices or organiza-  
27 tional structures that lead to better interpersonal relationships at the  
28 school;

29 “(D) Student health and wellness;

30 “(E) Trauma-informed practices;

1       **“(F) School health professionals and assistants; or**

2       **“(G) Facility improvements directly related to improving student**  
3 **health or safety.**

4       **“(c) Reducing class sizes, which may include increasing the use of**  
5 **instructional assistants, by using evidence-based criteria to ensure**  
6 **appropriate student-teacher ratios or staff caseloads.**

7       **“(d) Expanding availability of and student participation in well-**  
8 **rounded learning experiences, which may include:**

9       **“(A) Developmentally appropriate and culturally responsive early**  
10 **literacy practices and programs in prekindergarten through third**  
11 **grade;**

12       **“(B) Culturally responsive practices and programs in grades six**  
13 **through eight, including learning, counseling and student support that**  
14 **is connected to colleges and careers;**

15       **“(C) Broadened curricular options at all grade levels, including ac-**  
16 **cess to:**

17       **“(i) Art, music and physical education classes;**

18       **“(ii) Science, technology, engineering and mathematics education;**

19       **“(iii) Career and technical education;**

20       **“(iv) Electives that are engaging to students;**

21       **“(v) Accelerated college credit programs, including dual credit pro-**  
22 **grams, International Baccalaureate programs and advanced placement**  
23 **programs;**

24       **“(vi) Dropout prevention programs and transition supports;**

25       **“(vii) Life skills classes; or**

26       **“(viii) Talented and gifted programs; or**

27       **“(D) Access to licensed educators with a library media endorsement.**

28       **“SECTION 10. Application requirements to receive grants from**  
29 **School District Investment Account. (1) As used in this section, ‘eli-**  
30 **gible applicant’ means:**

1       “(a) Common school districts and union high school districts; and  
2       “(b) Public charter schools that are not virtual public charter  
3 schools, as defined in ORS 338.005, and that have a student population  
4 of which:

5       “(A) At least 35 percent of the student population is composed of  
6 students from the following student groups:

7       “(i) Economically disadvantaged, as described in section 9 (2)(b)(A)  
8 of this 2019 Act; or

9       “(ii) Racial or ethnic groups that have historically experienced ac-  
10 ademic disparities, as described in section 9 (2)(b)(B) of this 2019; and

11       “(B) The percentage of the students from student groups identified  
12 under subparagraph (A) of this paragraph is greater than:

13       “(i) The percentage of all residents in the school district who are  
14 economically disadvantaged, if eligibility is determined based on the  
15 percentage of students who are economically disadvantaged; or

16       “(ii) The percentage of all residents in the school district who are  
17 from racial or ethnic groups that have historically experienced aca-  
18 demic disparities, if eligibility is determined based on the percentage  
19 of students who are from those racial or ethnic groups.

20       “(2)(a) Eligible applicants may apply for a grant from the School  
21 District Investment Account to receive a distribution under section 12  
22 of this 2019 Act.

23       “(b) Notwithstanding ORS 338.155 (9), a public charter school that  
24 is not an eligible applicant may not apply for a grant under this sec-  
25 tion.

26       “(3)(a) Prior to preparing a grant application, an eligible applicant  
27 must:

28       “(A) If the eligible applicant is a school district, determine whether  
29 the school district will allow public charter schools sponsored by the  
30 school district to participate in the grant application and the grant

1 agreement.

2 “(B) If the eligible applicant is a public charter school, determine  
3 whether the public charter school intends to apply for a grant and  
4 provide notice of that intent to the school district that is the sponsor  
5 of the public charter school and to the Department of Education.

6 “(4)(a) If an eligible applicant is a school district and decides to in-  
7 clude public charter schools in the grant application and grant agree-  
8 ment, the school district must provide all public charter schools  
9 sponsored by the school district the opportunity to participate in the  
10 grant application and grant agreement.

11 “(b)(A) A public charter school is not required to participate in the  
12 grant application and grant agreement of a school district.

13 “(B) If a public charter school does not participate in a grant ap-  
14 plication and grant agreement under this subsection:

15 “(i) The ADMw of the public charter school may not be used in the  
16 calculation of the school district ADMw for grants distributed under  
17 section 12 of this 2019 Act; and

18 “(ii) The public charter school is not entitled to any grant moneys  
19 distributed under section 12 of this 2019 Act.

20 “(C) If a public charter school participates in a grant application  
21 and grant agreement under this subsection:

22 “(i) The public charter school and school district shall enter into  
23 an agreement for the distribution of moneys or the provision of ser-  
24 vices, including any accountability measures required of the public  
25 charter school by the school district.

26 “(ii) The ADMw of the public charter school shall be used in the  
27 calculation of the school district ADMw for grants distributed under  
28 section 12 of this 2019 Act; and

29 “(iii) The public charter school is entitled to any grant moneys or  
30 services provided for in the agreement entered into under this sub-

1 paragraph.

2 “(5)(a) For the purpose of preparing a grant application, an eligible  
3 applicant must determine:

4 “(A) Which of the allowed uses identified in section 9 (3) of this 2019  
5 Act the eligible applicant will fund with grant moneys; and

6 “(B) Which of the eligible uses identified under paragraph (a) of this  
7 subsection the eligible applicant will designate to meeting student  
8 mental and behavioral health needs.

9 “(b) An eligible applicant shall make the determinations required  
10 under paragraph (a) of this subsection by:

11 “(A) Engaging in strategic planning; and

12 “(B) Considering the recommendations of the Quality Education  
13 Commission established under ORS 327.500.

14 “(6)(a) The strategic planning required under subsection (5) of this  
15 section must include:

16 “(A) A completed needs assessment, as described in ORS 329.095;

17 “(B) An analysis of the potential academic impact, both for the  
18 students of the eligible applicant and for student groups identified in  
19 section 9 (2)(b) of this 2019 Act, from the allowed uses that would be  
20 funded by grant moneys; and

21 “(C) The creation of budgets for the allowed uses that would be  
22 funded by grant moneys.

23 “(b) The strategic planning required under subsection (5) of this  
24 section must take into consideration:

25 “(A) Input from the community of the eligible applicant, including  
26 school employees, students from student groups identified in section  
27 9 (2)(b) of this 2019 Act and parents of those students; and

28 “(B) Data collected by the eligible applicant to enable the eligible  
29 applicant to make equity-based decisions.

30 “(7) Based on the strategic planning described in subsection (6) of

1 this section, the eligible applicant shall develop a four-year plan for  
2 the use of grant moneys. The plan must be updated every two years  
3 and must:

4 “(a) Identify which allowed uses identified in section 9 (3) of this  
5 2019 Act will be funded with grant moneys and which of those uses  
6 will be designated to meet student mental and behavioral health needs.

7 “(b) Describe how the allowed uses identified under paragraph (a)  
8 of this subsection will be used to:

9 “(A) Meet students’ mental and behavioral health needs;

10 “(B) Increase academic achievement for students of the eligible  
11 applicant; and

12 “(C) Reduce academic disparities for student groups identified in  
13 section 9 (2)(b) of this 2019 Act who are served by the eligible applicant,  
14 and identify which of those student groups will benefit from the al-  
15 lowed uses that are being funded with grant moneys.

16 “(c) Include the budgets for the allowed uses to be funded with  
17 grant moneys.

18 “(d) Be approved by the governing body of the eligible applicant at  
19 an open meeting, following:

20 “(A) Provision of the plan at the main office of the eligible appli-  
21 cant and on the eligible applicant’s website;

22 “(B) Oral presentation of the plan by an administrator of the eligi-  
23 ble applicant to the governing body of the eligible applicant; and

24 “(C) Opportunity for the public to comment on the plan at an open  
25 meeting.

26 “(e) Be a part of the local district continuous improvement plan  
27 described in ORS 329.095, if the eligible applicant is a school district.

28 “(8) To apply for a grant, an eligible applicant must submit an ap-  
29 plication every two years in a format and according to timelines pre-  
30 scribed by the Department of Education. The application must include:



- 1       “(a) A completed needs assessment, as described in ORS 329.095;  
2       “(b) The plan developed under subsection (7) of this section; and  
3       “(c) Budget estimates for each of the allowed uses identified in the  
4 plan developed under subsection (7) of this section that will be funded  
5 by grant moneys.

6       “SECTION 10a. Notwithstanding section 10 of this 2019 Act, any  
7 plans submitted for a grant from the School District Investment Ac-  
8 count to be used before the 2021-2023 biennium must be for a three-  
9 year plan and must be updated after the first year.

10       “SECTION 11. Approval of applications to receive grants from the  
11 School District Investment Account; performance growth targets. (1)  
12 As used in this section:

13       “(a) ‘Disaggregated’ means separated based on the student groups  
14 identified in section 9 (2)(b) of this 2019 Act.

15       “(b) ‘Five-year completion rate’ means the percentage of students  
16 who received a high school diploma, a modified diploma or an extended  
17 diploma or who received a certificate for passing an approved high  
18 school equivalency test such as the General Educational Development  
19 test (GED) within five years of the student beginning the ninth grade.

20       “(c) ‘High school diploma’ means a diploma that is awarded to a  
21 student upon satisfaction of the requirements prescribed by ORS  
22 329.451 (2).

23       “(d) ‘Ninth-grade on-track rates’ means the percentage of students  
24 who, at the end of the summer following the year the students began  
25 ninth grade, completed one quarter of the credits required for high  
26 school graduation.

