

# House Bill 4091

Sponsored by Representatives PHAM, ALONSO LEON, NERON; Representatives CAMPOS, DEXTER, EVANS, HELM, MCLAIN, MEEK, POWER, SANCHEZ, SCHOUTEN, VALDERRAMA, WILDE, WILLIAMS, WITT, Senators DEMBROW, FREDERICK, JAMA, LIEBER, PROZANSKI, WAGNER (Presession filed.)

## SUMMARY

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

Directs Department of Education to develop and implement statewide education plan for students who are Native Hawaiian or Pacific Islander.

Requires all statewide education plans to include strategies that provide for alignment with other statewide education plans.

Directs Department of Education to evaluate and revise processes for collection of racial and ethnic data for purpose of developing and implementing statewide education plans.

Declares emergency, effective March 9, 2022.

## A BILL FOR AN ACT

1  
2 Relating to statewide education plans; creating new provisions; amending ORS 327.254, 329.841,  
3 329.843 and 329.847 and sections 64 and 68, chapter 631, Oregon Laws 2021; and declaring an  
4 emergency.

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

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

8 (a) **Is Native Hawaiian or Pacific Islander; and**

9 (b) **Has experienced disproportionate results in education due to historical practices, as**  
10 **identified by the State Board of Education by rule.**

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

13 (b) **The department shall form an advisory group consisting of individuals who:**

14 (A) **Identify as Native Hawaiian or Pacific Islander, including students who identify as**  
15 **Native Hawaiian or Pacific Islander;**

16 (B) **Represent community-based organizations serving Native Hawaiian or Pacific**  
17 **Islander youth and families; and**

18 (C) **Represent education stakeholders, including representatives of the Early Learning**  
19 **Division, the Youth Development Division and the Higher Education Coordinating Commis-**  
20 **sion.**

21 (c) **The advisory group formed as provided in paragraph (b) of this subsection shall advise**  
22 **the Department of Education regarding:**

23 (A) **Development and implementation of the plan;**

24 (B) **Eligibility criteria, applicant selection processes and expectations for recipients of**  
25 **grant awards described in this section; and**

26 (C) **Adoption of rules by the State Board of Education for the implementation of the plan.**

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

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

1 (a) The disparities experienced by plan students in every indicator of academic success,  
2 as documented by the statewide report card and other relevant reports related to plan stu-  
3 dents;

4 (b) The historical practices leading to disproportionate outcomes for plan students; and

5 (c) The educational needs of plan students from early childhood through post-secondary  
6 education as determined by examining culturally appropriate best practices in this state and  
7 across the nation.

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

9 (a) Address the disproportionate rate of disciplinary incidents involving plan students  
10 compared to all students in the education system;

11 (b) Increase parental engagement in the education of plan students;

12 (c) Increase the engagement of plan students in educational activities before and after  
13 regular school hours;

14 (d) Increase early childhood education and kindergarten readiness for plan students;

15 (e) Improve literacy and numeracy levels among plan students between kindergarten and  
16 grade three;

17 (f) Support plan student transitions to middle school and through the middle school and  
18 high school grades to maintain and improve academic performance;

19 (g) Support culturally responsive pedagogy and practices from early childhood through  
20 post-secondary education;

21 (h) Support the development of culturally responsive curricula from early childhood  
22 through post-secondary education;

23 (i) Increase attendance of plan students in community colleges and professional certi-  
24 fication programs;

25 (j) Increase attendance of plan students in four-year post-secondary institutions of edu-  
26 cation; and

27 (k) Align the plan with statewide education plans developed and implemented under ORS  
28 329.841, 329.843, 329.845 and 329.847.

29 (5) The Department of Education shall submit a biennial report concerning the progress  
30 of the plan developed and implemented under this section to a committee of the Legislative  
31 Assembly related to education at each even-numbered year regular session of the Legislative  
32 Assembly.

33 (6) The Department of Education, in consultation with the advisory group, shall award  
34 grants to Early Learning Hubs, providers of early learning services, school districts, educa-  
35 tion service districts, post-secondary institutions of education, tribal governments,  
36 community-based organizations or a consortium of these entities to implement the strategies  
37 provided in the plan developed and implemented under this section.

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

41 **SECTION 2.** Section 1 of this 2022 Act is amended to read:

42 **Sec. 1.** (1) As used in this section, “plan student” means a student enrolled in early childhood  
43 through post-secondary education who:

44 (a) Is Native Hawaiian or Pacific Islander; and

45 (b) Has experienced disproportionate results in education due to historical practices, as identi-

1 filed by the State Board of Education by rule.

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

4 (b) The department shall form an advisory group consisting of individuals who:

5 (A) Identify as Native Hawaiian or Pacific Islander, including students who identify as Native  
6 Hawaiian or Pacific Islander;

7 (B) Represent community-based organizations serving Native Hawaiian or Pacific Islander youth  
8 and families; and

9 (C) Represent education stakeholders, including representatives of the [*Early Learning*  
10 *Division*] **Department of Early Learning and Care**, the Youth Development Division and the  
11 Higher Education Coordinating Commission.

12 (c) The advisory group formed as provided in paragraph (b) of this subsection shall advise the  
13 Department of Education regarding:

14 (A) Development and implementation of the plan;

15 (B) Eligibility criteria, applicant selection processes and expectations for recipients of grant  
16 awards described in this section; and

17 (C) Adoption of rules by the State Board of Education for the implementation of the plan.

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

19 (a) The disparities experienced by plan students in every indicator of academic success, as doc-  
20 umented by the statewide report card and other relevant reports related to plan students;

21 (b) The historical practices leading to disproportionate outcomes for plan students; and

22 (c) The educational needs of plan students from early childhood through post-secondary educa-  
23 tion as determined by examining culturally appropriate best practices in this state and across the  
24 nation.

