

A-Engrossed
House Bill 2275

Ordered by the Senate May 23
Including Senate Amendments dated May 23

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

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.

Requires applicants for Student Investment Account grants to take into consideration recommendations of advisory groups formed by Department of Education in relation to statewide education plans.

Requires grants distributed from Student Investment Account to each site of Youth Corrections Education Program and Juvenile Detention Education Program to be equal to at least minimum amount distributed as grants to school districts.

Expands authority of Department of Education to determine how to distribute moneys under statewide education plan related to students who are American Indian or Alaska Native.

Condenses provisions and repeals outdated provisions related to Expanded Options Program.

Grants discretion to Department of Education to determine how to distribute to specified programs appropriations made for accelerated college credit programs.

Changes reporting date for grants awarded to certain public charter schools.

Excludes employees of Youth Corrections Education Program and Juvenile Detention Education Program from provisions of restraint and seclusion statutes.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to education; creating new provisions; amending ORS 327.185, 327.195, 327.362, 329.843,
3 340.015, 340.040, 340.050, 340.080 and 340.330; repealing ORS 340.010, 340.020, 340.035, 340.037,
4 340.055, 340.060, 340.065 and 340.075; and declaring an emergency.

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

6
7 **STRATEGIC PLANNING FOR STUDENT INVESTMENT ACCOUNT GRANTS**

8
9 **SECTION 1.** ORS 327.185 is amended to read:

10 327.185. (1) As used in this section, "eligible applicant" means any of the following entities:

11 (a) Common school districts and union high school districts.

12 (b) The Youth Corrections Education Program or the Juvenile Detention Education Program.

13 (c) Public charter schools that are not virtual public charter schools, as defined in ORS 338.005,
14 and that have a student population of which:

15 (A) At least 35 percent of the student population is composed of students from the following
16 student groups:

17 (i) Economically disadvantaged, as described in ORS 327.180 (2)(b)(A);

18 (ii) Racial or ethnic groups that have historically experienced academic disparities, as described
19 in ORS 327.180 (2)(b)(B); or

20 (iii) Students with disabilities, as described in ORS 327.180 (2)(b)(C); and

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 (B) The percentage of the students from student groups identified under subparagraph (A) of this
2 paragraph is greater than **or equal to**:

3 (i) The percentage of all students in the school district who are economically disadvantaged, if
4 eligibility is determined based on the percentage of students who are economically disadvantaged;

5 (ii) The percentage of all students in the school district who are from racial or ethnic groups
6 that have historically experienced academic disparities, if eligibility is determined based on the
7 percentage of students who are from those racial or ethnic groups; or

8 (iii) The percentage of all students in the school district who are disabled, if eligibility is de-
9 termined based on the percentage of students who are disabled.

10 (2)(a) Eligible applicants may apply for a grant from the Student Investment Account to receive
11 a distribution under ORS 327.190.

12 (b) Notwithstanding ORS 338.155 (9), a public charter school that is not an eligible applicant
13 may not apply for a grant under this section.

14 (3) Prior to preparing a grant application, an eligible applicant must:

15 (a) If the eligible applicant is a school district, determine whether the school district will allow
16 public charter schools sponsored by, or located within, the school district to participate in the grant
17 application and the grant agreement.

18 (b) If the eligible applicant is a public charter school, determine whether the public charter
19 school intends to apply for a grant and provide notice of that intent to the school district in which
20 the public charter school is located and to the Department of Education.

21 (4)(a) If an eligible applicant is a school district and decides to include public charter schools
22 in the grant application and grant agreement, the school district must provide all public charter
23 schools sponsored by, or located within, the school district the opportunity to participate in the
24 grant application and grant agreement.

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

27 (B) If a public charter school does not participate in a grant application and grant agreement
28 under this subsection:

29 (i) The ADMw of the public charter school may not be used in the calculation of the school
30 district ADMw for grants distributed under ORS 327.195; and

31 (ii) The public charter school is not entitled to any grant moneys distributed under ORS 327.195.

32 (C) If a public charter school participates in a grant application and grant agreement under this
33 subsection:

34 (i) The public charter school and school district shall enter into an agreement for the distrib-
35 ution of moneys or the provision of services, including any accountability measures required of the
36 public charter school by the school district;

37 (ii) The ADMw of the public charter school shall be used in the calculation of the school district
38 ADMw for grants distributed under ORS 327.195; and

39 (iii) The public charter school is entitled to any grant moneys or services provided for in the
40 agreement entered into under this subparagraph.