27       “(e) ‘On-time graduation rate’ means the percentage of students  
28 who received a high school diploma or a modified diploma within four  
29 years of the students beginning the ninth grade.

30       “(f) ‘Regular attendance rates’ means the percentage of students

1 who are absent, as determined by Department of Education policy, for  
2 less than 10 percent of the school days for which the students are en-  
3 rolled.

4 “(g) ‘Third-grade reading proficiency rate’ means the percentage of  
5 students in the third grade who are determined to be proficient or  
6 above in English language arts, as determined under rules adopted by  
7 the State Board of Education.

8 “(2) The Department of Education shall review all applications for  
9 grants from the School District Investment Account that comply with  
10 the requirements prescribed by section 10 of this 2019 Act.

11 “(3) If an application complies with the requirements of section 10  
12 of this 2019 Act, the department shall collaborate with the grant re-  
13 cipient to develop applicable longitudinal performance growth targets.  
14 The longitudinal performance growth targets must:

15 “(a) Be based on data available for longitudinal analysis;

16 “(b) Compare grant recipient’s longitudinal growth to the longi-  
17 tudinal growth of similar grant recipients;

18 “(c) Be developed based on guidance established by the department;  
19 and

20 “(d) Use the following applicable metrics:

21 “(A) On-time graduation rates and five-year completion rates, in-  
22 cluding:

23 “(i) The overall on-time graduation rate and five-year completion  
24 rate.

25 “(ii) Gaps in disaggregated on-time graduation rates and five-year  
26 completion rates.

27 “(B) Ninth-grade on-track rates, including:

28 “(i) The overall ninth-grade on-track rate.

29 “(ii) Gaps in disaggregated ninth-grade on-track rates.

30 “(C) Third-grade reading proficiency rates, including:

1       “(i) The overall third-grade reading proficiency rate.

2       “(ii) Gaps in disaggregated third-grade reading proficiency rates.

3       “(D) Regular attendance rates, including:

4       “(i) The overall regular attendance rate.

5       “(ii) Gaps in disaggregated regular attendance rates.

6       “(4) In addition to the metrics identified in subsection (3) of this

7 section, other local metrics may be used to develop applicable per-

8 formance growth targets.

9       “(5) When developing performance growth targets, the department

10 and grant recipient shall:

11       “(a) Review disaggregated student data;

12       “(b) Apply a process adopted by the department for the purpose of

13 strategically developing equitable policies and programs; and

14       “(c) Identify which student groups identified in section 9 (2)(b) of

15 this 2019 Act are most at risk of not meeting performance growth

16 targets.

17       “(6)(a) After developing performance growth targets, the depart-

18 ment and grant recipient shall enter into a grant agreement. The

19 grant agreement must include applicable performance growth targets

20 for measuring the academic growth of the students of the grant re-

21 cipient.

22       “(b) A grant agreement is not valid until approved by the governing

23 body of the grant recipient at an open meeting following:

24       “(A) Provision of the plan at the main office of the grant recipient

25 and on the grant recipient’s website;

26       “(B) Oral presentation of the plan by an administrator of the grant

27 recipient to the governing body of the grant recipient; and

28       “(C) Opportunity for the public to comment on the plan at an open

29 meeting.

30       “(7) Any agreements between a public charter school and a grant

1 recipient that is a school district shall become part of the grant  
2 agreement.

3 **“SECTION 12. Calculations of grant amounts; distributions of**  
4 **grants.** (1)(a) Except as provided by paragraph (d) of this subsection,  
5 the amount of a grant awarded from the School District Investment  
6 Account = the grant recipient’s ADMw × (the total amount available  
7 for distribution as grants in each biennium÷ the total ADMw of all  
8 grant recipients).

9 **“(b) For purposes of this subsection and except as provided by par-**  
10 **agraph (c) of this subsection, ADMw equals the ADMw as calculated**  
11 **under ORS 327.013, except that the additional amount allowed for stu-**  
12 **dents who are in poverty families, as determined under ORS 327.013**  
13 **(1)(c)(A)(v)(I), shall be 0.5.**

14 **“(c) When calculating ADMw, the Department of Education shall**  
15 **remove from a school district’s calculation any amounts that are at-**  
16 **tributable to:**

17 **“(A) A virtual public charter school, as defined in ORS 338.005.**

18 **“(B) A public charter school that provided notice of the public**  
19 **charter school’s intent to apply for a grant as an eligible applicant;**  
20 **and**

21 **“(C) A public charter school sponsored by the school district that**  
22 **did not participate in the grant application or grant agreement.**

23 **“(d) The amount of a grant distributed under this section may be**  
24 **adjusted by the department to ensure that:**

25 **“(A) A grant recipient does not receive any moneys for uses that**  
26 **are not allowed uses under section 9 (3) of this 2019 Act.**

27 **“(B) A school district with an ADMw of 50 or less receives a mini-**  
28 **imum grant amount.**

29 **“(2) The State Board of Education shall adopt any rules necessary**  
30 **for the distribution of grants under this section, including establish-**

1 ing:

2 “(a) The minimum grant amounts under subsection (1)(d) of this  
3 section; and

4 “(b) Any percentages and timelines for installment payments and  
5 adjustments of those installment payments.

6 “(3) A grant recipient shall deposit the grant moneys the grant re-  
7 cipient receives under this section into a separate account and shall  
8 apply amounts in that account as provided by the grant agreement.

9 “SECTION 12a. The Department of Education shall establish  
10 timelines that allow for the first distributions to be made under sec-  
11 tion 12 of this 2019 Act for the 2020-2021 school year.

12 “SECTION 13. Financial audits; determinations of moneys not spent  
13 in accordance with grant agreement or failure to meet performance  
14 growth targets. (1)(a) Each year, each recipient of a grant from the  
15 School District Investment Account shall:

16 “(A) Conduct a financial audit of the use of grant moneys that is  
17 prepared in accordance with the Municipal Audit Law; and

18 “(B) Review the grant recipient’s progress toward meeting the per-  
19 formance growth targets in the grant agreement.

20 “(b) Results of the financial audit and progress review must be:

21 “(A) Made available at the main office of the grant recipient and  
22 on the grant recipient’s website.

23 “(B) Presented to the governing body of the grant recipient at an  
24 open meeting, following:

25 “(i) Oral presentation of the results by an administrator of the  
26 grant recipient to the governing body of the grant recipient; and

27 “(ii) Opportunity for the public to comment on the results at an  
28 open meeting.

29 “(C) Forwarded to the Department of Education.

30 “(2)(a) Based on information received under subsection (1) of this

1 section, the department shall determine each year whether grant  
2 moneys received by a grant recipient were used as provided by the  
3 grant agreement.

4 “(b) If a grant recipient did not use grant moneys as provided by  
5 the grant agreement, the department shall:

6 “(A) Collaborate with the grant recipient to identify and implement  
7 specific interventions;

8 “(B) Provide technical assistance to the grant recipient as described  
9 in section 14 of this 2019 Act; or

10 “(C) Deduct amounts from future grant distributions.

11 “(c) If amounts are to be deducted from future grant distributions  
12 under paragraph (b)(C) of this subsection, the grant recipient may  
13 appeal to the State Board of Education for review as provided by the  
14 board by rule.

15 “(d) If a grant recipient fails to commit to spending all available  
16 grant moneys, the department may deduct amounts not committed  
17 from future grant distributions.

18 “(3)(a) The department shall determine each biennium if a grant  
19 recipient does not meet performance growth targets identified in the  
20 grant agreement.

21 “(b) If a grant recipient does not meet the performance growth  
22 targets:

23 “(A) The grant recipient may submit an explanation for the reasons  
24 why the performance growth targets were not met; and

25 “(B) The department may:

26 “(i) Take into consideration the explanation submitted by the grant  
27 recipient;

28 “(ii) Require the grant recipient to enter into a coaching program  
29 described in section 15 of this 2019 Act; or

30 “(iii) Direct the expenditure of grant moneys.

1       **“(4) Each grant recipient must conduct a performance review every**  
2 **four years, as required by standards adopted by the board by rule.**

3       **“(5)(a) Based on a review of the information received under sub-**  
4 **section (1) of this section, the department may require a grant recipi-**  
5 **ent to conduct a financial audit on a specific funding area or multiple**  
6 **funding areas.**

7       **“(b) The department may establish a procedure for conducting per-**  
8 **formance audits on a random basis or based on just cause as allowed**  
9 **under rules adopted by the board.**

10       **“SECTION 14. Technical assistance provided by the Department of**  
11 **Education. (1) The Department of Education shall make available**  
12 **technical assistance to eligible applicants, as defined in section 10 of**  
13 **this 2019 Act, and to recipients of a grant from the School District**  
14 **Investment Account. The technical assistance shall include the pro-**  
15 **vision of assistance with:**

16       **“(a) Strategic planning for the use of grant moneys;**

17       **“(b) Developing an application for a grant from the School District**  
18 **Investment Account;**

19       **“(c) Identifying and implementing best practices for meeting per-**  
20 **formance growth targets; and**

21       **“(d) Identifying and implementing promising practices related to a**  
22 **grant agreement.**

23       **“(2) When providing technical assistance, the department shall:**

24       **“(a) Apply a process adopted by the department to strategically de-**  
25 **velop equitable policies and programs; and**

26       **“(b) Ensure that technical assistance is based on the eligible**  
27 **applicant’s or grant recipient’s specific needs and demographics.**

28       **“(3) For the purpose of providing technical assistance under this**  
29 **section, the department may enter into contracts with entities the**  
30 **department determines are qualified to provide the technical assist-**

1 **ance.**

2 **“SECTION 15. Coaching program for grant recipients that do not**  
3 **meet performance growth targets.** (1) The Department of Education  
4 shall establish a coaching program for recipients of a grant from the  
5 School District Investment Account that do not meet the performance  
6 growth targets specified in their grant agreements. A public charter  
7 school may participate in the coaching program only if the public  
8 charter school received a grant directly from the department and did  
9 not meet the performance growth targets specified in the public  
10 charter school’s grant agreement.

