House Bill 3198

Sponsored by Representative KROPF, Senator DEMBROW, Representatives NGUYEN H, BOWMAN, RUIZ, Senator SOLLMAN; Representatives EVANS, HUDSON, LEVY B, MCINTIRE, Senators MEEK, PATTERSON, WEBER

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.

Establishes Early Literacy Success Initiative. Prescribes purposes and requirements under initiative.

Authorizes Department of Education to use moneys from Statewide Education Initiatives Account for Early Literacy Success Initiative.

Repeals Oregon Early Reading Program and Early Success Reading Initiative.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to early literacy; creating new provisions; amending ORS 327.254 and 327.800; repealing ORS 327.810 and 329.834; and declaring an emergency.

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

SECTION 1. As used in sections 1 to 7 of this 2023 Act:

(1) “Elementary school” means a public charter school, or a school of a school district, with students in any grade from prekindergarten through grade three.

(2) “High-dosage tutoring” means one-on-one tutoring or tutoring in small groups, as determined by rule of the State Board of Education, that:

(a) Is provided two or more times each week over at least a 10-week period; and

(b) Uses a research-supported tutoring model that is administered in a culturally responsive manner and that is combined with the training necessary for tutors to implement the model effectively.

(3) “Prekindergarten” means a district-sponsored prekindergarten program.

(4) “Science of reading and writing” means:

(a) The convergence of findings from research on reading and writing processes, development and instruction; and

(b) The teaching of children of phonemic awareness, phonics, fluency, vocabulary and comprehension through explicit and systematic instruction that can be differentiated to meet the needs of individual learners.

(5) “Student groups that have historically experienced academic disparities” means:

(a) Economically disadvantaged students, as determined under on rules adopted by the State Board of Education;

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

(c) Students with disabilities;

(d) Students who are English language learners;

(e) Students who are foster children, as defined in ORS 30.297;

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.

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(f) Students who are homeless, as determined under rules adopted by the State Board of Education;

(g) Students who attend an elementary school that:
   (A) Is identified for comprehensive support and improvement or for targeted support and improvement under the federal Every Student Succeeds Act (P.L. 114-95, 129 Stat. 1802); or
   (B) Qualifies for assistance under Title I of the federal Elementary and Secondary Education Act of 1965; and

(h) Any other student groups that have historically experienced academic disparities, as determined by the State Board of Education by rule.

SECTION 2. (1) The Early Literacy Success Initiative is established.

(2) The purposes of the initiative are to:
   (a) Increase early literacy for students in prekindergarten through grade three so that students achieve reading proficiency by the end of the third grade or, for students who are English language learners, by the end of the fourth grade;
   (b) Reduce early literacy academic disparities for student groups that have historically experienced academic disparities; and
   (c) Build on the momentum of gains made by increasing early literacy to:
      (A) Reduce graduation rate disparities for student groups that have historically experienced academic disparities; and
      (B) Increase graduation rates for all students of this state.

(3) Under the initiative, the Department of Education shall award annual grants to school districts and to public charter schools that are elementary schools to implement the following strategies:
   (a) Providing coaching to teachers of students in prekindergarten through grade three, and administrators of those teachers, to improve instruction related to early literacy. Coaching must be provided in a manner that is job embedded and research based and must include research-based content that is based on the science of reading and writing and includes culturally sustaining pedagogy and teaching strategies for diverse learners.
   (b) Providing early literacy summer programs that are culturally responsive, aligned with research-based standards determined by the State Board of Education by rule and made available to students by providers who are trained in culturally sustaining strategies and research-aligned early literacy instructional practices. The summer programs must include:
      (A) A home-based summer reading program for students who need additional support and enrichment; and
      (B) An intensive summer school program for students who need the most additional support and who, in addition to the home-based summer reading program described in subparagraph (A) of this paragraph, receive at least 15 days of literacy-focused summer learning.
   (c) Providing high-dosage tutoring in early literacy for students who need more instruction time and intensive academic supports. High-dosage tutoring must align with research-based standards determined by the State Board of Education by rule.
   (d) Adopting and implementing an early literacy curriculum that is aligned with the science of reading and writing. Implementation may include:
      (A) The purchase of culturally relevant education materials.
      (B) The provision of professional development, assessments and time for teachers to en-
gage in an analysis of student work and assessment data. Professional development may be
related to the curriculum, multilingual instruction, culturally sustaining pedagogy or the
alignment of the science of reading and writing with instructional strategies.

