Senate Bill 575

Sponsored by Senator GELSER BLOUIN, Representative HUDSON (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 eligible for special education and who have experienced disproportionate results in education due to historical practices.

Requires school districts to establish special education advisory council. Authorizes use of moneys from Student Investment Account for councils.

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

 Declares emergency, effective July 1, 2023.

A BILL FOR AN ACT

Relating to statewide education plans; creating new provisions; amending ORS 327.180, 327.254, 329.841, 329.843, 329.845 and 329.847 and sections 64 and 68, chapter 631, Oregon Laws 2021; and declaring an emergency.

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

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

(a) Is a student eligible for special education as a child with a disability, as defined in ORS 343.035; and

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

(2)(a) The Department of Education shall develop and implement a statewide education plan for plan students, including:

(A) Consulting with the advisory groups formed for other similar statewide education plans;

(B) Establishing criteria and administering the selection and accountability requirements for grants awarded under this section;

(C) Providing technical assistance to special education advisory councils established as provided by section 5 of this 2023 Act; and

(D) Advising the State Board of Education on the adoption of rules for implementation of the plan.

(b) When developing and implementing the plan, the department shall consult with:

(A) Local, state and national organizations that have expertise in the best practices for providing special education and related services; and

(B) The advisory group formed under paragraph (c) of this subsection.

(c) The department shall form an advisory group consisting of individuals who are:

(A) Students who are eligible for special education and related services and who represent a diversity of:
(i) Disability types;
(ii) Geographic locations, including urban and rural communities; and
(iii) Demographics, including students who are plan students under other statewide education plans and students who are eligible for and enrolled in an English language learner program;

(B) Parents or other family members of students who are eligible for special education and related services;

(C) Representatives of a local parent training and information center that serves parents of children with disabilities; and

(D) Representatives of special education stakeholders, including community-based organizations, members of the disability community and representatives of the Early Learning Division, the Youth Development Division and the Higher Education Coordinating Commission.

(d) The advisory group formed as provided in paragraph (c) of this subsection shall advise the department regarding:

(A) Development and implementation of the plan;

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

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

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

(a) The disparities experienced by plan students in every indicator of academic success, as documented by the department’s annual performance report to the United States Department of Education, the statewide report card and other relevant reports related to plan students;

(b) The historical and ongoing systemic inequities experienced by plan students that lead to disproportionate results for plan students;

(c) The educational needs of plan students from early childhood through post-secondary education as determined by examining best practices in inclusive education in this state and other states;

(d) The importance of having high expectations for all plan students and ensuring that teachers, students, parents and others involved in the education of plan students hold plan students to a high standard; and

(e) Strategies and goals to increase educational rigor and expectations for plan students, which must be developed by collaborating closely with other statewide education plan advisory groups in recognition that many plan students identify under more than one statewide education plan and that intersections in how a plan student is identified may have compounding effects for plan students.

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

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

(b) Increase parental engagement in the education of plan students through the use of special education advisory councils in each school district as required by section 5 of this 2023 Act;

(c) Increase the engagement of plan students in student leadership, nonacademic classes and extracurricular opportunities and activities before, during and after regular school
(d) Increase early childhood education and kindergarten readiness for plan students;
(e) Improve literacy and numeracy levels among plan students between kindergarten and grade three;
(f) Support plan student transitions to middle school and through the middle school and high school grades to maintain and improve academic performance;
(g) Support pedagogy and best practices that promote the inclusion of plan students from early childhood through post-secondary education by such strategies as model schools, grant distributions and the establishment of professional communities of practice;
(h) Support investments and changes in teacher and school administrator credentialing and degree programs and in educator professional development to support plan students and increase inclusionary practices, either as teachers of special education or as general education teachers and school administrators;
(i) Regularly review academic content standards from the perspective of persons with disabilities and with the intent of incorporating content relating to disability awareness, disability history, disability rights and the social justice movement, ableism, intersectionality, universal design and other topics important to the disability community;
(j) Review educational facilities in this state and make capital investments to support needed modifications to the facilities to ensure facilities are accessible to plan students;
(k) Ensure that every plan student has the opportunity to attain the most rigorous high school diploma option possible for that student, and provide disaggregated data collection on diplomas awarded to plan students;
(L) Support the development and expansion of an array of post-secondary education and career options for plan students;
(m) Provide support in preparing plan students for post-secondary opportunities, including accessing career and technical education, trade schools, apprenticeships, internships and other opportunities;
(n) Address disproportionate rates of students leaving school without earning a high school diploma or having only received an alternative certificate; and
(o) Align the plan with similar statewide education plans developed and implemented by the department.