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

42 (A) Which of the allowed uses identified in ORS 327.180 (3) the eligible applicant will fund with
43 grant moneys; and

44 (B) Which of the eligible uses identified under subparagraph (A) of this paragraph the eligible
45 applicant will designate to meeting student mental and behavioral health needs.

1 (b) An eligible applicant shall make the determinations required under paragraph (a) of this
2 subsection by:

3 (A) Engaging in strategic planning; and

4 (B) Considering the recommendations of the Quality Education Commission established under
5 ORS 327.500 **and recommendations from the advisory groups formed by the Department of**
6 **Education for the purposes of the statewide education plans developed and implemented by**
7 **the department.**

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

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

10 (B) An analysis of the potential academic impact, both for the students of the eligible applicant
11 and for student groups identified in ORS 327.180 (2)(b), from the allowed uses that would be funded
12 by grant moneys; and

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

14 (b) The strategic planning required under subsection (5) of this section must take into consid-
15 eration:

16 (A) Input from the community of the eligible applicant, including school employees, students
17 from student groups identified in ORS 327.180 (2)(b) and parents of those students; and

18 (B) Data collected by the eligible applicant to enable the eligible applicant to make equity-based
19 decisions.

20 (7) Based on the strategic planning described in subsection (6) of this section, the eligible ap-
21 plicant shall develop a four-year plan for the use of grant moneys. The plan must be updated every
22 two years and must:

23 (a) Identify which allowed uses identified in ORS 327.180 (3) will be funded with grant moneys
24 and which of those uses will be designated to meet student mental and behavioral health needs.

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

27 (A) Meet students' mental and behavioral health needs;

28 (B) Increase academic achievement for students of the eligible applicant; and

29 (C) Reduce academic disparities for student groups identified in ORS 327.180 (2)(b) who are
30 served by the eligible applicant, and identify which of those student groups will benefit from the
31 allowed uses that are being funded with grant moneys.

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

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

34 (A) Provision of the plan at the main office of the eligible applicant and on the eligible
35 applicant's website;

36 (B) Oral presentation of the plan by an administrator of the eligible applicant to the governing
37 body of the eligible applicant; and

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

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

41 (8) To apply for a grant, an eligible applicant must submit an application every two years in a
42 format and according to timelines prescribed by the Department of Education. The application must
43 include:

44 (a) A completed needs assessment, as described in ORS 329.095;

45 (b) The plan developed under subsection (7) of this section; and

1 (c) Budget estimates for each of the allowed uses identified in the plan developed under sub-
2 section (7) of this section that will be funded by grant moneys.

3
4 **YCEP AND JDEP MINIMUM STUDENT INVESTMENT ACCOUNT GRANTS**

5
6 **SECTION 2.** ORS 327.195 is amended to read:

7 327.195. (1)(a) Except as provided by paragraph (d) of this subsection, the amount of a grant
8 awarded from the Student Investment Account = the grant recipient's ADMw × (the total amount
9 available for distribution as grants in each biennium ÷ the total ADMw of all grant recipients).

10 (b) For purposes of this subsection and except as provided by paragraph (c) of this subsection,
11 ADMw equals:

12 (A) For school districts, the ADMw as calculated under ORS 327.013, except that the additional
13 amount allowed for students who are in poverty families, as determined under ORS 327.013
14 (1)(c)(A)(v)(I), shall be 0.5.

15 (B) For an educational program under the Youth Corrections Education Program or the Juvenile
16 Detention Education Program, as provided in ORS 327.026.

17 (c) When calculating ADMw for a school district, the Department of Education shall remove
18 from the calculation any amounts that are attributable to:

19 (A) A virtual public charter school, as defined in ORS 338.005;

20 (B) A public charter school that provided notice of the public charter school's intent to apply
21 for a grant as an eligible applicant; and

22 (C) A public charter school sponsored by, or located within, the school district that did not
23 participate in the grant application or grant agreement.

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

26 (A) A grant recipient does not receive any moneys for uses that are not allowed uses under ORS
27 327.180 (3).

28 (B) A school district with an ADMw of 50 or less receives a minimum grant amount.

29 **(C) Each site of the Youth Corrections Education Program and the Juvenile Detention**
30 **Education Program receives a grant amount that is no less than the minimum grant amount**
31 **provided to a school district under subparagraph (B) of this paragraph.**

32 (2) The State Board of Education shall adopt any rules necessary for the distribution of grants
33 under this section, including establishing:

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

35 (b) Any percentages and timelines for installment payments and adjustments of those installment
36 payments.