11 **“(2) If required by the department under section 13 of this 2019 Act**  
12 **to participate in a coaching program, a grant recipient must partic-**  
13 **ipate in the coaching program. Participation in the coaching program**  
14 **must be for at least one year, unless the department allows for a**  
15 **shorter period of time. Under the program, the department shall ad-**  
16 **vice and counsel grant recipients on how to meet performance growth**  
17 **targets and shall assist grant recipients with ongoing professional de-**  
18 **velopment and peer collaboration.**

19 **“(3) After a grant recipient has completed the coaching program,**  
20 **the department shall make available to the grant recipient ongoing**  
21 **technical assistance as described in section 14 of this 2019 Act.**

22 **“(4) For the purpose of providing the coaching program under this**  
23 **section, the department may enter into contracts with entities the**  
24 **department determines are qualified to provide the coaching.**

25 **“SECTION 16. Intensive program for high needs school districts.** (1)  
26 **The Department of Education shall establish an intensive program for**  
27 **school districts with the highest needs in this state.**

28 **“(2)(a) The department shall identify and select school districts to**  
29 **participate in the intensive program. The department may not select**  
30 **a public charter school under this section.**



1       “(b) A school district that agrees to participate in the intensive  
2 program must participate in the program for at least four years.

3       “(3) A school district that agrees to participate in the intensive  
4 program shall be eligible for additional funding from the Statewide  
5 Education Initiatives Account. The additional funding shall be based  
6 on rules adopted by the State Board of Education and shall be calcu-  
7 lated based on the ADMw of the school district, as calculated under  
8 section 12 of this 2019 Act.

9       “(4) A school district that agrees to participate in the intensive  
10 program shall:

11       “(a) Commit to regular student success plan meetings to monitor  
12 practices;

13       “(b) Use data to track student progress;

14       “(c) Ensure school employees receive appropriate professional de-  
15 velopment and training;

16       “(d) Create safe and inclusive learning environments;

17       “(e) Improve school and school district practices and structures to  
18 support teaching and learning; and

19       “(f) Improve the skills of the members of the school board.

20       “(5) For the purpose of assisting school districts participating in the  
21 intensive program, the department shall establish student success  
22 teams. Student success teams shall be composed of personnel with  
23 expertise in school and school district improvement strategies, in-  
24 cluding the use of differentiated instruction and inclusionary prac-  
25 tices.

26       “(6)(a) Under the intensive program, student success teams shall:

27       “(A) Advise and counsel school districts on how to improve per-  
28 formance outcomes; and

29       “(B) Develop recommendations for meeting performance growth  
30 targets.

1       **“(b) School district boards and superintendents of school districts**  
2 **participating in an intensive program must:**

3       **“(A) Accept all recommendations of the student success teams re-**  
4 **lated to the use of School District Investment Account grant moneys**  
5 **and additional funding received under this section; and**

6       **“(B) Consider all recommendations of the student success teams**  
7 **not described in subparagraph (A) of this paragraph.**

8       **“(c) A school district that receives recommendations under this**  
9 **subsection must issue a report that:**

10       **“(A) Describes the recommendations;**

11       **“(B) Identifies the recommendations that will be implemented and**  
12 **the timelines for implementing the recommendations; and**

13       **“(C) Identifies the recommendations that will not be implemented**  
14 **and an explanation for why the recommendations will not be imple-**  
15 **mented.**

16       **“(d) The report required under paragraph (c) of this subsection**  
17 **must be:**

18       **“(A) Made available at the school district’s main office and on the**  
19 **school district’s website; and**

20       **“(B) Distributed to the school district community, including em-**  
21 **ployees of the school district and families of the students of the school**  
22 **district.**

23       **“SECTION 17. Reports to the Legislative Assembly. The Department**  
24 **of Education shall make a report to the committees of the Legislative**  
25 **Assembly related to education no later than February 1 of each year**  
26 **regarding the implementation of sections 8 to 17 of this 2019 Act. The**  
27 **report must include an annual performance review of each eligible**  
28 **applicant, as defined in section 10 of this 2019 Act. The report must:**

29       **“(1) Identify whether the eligible applicant received a grant under**  
30 **sections 8 to 17 of this 2019 Act.**

1       **“(2) For grant recipients, include a comparison of the grant**  
2 **recipient’s progress toward meeting performance growth targets com-**  
3 **pared with the actual performance growth targets established by the**  
4 **department for the following:**

5       **“(a) On-time graduation rates and five-year completion rates, in-**  
6 **cluding the overall rate and disaggregated student group rates;**

7       **“(b) Ninth-grade on-track rates, including the overall rate and dis-**  
8 **aggregated student group rates;**

9       **“(c) Third-grade reading proficiency rates, including the overall rate**  
10 **and disaggregated student group rates;**

11       **“(d) Regular attendance rates, including the overall rate and dis-**  
12 **aggregated student group rates; and**

13       **“(e) Any optional local metrics.**

14       **“SECTION 17a. The Department of Education must make the first**  
15 **report required under section 17 of this 2019 Act no later than Febru-**  
16 **ary 1, 2022.**

17       **“SECTION 18. ORS 329.095 is amended to read:**

18       **“329.095. (1)(a) The Department of Education shall require school districts**  
19 **and schools to conduct self-evaluations and to periodically update their local**  
20 **district continuous improvement plans. Except as provided by paragraph**  
21 **(b)(C) of this subsection, the department may not require school districts or**  
22 **schools to conduct self-evaluations or to update their local district contin-**  
23 **uous improvement plans more frequently than biennially.**

24       **“(b) The department may require a school district to:**

25       **“(A) File, periodically, or at the department’s request, its local district**  
26 **continuous improvement plan with the department;**

27       **“(B) Notify the department of any substantial changes, as defined by rule**  
28 **of the State Board of Education, to the school district; or**

29       **“(C) Update its local district continuous improvement plan when there**  
30 **has been a substantial change, as defined by rule of the board, to the school**

1 district.

2 “(c) The self-evaluation process conducted as provided by this subsection  
3 shall involve the public in the setting of local goals. The school districts  
4 shall ensure that representatives from the demographic groups of their  
5 school population are invited to participate in the development of local dis-  
6 trict continuous improvement plans to achieve the goals.

7 “(2) As part of setting local goals, school districts shall undertake a  
8 communications process that involves parents, students, teachers, school  
9 employees and community representatives to explain and discuss the local  
10 goals and their relationship to programs under this chapter.

11 “(3) At the request of the school district, department staff shall provide  
12 ongoing technical assistance in the development and implementation of the  
13 local district continuous improvement plan.

14 “(4) The local district continuous improvement plan shall include:

15 “(a) Goals to implement the following:

16 “(A) A rigorous curriculum aligned with state standards;

17 “(B) High-quality instructional programs;

18 “(C) Short-term and long-term professional development plans;

19 “(D) Programs and policies that achieve a safe educational environment;

20 “(E) A plan for family and community engagement;

21 “(F) Staff leadership development;

22 “(G) High-quality data systems;

23 “(H) Improvement planning that is data-driven;

24 “(I) Education service plans for students who have or have not exceeded  
25 all of the academic content standards; and

26 “(J) A strong school library program;

27 “(b) A review of demographics, student performance, staff characteristics  
28 and student access to, and use of, educational opportunities; *and*

29 “(c) A description of district efforts to achieve local efficiencies and ef-  
30 forts to make better use of resources[.]; **and**

1       “(d) A needs assessment, which shall:

2       “(A) Be conducted in a manner that is inclusive of school employ-  
3       ees, students from student groups identified in section 9 (2)(b) of this  
4       2019 Act and parents of those students.

5       “(B) Address the following priorities:

6       “(i) Reducing academic disparities for students from student groups  
7       identified in section 9 (2)(b) of this 2019 Act;

8       “(ii) Meeting students’ mental or behavioral health needs;

9       “(iii) Providing equitable access to academic courses across the  
10       school district or public charter school, with specific emphasis on ac-  
11       cess by students from student groups identified in section 9 (2)(b) of  
12       this 2019 Act;

13       “(iv) Allowing teachers and staff to have sufficient time to:

14       “(I) Collaborate with other teachers and staff;

15       “(II) Review data on students’ grades, absences and discipline, based  
16       on school and on grade level or course; and

17       “(III) Develop strategies to ensure that at-risk students stay on  
18       track to graduate; and

19       “(v) Possible partnerships with other organizations, federally re-  
20       cognized Indian tribes, school districts, education service districts,  
21       regional achievement collaboratives, post-secondary institutions of  
22       education, education partners or nonprofit programs and community-  
23       based programs that have demonstrated achievement of positive out-  
24       comes in work with students from student groups identified in section  
25       9 (2)(b) of this 2019 Act.

26       “SECTION 19. The amendments to ORS 329.095 by section 18 of this  
27       2019 Act become operative on July 1, 2020.