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

26 (a) Address the disproportionate rate of disciplinary incidents involving plan students compared  
27 to all students in the education system;

28 (b) Increase parental engagement in the education of plan students;

29 (c) Increase the engagement of plan students in educational activities before and after regular  
30 school hours;

31 (d) Increase early childhood education and kindergarten readiness for plan students;

32 (e) Improve literacy and numeracy levels among plan students between kindergarten and grade  
33 three;

34 (f) Support plan student transitions to middle school and through the middle school and high  
35 school grades to maintain and improve academic performance;

36 (g) Support culturally responsive pedagogy and practices from early childhood through post-  
37 secondary education;

38 (h) Support the development of culturally responsive curricula from early childhood through  
39 post-secondary education;

40 (i) Increase attendance of plan students in community colleges and professional certification  
41 programs;

42 (j) Increase attendance of plan students in four-year post-secondary institutions of education; and

43 (k) Align the plan with statewide education plans developed and implemented under ORS  
44 329.841, 329.843, 329.845 and 329.847.

45 (5) The Department of Education shall submit a biennial report concerning the progress of the

1 plan developed and implemented under this section to a committee of the Legislative Assembly re-  
2 lated to education at each even-numbered year regular session of the Legislative Assembly.

3 (6) The Department of Education, in consultation with the advisory group, shall award grants  
4 to Early Learning Hubs, providers of early learning services, school districts, education service  
5 districts, post-secondary institutions of education, tribal governments, community-based organiza-  
6 tions or a consortium of these entities to implement the strategies provided in the plan developed  
7 and implemented under this section.

8 (7) To qualify for and receive a grant described in this section, an applicant must identify and  
9 demonstrate that the applicant meets the eligibility criteria established by the State Board of Edu-  
10 cation by rule.

11 **SECTION 3.** Section 64, chapter 631, Oregon Laws 2021, is amended to read:

12 **Sec. 64.** (1) [*Sections 12 and 13 of this 2021 Act*] **ORS 326.432 and 329A.750**, the amendments  
13 to ORS 131A.360, 131A.365, 183.459, 279A.050, 326.425, 326.430, 326.435, 327.269, 327.274, 329.155,  
14 329.156, 329.165, 329.170, 329.172, 329.175, 329.181, 329.183, 329.185, 329.195, 329.200, 329.219, 329.841,  
15 329.843, 329.845, 329A.010, 329A.120, 329A.135, 329A.250, 329A.261, 329A.712, 336.101, 336.104,  
16 343.465, 343.475, 343.499, 417.781, 417.782, 417.784, 417.788, 417.790, 417.793, 417.795, 417.796, 417.827,  
17 417.829, 419B.005, 433.301, 609.652, 805.205 and 805.207 by sections 11 and 14 to 62 [*of this 2021*  
18 *Act*], **chapter 631, Oregon Laws 2021, to ORS 329.847 by section 12 of this 2022 Act and to**  
19 **section 1 of this 2022 Act by section 2 of this 2022 Act**, and the repeal of ORS 329.145, 329.150,  
20 329.190, 329A.490 and 329A.493 by section 63 [*of this 2021 Act*], **chapter 631, Oregon Laws 2021,**  
21 become operative on January 1, 2023.

22 (2) Notwithstanding the operative date set forth in subsection (1) of this section, the Early  
23 Learning Division and the Department of Education may take any action before the operative date  
24 set forth in subsection (1) of this section that is necessary for the Department of Early Learning and  
25 Care to exercise, on and after the operative date set forth in subsection (1) of this section, all of the  
26 duties, functions and powers conferred on the Department of Early Learning and Care by [*sections*  
27 *12 and 13 of this 2021 Act*,] **ORS 326.432 and 329A.750** and the amendments to ORS 131A.360,  
28 131A.365, 183.459, 279A.050, 326.425, 326.430, 326.435, 327.269, 327.274, 329.155, 329.156, 329.165,  
29 329.170, 329.172, 329.175, 329.181, 329.183, 329.185, 329.195, 329.200, 329.219, 329.841, 329.843, 329.845,  
30 329A.010, 329A.120, 329A.135, 329A.250, 329A.261, 329A.712, 336.101, 336.104, 343.465, 343.475,  
31 343.499, 417.781, 417.782, 417.784, 417.788, 417.790, 417.793, 417.795, 417.796, 417.827, 417.829,  
32 419B.005, 433.301, 609.652, 805.205 and 805.207 by sections 11 and 14 to 62 [*of this 2021 Act*], **chapter**  
33 **631, Oregon Laws 2021, to ORS 329.847 by section 12 of this 2022 Act and to section 1 of this**  
34 **2022 Act by section 2 of this 2022 Act.**

35 (3) For the purpose of ensuring that the Department of Early Learning and Care may exercise,  
36 on and after the operative date set forth in subsection (1) of this section, all of the duties, functions  
37 and powers conferred on the Department of Early Learning and Care by [*sections 12 and 13 of this*  
38 *2021 Act*] **ORS 326.432 and 329A.750** and the amendments to ORS 131A.360, 131A.365, 183.459,  
39 279A.050, 326.425, 326.430, 326.435, 327.269, 327.274, 329.155, 329.156, 329.165, 329.170, 329.172,  
40 329.175, 329.181, 329.183, 329.185, 329.195, 329.200, 329.219, 329.841, 329.843, 329.845, 329A.010,  
41 329A.120, 329A.135, 329A.250, 329A.261, 329A.712, 336.101, 336.104, 343.465, 343.475, 343.499, 417.781,  
42 417.782, 417.784, 417.788, 417.790, 417.793, 417.795, 417.796, 417.827, 417.829, 419B.005, 433.301,  
43 609.652, 805.205 and 805.207 by sections 11 and 14 to 62 [*of this 2021 Act*], **chapter 631, Oregon**  
44 **Laws 2021, to ORS 329.847 by section 12 of this 2022 Act and to section 1 of this 2022 Act by**  
45 **section 2 of this 2022 Act**, the Early Learning Division and the Department of Education shall

1 develop and implement a plan that provides for a seamless transfer of duties, functions and powers.