37 (3) A grant recipient shall deposit the grant moneys the grant recipient receives under this
38 section into a separate account and shall apply amounts in that account as provided by the grant
39 agreement.

40 **SECTION 3. The amendments to ORS 327.195 by section 2 of this 2023 Act first apply to**
41 **grants awarded for the 2023-2024 school year.**

42
43 **DISTRIBUTION OF MONEYS THROUGH STATEWIDE EDUCATION PLAN**

44
45 **SECTION 4.** ORS 329.843 is amended to read:

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

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

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

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

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

14 (c) The department shall be responsible for:

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

16 (B) Developing eligibility criteria, the applicant selection process and expectations for recipients
17 of [*grant awards*] **funds** described in this section; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (5) The department shall submit a biennial report concerning the progress of the plan developed

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

3 (6) The department, in consultation with the advisory group, shall [*award grants*] **distribute**
4 **funds** to Early Learning Hubs, providers of early learning services, school districts, education ser-
5 vice districts, post-secondary institutions of education, tribal governments and community-based or-
6 ganizations to implement the strategies provided in the plan developed and implemented under this
7 section.

8 (7) To qualify for and receive [*grants*] **funds** described in this section, an applicant must identify
9 and demonstrate that the applicant meets the eligibility criteria adopted by the State Board of Ed-
10 ucation by rule.

11 **SECTION 5.** ORS 329.843, as amended by section 35, chapter 631, Oregon Laws 2021, is
12 amended to read:

13 329.843. (1) As used in this section, “plan student” means a student enrolled in early childhood
14 through post-secondary education who:

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

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

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

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

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

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

28 (B) Developing eligibility criteria, the applicant selection process and expectations for recipients
29 of [*grant awards*] **funds** described in this section; and

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

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

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

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

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

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

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

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

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

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

45 (e) Improve literacy and numeracy levels among plan students between kindergarten and grade

1 three;

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

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

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

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

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

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

14 (6) The Department of Education, in consultation with the advisory group, shall [*award grants*]
15 **distribute funds** to Early Learning Hubs, providers of early learning services, school districts, ed-
16 ucation service districts, post-secondary institutions of education, tribal governments and
17 community-based organizations to implement the strategies provided in the plan developed and im-
18 plemented under this section.

19 (7) To qualify for and receive [*grants*] **funds** described in this section, an applicant must identify
20 and demonstrate that the applicant meets the eligibility criteria adopted by the State Board of Ed-
21 ucation by rule.

22
23 **EXPANDED OPTIONS PROGRAM**

24
25 **SECTION 6.** ORS 340.015 is amended to read:

26 340.015. (1) Prior to February 15 of each year, each school district shall notify all high school
27 students and the students' parents or guardians of the Expanded Options Program for the following
28 school year.

29 (2) Notwithstanding subsection (1) of this section, a school district, in the district's enrollment
30 materials, shall notify a student and the student's parent or guardian of the Expanded Options Pro-
31 gram if the student enrolls in a school of the district after the district has issued the notice de-
32 scribed in subsection (1) of this section and the student is:

33 (a) Transferring to a high school in the district from another district; or

34 (b) Returning to high school after dropping out of school.

35 (3) Each school district shall establish a process to:

36 (a) Ensure that all at-risk students and their parents are notified about the Expanded Options
37 Program.

38 (b) **Identify students who have dropped out of school and provide those students with**
39 **information about the Expanded Options Program. For the purpose of this paragraph, the**
40 **school district shall send information about the program to the last-known address of the**
41 **family of the student.**

42 (4) A school district shall notify a high school student who has officially expressed an intent to
43 participate in the Expanded Options Program pursuant to ORS 340.025 (1) or (2), and the student's
44 parent or guardian, of the student's eligibility status within 20 business days after the student offi-
45 cially expressed the intent.

1 (5) The State Board of Education shall establish by rule the required components of the notice.
2 The notice must include, but not be limited to, information about:

3 (a) Financial arrangements for tuition, textbooks, equipment and materials;

4 (b) Available transportation services;

5 (c) The effect of enrolling in the Expanded Options Program on the eligible student's ability to
6 complete the required high school graduation requirements;

7 (d) The consequences of failing or not completing an eligible post-secondary course;

8 (e) The requirement that participation in the Expanded Options Program is contingent on ac-
9 ceptance by an eligible post-secondary institution; and

10 (f) School district timelines affecting student eligibility and duplicate course determinations.