28  
29                   “STATEWIDE EDUCATION INITIATIVES ACCOUNT  
30

1       **“SECTION 20. Sections 21 and 22 of this 2019 Act are added to and**  
2 **made a part of ORS chapter 327.**

3       **“SECTION 21. Statewide Education Initiatives Account. (1) The**  
4 **Statewide Education Initiatives Account is established within the**  
5 **Fund for Student Success.**

6       **“(2) The Statewide Education Initiatives Account shall consist of:**

7       **“(a) Moneys transferred to the account from the Fund for Student**  
8 **Success;**

9       **“(b) Moneys appropriated or otherwise transferred to the account**  
10 **by the Legislative Assembly;**

11       **“(c) Amounts donated to the account; and**

12       **“(d) Other amounts deposited into the account from any source.**

13       **“(3) The Department of Education, on behalf of the State of Oregon,**  
14 **may solicit and accept gifts, grants, donations and other moneys from**  
15 **public and private sources for the Statewide Education Initiatives Ac-**  
16 **count. Moneys received as provided in this subsection shall be depos-**  
17 **ited into the account.**

18       **“(4) Moneys in the Statewide Education Initiatives Account are**  
19 **continuously appropriated to the Department of Education for use as**  
20 **described in section 22 of this 2019 Act.**

21       **“SECTION 22. Statewide Education Initiatives Account uses. (1)**  
22 **The Department of Education shall use moneys in the Statewide Edu-**  
23 **cation Initiatives Account to provide funding for statewide education**  
24 **initiatives, including:**

25       **“(a) Funding the High School Graduation and College and Career**  
26 **Readiness Act at the levels prescribed by ORS 327.856;**

27       **“(b) Expanding school breakfast and lunch programs;**

28       **“(c) Operating youth reengagement programs or providing youth**  
29 **reengagement services;**

30       **“(d) Establishing and maintaining the Statewide School Safety and**

1 **Prevention System under section 35 of this 2019 Act;**

2 **“(e) Developing and providing statewide equity initiatives, including**  
3 **the black or African-American education plan developed under ORS**  
4 **329.841, the American Indian or Alaskan Native education plan devel-**  
5 **oped under section 36 of this 2019 Act, the Latino or Hispanic educa-**  
6 **tion plan developed under section 37 of this 2019 Act or any similar**  
7 **education plan identified by the department;**

8 **“(f) Providing summer learning programs at schools that are con-**  
9 **sidered high poverty under Title I of the federal Elementary and Sec-**  
10 **ondary Education Act of 1965;**

11 **“(g) Funding early warning systems to assist students in graduating**  
12 **from high school, as described in section 43 of this 2019 Act;**

13 **“(h) Developing and implementing professional development pro-**  
14 **grams and training programs, including programs that increase edu-**  
15 **cator diversity and retain diverse educators;**

16 **“(i) Planning for increased transparency and accountability in the**  
17 **public education system of this state;**

18 **“(j) Providing additional funding to school districts participating in**  
19 **the intensive program under section 16 of this 2019 Act;**

20 **“(k) Providing technical assistance, including costs incurred for:**

21 **“(A) The coaching program described in section 15 of this 2019 Act;**  
22 **and**

23 **“(B) The intensive program described in section 16 of this 2019 Act,**  
24 **including costs for student success teams;**

25 **“(L) Funding education service districts, as described in subsection**  
26 **(2) of this section; and**

27 **“(m) Funding costs incurred by the department in implementing**  
28 **this section and sections 8 to 17 and 49 of this 2019 Act.**

29 **“(2)(a) The amount of a distribution to an education service district**  
30 **under this section = the education service district’s ADMw × (the**

1 total amount available for distribution to education service districts  
2 in each biennium ÷ the total ADMw of all education service districts  
3 that receive a distribution).

4 “(b) For purposes of this subsection, ADMw equals the ADMw as  
5 calculated under ORS 327.013, except that the additional amount al-  
6 lowed for students who are in poverty families, as determined under  
7 ORS 327.013 (1)(c)(A)(v)(I), shall be 0.5.

8 “(c) An education service district shall use moneys received under  
9 this section as provided by a plan developed by the school districts  
10 located within the education service district. A school district that  
11 declines to participate in the development of the plan or that has  
12 withdrawn from an education service district as provided by ORS  
13 334.015 is not entitled to any moneys distributed to the education ser-  
14 vice district under this subsection.

15 “(d) A plan developed under this subsection must:

16 “(A) Align with and support school districts in meeting the per-  
17 formance growth targets of the school districts developing the plan;

18 “(B) Include the provision of technical assistance to school districts  
19 in developing, implementing and reviewing a plan for receiving a grant  
20 from the School District Investment Account;

21 “(C) Provide for coordination with the department in administering  
22 and providing technical assistance to school districts, including coor-  
23 dinating any coaching programs established under section 15 of this  
24 2019 Act; and

25 “(D) Be adopted and amended as provided for local service plans  
26 under ORS 334.175 and approved by the department.

27 “(e) Each education service district must submit an annual report  
28 to the department that:

29 “(A) Describes how the education service district spent moneys re-  
30 ceived under this subsection; and



1       **“(B) Includes an evaluation of the education service district’s com-**  
2 **pliance with the plan from the superintendent of each school district**  
3 **that participated in the development of the plan.**

4       **“(3) The State Board of Education shall adopt rules necessary for**  
5 **the distribution of moneys under this section.**

6  
7                   **“SCHOOL BREAKFAST AND LUNCH PROGRAMS**

8  
9       **“SECTION 23.** ORS 327.535 is amended to read:

10       **“327.535. (1) As used in this section, ‘eligible student’ means a stu-**  
11 **dent who is eligible for free or reduced price lunches under the United**  
12 **States Department of Agriculture’s current Income Eligibility Guide-**  
13 **lines.**

14       **“[(1)] (2)** A school district may make breakfast accessible at any school  
15 site and shall make breakfast accessible if required by this section. [*Time*  
16 *spent by students consuming breakfast is considered instructional time when*  
17 *students consume breakfast in the students’ classroom and instruction is being*  
18 *provided while students are consuming breakfast. No more than 15 minutes*  
19 *may be considered instructional time when students are consuming*  
20 *breakfast.*]

21       **“[(2)] (3)** Subject to subsections [(3) and] (4) **and (5)** of this section, a  
22 school district that provides lunch at any school site shall make breakfast  
23 accessible as part of a breakfast program if 25 percent or more of the stu-  
24 dents at the **school** site are eligible **students** [*for free or reduced price*  
25 *lunches under the United States Department of Agriculture’s current Income*  
26 *Eligibility Guidelines*] or the school site qualifies for assistance under  
27 Chapter I of Title I of the federal Elementary and Secondary Education Act  
28 of 1965.

29       **“[(3)] (4)** A school district that makes breakfast accessible as provided  
30 under subsection [(2)] (3) of this section may apply to the [*State Board*]

1 **Department** of Education for a waiver for all or for particular grade levels  
2 if *[it]* **the school district** is financially unable to implement a breakfast  
3 program. The *[state board]* **department** may grant a waiver to the school  
4 district for a period not to exceed two years, after which the school district  
5 must reestablish its claim of financial hardship if the waiver is to be ex-  
6 tended.

7 “[~~(4)~~] **(5)** If the per meal federal reimbursement for the breakfast program  
8 falls below the 1991 reimbursement levels, a school district may elect to  
9 discontinue the program until federal funding is restored to those levels. No  
10 waiver is required for such election.

11 “[~~(5)~~] **(6)** A school district that makes breakfast accessible at any school  
12 site shall make breakfast accessible at that school site at no charge to all  
13 **eligible** students *[who are eligible for free or reduced price lunches under the*  
14 *United States Department of Agriculture’s current Income Eligibility Guide-*  
15 *lines]*. For each breakfast that a school district provides free of charge to a  
16 student who is eligible for a reduced price lunch, the department *[of Educa-*  
17 *tion]* shall provide reimbursement to the school district for the actual  
18 amount that a student would have been required to pay for the reduced price  
19 breakfast.

20 “**(7)(a) Except as provided by subsection (8) of this section, a school**  
21 **district that makes breakfast accessible at a school site may choose**  
22 **to make breakfast accessible at that school site after the beginning**  
23 **of the school day.**

24 “**(b) Time spent by students consuming breakfast is considered in-**  
25 **structional time when students consume breakfast in the students’**  
26 **classroom and instruction is being provided while students are con-**  
27 **suming breakfast. No more than 15 minutes may be considered in-**  
28 **structional time when students are consuming breakfast.**

29 “**(8)(a) If 70 percent or more of the students at a school site are el-**  
30 **igible students, the school district must make breakfast accessible at**

1 that school site after the beginning of the school day.

2 “(b) A school district that is required to make breakfast accessible  
3 as prescribed by paragraph (a) of this subsection must ensure that  
4 breakfast is:

5 “(A) Accessible to all students after the beginning of the school day,  
6 regardless of grade or arrival time; and

7 “(B) Provided free of charge to all students, regardless of whether  
8 a student is an eligible student.

9 “(c) The department shall provide technical assistance to school  
10 districts to meet the requirements of this subsection. Technical as-  
11 sistance may include the development of breakfast delivery models.

12 “(d) Notwithstanding paragraph (a) of this subsection, if a school  
13 district can demonstrate that 70 percent or more of the eligible stu-  
14 dents at a school site regularly receive breakfast at the school site  
15 without the school district complying with paragraph (a) of this sub-  
16 section, the school district is not required to comply with paragraph  
17 (a) of this subsection.

18 “(9) The State Board of Education may adopt any rules necessary  
19 for the implementation of this section.

20 **“SECTION 24.** (1) The amendments to ORS 327.535 by section 23 of  
21 this 2019 Act become operative on July 1, 2020.