2 (4) The Governor shall resolve any disputes related to the plan developed and implemented under  
 3 subsection (3) of this section, and the Governor’s decision is final.

4 **SECTION 4.** Section 68, chapter 631, Oregon Laws 2021, is amended to read:

5 **Sec. 68.** (1) Nothing in [*sections 12 and 13 of this 2021 Act*] **ORS 326.432 and 329A.750**, the  
 6 amendments to ORS 131A.360, 131A.365, 183.459, 279A.050, 326.425, 326.430, 326.435, 327.269, 327.274,  
 7 329.155, 329.156, 329.165, 329.170, 329.172, 329.175, 329.181, 329.183, 329.185, 329.195, 329.200, 329.219,  
 8 329.841, 329.843, 329.845, 329A.010, 329A.120, 329A.135, 329A.250, 329A.261, 329A.712, 336.101,  
 9 336.104, 343.465, 343.475, 343.499, 417.781, 417.782, 417.784, 417.788, 417.790, 417.793, 417.795, 417.796,  
 10 417.827, 417.829, 419B.005, 433.301, 609.652, 805.205 and 805.207 by sections 11 and 14 to 62 [*of this*  
 11 *2021 Act*], **chapter 631, Oregon Laws 2021, to ORS 329.847 by section 12 of this 2022 Act and**  
 12 **to section 1 of this 2022 Act by section 2 of this 2022 Act**, or the repeal of ORS 329.145, 329.150,  
 13 329.190, 329A.490 and 329A.493 by section 63 [*of this 2021 Act*], **chapter 631, Oregon Laws 2021**,  
 14 relieves a person of a liability, duty or obligation accruing under or with respect to the duties,  
 15 functions and powers transferred by the amendments to ORS 326.430 by section 11 [*of this 2021*  
 16 *Act*], **chapter 631, Oregon Laws 2021**. The Department of Early Learning and Care may undertake  
 17 the collection or enforcement of any such liability, duty or obligation.

18 (2) The rights and obligations of the Early Learning Division or the Department of Education  
 19 on behalf of the Early Learning Division legally incurred under contracts, leases and business  
 20 transactions executed, entered into or begun before the operative date of the amendments to ORS  
 21 326.430 by section 11 [*of this 2021 Act*], **chapter 631, Oregon Laws 2021**, are transferred to the  
 22 Department of Early Learning and Care. For the purpose of succession to these rights and obli-  
 23 gations, the Department of Early Learning and Care is a continuation of the Early Learning Divi-  
 24 sion and not a new authority.

25 **SECTION 5.** ORS 327.254, as operative until July 1, 2022, is amended to read:

26 327.254. (1) The Department of Education shall use moneys in the Statewide Education Initi-  
 27 atives Account to provide funding for statewide education initiatives, including:

28 (a) Funding the High School Graduation and College and Career Readiness Act at the levels  
 29 prescribed by ORS 327.856;

30 (b) Expanding school breakfast and lunch programs;

31 (c) Operating youth reengagement programs or providing youth reengagement services;

32 (d) Establishing and maintaining the Statewide School Safety and Prevention System under ORS  
 33 339.341;

34 (e) Developing and providing statewide equity initiatives, including the Black or African-  
 35 American education plan developed under ORS 329.841, the American Indian or Alaska Native edu-  
 36 cation plan developed under ORS 329.843, the Latino or Hispanic education plan developed under  
 37 ORS 329.845, **the minority gender identity or sexual orientation education plan developed un-**  
 38 **der ORS 329.847, the Native Hawaiian or Pacific Islander education plan developed under**  
 39 **section 1 of this 2022 Act** or any similar education plan identified by the department;

40 (f) Providing summer learning programs at schools that are considered high poverty under Title  
 41 I of the federal Elementary and Secondary Education Act of 1965;

42 (g) Funding early warning systems to assist students in graduating from high school, as de-  
 43 scribed in ORS 327.367;

44 (h) Developing and implementing professional development programs and training programs, in-  
 45 cluding programs that increase educator diversity and retain diverse educators;