11 **SECTION 7.** ORS 340.040 is amended to read:

12 **340.040. (1) An eligible post-secondary institution may enroll an eligible student partic-**
13 **ipating in the Expanded Options Program only in eligible post-secondary courses under the**
14 **program.**

15 **(2) An eligible student who enrolls in the Expanded Options Program may not enroll in**
16 **eligible post-secondary courses under ORS 340.030 for more than the equivalent of two aca-**
17 **ademic years. An eligible student who first enrolls in the Expanded Options Program in grade**
18 **12 may not enroll in eligible post-secondary courses under ORS 340.030 for more than the**
19 **equivalent of one academic year. If an eligible student first enrolls in an eligible post-**
20 **secondary course in the middle of the school year, the time of participation shall be reduced**
21 **proportionately. If an eligible student is enrolled in a year-round program and begins each**
22 **grade in the summer session, summer sessions are not counted against the time of partic-**
23 **ipation.**

24 **(3) A student who has graduated from high school may not participate in the Expanded**
25 **Options Program.**

26 [(1)] **(4) The State Board of Education shall establish a procedure for a school district to award**
27 **credits to eligible students for eligible post-secondary courses completed under the Expanded**
28 **Options Program.**

29 [(2)] **(5) Prior to an eligible student's beginning an eligible post-secondary course, the school**
30 **district shall notify the student of the number and type of credits that the student will be granted**
31 **upon successful completion of the eligible post-secondary course.**

32 [(3)] **(6) If there is a dispute between the school district and the eligible student regarding the**
33 **number or type of credits that the school district will grant to a student or that the school district**
34 **has granted for a particular eligible post-secondary course, the student may appeal the school**
35 **district's decision using an appeals process adopted by the school district board.**

36 [(4)] **(7) Credits granted to an eligible student shall be counted toward high school graduation**
37 **requirements and subject area requirements of the state and the school district. Evidence of suc-**
38 **cessful completion of each eligible post-secondary course and credits granted shall be included in**
39 **the student's education record. A student shall provide the school district with a copy of the**
40 **student's grade in each eligible post-secondary course taken for credit under the Expanded Options**
41 **Program. The student's education record shall indicate that the credits were earned at an eligible**
42 **post-secondary institution.**

43 [(5)] **(8) The eligible post-secondary institution shall award post-secondary credit for any eligible**
44 **post-secondary course successfully completed for credit at the institution if the course is considered**
45 **by the institution to be a college-level course. Other post-secondary institutions may award, after**

1 a student leaves secondary school, post-secondary credit for any eligible post-secondary course suc-
2 cessfully completed under the Expanded Options Program. A post-secondary institution may not
3 charge a student for the award of credit.

4 **SECTION 8.** ORS 340.050 is amended to read:

5 340.050. (1) An eligible student enrolled in an eligible post-secondary course pursuant to ORS
6 340.005 to 340.090 is not eligible for any state student financial aid under ORS 348.105 to 348.280
7 and 348.500 to 348.621.

8 (2)(a) [The] An eligible student may apply to the resident school district of the student for re-
9 imbursement for any textbooks, fees, equipment or materials purchased by the student that are re-
10 quired for an eligible post-secondary course.

11 **(b) All textbooks, fees, equipment and materials provided to an eligible student and paid**
12 **for under ORS 340.045 are the property of the resident school district of the student.**

13 **(3) An eligible post-secondary institution that receives payment for an eligible student**
14 **under ORS 340.045 may not charge that student for tuition, fees and other required instruc-**
15 **tional costs associated with the enrollment of the student in an eligible post-secondary**
16 **course.**

17 **(4) A resident school district may provide transportation services to eligible students who**
18 **attend eligible post-secondary institutions within any education service district boundaries**
19 **of which the school district is a component school district. Any transportation costs incurred**
20 **by a school district under this subsection shall be considered approved transportation costs**
21 **for purposes of ORS 327.013 (3).**

22 **SECTION 9.** ORS 340.080 is amended to read:

23 340.080. (1) For a high school with an enrollment of 1,000 students, each school year no more
24 than 330 quarter credit hours may be awarded to eligible students at the high school under the
25 Expanded Options Program.

26 (2) The State Board of Education by rule shall establish separate credit hour caps for high
27 schools that have enrollment greater than 1,000 students and those that have less than 1,000 stu-
28 dents. The caps shall be proportional to the credit hour caps established under subsection (1) of this
29 section.