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

(6) The department, in consultation with the advisory group, shall award grants to Early Learning Hubs, providers of early learning services, school districts, education service districts, post-secondary institutions of education, tribal governments, community-based organizations or a consortium of these entities to implement the strategies provided in the plan developed and implemented under this section and to support the implementation of best practices in inclusive education in order to address the disparities in educational outcomes for plan students.

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

SECTION 2. Section 1 of this 2023 Act is amended to read:
Sec. 1. (1) As used in this section, “plan student” means a student enrolled in early childhood through post-secondary education who:

(a) Is a student eligible for special education as a child with a disability, as defined in ORS 343.035; and

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

(2)(a) The Department of Education shall develop and implement a statewide education plan for plan students, including:

(A) Consulting with the advisory groups formed for other similar statewide education plans;

(B) Establishing criteria and administering the selection and accountability requirements for grants awarded under this section;

(C) Providing technical assistance to special education advisory councils established as provided by section 5 of this 2023 Act; and

(D) Advising the State Board of Education on the adoption of rules for implementation of the plan.

(b) When developing and implementing the plan, the Department of Education shall consult with:

(A) Local, state and national organizations that have expertise in the best practices for providing special education and related services; and

(B) The advisory group formed under paragraph (c) of this subsection.

(c) The Department of Education shall form an advisory group consisting of individuals who are:

(A) Students who are eligible for special education and related services and who represent a diversity of:

(i) Disability types;

(ii) Geographic locations, including urban and rural communities; and

(iii) Demographics, including students who are plan students under other statewide education plans and students who are eligible for and enrolled in an English language learner program;

(B) Parents or other family members of students who are eligible for special education and related services;

(C) Representatives of a local parent training and information center that serves parents of children with disabilities; and

(D) Representatives of special education stakeholders, including community-based organizations, members of the disability community and representatives of the [Early Learning Division] Department of Early Learning and Care, the Youth Development Division and the Higher Education Coordinating Commission.

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

(A) Development and implementation of the plan;

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

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

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

(a) The disparities experienced by plan students in every indicator of academic success, as documented by the [department's] Department of Education's annual performance report to the United States Department of Education.
States Department of Education, the statewide report card and other relevant reports related to plan
students;

(b) The historical and ongoing systemic inequities experienced by plan students that lead to
disproportionate results for plan students;

(c) The educational needs of plan students from early childhood through post-secondary educa-
tion as determined by examining best practices in inclusive education in this state and other states;

(d) The importance of having high expectations for all plan students and ensuring that teachers,
students, parents and others involved in the education of plan students hold plan students to a high
standard; and

(e) Strategies and goals to increase educational rigor and expectations for plan students, which
must be developed by collaborating closely with other statewide education plan advisory groups in
recognition that many plan students identify under more than one statewide education plan and that
intersections in how a plan student is identified may have compounding effects for plan students.

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

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

(b) Increase parental engagement in the education of plan students through the use of special
education advisory councils in each school district as required by section 5 of this 2023 Act;

(c) Increase the engagement of plan students in student leadership, nonacademic classes and
extracurricular opportunities and activities before, during and after regular school hours;

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

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

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

(g) Support pedagogy and best practices that promote the inclusion of plan students from early
childhood through post-secondary education by such strategies as model schools, grant distributions
and the establishment of professional communities of practice;

(h) Support investments and changes in teacher and school administrator credentialing and de-
gree programs and in educator professional development to support plan students and increase
inclusionary practices, either as teachers of special education or as general education teachers and
school administrators;

(i) Regularly review academic content standards from the perspective of persons with disabilities
and with the intent of incorporating content relating to disability awareness, disability history, dis-
ability rights and the social justice movement, ableism, intersectionality, universal design and other
topics important to the disability community;

(j) Review educational facilities in this state and make capital investments to support needed
modifications to the facilities to ensure facilities are accessible to plan students;

(k) Ensure that every plan student has the opportunity to attain the most rigorous high school
diploma option possible for that student, and provide disaggregated data collection on diplomas
awarded to plan students;

(L) Support the development and expansion of an array of post-secondary education and career
options for plan students;

(m) Provide support in preparing plan students for post-secondary opportunities, including ac-
cessing career and technical education, trade schools, apprenticeships, internships and other oppor-
tunities;

(n) Address disproportionate rates of students leaving school without earning a high school diploma or having only received an alternative certificate; and

(o) Align the plan with similar statewide education plans developed and implemented by the Department of Education.