- 1 (i) Planning for increased transparency and accountability in the public education system of this  
 2 state;
- 3 (j) Providing additional funding to school districts participating in the intensive program under  
 4 ORS 327.222;
- 5 (k) Providing technical assistance, including costs incurred for:
- 6 (A) The coaching program described in ORS 327.214; and
- 7 (B) The intensive program described in ORS 327.222, including costs for student success teams;
- 8 (L) Funding education service districts, as described in subsection (2) of this section; and
- 9 (m) Funding costs incurred by the department in implementing this section and ORS 327.175 to  
 10 327.235 and 327.274.
- 11 (2)(a) The amount of a distribution to an education service district under this section shall be  
 12 made as provided by paragraph (b) of this subsection after calculating the following for each edu-  
 13 cation service district:
- 14 (A) One percent of the total amount available for distribution to education service districts in  
 15 each biennium.
- 16 (B) The education service district's  $ADMw \times$  (the total amount available for distribution to  
 17 education service districts in each biennium  $\div$  the total ADMw of all education service districts  
 18 that receive a distribution).
- 19 (b) The amount of the distribution to an education service district shall be the greater of the  
 20 amounts calculated under paragraph (a) of this subsection, except that, for distributions made as  
 21 provided by paragraph (a)(B) of this subsection, the total amount available for distribution to edu-  
 22 cation service districts shall be the amount remaining after any distributions required under para-  
 23 graph (a)(A) of this subsection have been made.
- 24 (c) For purposes of this subsection, ADMw equals the ADMw as calculated under ORS 327.013,  
 25 except that the additional amount allowed for students who are in poverty families, as determined  
 26 under ORS 327.013 (1)(c)(A)(v)(I), shall be 0.5.
- 27 (d) An education service district shall use moneys received under this section as provided by a  
 28 plan developed by the school districts located within the education service district. A school district  
 29 that declines to participate in the development of the plan or that has withdrawn from an education  
 30 service district as provided by ORS 334.015 is not entitled to any moneys distributed to the educa-  
 31 tion service district under this subsection.
- 32 (e) A plan developed under this subsection must:
- 33 (A) Align with and support school districts in meeting the performance growth targets of the  
 34 school districts developing the plan;
- 35 (B) Include the provision of technical assistance to school districts in developing, implementing  
 36 and reviewing a plan for receiving a grant from the Student Investment Account;
- 37 (C) Provide for coordination with the department in administering and providing technical as-  
 38 sistance to school districts, including coordinating any coaching programs established under ORS  
 39 327.214; and
- 40 (D) Be adopted and amended as provided for local service plans under ORS 334.175 and approved  
 41 by the department.
- 42 (f) Each education service district must submit an annual report to the department that:
- 43 (A) Describes how the education service district spent moneys received under this subsection;  
 44 and
- 45 (B) Includes an evaluation of the education service district's compliance with the plan from the

1 superintendent of each school district that participated in the development of the plan.

2 (3) The State Board of Education shall adopt rules necessary for the distribution of moneys un-  
 3 der this section.

4 **SECTION 6.** ORS 327.254 is amended to read:

5 327.254. (1) The Department of Education shall use moneys in the Statewide Education Initi-  
 6 atives Account to provide funding for statewide education initiatives, including:

7 (a) Funding the High School Graduation and College and Career Readiness Act at the levels  
 8 prescribed by ORS 327.856;

9 (b) Expanding school breakfast and lunch programs;

10 (c) Operating youth reengagement programs or providing youth reengagement services;

11 (d) Establishing and maintaining the Statewide School Safety and Prevention System under ORS  
 12 339.341;

13 (e) Developing and providing statewide equity initiatives, including the Black or African-  
 14 American education plan developed under ORS 329.841, the American Indian or Alaska Native edu-  
 15 cation plan developed under ORS 329.843, the Latino or Hispanic education plan developed under  
 16 ORS 329.845, **the minority gender identity or sexual orientation education plan developed un-**  
 17 **der ORS 329.847, the Native Hawaiian or Pacific Islander education plan developed under**  
 18 **section 1 of this 2022 Act** or any similar education plan identified by the department;

19 (f) Providing summer learning programs at schools that are considered high poverty under Title  
 20 I of the federal Elementary and Secondary Education Act of 1965;

21 (g) Funding early warning systems to assist students in graduating from high school, as de-  
 22 scribed in ORS 327.367;

23 (h) Developing and implementing professional development programs and training programs, in-  
 24 cluding programs that increase educator diversity and retain diverse educators;

25 (i) Planning for increased transparency and accountability in the public education system of this  
 26 state;

27 (j) Providing additional funding to school districts participating in the intensive program under  
 28 ORS 327.222;

29 (k) Providing technical assistance, including costs incurred for:

30 (A) The coaching program described in ORS 327.214; and

31 (B) The intensive program described in ORS 327.222, including costs for student success teams;

32 (L) Funding public charter schools, as described in ORS 327.362;

33 (m) Funding education service districts, as described in subsection (2) of this section; and

34 (n) Funding costs incurred by the department in implementing this section and ORS 327.175 to  
 35 327.235 and 327.274.

36 (2)(a) The amount of a distribution to an education service district under this section shall be  
 37 made as provided by paragraph (b) of this subsection after calculating the following for each edu-  
 38 cation service district:

39 (A) One percent of the total amount available for distribution to education service districts in  
 40 each biennium.

41 (B) The education service district's  $ADMw \times$  (the total amount available for distribution to  
 42 education service districts in each biennium  $\div$  the total  $ADMw$  of all education service districts  
 43 that receive a distribution).

44 (b) The amount of the distribution to an education service district shall be the greater of the  
 45 amounts calculated under paragraph (a) of this subsection, except that, for distributions made as

1 provided by paragraph (a)(B) of this subsection, the total amount available for distribution to edu-  
 2 cation service districts shall be the amount remaining after any distributions required under para-  
 3 graph (a)(A) of this subsection have been made.

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

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

12 (e) A plan developed under this subsection must:

13 (A) Align with and support school districts in meeting the performance growth targets of the  
 14 school districts developing the plan;

15 (B) Include the provision of technical assistance to school districts in developing, implementing  
 16 and reviewing a plan for receiving a grant from the Student Investment Account;

17 (C) Provide for coordination with the department in administering and providing technical as-  
 18 sistance to school districts, including coordinating any coaching programs established under ORS  
 19 327.214; and

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

22 (f) Each education service district must submit an annual report to the department that:

23 (A) Describes how the education service district spent moneys received under this subsection;  
 24 and

25 (B) Includes an evaluation of the education service district's compliance with the plan from the  
 26 superintendent of each school district that participated in the development of the plan.