22 “(2) Notwithstanding the operative date set forth in subsection (1)  
23 of this section, the Department of Education may take any action be-  
24 fore the operative date set forth in subsection (1) of this section that  
25 is necessary for the department to exercise, on and after the operative  
26 date set forth in subsection (1) of this section, all of the duties, func-  
27 tions and powers conferred on the department by the amendments to  
28 ORS 327.535 by section 23 of this 2019 Act.

29 **“SECTION 25.** ORS 327.527 is amended to read:

30 “327.527. (1) The Department of Education shall reimburse a school dis-

1 trict, government agency or community group five cents for every breakfast  
2 or lunch the district, agency or group serves during the summer as a part  
3 of:

4 “(a) The United States Department of Agriculture’s Summer Food Service  
5 Program; or

6 “(b) A summer meals program through an existing national school lunch  
7 program.

8 “(2) In addition to the reimbursements provided under subsection (1) of  
9 this section, the Department **of Education** may award grants to school dis-  
10 tricts, government agencies and community groups to encourage partic-  
11 ipation in a program identified in subsection (1) of this section. Each grant  
12 may not exceed \$20,000 and must be used to:

13 “(a) Purchase or upgrade necessary equipment and services required to  
14 provide food service and meet sanitation requirements;

15 “(b) Make any payment necessary to comply with sanitation requirements  
16 that may be required prior to approval; or

17 “(c) Fund participant outreach activities and materials and necessary  
18 enrichment activities and materials.

19 “**(3) The department may award grants or enter into contracts to**  
20 **enable school districts to make breakfast accessible as required under**  
21 **ORS 327.535 (8). Each grant or contract may not exceed \$5,000 per**  
22 **school site and must be used to purchase or upgrade necessary equip-**  
23 **ment required to provide breakfast after the beginning of the school**  
24 **day.**

25 “[~~(3)~~] **(4)** The department may enter into a contract with a public or pri-  
26 vate entity for the purposes of the entity providing:

27 “(a) Technical assistance to applicants for and recipients of grants; and

28 “(b) Administration of the grant program.

29 “[~~(4)~~] **(5)** The State Board of Education may adopt any rules necessary for  
30 the administration of this section.

1       **“SECTION 26. Section 27 of this 2019 Act is added to and made a**  
2 **part of ORS chapter 327.**

3       **“SECTION 27. (1) For school districts with schools that provide**  
4 **United States Department of Agriculture reimbursable meals to stu-**  
5 **dents as described in subsections (2) and (3) of this section, the De-**  
6 **partment of Education shall reimburse the school districts for costs**  
7 **incurred by the school districts in providing the meals. The amounts**  
8 **of the reimbursements may not exceed the amounts prescribed by**  
9 **subsections (2) and (3) of this section.**

10       **“(2) For schools that offer reimburseable breakfast and lunch free**  
11 **of charge to all students of the school based on the school’s or school**  
12 **district’s categorical eligibility to provide reimburseable breakfast and**  
13 **lunch free of charge without consideration of individual eligibility for**  
14 **free or reduced price meals, the amount of reimbursements provided**  
15 **under this section may not exceed the difference between:**

16       **“(a) The reimbursement rate established by the United States De-**  
17 **partment of Agriculture for reimburseable meals; and**

18       **“(b) Any amounts otherwise reimbursed or paid by state, federal**  
19 **or other sources.**

20       **“(3) For schools that are not eligible to offer reimburseable break-**  
21 **fast and lunch free of charge as described in subsection (2) of this**  
22 **section but that provide reimburseable breakfast or lunch free of**  
23 **charge to students from households with incomes that do not exceed**  
24 **300 percent of the federal poverty guidelines, the amount of re-**  
25 **imbursements provided under this section may not exceed the differ-**  
26 **ence between:**

27       **“(a) The actual amount that a student would have been required to**  
28 **pay for the breakfast or lunch, taking into consideration if the student**  
29 **qualified for a free or reduced price lunch; and**

30       **“(b) Any amounts otherwise reimbursed or paid by state, federal**

1 or other sources.

2 “(4) The State Board of Education may adopt any rules necessary  
3 for making reimbursements under this section.

4 **“SECTION 28.** (1) Section 27 of this 2019 Act becomes operative on  
5 July 1, 2020.

6 “(2) Section 27 of this 2019 Act applies to costs incurred on or after  
7 July 1, 2020.

8 **“SECTION 29.** (1) The Hunger Free Schools Account is established  
9 in the State Treasury, separate and distinct from the General Fund.

10 “(2) Moneys in the Hunger Free Schools Account are continuously  
11 appropriated to the Department of Education for the purpose of mak-  
12 ing reimbursements to school districts under section 27 of this 2019  
13 Act.

14 **“NOTE:** Sections 30 and 31 were deleted by amendment. Subsequent  
15 sections were not renumbered.

16

17 **“STATEWIDE YOUTH REENGAGEMENT SYSTEM**

18

19 **“SECTION 32. Youth reengagement program.** (1) As used in this  
20 section, ‘eligible youth’ means a person who:

21 “(a) Is at least 14 years of age but younger than 21 years of age at  
22 the beginning of the school year; and

23 “(b)(A) Is a school dropout, as defined in ORS 339.505;

24 “(B) Is not exempt from attending public full-time schools under  
25 ORS 339.030; or

26 “(C) Is recommended to participate in a youth reengagement pro-  
27 gram by the Department of Human Services, a juvenile court, the  
28 Oregon Youth Authority or any other entity identified by the Youth  
29 Development Council by rule.

30 “(2) The Youth Development Division shall develop and administer

1 a statewide youth reengagement system to provide appropriate educa-  
2 tional opportunities and access to services for eligible youths.

3 “(3) Under the statewide youth reengagement system, a school dis-  
4 trict or other entity identified by the Youth Development Council by  
5 rule may choose to provide a youth reengagement program. A youth  
6 reengagement program must:

7 “(a) Be offered in collaboration with the Youth Development Divi-  
8 sion; and

9 “(b) Include a partnership with an education service district, a  
10 community college district, a federally recognized Indian tribe, a  
11 community-based organization or any other entity identified by the  
12 Youth Development Council by rule.

13 “(4) A youth reengagement program must offer, at a minimum, the  
14 following:

15 “(a) Academic instruction that enables an eligible youth to receive  
16 credit that can be:

17 “(A) Applied toward a high school diploma, a modified diploma or  
18 an extended diploma; or

19 “(B) Used to improve college or career readiness, including courses  
20 that assist the eligible youth in preparing for an approved high school  
21 equivalency test such as the General Educational Development (GED)  
22 test; or

23 “(b) Services for monitoring and supporting eligible youths, includ-  
24 ing:

25 “(A) Academic counseling, career coaching and workforce readiness  
26 services; or

27 “(B) Assistance with accessing services and resources that support  
28 at-risk youth and reduce barriers to educational success.

29 “(5) If a school district or other entity chooses to provide a youth  
30 reengagement program, the school district or other entity may enter

1 into an agreement to provide academic instruction or services as de-  
2 scribed in subsection (4) of this section. The agreement:

3 “(a) May be with an education service district, a community college  
4 district or another public entity or with a community-based organiza-  
5 tion; and

6 “(b) Must comply with any other requirements prescribed by the  
7 State Board of Education or the Youth Development Council by rule.

8 “(6)(a) The State Board of Education, in collaboration with the  
9 Youth Development Council, shall establish by rule criteria for a  
10 school district or other entity to receive funding for eligible youths  
11 participating in a youth reengagement program. Funding may be in  
12 the form of grants.

13 “(b) The criteria to receive funding may prescribe:

14 “(A) Enrollment and attendance standards for eligible youths.

15 “(B) Performance measures that establish targets that must be met  
16 for purposes of accountability. The performance measure targets shall  
17 be based on standards adopted by the Youth Development Council and  
18 may take into account the specific purpose of the program offered by  
19 the school district or other entity, the population served by the pro-  
20 gram and any other factors identified by the council.

21 “(c) The criteria to receive funding must require a school district  
22 or other entity to provide to the Youth Development Division infor-  
23 mation that, at a minimum, describes:

24 “(A) How the school district or other entity will identify, refer and  
25 enroll eligible youths;

26 “(B) How academic instruction and services will be provided  
27 through the youth reengagement program and what academic in-  
28 struction and services will be provided;

29 “(C) How student records will be maintained and how data will be  
30 collected and reported;



1       **“(D) How any applicable assessments under ORS 329.485 or 329.488**  
2 **will be administered;**

3       **“(E) How the school district or other entity will provide special ed-**  
4 **ucation and related services for eligible youths with disabilities who**  
5 **have an individualized education program or will provide necessary**  
6 **accommodations and plans for eligible youths who qualify under sec-**  
7 **tion 504 of the Rehabilitation Act of 1978 (29 U.S.C. 794);**

8       **“(F) How the school district or other entity will ensure that eligible**  
9 **youths receive appropriate in-person guidance or support; and**

10       **“(G) How the school district or other entity will record and report**  
11 **performance measures for purposes of accountability, including longi-**  
12 **tudinal monitoring of student progress and post-secondary education**  
13 **and employment readiness.**

14       **“(7) The Department of Education and Youth Development Division**  
15 **shall provide technical assistance to school districts and other eligible**  
16 **entities choosing to provide youth reengagement programs.**

17       **“(8)(a) The Youth Development Council shall coordinate with the**  
18 **State Board of Education to adopt rules under this section.**

19       **“(b) When adopting rules under this section, the board and the**  
20 **council shall consult with post-secondary institutions of education and**  
21 **community-based organizations that have previously offered youth**  
22 **reengagement programs, providers of online courses and programs and**  
23 **education service districts.**

24       **“(9) Nothing in this section affects the authority of a school district**  
25 **or other entity to directly offer youth reengagement programs or other**  
26 **educational services for eligible youths.**

27       **“SECTION 33.** ORS 417.847, as amended by section 63, chapter 774,  
28 Oregon Laws 2015, and section 36, chapter 17, Oregon Laws 2017, is amended  
29 to read:

30       **“417.847. (1) The Youth Development Council is established.**

1 “(2) The council is established for the purpose of overseeing a unified  
2 system that provides services to school-age children through youth 24 years  
3 of age in a manner that supports educational success, focuses on crime pre-  
4 vention, reduces high risk behaviors and is integrated, measurable and ac-  
5 countable. The council shall provide direction to the Youth Development  
6 Division.