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

(6) The Department of Education, in consultation with the advisory group, shall award grants to Early Learning Hubs, providers of early learning services, school districts, education service districts, post-secondary institutions of education, tribal governments, community-based organizations or a consortium of these entities to implement the strategies provided in the plan developed and implemented under this section and to support the implementation of best practices in inclusive education in order to address the disparities in educational outcomes for plan students.

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

SECTION 3. Section 64, chapter 631, Oregon Laws 2021, as amended by section 1, chapter 27, Oregon Laws 2022, is amended to read:


(3) For the purpose of ensuring that the Department of Early Learning and Care may exercise, on and after the operative date set forth in subsection (1) of this section, all of the duties, functions and powers conferred on the Department of Early Learning and Care by ORS 326.432 and 329A.750 and the amendments to ORS 131A.360, 131A.365, 183.459, 279A.050, 326.425, 326.430, 326.435, 327.269, 327.274, 329.155, 329.165, 329.170, 329.172, 329.175, 329.181, 329.183, 329.185, 329.190, 329.195, 329.200,
(4) The Governor shall resolve any disputes related to the plan developed and implemented under subsection (3) of this section, and the Governor's decision is final.

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


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

SECTION 5. (1) (a) Except as provided by paragraph (b) of this subsection, each school district shall establish a special education advisory council.

(b) If a school district has an average daily membership, as defined in ORS 327.006, of fewer than 2,500 students, the school district may participate in a regional special education advisory council that complies with the requirements established by the State Board of Education by rule.

(2) The duties of a special education advisory council shall include:

(a) Assisting the school district in complying with the statewide education plan established and implemented as provided by section 1 of this 2023 Act;

(b) Advising the school district board about the educational impacts of policy decisions on students with disabilities;

(c) Advising the school district superintendent about the educational impacts of policy decisions on students with disabilities; and

(d) Informing the school district board and school district superintendent when a situation arises in a school of the school district that negatively impacts students with disabilities and advising the board and superintendent on how best to address the situation.
(3)(a) The members of each special education advisory council shall be selected by the school district superintendent. Members must include employees, parents, students and community members from the school district. The superintendent shall ensure that at least half of the members are parents of students with a disability and that the student members represent students with disabilities and students from other underserved student groups.

(b) For the purpose of selecting members, the school district superintendent shall solicit names of possible members from the school district and from the school district’s community.

(4) The Department of Education shall issue basic guidelines and forms to assist school districts in establishing and administering a special education advisory council. The number of members, frequency of meetings and operational procedures of a special education advisory council shall be determined by the school district in accordance with guidelines issued by the department.

(5)(a) No later than June 30 of each year, the special education advisory council for each school district shall prepare a report that provides the following information:

(A) The successes and challenges the school district experienced during the school year in meeting the educational inclusion needs of students with disabilities in the school district;

(B) Recommendations the council made to the school district board and the school district superintendent, and the actions that were taken in response to those recommendations; and

(C) Any other information required by the State Board of Education by rule.

(b) The report prepared under paragraph (a) of this subsection must be:

(A) Distributed to the parents of the students of the school district;

(B) Posted on the school district’s website;

(C) Presented to the school district board in an open meeting with adequate opportunity for public comment;

(D) Submitted to the State Advisory Council for Special Education; and

(E) Submitted to the State Board of Education.

(6) The State Board of Education shall adopt any rules necessary for the administration of this section.

SECTION 6. A school district must first convene a special education advisory council as provided by section 5 of this 2023 Act no later than September 15, 2023.

SECTION 7. ORS 327.180 is amended to read:

327.180. (1) In addition to those moneys distributed through the State School Fund, the Department of Education shall award grants from the Student Investment Account. Grants shall be distributed as provided under ORS 327.195.

(2) The purposes of grants distributed under ORS 327.195 shall be to:

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

(b) Increase academic achievement for students, including reducing academic disparities for:

(A) Economically disadvantaged students, as determined based 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;
(F) Students who are homeless, as determined under rules adopted by the State Board of Edu-
cation; and
(G) Any other student groups that have historically experienced academic disparities, as deter-
dined by the State Board of Education by rule.