27 (3) The State Board of Education shall adopt rules necessary for the distribution of moneys un-  
 28 der this section.

29 **SECTION 7.** ORS 329.841 is amended to read:

30 329.841 (1) For the purposes of this section, "plan student" means a student enrolled in early  
 31 childhood through post-secondary education who:

32 (a) Is Black or African-American; and

33 (b) Has experienced disproportionate results in education due to historical practices, as identi-  
 34 fied by the State Board of Education by rule.

35 (2)(a) The Department of Education shall develop and implement a statewide education plan for  
 36 plan students.

37 (b) The department shall form an advisory group consisting of community members, education  
 38 stakeholders and representatives of the Early Learning Division, the Youth Development Division  
 39 and the Higher Education Coordinating Commission to advise the department regarding:

40 (A) Development and implementation of the plan;

41 (B) Eligibility criteria, applicant selection process and expectations for recipients of grant  
 42 awards described in this section; and

43 (C) Adoption of rules by the State Board of Education for the implementation of the plan.

44 (3) The plan developed under this section shall address:

45 (a) The disparities experienced by plan students in every indicator of academic success, as doc-



1 umented by the department’s statewide report card;

2 (b) The historical practices leading to disproportionate outcomes for plan students; and

3 (c) The educational needs of plan students from early childhood through post-secondary educa-  
4 tion by examining culturally appropriate best practices in this state and across the nation.

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

6 (a) Address the disproportionate rate of disciplinary incidents for plan students compared to all  
7 students in the education system;

8 (b) Increase parental engagement in the education of plan students;

9 (c) Increase the engagement of plan students in educational activities before and after regular  
10 school hours;

11 (d) Increase early childhood and kindergarten readiness for plan students;

12 (e) Improve literacy and numeracy levels among plan students between kindergarten and grade  
13 three;

14 (f) Support plan student transitions to middle school and through the middle and high school  
15 grades to maintain and improve academic performance;

16 (g) Support culturally responsive pedagogy and practices from early childhood through post-  
17 secondary education;

18 (h) Support the development of culturally responsive curricula from early childhood through  
19 post-secondary education;

20 (i) Increase attendance of plan students in community colleges and professional certification  
21 programs; *[and]*

22 (j) Increase attendance of plan students in four-year post-secondary institutions of education[.];

23 **and**

24 **(k) Align the plan with statewide education plans developed and implemented under ORS**  
25 **329.843, 329.845 and 329.847 and section 1 of this 2022 Act.**

26 (5) The department shall submit a biennial report concerning the progress of the plan developed  
27 and implemented under this section at each even-numbered year regular session of the Legislative  
28 Assembly in the manner provided by ORS 192.245 to an interim committee of the Legislative As-  
29 sembly related to education.

30 (6) The department, in consultation with the advisory group, shall award grants to Early  
31 Learning Hubs, providers of early learning services, school districts, education service districts,  
32 post-secondary institutions of education and community-based organizations to implement the strat-  
33 egies developed in the plan developed and implemented under this section.

34 (7) To qualify for and receive a grant described in this section, an applicant must identify and  
35 demonstrate that the applicant meets the eligibility criteria established by the State Board of Edu-  
36 cation by rule.

37 **SECTION 8.** ORS 329.841, as amended by section 34, chapter 631, Oregon Laws 2021, is  
38 amended to read:

39 329.841. (1) For the purposes of this section, “plan student” means a student enrolled in early  
40 childhood through post-secondary education who:

41 (a) Is Black or African-American; and

42 (b) Has experienced disproportionate results in education due to historical practices, as identi-  
43 fied by the State Board of Education by rule.

44 (2)(a) The Department of Education shall develop and implement a statewide education plan for  
45 plan students.

1 (b) The Department of Education shall form an advisory group consisting of community mem-  
 2 bers, education stakeholders and representatives of the Department of Early Learning and Care, the  
 3 Youth Development Division and the Higher Education Coordinating Commission to advise the De-  
 4 partment of Education regarding:

5 (A) Development and implementation of the plan;

6 (B) Eligibility criteria, applicant selection process and expectations for recipients of grant  
 7 awards described in this section; and

8 (C) Adoption of rules by the State Board of Education for the implementation of the plan.

9 (3) The plan developed under this section shall address:

10 (a) The disparities experienced by plan students in every indicator of academic success, as doc-  
 11 umented by the statewide report card;

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

13 (c) The educational needs of plan students from early childhood through post-secondary educa-  
 14 tion by examining culturally appropriate best practices in this state and across the nation.

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

16 (a) Address the disproportionate rate of disciplinary incidents for plan students compared to all  
 17 students in the education system;

18 (b) Increase parental engagement in the education of plan students;

19 (c) Increase the engagement of plan students in educational activities before and after regular  
 20 school hours;

21 (d) Increase early childhood and kindergarten readiness for plan students;

22 (e) Improve literacy and numeracy levels among plan students between kindergarten and grade  
 23 three;

24 (f) Support plan student transitions to middle school and through the middle and high school  
 25 grades to maintain and improve academic performance;

26 (g) Support culturally responsive pedagogy and practices from early childhood through post-  
 27 secondary education;

28 (h) Support the development of culturally responsive curricula from early childhood through  
 29 post-secondary education;

30 (i) Increase attendance of plan students in community colleges and professional certification  
 31 programs; *[and]*

32 (j) Increase attendance of plan students in four-year post-secondary institutions of education[.];  
 33 **and**

34 **(k) Align the plan with statewide education plans developed and implemented under ORS**  
 35 **329.843, 329.845 and 329.847 and section 1 of this 2022 Act.**

36 (5) The Department of Education shall submit a biennial report concerning the progress of the  
 37 plan developed and implemented under this section at each even-numbered year regular session of  
 38 the Legislative Assembly in the manner provided by ORS 192.245 to an interim committee of the  
 39 Legislative Assembly related to education.