7 “(3) The council consists of no fewer than 15 members who are appointed  
8 by the Governor. The Governor shall ensure that membership of the council  
9 satisfies any federal requirements for membership of a state advisory com-  
10 mittee on juvenile justice, and shall include tribal representation in the  
11 membership of the council.

12 “(4) The council shall:

13 “(a) Determine the availability of funding to support community-based  
14 youth development programs, services and initiatives with demonstrated  
15 outcomes and strategic objectives established by the council by rule.

16 “(b) Prioritize funding for services related to:

17 “(A) The prevention of and intervention in the risk factors that lead to  
18 juvenile delinquency and the promotion of protective factors that improve  
19 the health and well-being of children and youth, as supported by evidence-  
20 based program models and other research-based models; and

21 “(B) The prevention of and intervention in gang violence and gang in-  
22 volvement.

23 “(c) **Administer and coordinate the statewide youth reengagement**  
24 **system described in section 32 of this 2019 Act.**

25 “(5) The council may:

26 “(a) Enter into performance-based intergovernmental agreements with re-  
27 gional and county entities, and tribal governments, to contract for the pro-  
28 vision of youth development programs, services and initiatives that will  
29 achieve demonstrated outcomes and strategic objectives established by the  
30 council by rule.

1 “(b) Determine the means by which services to children and youth may  
2 be provided effectively and efficiently across multiple programs to improve  
3 the academic and social outcomes of children and youth.

4 “(c) Assess state programs and services related to youth development and  
5 training, and identify methods by which programs and services may be co-  
6 ordinated or consolidated.

7 “(d) Establish common academic and social indicators to support attain-  
8 ment of goals established by the council.

9 “(e) Establish common program outcome measurements and coordinate  
10 data collection across multiple programs and services.

11 “(f) Ensure implementation of best practices that:

12 “(A) Are evidence based;

13 “(B) Are culturally, gender and age appropriate;

14 “(C) Address individual risk factors;

15 “(D) Build upon factors that improve the health and well-being of children  
16 and youth; and

17 “(E) Include tribal best practices.

18 “(6) The Governor may designate one member of the council to serve as  
19 the chairperson or, if the Governor chooses not to designate a chairperson,  
20 the council may elect one of its members to serve as chairperson.

21 “(7) In accordance with applicable provisions of ORS chapter 183, the  
22 council may adopt rules necessary for the administration of the laws that the  
23 council is charged with administering.

24 **“SECTION 34. Section 32 of this 2019 Act and the amendments to**  
25 **ORS 417.847 by section 33 of this 2019 Act become operative on July 1,**  
26 **2020.**

27

28 **“STATEWIDE SCHOOL SAFETY AND PREVENTION SYSTEM**

29

30 **“SECTION 35. Statewide School Safety and Prevention System. (1)**

1 **As used in this section:**

2 **“(a) ‘Cyberbullying’ has the meaning given that term in ORS**  
3 **339.351.**

4 **“(b) ‘Harassment, intimidation or bullying’ has the meaning given**  
5 **that term in ORS 339.351.**

6 **“(c) ‘Suicidal behavior’ includes:**

7 **“(A) Self-directed, injurious behavior with an intent to die as a re-**  
8 **sult of the behavior;**

9 **“(B) Nonfatal, self-directed, potentially injurious behavior with an**  
10 **intent to die as a result of the behavior that may not result in injury;**  
11 **or**

12 **“(C) Thinking about, considering or planning suicide.**

13 **“(d) ‘Violence’ means aggressive behavior with the intention to**  
14 **cause, or an outcome that poses a risk of causing, serious or lethal**  
15 **injury.**

16 **“(2) The Department of Education shall establish and maintain the**  
17 **Statewide School Safety and Prevention System.**

18 **“(3) The system required under this section shall consist of the**  
19 **following:**

20 **“(a) Assistance to school districts and education service districts in**  
21 **decreasing acts of harassment, intimidation or bullying and acts of**  
22 **cyberbullying through the implementation of effective prevention**  
23 **programs that:**

24 **“(A) Incorporate evidenced-based, multitiered practices; and**

25 **“(B) Support resiliency building and trauma-informed care prac-**  
26 **tices.**

27 **“(b) Assistance to school districts and education service districts in**  
28 **decreasing youth suicidal behavior through the implementation of ef-**  
29 **fective prevention programs and student wellness programs that focus**  
30 **on early identification and intervention by school safety and pre-**

1 **vention specialists, as described in subsection (4) of this section, who:**

2 **“(A) Provide training, outreach and technical assistance related to**  
3 **youth suicidal behavior prevention and wellness;**

4 **“(B) Support coordination between schools and health agencies, in-**  
5 **cluding public and private behavioral health providers; and**

6 **“(C) Support school districts and education service districts in the**  
7 **establishment of suicidal behavior prevention programs.**

8 **“(c) Assistance to school districts and education service districts in**  
9 **implementing a multidisciplinary student safety assessment system to**  
10 **identify, assess and support students who present a potential risk for**  
11 **violence to others. Multidisciplinary school safety assessment teams**  
12 **shall be made available to assist each school district and education**  
13 **service district in assessing students who are engaged in violence or**  
14 **who are posing a threat of violence to others. The teams shall:**

15 **“(A) Assess potential danger and identify circumstances and risk**  
16 **factors that may increase risk for potential violence;**

17 **“(B) Develop management and intervention plans in collaboration**  
18 **with community partners; and**

19 **“(C) Connect students and families to community resources and**  
20 **supports.**

21 **“(d) Promotion and use of the statewide school safety tip line es-**  
22 **tablished by ORS 339.329. School safety and prevention specialists, as**  
23 **described in subsection (4) of this section, shall work collaboratively**  
24 **with the Oregon State Police to support school districts and education**  
25 **service districts in accessing and implementing the school safety tip**  
26 **line.**

27 **“(4) The system required under this section shall be supported by**  
28 **school safety and prevention specialists who:**

29 **“(a) Serve regions of this state;**

30 **“(b) Are cross-trained in safety assessments and in the prevention**

1 of youth suicide, of acts of bullying, intimidation or harassment and  
2 of acts of cyberbullying; and

3 “(c) Provide or facilitate training, the development of programs and  
4 plans, the coordination of local teams and the provision of ongoing  
5 consultation to regional partners, school districts and education ser-  
6 vice districts.

7 “(5) The State Board of Education, in consultation with the Oregon  
8 Health Authority and other representatives of school districts, educa-  
9 tion service districts, school employees, human services, mental health  
10 professionals and law enforcement agencies, shall adopt rules related  
11 to the system required under this section.

12 “SECTION 35a. (1) Section 35 of this 2019 Act becomes operative on  
13 July 1, 2020.

14 “(2) Notwithstanding the operative date set forth in subsection (1)  
15 of this section, the Department of Education may take any action be-  
16 fore the operative date set forth in subsection (1) of this section that  
17 is necessary for the department to exercise, on and after the operative  
18 date set forth in subsection (1) of this section, all of the duties, func-  
19 tions and powers conferred on the department by section 35 of this 2019  
20 Act.

21

22 “STATEWIDE EQUITY INITIATIVES

23

24 “SECTION 36. (1) As used in this section, ‘plan student’ means a  
25 student enrolled in early childhood through post-secondary education  
26 who:

27 “(a) Is an American Indian or Alaskan Native; and

28 “(b) Has experienced disproportionate results in education due to  
29 historical practices, as identified by the State Board of Education by  
30 rule.