(3) Grant moneys received under ORS 327.195 may be used by a grant recipient only for:
(a) Increasing instructional time, which may include:
(A) More hours or days of instructional time;
(B) Summer programs;
(C) Before-school or after-school programs; or
(D) Technological investments that minimize class time used for assessments administered to
students.
(b) Addressing students' health or safety needs, which may include:
(A) Social-emotional learning and development;
(B) Student mental and behavioral health;
(C) Improvements to teaching and learning practices or organizational structures that lead to
better interpersonal relationships at the school;
(D) Student health and wellness;
(E) Trauma-informed practices;
(F) School health professionals and assistants; or
(G) Facility improvements directly related to improving student health or safety.
(c) Reducing class sizes, which may include increasing the use of instructional assistants, by
using evidence-based criteria to ensure appropriate student-teacher ratios or staff caseloads.
(d) Expanding availability of and student participation in well-rounded learning experiences,
which may include:
(A) Developmentally appropriate and culturally responsive early literacy practices and programs
in prekindergarten through third grade;
(B) Culturally responsive practices and programs in grades six through eight, including learning,
counseling and student support that is connected to colleges and careers;
(C) Broadened curricular options at all grade levels, including access to:
(i) Art, music and physical education classes;
(ii) Science, technology, engineering and mathematics education;
(iii) Career and technical education, including career and technical student organization pro-
grams and payment of student fees, costs and instructors of those programs;
(iv) Electives that are engaging to students;
(v) Accelerated college credit programs, including dual credit programs, International
Baccalaureate programs and advanced placement programs;
(vi) Dropout prevention programs and transition supports;
(vii) Life skills classes; or
(viii) Talented and gifted programs; or
(D) Access to licensed educators with a library media endorsement.
(e) The establishment and operation of special education advisory councils established as
provided by section 5 of this 2023 Act.

SECTION 8. ORS 327.254 is amended to read:
327.254. (1) The Department of Education shall use moneys in the Statewide Education Initi-
atives 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] any statewide education plan [identified] developed and implemented 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) Developing and implementing professional development programs and training programs, including programs that increase educator diversity and retain diverse educators;

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

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

(k) 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;

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

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

(n) 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 9. ORS 329.841 is amended to read:

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

(a) Is Black or African-American; and

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

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

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

(A) Development and implementation of the plan;

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

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

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

(a) The disparities experienced by plan students in every indicator of academic success, as documented by the department’s statewide report card;

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

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

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

(a) Address the disproportionate rate of disciplinary incidents for plan students compared to all
students in the education system;
(b) Increase parental engagement in the education of plan students;
(c) Increase the engagement of plan students in educational activities before and after regular school hours;
(d) Increase early childhood and kindergarten readiness for plan students;
(e) Improve literacy and numeracy levels among plan students between kindergarten and grade three;
(f) Support plan student transitions to middle school and through the middle and high school grades to maintain and improve academic performance;
(g) Support culturally responsive pedagogy and practices from early childhood through post-secondary education;
(h) Support the development of culturally responsive curricula from early childhood through post-secondary education;
(i) Increase attendance of plan students in community colleges and professional certification programs; [and]
(j) Increase attendance of plan students in four-year post-secondary institutions of education;

and

(k) Align the plan with similar statewide education plans developed and implemented by the department.

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

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

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

SECTION 10. ORS 329.841, as amended by section 34, chapter 631, Oregon Laws 2021, is amended to read:

329.841. (1) For the purposes of this section, “plan student” means a student enrolled in early childhood through post-secondary education who:
(a) Is Black or African-American; and
(b) Has experienced disproportionate results in education due to historical practices, as identified by the State Board of Education by rule.

(2)(a) The Department of Education shall develop and implement a statewide education plan for plan students.
(b) The Department of Education shall form an advisory group consisting of community members, education stakeholders and representatives of the Department of Early Learning and Care, the Youth Development Division and the Higher Education Coordinating Commission to advise the Department of Education regarding:
(A) Development and implementation of the plan;
(B) Eligibility criteria, applicant selection process and expectations for recipients of grant
awards described in this section; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

and

(k) Align the plan with similar statewide education plans developed and implemented by
the Department of Education.