40 (6) The Department of Education, in consultation with the advisory group, shall award grants  
 41 to Early Learning Hubs, providers of early learning services, school districts, education service  
 42 districts, post-secondary institutions of education and community-based organizations to implement  
 43 the strategies developed in the plan developed and implemented under this section.

44 (7) To qualify for and receive a grant described in this section, an applicant must identify and  
 45 demonstrate that the applicant meets the eligibility criteria established by the State Board of Edu-

1 cation by rule.

2 **SECTION 9.** ORS 329.843 is amended to read:

3 329.843 (1) As used in this section, “plan student” means a student enrolled in early childhood  
4 through post-secondary education who:

5 (a) Is an American Indian or Alaska Native; and

6 (b) Has experienced disproportionate results in education due to historical practices, as identi-  
7 fied by the State Board of Education by rule.

8 (2)(a) The Department of Education shall develop and implement a statewide education plan for  
9 plan students.

10 (b) When developing the plan, the department shall consult with representatives from tribal  
11 governments and from executive branch agencies who have formed government-to-government re-  
12 lations to focus on education. Additionally, the department may receive input from an advisory  
13 group consisting of community members, education stakeholders and representatives of the Early  
14 Learning Division, the Youth Development Division and the Higher Education Coordinating Com-  
15 mission.

16 (c) The department shall be responsible for:

17 (A) Implementing the plan developed under this subsection;

18 (B) Developing eligibility criteria, the applicant selection process and expectations for recipients  
19 of grant awards described in this section; and

20 (C) Advising the State Board of Education on the adoption of rules under this section.

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

22 (a) The disparities experienced by plan students in every indicator of academic success, as doc-  
23 umented by the department’s statewide report card and other relevant reports related to plan stu-  
24 dents;

25 (b) The historical practices leading to disproportionate outcomes for plan students; and

26 (c) The educational needs of plan students from early childhood through post-secondary educa-  
27 tion as determined by examining culturally appropriate best practices in this state and across the  
28 nation.

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

30 (a) Address the disproportionate rate of disciplinary incidents involving plan students as com-  
31 pared to all students in the education system;

32 (b) Increase parental engagement in the education of plan students;

33 (c) Increase the engagement of plan students in educational activities before and after regular  
34 school hours;

35 (d) Increase early childhood education and kindergarten readiness for plan students;

36 (e) Improve literacy and numeracy levels among plan students between kindergarten and grade  
37 three;

38 (f) Support plan student transitions to middle school and through the middle school and high  
39 school grades to maintain and improve academic performance;

40 (g) Support culturally responsive pedagogy and practices from early childhood through post-  
41 secondary education;

42 (h) Support the development of culturally responsive curricula from early childhood through  
43 post-secondary education;

44 (i) Increase attendance of plan students in early childhood programs through post-secondary and  
45 professional certification programs; [and]

1 (j) Increase attendance of plan students in four-year post-secondary institutions of education[.];

2 **and**

3 **(k) Align the plan with statewide education plans developed and implemented under ORS**  
 4 **329.841, 329.845 and 329.847 and section 1 of this 2022 Act.**

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

8 (6) The department, in consultation with the advisory group, shall award grants to Early  
 9 Learning Hubs, providers of early learning services, school districts, education service districts,  
 10 post-secondary institutions of education, tribal governments and community-based organizations to  
 11 implement the strategies provided in the plan developed and implemented under this section.

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

15 **SECTION 10.** ORS 329.843, as amended by section 35, chapter 631, Oregon Laws 2021, is  
 16 amended to read:

17 329.843. (1) As used in this section, “plan student” means a student enrolled in early childhood  
 18 through post-secondary education who:

19 (a) Is an American Indian or Alaska Native; and

20 (b) Has experienced disproportionate results in education due to historical practices, as identi-  
 21 fied by the State Board of Education by rule.

22 (2)(a) The Department of Education shall develop and implement a statewide education plan for  
 23 plan students.

24 (b) When developing the plan, the Department of Education shall consult with representatives  
 25 from tribal governments and from executive branch agencies who have formed government-to-  
 26 government relations to focus on education. Additionally, the Department of Education may receive  
 27 input from an advisory group consisting of community members, education stakeholders and repre-  
 28 sentatives of the Department of Early Learning and Care, the Youth Development Division and the  
 29 Higher Education Coordinating Commission.

30 (c) The Department of Education shall be responsible for:

31 (A) Implementing the plan developed under this subsection;

32 (B) Developing eligibility criteria, the applicant selection process and expectations for recipients  
 33 of grant awards described in this section; and

34 (C) Advising the State Board of Education on the adoption of rules under this section.

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

36 (a) The disparities experienced by plan students in every indicator of academic success, as doc-  
 37 umented by the statewide report card and other relevant reports related to plan students;

38 (b) The historical practices leading to disproportionate outcomes for plan students; and

39 (c) The educational needs of plan students from early childhood through post-secondary educa-  
 40 tion as determined by examining culturally appropriate best practices in this state and across the  
 41 nation.

