

House Bill 3454

Sponsored by Representative KROPF (at the request of Governor Tina Kotek)

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 award grants to improve early literacy in state. Prescribes purposes of grants, applicants that are eligible to apply for grants, grant application requirements and calculations of grants.

Declares emergency, effective July 1, 2023.

A BILL FOR AN ACT

1
2 Relating to early literacy; creating new provisions; amending ORS 327.800; repealing ORS 327.810
3 and 329.834; and declaring an emergency.

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

5 **SECTION 1. Sections 2 to 5 of this 2023 Act are added to and made a part of ORS chapter**
6 **327.**

7 **SECTION 2. (1) In addition to those moneys distributed through the State School Fund,**
8 **the Department of Education shall award grants to improve early literacy in this state.**

9 **(2) Grants awarded under sections 2 to 5 of this 2023 Act must be used for the purposes**
10 **of:**

11 **(a) Developing the capacity of public education providers in this state to provide**
12 **evidence-based early literacy instruction and curriculum in prekindergarten through grade**
13 **five; and**

14 **(b) Ensuring that literacy instruction is delivered in a manner that integrates culturally**
15 **sustaining teaching practices and social emotional learning.**

16 **(3) Funds received under sections 2 to 5 of this 2023 Act must be used by grant recipients**
17 **to promote the purposes identified in subsection (2) of this section by funding one or more**
18 **of the following:**

19 **(a) Professional learning and ongoing coaching for educators and classified education**
20 **staff who provide early literacy instruction or assist students with early literacy learning;**

21 **(b) Implementation of models for teaching early literacy that align with the purposes**
22 **described in subsection (2) of this section, including:**

23 **(A) Evaluations of the progress and success of the implementation of the model;**

24 **(B) The establishment and monitoring of demonstration classrooms; and**

25 **(C) The dedication of time for teachers in prekindergarten through grade five to meet to**
26 **address literacy instruction and assessments;**

27 **(c) One-on-one tutoring, or tutoring in small groups, that is regularly provided multiple**
28 **times a week in relation to an early literacy program;**

29 **(d) The purchase of training and materials necessary to deliver an early literacy pro-**
30 **gram;**

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 (e) Reductions in instructor-to-student ratios for instruction in an early literacy pro-
2 gram; and

3 (f) The provision of 60 to 90 minutes each day for dedicated reading for students in
4 kindergarten through grade five.

5 **SECTION 3.** (1) As used in this section, “eligible applicant” means any of the following
6 entities:

7 (a) Common school districts or union high school districts.

8 (b) Public charter schools that are not virtual public charter schools, as defined in ORS
9 338.005, and that have a student population of which:

10 (A) At least 35 percent of the student population is composed of students from the fol-
11 lowing student groups:

12 (i) Economically disadvantaged, as determined based on rules of the State Board of Ed-
13 ucation;

14 (ii) Racial or ethnic groups that have historically experienced academic disparities, as
15 determined under rules adopted by the State Board of Education;

16 (iii) Students who are a child with a disability, as defined in ORS 343.035; or

17 (iv) Students who are English language learners; and

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

20 (i) The percentage of all students in the school district who are economically disadvan-
21 taged, if eligibility is determined based on the percentage of students who are economically
22 disadvantaged;

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

26 (iii) The percentage of all students in the school district who are disabled, if eligibility is
27 determined based on the percentage of students who are disabled; or

28 (iv) The percentage of all students in the school district who are English language
29 learners, if eligibility is determined based on the percentage of students who are English
30 language learners.

31 (c) Prekindergartens that are:

32 (A) District-sponsored prekindergartens; or

33 (B) Provided in partnership between an entity identified in paragraph (a) or (b) of this
34 subsection and:

35 (i) A community-based organization; or

36 (ii) The federal Head Start program, the Oregon prekindergarten program or any other
37 public preschool program established under ORS 329.170 to 329.200.

38 (2)(a) Eligible applicants may apply to receive a distribution of grant moneys under sec-
39 tion 5 of this 2023 Act.

40 (b) Notwithstanding ORS 338.155 (9), a public charter school that is not an eligible appli-
41 cant may not apply for a grant under this section.

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

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

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

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

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

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

12 (i) The ADMw of the public charter school may not be used in the calculation of the
 13 school district ADMw for grants distributed under section 5 of this 2023 Act; and

14 (ii) The public charter school is not entitled to any grant moneys distributed under sec-
 15 tion 5 of this 2023 Act.

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

18 (i) The public charter school and school district shall enter into an agreement for the
 19 distribution of moneys or the provision of services, including any accountability measures
 20 required of the public charter school by the school district;

21 (ii) The ADMw of the public charter school shall be used in the calculation of the school
 22 district ADMw for grants distributed under section 5 of this 2023 Act; and

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

25 (5) For the purpose of preparing a grant application, an eligible applicant must develop
 26 an early literacy plan that describes how the eligible applicant will use the grant moneys.
 27 Early literacy plans must use evidence-based strategies that integrate culturally sustaining
 28 practices and social emotional learning and align with culturally relevant curriculum, in-
 29 struction and assessment.

30 (6) The early literacy plan required under subsection (5) of this section must:

31 (a) Identify the components of the plan that will be funded with grant moneys;

32 (b) Describe how the components identified under paragraph (a) of this subsection will
 33 be used to:

34 (A) Increase academic achievement for students of the eligible applicant; and

35 (B) Reduce academic disparities for student groups that are:

36 (i) Economically disadvantaged;

37 (ii) Racial or ethnic groups that have historically experienced academic disparities;

38 (iii) Students who are a child with a disability; or

39 (iv) Students who are English language learners; and

40 (c) Provide sufficient information to enable the Department of Education to make the
 41 review described in section 4 (2) of this 2023 Act.