30 (3) A school district may choose to exceed the credit hour caps established in subsections (1)
31 and (2) of this section.

32 (4)(a) If a school district has more eligible students who wish to participate in the Expanded
33 Options Program than are allowed under the credit hour cap established under this section, the
34 school district board shall establish a process for selecting eligible students to participate in the
35 program. The process must give priority for program participation to at-risk students.

36 (b) If a school district has not exceeded the credit hour caps established by this section, the
37 school district:

38 (A) Must ensure that all eligible students who are at-risk students are allowed to participate in
39 the program; and

40 (B) May allow eligible students who are not at-risk students to participate in the program, as
41 provided by the provisions of ORS 340.005 to 340.090.

42 **(5) The provisions of ORS 340.005 to 340.090 do not apply to any post-secondary courses**
43 **in which a student is enrolled in addition to being enrolled full-time in the student's resident**
44 **school district. For purposes of this subsection, a student is considered enrolled full-time if**
45 **the student attends classes for credit in the secondary school for all available hours of in-**

1 **struction.**

2 **SECTION 10. ORS 340.010, 340.020, 340.035, 340.037, 340.055, 340.060, 340.065 and 340.075 are**
3 **repealed.**

4
5 **ACCELERATED COLLEGE CREDIT GRANT PROGRAMS**

6
7 **SECTION 11.** ORS 340.330 is amended to read:

8 340.330. (1) The Accelerated College Credit Account is established in the State Treasury, sepa-
9 rate and distinct from the General Fund.

10 **(2) The Accelerated College Credit Account shall consist of moneys appropriated by the**
11 **Legislative Assembly to the Department of Education for accelerated college credit pro-**
12 **grams.**

13 **(3)** Interest earned by the Accelerated College Credit Account shall be credited to the account.

14 **(4)** Moneys in the Accelerated College Credit Account are continuously appropriated to the
15 Department of Education for the purposes **of the programs** described in ORS 340.320, 340.323 and
16 340.326. **Unless otherwise specified by the Legislative Assembly, the Department of Educa-**
17 **tion, in collaboration with the Higher Education Coordinating Commission, shall determine**
18 **for each biennium the amount to be distributed under each program.**

19
20 **REPORT RELATING TO CERTAIN DISTRIBUTIONS OF MONEYS TO**
21 **PUBLIC CHARTER SCHOOLS**

22
23 **SECTION 12.** ORS 327.362 is amended to read:

24 327.362. (1) As used in this section:

25 (a) "ADMw" means weighted average daily membership, as calculated under ORS 327.013.

26 (b) "Eligible public charter school" means a public charter school that is not a virtual public
27 charter school, as defined in ORS 338.005, and that has a student population of which at least 65
28 percent of the total student population is composed of students from the following combined student
29 groups:

30 (A) Racial or ethnic groups that have historically experienced academic disparities, as described
31 in ORS 327.180 (2)(b)(B); and

32 (B) Students with disabilities, as described in ORS 327.180 (2)(b)(C).

33 (2) In addition to those moneys distributed through the State School Fund, the Department of
34 Education shall award grants under this section to eligible public charter schools from the State-
35 wide Education Initiatives Account.

36 (3) The amount of a grant awarded to an eligible public charter school under this section = the
37 public charter school's ADMw × the difference between:

38 (a) The amount of the General Purpose Grant per ADMw for the school district that has
39 contractually established payment for the provision of educational services to the public charter
40 school's students under ORS 338.155 (2) or (3); and

41 (b) The amount of the General Purpose Grant per ADMw that the public charter school receives
42 under a contract for the provision of educational services to the public charter school's students
43 under ORS 338.155 (2) or (3).

44 (4) The purpose of grants distributed under this section shall be to increase academic achieve-
45 ment, including reducing academic disparities, for:

1 (a) Students from racial or ethnic groups that have historically experienced academic disparities,
2 as determined under rules adopted by the State Board of Education; and

3 (b) Students with disabilities.

4 (5) Any eligible public charter school may apply for and receive a grant as provided by this
5 section. A grant application must:

6 (a) Describe how grant moneys will be used to advance the purpose described in subsection (4)
7 of this section.

8 (b) Specify the supports that will be:

9 (A) Provided to students with a disability; or

10 (B) Used to enhance special education and related services that are provided by a school district
11 under ORS 338.165 to the students of the public charter school.