(4) For summer programs and high-dosage tutoring described in subsection (3)(b) and (c)
of this section, school districts and public charter schools may enter into partnerships with
culturally specific community-based organizations that have demonstrated achievement of
positive outcomes for student groups that have historically experienced academic disparities.

(5) The State Board of Education may adopt any rules necessary for the administration
of the initiative under sections 1 to 7 of this 2023 Act.

SECTION 3. (1) Any school district or public charter school that is an elementary school
may apply for a grant under the Early Literacy Success Initiative as provided by sections 1
to 7 of this 2023 Act.

(2) Grants awarded under section 4 of this 2023 Act are not competitive, but a school
district or public charter school must comply with the requirements prescribed by sections
1 to 7 of this 2023 Act and by rules adopted by the State Board of Education under sections
1 to 7 of this 2023 Act.

(3) To be eligible for a grant under section 4 of this 2023 Act, a school district or public
charter school must develop a biennial plan. The biennial plan must establish goals for the
school district or public charter school to achieve for the purpose of making progress in
satisfying the purposes of the initiative, as described in section 2 (2) of this 2023 Act. The
biennial plan must include:

(a) A literacy needs assessment of each elementary school of the school district or of the
public charter school, using a continuum established by the Department of Education; and

(b) A plan for implementing literacy progress for:

(A) All students in prekindergarten through grade three of the school district or public
charter school;

(B) Student groups that have historically experienced academic disparities; and

(C) Students enrolled in elementary schools that have the lowest reading scores of the
school district or, for a public charter school or for a school district that does not have
multiple elementary schools, students who have the lowest reading scores of the public
charter school or school district.

(4) To the greatest extent practicable, a school district or public charter school shall
align a biennial plan developed under this section with the plan developed for distributions
from the Student Investment Account as provided by ORS 327.185 (7).

(5) The department shall evaluate biennial plans before awarding grant funds and shall
provide technical assistance to school districts and public charter schools in developing and
implementing biennial plans.

SECTION 4. (1) Each annual grant awarded under sections 1 to 7 of this 2023 Act shall
be calculated and used as provided by this section.

(2)(a) The amount of a grant awarded under sections 1 to 7 of this 2023 Act shall equal
the greater of:

(A) The school district's or public charter school's weighted average daily membership,
as calculated under ORS 327.013 (1)(c)(A), for students in prekindergarten through grade
three × $820; or

(B) $______.
(b) Each school year, the amount by which the school district’s or public charter school’s weighted average daily membership is multiplied under paragraph (a)(A) of this subsection and the minimum amount prescribed by paragraph (a)(B) of this subsection shall be increased by the percentage derived from the application of the process in Executive Order 14-14 used to calculate the cost to maintain the current level of service.

(3) A grant received under this section must be used as follows:

(a) If a school district or public charter school receives less than $120,000 for the school year, the school district or public charter school must use all of the moneys for the coaching of teachers and administrators as described in section 2 (3)(a) of this 2023 Act.

(b) If a school district or public charter school receives $120,000 or more but less than $350,000 for the school year, the school district or public charter school must use the moneys for the coaching of teachers and administrators as described in section 2 (3)(a) of this 2023 Act and for one other strategy identified in section 2 (3)(b) to (d) of this 2023 Act.

(c) If a school district or public charter school receives $350,000 or more for the school year, the school district or public charter school must use the moneys for each of the four strategies identified in section 2 (3)(a) to (d) of this 2023 Act.

(4)(a) Except as provided by paragraph (b) of this subsection, moneys received under this section must be used as additional moneys for improving early literacy outcomes.

(b) If, prior to the effective date of this 2023 Act, a school district or public charter school was implementing research-aligned strategies to improve early literacy outcomes, as verified by the Department of Education based on rules adopted by the State Board of Education, the school district or public charter school may use up to 30 percent of moneys received under this section to fund those strategies.

(5) The department may retain no more than one-half of one percent of moneys available for distribution under this section for purposes of administering sections 1 to 7 of this 2023 Act.