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

43 (a) Address the disproportionate rate of disciplinary incidents involving plan students as com-  
 44 pared to all students in the education system;

45 (b) Increase parental engagement in the education of plan students;

1 (c) Increase the engagement of plan students in educational activities before and after regular  
2 school hours;

3 (d) Increase early childhood education and kindergarten readiness for plan students;

4 (e) Improve literacy and numeracy levels among plan students between kindergarten and grade  
5 three;

6 (f) Support plan student transitions to middle school and through the middle school and high  
7 school grades to maintain and improve academic performance;

8 (g) Support culturally responsive pedagogy and practices from early childhood through post-  
9 secondary education;

10 (h) Support the development of culturally responsive curricula from early childhood through  
11 post-secondary education;

12 (i) Increase attendance of plan students in early childhood programs through post-secondary and  
13 professional certification programs; *[and]*

14 (j) Increase attendance of plan students in four-year post-secondary institutions of education[.];  
15 **and**

16 **(k) Align the plan with statewide education plans developed and implemented under ORS**  
17 **329.841, 329.845 and 329.847 and section 1 of this 2022 Act.**

18 (5) The Department of Education shall submit a biennial report concerning the progress of the  
19 plan developed and implemented under this section to a committee of the Legislative Assembly re-  
20 lated to education at each even-numbered year regular session of the Legislative Assembly.

21 (6) The Department of Education, in consultation with the advisory group, shall award grants  
22 to Early Learning Hubs, providers of early learning services, school districts, education service  
23 districts, post-secondary institutions of education, tribal governments and community-based organ-  
24 izations to implement the strategies provided in the plan developed and implemented under this  
25 section.

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

29 **SECTION 11.** ORS 329.847 is amended to read:

30 329.847. (1) As used in this section, “plan student” means a student enrolled in early childhood  
31 through post-secondary education who:

32 (a) May be lesbian, gay, bisexual, transgender, queer, two-spirit, intersex, asexual, nonbinary or  
33 another minority gender identity or sexual orientation; and

34 (b) Has experienced disproportionate results in education due to historical practices, as identi-  
35 fied by the State Board of Education by rule.

36 (2)(a) The Department of Education shall develop and implement a statewide education plan for  
37 plan students.

38 (b) The department shall form an advisory group to advise the department regarding the  
39 adoption and implementation of the plan. The advisory group must consist of:

40 (A) Individuals who identify as lesbian, gay, bisexual, transgender, queer, two-spirit, intersex,  
41 asexual, nonbinary or another minority gender identity or sexual orientation;

42 (B) Students who identify as lesbian, gay, bisexual, transgender, queer, two-spirit, intersex,  
43 asexual, nonbinary or another minority gender identity or sexual orientation;

44 (C) Representatives of community-based organizations that serve lesbian, gay, bisexual,  
45 transgender, queer, two-spirit, intersex, asexual, nonbinary or another minority gender identity or

- 1 sexual orientation population; and
- 2 (D) Education stakeholders, including representatives of the Early Learning Division, the Youth  
3 Development Division and the Higher Education Coordinating Commission.
- 4 (c) When implementing the plan, the department shall consult with:
- 5 (A) The advisory group described in paragraph (b) of this subsection;
- 6 (B) The advisory group described in ORS 329.841, related to students who are Black or  
7 African-American;
- 8 (C) The advisory group described in ORS 329.843, related to students who are American Indian  
9 or Alaska Native;
- 10 (D) The advisory group described in ORS 329.845, related to students who are Latino or  
11 Hispanic; *[and]*
- 12 **(E) The advisory group described in section 1 of this 2022 Act, related to students who  
13 are Native Hawaiian or Pacific Islander; and**
- 14 *[(E)]* (F) Any other advisory groups or education stakeholders identified by the department.
- 15 (d) The department shall be responsible for:
- 16 (A) Implementing the plan developed under this section;
- 17 (B) Developing eligibility criteria, the applicant selection process and expectations for recipients  
18 of grant awards described in this section; and
- 19 (C) Advising the State Board of Education on the adoption of rules under this section.
- 20 (3) The plan developed under this section must address:
- 21 (a) The disparities experienced by plan students in every indicator of academic success, as doc-  
22 umented by the department’s statewide report card and other relevant reports related to plan stu-  
23 dents;
- 24 (b) The historical practices leading to disproportionate outcomes for plan students; and
- 25 (c) The educational needs of plan students from early childhood through post-secondary educa-  
26 tion as determined by examining culturally appropriate best practices in this state and across the  
27 nation.
- 28 (4) The plan developed and implemented under this section must provide strategies to:
- 29 (a) Address the disproportionate rate of disciplinary incidents involving plan students as com-  
30 pared to all students in the education system;
- 31 (b) Increase parental engagement in the education of plan students;
- 32 (c) Increase the engagement of plan students in educational activities before and after regular  
33 school hours;
- 34 (d) Increase early childhood education and kindergarten readiness for plan students;
- 35 (e) Improve literacy and numeracy levels among plan students between kindergarten and grade  
36 three;
- 37 (f) Support plan student transitions to middle school and through the middle school and high  
38 school grades to maintain and improve academic performance;
- 39 (g) Support culturally responsive pedagogy and practices from early childhood through post-  
40 secondary education;
- 41 (h) Support the development of culturally responsive curricula from early childhood through  
42 post-secondary education;
- 43 (i) Increase attendance of plan students in early childhood programs through post-secondary and  
44 professional certification programs; and
- 45 (j) Increase attendance of plan students in four-year post-secondary institutions of education.

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

4 (6) The department, in consultation with the advisory group, may award grants to Early Learn-  
 5 ing Hubs, providers of early learning services, school districts, education service districts, post-  
 6 secondary institutions of education, tribal governments, community-based organizations or a  
 7 consortium of these entities to implement the strategies provided in the plan developed and imple-  
 8 mented under this section.

9 (7) To qualify for and receive a grant described in this section, an applicant must identify and  
 10 demonstrate that the applicant meets the eligibility criteria established by the State Board of Edu-  
 11 cation by rule.