42 (7) To apply for a grant, an eligible applicant must submit an application in a format and
 43 according to timelines prescribed by the Department of Education. The application must in-
 44 clude:

45 (a) The early literacy plan developed under subsection (6) of this section; and

1 (b) Budget estimates for each of the components in the plan developed under subsection
 2 (6) of this section that will be funded by grant moneys.

3 **SECTION 4.** (1) The Department of Education shall review all applications for grants
 4 submitted for the purposes of sections 2 to 5 of this 2023 Act.

5 (2) When reviewing applications, the department shall ensure that early literacy plans
 6 include:

7 (a) Instructional strategies that are evidence-based;

8 (b) Instructional strategies that integrate aspects of social emotional learning and cul-
 9 turally responsive teaching practices;

10 (c) Ongoing coaching and evaluations of the progress and success of the implementation
 11 of the plan;

12 (d) The use of diagnostic interim and formative assessments;

13 (e) Models for English language learners;

14 (f) Uninterrupted time for literacy instruction;

15 (g) Appropriate instructor-student ratios; and

16 (h) Other elements identified by the State Board of Education by rule, including align-
 17 ment with literacy and language arts requirements prescribed by the department.

18 (3) After conducting the review under subsection (2) of this section, the department shall
 19 provide feedback and guidance on:

20 (a) How to prioritize uses of grants moneys received under sections 2 to 5 of this 2023
 21 Act; and

22 (b) How to maximize the use of other funding sources administered by the department
 23 for the purpose of implementing the early literacy plan.

24 (4) Based on the feedback and guidance received under subsection (3) of this section, an
 25 applicant for a grant shall revise the applicant’s early literacy plan, if needed, and develop
 26 an investment plan.

27 (5)(a) Based on an applicant’s early literacy plan and investment plan, the department
 28 shall enter into an agreement with an applicant for the distribution of funds under section
 29 5 of this 2023 Act.

30 (b) Any agreements between a public charter school and a grant recipient that is a school
 31 district shall become part of the grant agreement.

32 (6) Any plans approved by the department under this section must be posted on the
 33 department’s website.

34 **SECTION 5.** (1)(a) Except as provided by paragraph (d) of this subsection, the amount
 35 of a grant awarded under sections 2 to 5 of this 2023 Act = the grant recipient’s ADMw ×
 36 (the total amount available for distribution as grants in each biennium ÷ the total ADMw
 37 of all grant recipients).

38 (b) For purposes of this subsection and except as provided by paragraph (c) of this sub-
 39 section, ADMw equals:

40 (A) For school districts, the ADMw as calculated under ORS 327.013, except that the ad-
 41 ditional amount allowed for students who are in poverty families, as determined under ORS
 42 327.013 (1)(c)(A)(v)(I), shall be 0.5.

43 (B) For preschool programs, the ADMw of the program as determined based on rule of
 44 the State Board of Education. To the greatest extent practicable, calculations of the ADMw
 45 for preschool programs shall be consistent with calculations of the ADMw of school districts.

1 (c) When calculating ADMw for a school district, the Department of Education shall re-
2 move from the calculation any amounts that are attributable to:

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

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

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

8 (d) The amount of a grant distributed under this section may be adjusted by the depart-
9 ment to ensure that a grant recipient with an ADMw of 50 or less receives a minimum grant
10 amount.

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

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

14 (b) Any percentages and timelines for installment payments and adjustments of those
15 installment payments.

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

19 (4) At least once each calendar quarter, a grant recipient must submit to the Department
20 of Education a report relating to the use of grant moneys received under this section. The
21 report must include:

22 (a) An explanation of how moneys received under this section were used during the
23 quarter to implement the grant recipient's early literacy plan;

24 (b) The number of educators and classified education staff employed by the grant recipi-
25 ent who were trained in early literacy during the quarter; and

26 (c) The number of students of the grant recipient who were served as a result of the
27 early literacy plan during the quarter, as disaggregated by student characteristics.

28 **SECTION 6.** ORS 327.800 is amended to read:

29 327.800. (1) The State Board of Education shall identify and make recommendations to the Leg-
30 islative Assembly about programs that make strategic investments to:

31 (a) Advance the educational goals of this state, as described in ORS 350.014;

32 (b) Improve the employability of graduates from Oregon public schools;

33 (c) Close the achievement gap that exists between historically underserved student groups, as
34 defined by the board by rule;

35 (d) Assist public education in all regions of this state;

36 (e) Promote collaboration and alignment among early childhood service providers, school dis-
37 tricts, community colleges, public universities and employers;

38 (f) Leverage private, public and community resources;

39 (g) Engage parents and child care providers, support families and motivate students;

40 (h) Develop and disseminate evidence-based models and best practices that are likely to improve
41 student outcomes;

42 (i) Collect data to monitor student progress; and

43 (j) Establish networks that allow for the replication of successful practices across this state.

44 (2) The Department of Education shall distribute any moneys received for strategic investments
45 under this section. Distributions may be made to school districts, education service districts, post-

1 secondary institutions of education, nonprofit organizations, providers of early childhood services,
 2 tribes of this state and other entities. Distributions of moneys must advance the purposes set forth
 3 in ORS [327.810,] 327.815 and 327.820 or other purposes that meet the goals specified in subsection
 4 (1) of this section.

5 (3) Any recipient of moneys distributed as a strategic investment must provide separate ac-
 6 counting for the moneys and may use the moneys only for the purpose for which the moneys are
 7 provided.

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

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

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

18 **SECTION 7. ORS 327.810 and 329.834 are repealed.**

19 **SECTION 8. This 2023 Act being necessary for the immediate preservation of the public**
 20 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**
 21 **July 1, 2023.**

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