SECTION 5. (1) Each recipient of a grant under section 4 of this 2023 Act must submit an annual report to the Department of Education. The report required under this subsection must include:

(a) The school district’s or public charter school’s progress toward achieving the goals established in the biennial plan, as described in section 3 (3) of this 2023 Act;

(b) The number and percentage of prekindergarten through grade three teachers receiving coaching as described in section 2 (3)(a) of this 2023 Act;

(c) The number and percentage of students participating in early literacy summer programs, as described in section 2 (3)(b) of this 2023 Act, and their outcomes based on demographic categories;

(d) The number and percentage of students participating in high-dosage tutoring, as described in section 2 (3)(c) of this 2023 Act, and their outcomes based on demographic categories; and

(e) The curriculum being used by the school district or public charter school.

(2) Prior to December 31 of each year, the department shall summarize the reports received under subsection (1) of this section and submit an annual report to the interim committees of the Legislative Assembly related to education.

(3) Not less than every four years, the Secretary of State shall conduct an audit of the Early Literacy Success Initiative using the annual reports produced under subsections (1)
and (2) of this section to determine the effectiveness of the initiative in achieving the purposes of the initiative, as described in section 2 (2) of this 2023 Act.

SECTION 6. (1) Based on the reports submitted under section 5 of this 2023 Act, the Department of Education shall monitor a school district's or a public charter school's progress toward achieving the goals established in the biennial plan, as described in section 3 (3) of this 2023 Act.

(2) The department shall intervene when a school district or public charter school does not meet the goals established in the biennial plan.

(3) When the department intervenes, as provided by subsection (2) of this section, the department shall assist the school district or the public charter school in developing a corrective action plan.

(4) An intervention and corrective action plan shall continue until the school district or public charter school makes sufficient and sustained progress toward achieving the goals established in the biennial plan. The department shall determine when sufficient and sustained progress has been achieved.

(5) If a school district or public charter school continues to fail to make progress toward achieving the goals established in the biennial plan, the department may take additional action, including not allowing for the distribution to the school district or public charter school of any additional moneys under sections 1 to 7 of this 2023 Act.

SECTION 7. (1) The Department of Education shall establish an early literacy coaching support program.

(2) Under the early literacy coaching program, training and support shall be provided to teachers and administrators as described in section 2 (3)(a) of this section.

(3) The department shall establish eight regions in this state and select a provider of coaching for each region. The department shall select providers based on a competitive process and by standards established by the State Board of Education by rule. A provider may be a school district, an education service district, an entity associated with a regional educator network, an institution of post-secondary education or a nonprofit organization approved by the Department of Education based on rules adopted by the State Board of Education.

(4) For the purpose of funding the early literacy coaching program, the department:

(a) May expend no more than $10 million per biennium of the moneys authorized for expenditure from the Statewide Education Initiatives Account for the purposes of sections 1 to 7 of this 2023 Act; and

(b) Must distribute moneys to providers of coaching based on the weighted average daily membership, as calculated under ORS 327.013 (1)(c), of the region served by the provider.

SECTION 8. Notwithstanding section 4 (2)(b) of this 2023 Act, the adjustments to the monetary amounts identified in section 4 (2)(a) of this 2023 Act first apply to the 2024-2025 school year.

SECTION 9. ORS 327.254 is amended to read:

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

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

(b) Expanding school breakfast and lunch programs;
(c) Operating youth reengagement programs or providing youth reengagement services;
(d) Establishing and maintaining the Statewide School Safety and Prevention System under ORS 339.341;
(e) Developing and providing statewide equity initiatives, including the Black or African-American education plan developed under ORS 329.841, the American Indian or Alaska Native education plan developed under ORS 329.843, the Latino or Hispanic education plan developed under ORS 329.845 or any similar education plan identified by the department;
(f) Providing summer learning programs at schools that are considered high poverty under Title I of the federal Elementary and Secondary Education Act of 1965;
(g) Funding early warning systems to assist students in graduating from high school, as described in ORS 327.367;

(h) Funding the Early Literacy Success Initiative established under sections 1 to 7 of this 2023 Act;

[i] (i) Developing and implementing professional development programs and training programs, including programs that increase educator diversity and retain diverse educators;