1       **“(2)(a) The Department of Education shall develop and implement**  
2 **a statewide education plan for plan students.**

3       **“(b) When developing the plan, the department shall consult with**  
4 **representatives from tribal governments and from executive branch**  
5 **agencies who have formed government-to-government relations to fo-**  
6 **cus on education. Additionally, the department may receive input from**  
7 **an advisory group consisting of community members, education**  
8 **stakeholders and representatives of the Early Learning Division, the**  
9 **Youth Development Division and the Higher Education Coordinating**  
10 **Commission.**

11       **“(c) The department shall be responsible for:**

12       **“(A) Implementing the plan developed under this subsection;**

13       **“(B) Developing eligibility criteria, the applicant selection process**  
14 **and expectations for recipients of grant awards described in this sec-**  
15 **tion; and**

16       **“(C) Advising the State Board of Education on the adoption of rules**  
17 **under this section.**

18       **“(3) The plan developed under this section must address:**

19       **“(a) The disparities experienced by plan students in every indicator**  
20 **of academic success, as documented by the department’s statewide**  
21 **report card and other relevant reports related to plan students;**

22       **“(b) The historical practices leading to disproportionate outcomes**  
23 **for plan students; and**

24       **“(c) The educational needs of plan students from early childhood**  
25 **through post-secondary education as determined by examining cul-**  
26 **turely appropriate best practices in this state and across the nation.**

27       **“(4) The plan developed and implemented under this section must**  
28 **provide strategies to:**

29       **“(a) Address the disproportionate rate of disciplinary incidents in-**  
30 **volving plan students as compared to all students in the education**

1 system;

2 “(b) Increase parental engagement in the education of plan stu-  
3 dents;

4 “(c) Increase the engagement of plan students in educational ac-  
5 tivities before and after regular school hours;

6 “(d) Increase early childhood education and kindergarten readiness  
7 for plan students;

8 “(e) Improve literacy and numeracy levels among plan students  
9 between kindergarten and grade three;

10 “(f) Support plan student transitions to middle school and through  
11 the middle school and high school grades to maintain and improve  
12 academic performance;

13 “(g) Support culturally responsive pedagogy and practices from  
14 early childhood through post-secondary education;

15 “(h) Support the development of culturally responsive curricula  
16 from early childhood through post-secondary education;

17 “(i) Increase attendance of plan students in early childhood pro-  
18 grams through post-secondary and professional certification programs;  
19 and

20 “(j) Increase attendance of plan students in four-year post-  
21 secondary institutions of education.

22 “(5) The department shall submit a biennial report concerning the  
23 progress of the plan developed and implemented under this section to  
24 a committee of the Legislative Assembly related to education at each  
25 even-numbered year regular session of the Legislative Assembly.

26 “(6) The department, in consultation with the advisory group, shall  
27 award grants to early learning hubs, providers of early learning ser-  
28 vices, school districts, education service districts, post-secondary in-  
29 stitutions of education, tribal governments and community-based  
30 organizations to implement the strategies provided in the plan devel-



1 oped and implemented under this section.

2 “(7) To qualify for and receive grants described in this section, an  
3 applicant must identify and demonstrate that the applicant meets the  
4 eligibility criteria adopted by the State Board of Education by rule.

5 **“SECTION 37. (1) As used in this section, ‘plan student’ means a**  
6 **student enrolled in early childhood through post-secondary education**  
7 **who:**

8 “(a) Is Latino or Hispanic, including individuals of Mexican, Cuban,  
9 Puerto Rican, South American, Central American or Spanish descent;  
10 and

11 “(b) Has experienced disproportionate results in education due to  
12 historical practices, as identified by the State Board of Education by  
13 rule.

14 “(2)(a) The Department of Education shall develop and implement  
15 a statewide education plan for plan students.

16 “(b) The department shall form an advisory group consisting of in-  
17 dividuals representing:

18 “(A) Urban and rural communities;

19 “(B) Indigenous and immigrant populations;

20 “(C) English language learners;

21 “(D) Individuals with disabilities;

22 “(E) Parents and students;

23 “(F) Youth who are lesbian, gay, bisexual, transgender, queer or  
24 another minority gender or sexual orientation;

25 “(G) Community-based organizations serving Latino or Hispanic  
26 youth and families; and

27 “(H) Education stakeholders, including representatives of the Early  
28 Learning Division, the Youth Development Division and the Higher  
29 Education Coordinating Commission.

30 “(c) The advisory group formed as provided in paragraph (b) of this

1 subsection shall advise the department regarding:

2 “(A) Development and implementation of the plan;

3 “(B) Eligibility criteria, applicant selection processes and expecta-  
4 tions for recipients of grant awards described in this section; and

5 “(C) Adoption of rules by the State Board of Education for the im-  
6 plementation of the plan.

7 “(3) The plan developed under this section must address:

8 “(a) The disparities experienced by plan students in every indicator  
9 of academic success, as documented by the department’s statewide  
10 report card and other relevant reports related to plan students;

11 “(b) The historical practices leading to disproportionate outcomes  
12 for plan students; and

13 “(c) The educational needs of plan students from early childhood  
14 through post-secondary education as determined by examining cul-  
15 turally appropriate best practices in this state and across the nation.

16 “(4) The plan developed and implemented under this section must  
17 provide strategies to:

18 “(a) Address the disproportionate rate of disciplinary incidents in-  
19 volving plan students compared to all students in the education sys-  
20 tem;

21 “(b) Increase parental engagement in the education of plan stu-  
22 dents;

23 “(c) Increase the engagement of plan students in educational ac-  
24 tivities before and after regular school hours;

25 “(d) Increase early childhood education and kindergarten readiness  
26 for plan students;

27 “(e) Improve literacy and numeracy levels among plan students  
28 between kindergarten and grade three;

29 “(f) Support plan student transitions to middle school and through  
30 the middle school and high school grades to maintain and improve

1 **academic performance;**

2 **“(g) Support culturally responsive pedagogy and practices from**  
3 **early childhood through post-secondary education;**

4 **“(h) Support the development of culturally responsive curricula**  
5 **from early childhood through post-secondary education;**

6 **“(i) Increase attendance of plan students in community colleges and**  
7 **professional certification programs; and**

8 **“(j) Increase attendance of plan students in four-year post-**  
9 **secondary institutions of education.**

10 **“(5) The department shall submit a biennial report concerning the**  
11 **progress of the plan developed and implemented under this section to**  
12 **a committee of the Legislative Assembly related to education at each**  
13 **even-numbered year regular session of the Legislative Assembly.**

14 **“(6) The department, in consultation with the advisory group, shall**  
15 **award grants to early learning hubs, providers of early learning ser-**  
16 **vices, school districts, post-secondary institutions of education and**  
17 **community-based organizations to implement the strategies provided**  
18 **in the plan developed and implemented under this section.**

19 **“(7) To qualify for and receive a grant described in this section, an**  
20 **applicant must identify and demonstrate that the applicant meets the**  
21 **eligibility criteria established by the State Board of Education by rule.**

22 **“SECTION 38. The Department of Education shall submit a report**  
23 **concerning the development of the statewide education plans under**  
24 **sections 36 and 37 of this 2019 Act to an interim committee of the**  
25 **Legislative Assembly related to education no later than January 1,**  
26 **2021.**

27 **“SECTION 39. Notwithstanding section 37 of this 2019 Act, the De-**  
28 **partment of Education may not do any of the following prior to July**  
29 **1, 2020:**

30 **“(1) Implement the statewide education plans developed under sec-**

1 tion 37 of this 2019 Act, including awarding any grants to implement  
2 the plans; or

3 “(2) Make any expenditures from any appropriations made to the  
4 department for the implementation of the plans developed under sec-  
5 tion 37 of this 2019 Act.

6

7 “SUMMER PROGRAMS FOR TITLE I SCHOOLS

8

9 “SECTION 40. Section 41 of this 2019 Act is added to and made a  
10 part of ORS chapter 327.

11 “SECTION 41. (1) In addition to those moneys distributed through  
12 the State School Fund, the Department of Education shall make  
13 grants to improve student achievement in schools that:

14 “(a) Are considered high poverty under Title I of the federal Ele-  
15 mentary and Secondary Education Act of 1965;

16 “(b) The department has identified as having a significant achieve-  
17 ment gap between historically underserved students groups and other  
18 student groups pursuant to standards adopted by the State Board of  
19 Education; and

20 “(c) The department has identified as needing additional supports  
21 and interventions pursuant to a flexibility waiver submitted to the  
22 United States Department of Education, based on:

23 “(A) Criteria used by the Department of Education to measure the  
24 performance of the schools; and

25 “(B) The schools’ performance ranking compared to similar schools.

26 “(2) The department shall identify schools to receive grants as pro-  
27 vided in this section and shall notify the identified schools of the  
28 schools’ eligibility to receive grants as provided in this section.

29 “(3) Moneys received by a school under this section must be used  
30 to provide instructional time during a summer program. The summer

1 program must provide at least 60 hours of direct academic instruction  
2 by a teacher licensed under ORS 342.125 or by an instructional assist-  
3 ant, as defined in ORS 342.120.

4 “(4) The State Board of Education may adopt any rules necessary  
5 for the administration of this section.

6 “SECTION 41a. Notwithstanding section 41 of this 2019 Act, the  
7 Department of Education may not award any grants as provided under  
8 section 41 of this 2019 Act prior to July 1, 2020.

9

10 “EARLY WARNING SYSTEM FOR HIGH SCHOOL GRADUATION

11

12 “SECTION 42. Section 43 of this 2019 Act is added to and made a  
13 part of ORS chapter 327.

14 “SECTION 43. (1) In addition to those moneys distributed through  
15 the State School Fund, the Department of Education shall award  
16 grants from the Statewide Education Initiatives Account to school  
17 districts to implement the early warning system described in this sec-  
18 tion that assist students in graduating from high school.

19 “(2)(a) A system funded by a grant awarded under this section must  
20 enable school districts, students, students’ families, educators, school  
21 counselors and community organizations to take necessary corrective  
22 actions to assist students in graduating from high school.

23 “(b) Corrective actions that may be taken must be based on re-  
24 search on graduation rates and on reports of individual students re-  
25 lated to:

26 “(A) The student’s attendance;

27 “(B) The student’s behavior at school;

28 “(C) The student’s academic or skill progress; and

29 “(D) Any other factors identified by the State Board of Education  
30 by rule.