12 (c) Identify any applicable longitudinal performance growth targets for the public charter school
13 that have been established:

14 (A) Under contract between the public charter school and the sponsor of the public charter
15 school; or

16 (B) By the public charter school or the school district in which the public charter school is lo-
17 cated for purposes of grants from the Student Investment Account, as provided by ORS 327.190.

18 (d) Be submitted based on the timelines and forms prescribed by the department.

19 (6)(a) If the department determines that a grant application complies with the requirements
20 prescribed under this section, the department shall enter into a grant agreement with the eligible
21 public charter school.

22 (b) A grant agreement must include longitudinal performance growth targets for the public
23 charter school. If the grant application identified longitudinal performance growth targets, those
24 targets shall be included in the grant agreement. If the grant application did not identify longitudi-
25 nal performance growth targets, the public charter school shall collaborate with the department to
26 develop longitudinal performance growth targets. Longitudinal performance growth targets must:

27 (A) Be based on data available for longitudinal analysis; and

28 (B) Use the following applicable metrics:

29 (i) Third-grade reading proficiency rates, as defined in ORS 327.190;

30 (ii) Regular attendance rates, as defined in ORS 327.190; and

31 (iii) Any other metrics identified by the department in collaboration with the public charter
32 school.

33 (7) After the department and the public charter school have entered into a grant agreement, the
34 department shall award a grant to the public charter school in the amount calculated under sub-
35 section (3) of this section. A grant recipient shall deposit grant moneys received under this section
36 into a separate account and shall apply the amounts in that account as provided by the grant
37 agreement.

38 (8)(a) Each year, each grant recipient must submit to the department a description of:

39 (A) How grant moneys received under this section were used to advance the purpose described
40 in subsection (4) of this section and to meet performance growth targets in the grant agreement; and

41 (B) Progress made by the grant recipient toward meeting the performance growth targets in the
42 grant agreement.

43 (b) A grant recipient shall provide the information required under this subsection based on the
44 timelines and forms prescribed by the department. To the greatest extent practicable, the depart-
45 ment shall accept the information described in this subsection in the manner that it is made avail-

1 able by a public charter school to the sponsor of the public charter school.

2 (9) To the greatest extent practicable, any requirements prescribed by the department or the
3 board under this section in relation to an application, a grant agreement or the submission of in-
4 formation under subsection (8) of this section shall reduce any redundancies between a grant
5 awarded under this section and a grant awarded from the Student Investment Account. Reduction
6 in redundancies includes accepting for the purposes of grants awarded under this section any ap-
7 plicable forms or information submitted by the public charter school to the department or a school
8 district for the purposes of a grant awarded from the Student Investment Account.

9 (10) A public charter school and a school district may not consider moneys received by the
10 public charter school under this section when establishing payment for the provision of educational
11 services to the public charter school's students under ORS 338.155 (2) or (3).

12 (11) Prior to [*November 1 of each odd-numbered year*] **February 1 of each year**, the department
13 shall submit to the appropriate interim legislative committees a report related to the grants awarded
14 under this section. The report must describe:

15 (a) The public charter schools that applied for the grants and the public charter schools that
16 received the grants;

17 (b) The longitudinal performance growth targets included in grant agreements, as provided by
18 subsection (6)(b) of this section; and

19 (c) Progress made toward meeting longitudinal performance growth targets, as reported under
20 subsection (8)(a) of this section.

21 (12) The State Board of Education shall adopt any rules necessary for the distribution of grants
22 under this section.

23
24 **YOUTH IN CORRECTIONS AND DETENTION FACILITIES**

25
26 **SECTION 13. Section 14 of this 2023 Act is added to and made a part of ORS 339.285 to**
27 **339.303.**

28 **SECTION 14. An employee of a youth correction facility or a juvenile detention facility**
29 **established under ORS 419A.010 to 419A.020 and 419A.050 to 419A.063 who uses restraint or**
30 **seclusion on a student in connection with a Youth Corrections Education Program or Juve-**
31 **nile Detention Education Program, as those terms are defined in ORS 326.695, is not subject**
32 **to the prohibitions under ORS 339.285 to 339.303.**

33
34 **MISCELLANEOUS**

35
36 **SECTION 15. The unit captions used in this 2023 Act are provided only for the conven-**
37 **ience of the reader and do not become part of the statutory law of this state or express any**
38 **legislative intent in the enactment of this 2023 Act.**

39 **SECTION 16. This 2023 Act being necessary for the immediate preservation of the public**
40 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**
41 **on its passage.**