[j] (j) Planning for increased transparency and accountability in the public education system of this state;

[k] (k) Providing additional funding to school districts participating in the intensive program under ORS 327.222;

[l] (L) Providing technical assistance, including costs incurred for:
(A) The coaching program described in ORS 327.214; and
(B) The intensive program described in ORS 327.222, including costs for student success teams;
(m) (m) Funding public charter schools, as described in ORS 327.362;
(n) (n) Funding education service districts, as described in subsection (2) of this section; and
(o) (o) Funding costs incurred by the department in implementing this section and ORS 327.175 to 327.235 and 327.274.

(2)(a) The amount of a distribution to an education service district under this section shall be made as provided by paragraph (b) of this subsection after calculating the following for each education service district:
(A) One percent of the total amount available for distribution to education service districts in each biennium.
(B) The education service district’s ADMw × (the total amount available for distribution to education service districts in each biennium ÷ the total ADMw of all education service districts that receive a distribution).

(b) The amount of the distribution to an education service district shall be the greater of the amounts calculated under paragraph (a) of this subsection, except that, for distributions made as provided by paragraph (a)(B) of this subsection, the total amount available for distribution to education service districts shall be the amount remaining after any distributions required under paragraph (a)(A) of this subsection have been made.

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

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

(e) A plan developed under this subsection must:
   (A) Align with and support school districts in meeting the performance growth targets of the school districts developing the plan;
   (B) Include the provision of technical assistance to school districts in developing, implementing and reviewing a plan for receiving a grant from the Student Investment Account;
   (C) Provide for coordination with the department in administering and providing technical assistance to school districts, including coordinating any coaching programs established under ORS 327.214; and
   (D) Be adopted and amended as provided for local service plans under ORS 334.175 and approved by the department.

(f) Each education service district must submit an annual report to the department that:
   (A) Describes how the education service district spent moneys received under this subsection; and
   (B) Includes an evaluation of the education service district’s compliance with the plan from the superintendent of each school district that participated in the development of the plan.

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

**SECTION 10.** ORS 327.800 is amended to read:

327.800. (1) The State Board of Education shall identify and make recommendations to the Legislative Assembly about programs that make strategic investments to:
   (a) Advance the educational goals of this state, as described in ORS 350.014;
   (b) Improve the employability of graduates from Oregon public schools;
   (c) Close the achievement gap that exists between historically underserved student groups, as defined by the board by rule;
   (d) Assist public education in all regions of this state;
   (e) Promote collaboration and alignment among early childhood service providers, school districts, community colleges, public universities and employers;
   (f) Leverage private, public and community resources;
   (g) Engage parents and child care providers, support families and motivate students;
   (h) Develop and disseminate evidence-based models and best practices that are likely to improve student outcomes;
   (i) Collect data to monitor student progress; and
   (j) Establish networks that allow for the replication of successful practices across this state.

(2) The Department of Education shall distribute any moneys received for strategic investments under this section. Distributions may be made to school districts, education service districts, post-secondary institutions of education, nonprofit organizations, providers of early childhood services, tribes of this state and other entities. Distributions of moneys must advance the purposes set forth in ORS 327.810, 327.815 and 327.820 or other purposes that meet the goals specified in subsection (1) of this section.

(3) Any recipient of moneys distributed as a strategic investment must provide separate accounting for the moneys and may use the moneys only for the purpose for which the moneys are provided.

(4)(a) The State Board of Education shall establish requirements for the programs implemented
under this section that are consistent with this section and with ORS [327.810,] 327.815 and 327.820.

(b) The board shall develop timelines, performance measures and other requirements related to the accumulation and evaluation of data collected in relation to a program that receives moneys as a strategic investment. The performance measures shall include progress toward the goals established in ORS 350.014 and other key student education outcomes established by the board.

(5) The State Board of Education and the Early Learning Council may adopt any rules necessary for the agencies they oversee to perform any of the duties assigned to them under this section. Any rules adopted by the Early Learning Council must be consistent with this section and actions taken by the State Board of Education to implement this section.

SECTION 11. ORS 327.810 and 329.834 are repealed.

SECTION 12. This 2023 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect on its passage.