12 **SECTION 12.** ORS 329.847, as amended by section 11 of this 2022 Act, is amended to read:

13 329.847. (1) As used in this section, “plan student” means a student enrolled in early childhood  
 14 through post-secondary education who:

15 (a) May be lesbian, gay, bisexual, transgender, queer, two-spirit, intersex, asexual, nonbinary or  
 16 another minority gender identity or sexual orientation; and

17 (b) Has experienced disproportionate results in education due to historical practices, as identi-  
 18 fied by the State Board of Education by rule.

19 (2)(a) The Department of Education shall develop and implement a statewide education plan for  
 20 plan students.

21 (b) The department shall form an advisory group to advise the department regarding the  
 22 adoption and implementation of the plan. The advisory group must consist of:

23 (A) Individuals who identify as lesbian, gay, bisexual, transgender, queer, two-spirit, intersex,  
 24 asexual, nonbinary or another minority gender identity or sexual orientation;

25 (B) Students who identify as lesbian, gay, bisexual, transgender, queer, two-spirit, intersex,  
 26 asexual, nonbinary or another minority gender identity or sexual orientation;

27 (C) Representatives of community-based organizations that serve lesbian, gay, bisexual,  
 28 transgender, queer, two-spirit, intersex, asexual, nonbinary or another minority gender identity or  
 29 sexual orientation population; and

30 (D) Education stakeholders, including representatives of the [*Early Learning Division*] **Depart-**  
 31 **ment of Early Learning and Care**, the Youth Development Division and the Higher Education  
 32 Coordinating Commission.

33 (c) When implementing the plan, the department shall consult with:

34 (A) The advisory group described in paragraph (b) of this subsection;

35 (B) The advisory group described in ORS 329.841, related to students who are Black or  
 36 African-American;

37 (C) The advisory group described in ORS 329.843, related to students who are American Indian  
 38 or Alaska Native;

39 (D) The advisory group described in ORS 329.845, related to students who are Latino or  
 40 Hispanic;

41 (E) The advisory group described in section 1 of this 2022 Act, related to students who are  
 42 Native Hawaiian or Pacific Islander; and

43 (F) Any other advisory groups or education stakeholders identified by the department.

44 (d) The department shall be responsible for:

45 (A) Implementing the plan developed under this section;

1 (B) Developing eligibility criteria, the applicant selection process and expectations for recipients  
 2 of grant awards described in this section; and

3 (C) Advising the State Board of Education on the adoption of rules under this section.

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

5 (a) The disparities experienced by plan students in every indicator of academic success, as doc-  
 6 umented by the department's statewide report card and other relevant reports related to plan stu-  
 7 dents;

8 (b) The historical practices leading to disproportionate outcomes for plan students; and

9 (c) The educational needs of plan students from early childhood through post-secondary educa-  
 10 tion as determined by examining culturally appropriate best practices in this state and across the  
 11 nation.

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

13 (a) Address the disproportionate rate of disciplinary incidents involving plan students as com-  
 14 pared to all students in the education system;

15 (b) Increase parental engagement in the education of plan students;

16 (c) Increase the engagement of plan students in educational activities before and after regular  
 17 school hours;

18 (d) Increase early childhood education and kindergarten readiness for plan students;

19 (e) Improve literacy and numeracy levels among plan students between kindergarten and grade  
 20 three;

21 (f) Support plan student transitions to middle school and through the middle school and high  
 22 school grades to maintain and improve academic performance;

23 (g) Support culturally responsive pedagogy and practices from early childhood through post-  
 24 secondary education;

25 (h) Support the development of culturally responsive curricula from early childhood through  
 26 post-secondary education;

27 (i) Increase attendance of plan students in early childhood programs through post-secondary and  
 28 professional certification programs; and

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

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

33 (6) The department, in consultation with the advisory group, may award grants to Early Learn-  
 34 ing Hubs, providers of early learning services, school districts, education service districts, post-  
 35 secondary institutions of education, tribal governments, community-based organizations or a  
 36 consortium of these entities to implement the strategies provided in the plan developed and imple-  
 37 mented under this section.

38 (7) To qualify for and receive a grant described in this section, an applicant must identify and  
 39 demonstrate that the applicant meets the eligibility criteria established by the State Board of Edu-  
 40 cation by rule.

41 **SECTION 13. (1) For the purposes of developing and implementing the statewide educa-**  
 42 **tion plans under ORS 329.841, 329.843, 329.845 and 329.847 and section 1 of this 2022 Act and**  
 43 **identifying the need for any additional statewide education plans, the Department of Educa-**  
 44 **tion shall:**

45 (a) Identify additional racial and ethnic subgroups for which to collect relevant data, in-



1 **cluding data related to student discipline and academic outcomes; and**

2 **(b) Provide for the reporting and collection of data concerning the discrete racial and**  
3 **ethnic categories of students who identify as multiracial.**

4 **(2) For the purpose of subsection (1) of this section, the department shall:**

5 **(a) Consider federal reporting requirements;**

6 **(b) Consider racial and ethnic subgroups that have significant populations in this state;**

7 **(c) Consult with experts in the governance of education data to establish protocols and**  
8 **guidance for the collection of racial and ethnic data; and**

9 **(d) Incorporate best practices for collecting data on racial and ethnic categories into**  
10 **other data-related training provided by the department.**

11 **(3) The department shall collect data as provided by this section beginning with the**  
12 **2022-2023 school year. Nothing in this section requires the department to establish new re-**  
13 **quirements for when racial and ethnic data are collected.**

14 **SECTION 14. This 2022 Act being necessary for the immediate preservation of the public**  
15 **peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect**  
16 **March 9, 2022.**

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