1       **“(3) The department shall assist school districts that may apply for**  
2 **a grant under this section, that have applied for a grant under this**  
3 **section or that have received a grant under this section, as appropri-**  
4 **ate, by:**

5       **“(a) Providing technical assistance to school districts to ensure that**  
6 **the school districts understand the goals and objectives of the system;**

7       **“(b) Assisting school districts in developing expertise in assisting**  
8 **students in graduating from high school and developing a culture that**  
9 **encourages and assists students in graduating from high school;**

10       **“(c) Identifying meaningful predictive indicators of high school**  
11 **graduation;**

12       **“(d) Developing local communication systems among students,**  
13 **students’ families, educators and community organizations to assist**  
14 **students in graduating from high school;**

15       **“(e) Identifying and developing interventions at school, at home and**  
16 **in the community to meet students’ needs; and**

17       **“(f) Reviewing existing policies and practices to:**

18       **“(A) Expand policies and practices that encourage high school**  
19 **graduation; and**

20       **“(B) Eliminate or modify policies and practices that may provide a**  
21 **disincentive to graduate from high school.**

22       **“(4) The amount of each grant awarded under this section shall**  
23 **equal the school district’s ADM as defined in ORS 327.006 × \$3.**

24       **“(5) The State Board of Education shall adopt any rules necessary**  
25 **for the administration of the grants described in this section.**

26       **“SECTION 44. Section 43 of this 2019 Act becomes operative on July**  
27 **1, 2020.**

28  
29                   **“EDUCATOR PROFESSIONAL DEVELOPMENT**  
30

1       **“SECTION 45. (1) The Department of Education and the Educator**  
2 **Advancement Council, in consultation with the Teacher Standards and**  
3 **Practices Commission, the Higher Education Coordinating Commission**  
4 **and representatives of school districts and other education**  
5 **stakeholders, shall develop a plan to provide an effective combination**  
6 **of programs and initiatives for the professional development of edu-**  
7 **cators from kindergarten through grade 12 and to be funded by the**  
8 **Statewide Education Initiatives Account. The plan shall be based on**  
9 **consideration of increasing:**

10       **“(a) Educator retention;**

11       **“(b) Educator diversity;**

12       **“(c) Mentoring and coaching of educators;**

13       **“(d) Participation in educator preparation programs; and**

14       **“(e) Educator scholarships.**

15       **“(2) The department shall provide a report, and may include rec-**  
16 **ommendations for legislation, to an interim committee of the Legis-**  
17 **lative Assembly related to education no later than January 15, 2020.**

18       **“SECTION 46. Section 45 of this 2019 Act is repealed on June 30,**  
19 **2020.**

20  
21                               **“EARLY LEARNING ACCOUNT**

22  
23       **“SECTION 47. Sections 48 and 49 of this 2019 Act are added to and**  
24 **made a part of ORS chapter 327.**

25       **“SECTION 48. Early Learning Account. (1) The Early Learning Ac-**  
26 **count is established within the Fund for Student Success.**

27       **“(2) The Early Learning Account shall consist of:**

28       **“(a) Moneys transferred from the Fund for Student Success under**  
29 **section 2 of this 2019 Act;**

30       **“(b) Moneys appropriated or otherwise transferred to the account**

1 by the Legislative Assembly;

2 “(c) Amounts donated to the account; and

3 “(d) Other amounts deposited into the account from any source.

4 “(3) The Department of Education, on behalf of the State of Oregon,  
5 may solicit and accept gifts, grants, donations and other moneys from  
6 public and private sources for the Early Learning Account. Moneys  
7 received as provided in this subsection shall be deposited into the  
8 Early Learning Account.

9 “(4) Moneys in the Early Learning Account are continuously ap-  
10 propriated to the Department of Education for early learning programs  
11 as described in section 49 of this 2019 Act.

12 “SECTION 49. Early Learning Account uses. (1) The Department  
13 of Education and the Early Learning Division shall use moneys in the  
14 Early Learning Account to provide funding for early learning pro-  
15 grams in a manner consistent with a statewide early learning system  
16 plan overseen by the Early Learning Council. Early learning programs  
17 that may receive moneys from the Early Learning Account include:

18 “(a) Early childhood special education or early intervention ser-  
19 vices;

20 “(b) Relief nurseries;

21 “(c) Programs funded by the Early Childhood Equity Fund;

22 “(d) The Oregon prekindergarten program and other public pre-  
23 school programs established under ORS 329.170 to 329.200, by increas-  
24 ing:

25 “(A) The total number of spaces for children served by the pro-  
26 grams; or

27 “(B) Existing spaces for full-day programs from half-day programs;

28 “(e) Professional development for early childhood educators; and

29 “(f) Early Head Start programs.

30 “(2) In addition to the uses identified in subsection (1) of this sec-



1 tion, moneys in the Early Learning Account may be used for staffing  
2 needs of the Early Learning Division for the purpose of implementing  
3 this section.

4 “(3) The State Board of Education and the Early Learning Council  
5 shall adopt rules necessary for the distribution of moneys under this  
6 section.

7  
8 **“EARLY CHILDHOOD EQUITY FUND**

9  
10 **“SECTION 50. Early Childhood Equity Fund. (1) The Early Child-**  
11 **hood Equity Fund is established in the State Treasury, separate and**  
12 **distinct from the General Fund. Moneys in the Early Childhood Equity**  
13 **Fund are continuously appropriated to the Department of Education**  
14 **for the Early Learning Division to make grants under section 51 of this**  
15 **2019 Act to culturally specific early learning, early childhood and par-**  
16 **ent support programs and to promote the capacity of culturally spe-**  
17 **cific organizations to deliver these programs.**

18 “(2) The fund shall consist of:

19 “(a) Moneys appropriated or otherwise transferred to the fund from  
20 the Legislative Assembly;

21 “(b) Earnings received on moneys in the fund; and

22 “(c) Other amounts deposited into the fund from any source.

23 **“SECTION 51. Early childhood support grant program. (1) The Early**  
24 **Learning Division may make grants from the Early Childhood Equity**  
25 **Fund established under section 50 of this 2019 Act to culturally specific**  
26 **early learning, early childhood and parent support programs in this**  
27 **state that build capacity in communities, ensure children start**  
28 **kindergarten ready to succeed and support families to be stable,**  
29 **healthy and attached. For purposes of this subsection, a program is in**  
30 **this state if the program serves communities within the geographic**

1 boundaries of this state, including communities within Indian country  
2 of a federally recognized Oregon Indian tribe that is within the ge-  
3 ographic boundaries of this state.

4 “(2) To receive a grant under this section, a program must:

5 “(a) Provide outreach, support and resources to children and fami-  
6 lies who are at risk because of any combination of two or more fac-  
7 tors, including their race, ethnicity, English language proficiency,  
8 socioeconomic status and geographic location; and

9 “(b) Demonstrate a proven ability to provide outreach, support and  
10 resources to children and families described in paragraph (a) of this  
11 subsection.

12 “(3) The division shall monitor capacity needs and provide technical  
13 assistance to grantees.

14 “(4) The division shall conduct a biennial evaluation of programs  
15 that receive grants under this section. The evaluation shall include  
16 measurement of outcomes that align with:

17 “(a) Current research regarding positive child and family indicators,  
18 including family stability and early childhood school readiness; and

19 “(b) Culturally specific approaches.

20 “(5) The Early Learning Council, in consultation with the division,  
21 shall adopt rules necessary to carry out the provisions of this section.  
22 The rules shall include requirements for grant eligibility under this  
23 section.

24 “(6) On or before September 15 of each odd-numbered year, the di-  
25 vision shall submit to the interim committees of the Legislative As-  
26 sembly related to early childhood and child welfare a report on the  
27 status and impact of grants made to programs under this section. The  
28 report shall include changes in the capacity of culturally specific or-  
29 ganizations and the results of any biennial evaluations conducted in  
30 accordance with subsection (4) of this section.

1 **“SECTION 52.** ORS 417.790 is amended to read:

2 “417.790. The Early Learning Division shall:

3 “(1) Make grants to fund research-based services and initiatives to im-  
4 prove outcomes for children, youth or families.

5 “(2) Make Great Start grants to fund community-based programs for  
6 children zero through six years of age. A recipient shall use Great Start  
7 grant funds to provide research-based early childhood programs in commu-  
8 nity settings and to provide services that have proven to be successful and  
9 that meet the needs of the community. These services shall be provided in  
10 accordance with ORS 417.728.

11 **“(3) Make grants under section 51 of this 2019 Act to fund culturally**  
12 **specific early learning, early childhood and parent support programs**  
13 **that build capacity in communities to provide culturally appropriate**  
14 **services to ensure children start kindergarten ready to succeed and to**  
15 **support family stability.**

16  
17 **“REPORT FROM DEPARTMENT OF EDUCATION**

18  
19 **“SECTION 53.** No later than February 1, 2020, the Department of  
20 Education shall provide a report, and may include recommendations  
21 for legislation, to an interim committee of the Legislative Assembly  
22 related to education regarding the progress of implementing this 2019  
23 Act.

24 **“SECTION 54.** Section 53 of this 2019 Act is repealed on December  
25 31, 2020.

26  
27 **“CAPTIONS**

28  
29 **“SECTION 55.** The unit and section captions used in this 2019 Act  
30 are provided only for the convenience of the reader and do not become

1 part of the statutory law of this state or express any legislative intent  
2 in the enactment of this 2019 Act.

3

4

**“EFFECTIVE DATE**

5

6 **“SECTION 56. This 2019 Act takes effect on the 91st day after the**  
7 **date on which the 2019 regular session of the Eightieth Legislative**  
8 **Assembly adjourns sine die.”.**

9

\_\_\_\_\_