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

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

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

SECTION 11. ORS 329.843 is amended to read:

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

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

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

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

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

(c) The department shall be responsible for:

(A) Implementing the plan developed under this subsection;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(k) Align the plan with similar statewide education plans developed and implemented by the department.

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

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

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

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

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

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

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

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

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

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

(A) Implementing the plan developed under this subsection;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

and

(k) Align the plan with similar statewide education plans developed and implemented by the Department of Education.

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

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

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

SECTION 13. ORS 329.845 is amended to read:

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

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

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

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

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

(A) Urban and rural communities;

(B) Indigenous and immigrant populations;

(C) English language learners;

(D) Individuals with disabilities;

(E) Parents and students;

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

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

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

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

(A) Development and implementation of the plan;
(B) Eligibility criteria, applicant selection processes and expectations for recipients of grant awards described in this section; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(and)

(k) Align the plan with similar statewide education plans developed and implemented by
the department.

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

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

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

SECTION 14. ORS 329.845, as amended by section 36, chapter 631, Oregon Laws 2021, is
amended to read:

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

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

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

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

(b) The Department of Education shall form an advisory group consisting of individuals representing:

(A) Urban and rural communities;

(B) Indigenous and immigrant populations;

(C) English language learners;

(D) Individuals with disabilities;

(E) Parents and students;

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

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

(H) Education stakeholders, including representatives of the Department of Early Learning and Care, the Youth Development Division and the Higher Education Coordinating Commission.

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

(A) Development and implementation of the plan;

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) Support culturally responsive pedagogy and practices from early childhood through post-secondary education;
(h) Support the development of culturally responsive curricula from early childhood through post-secondary education;
(i) Increase attendance of plan students in community colleges and professional certification programs; [and]
(j) Increase attendance of plan students in four-year post-secondary institutions of education[];
and

(k) Align the plan with similar statewide education plans developed and implemented by the Department of Education.

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

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

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

SECTION 15. ORS 329.847 is amended to read:

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

(a) May be lesbian, gay, bisexual, transgender, queer, two-spirit, intersex, asexual, nonbinary or another minority gender identity or sexual orientation; and
(b) Has experienced disproportionate results in education due to historical practices, as identified by the State Board of Education by rule.

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

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

(A) Individuals who identify as lesbian, gay, bisexual, transgender, queer, two-spirit, intersex, asexual, nonbinary or another minority gender identity or sexual orientation; and
(B) Students who identify as lesbian, gay, bisexual, transgender, queer, two-spirit, intersex, asexual, nonbinary or another minority gender identity or sexual orientation;
(C) Representatives of community-based organizations that serve lesbian, gay, bisexual, transgender, queer, two-spirit, intersex, asexual, nonbinary or another minority gender identity or sexual orientation population; and
(D) Education stakeholders, including representatives of the Early Learning Division, the Youth Development Division and the Higher Education Coordinating Commission.

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

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

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

[(C) The advisory group described in ORS 329.843, related to students who are American Indian or Alaska Native;]
[(D) The advisory group described in ORS 329.845, related to students who are Latino or Hispanic; and]

(B) Advisory groups formed by the department to develop and implement a statewide education plan for plan students; and

[(E)] (C) Any other advisory groups or education stakeholders identified by the department.

d) The department shall be responsible for:

(A) Implementing the plan developed under this section;
(B) Developing eligibility criteria, the applicant selection process and expectations for recipients of grant awards described in this section; and
(C) Advising the State Board of Education on the adoption of rules under this section.

3 The plan developed under this section must address:

(a) The disparities experienced by plan students in every indicator of academic success, as documented by the department’s statewide report card and other relevant reports related to plan students;
(b) The historical practices leading to disproportionate outcomes for plan students; and
(c) The educational needs of plan students from early childhood through post-secondary education as determined by examining culturally appropriate best practices in this state and across the nation.

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

(a) Address the disproportionate rate of disciplinary incidents involving plan students as compared to all students in the education system;
(b) Increase parental engagement in the education of plan students;
(c) Increase the engagement of plan students in educational activities before and after regular school hours;
(d) Increase early childhood education and kindergarten readiness for plan students;
(e) Improve literacy and numeracy levels among plan students between kindergarten and grade three;
(f) Support plan student transitions to middle school and through the middle school and high school grades to maintain and improve academic performance;
(g) Support culturally responsive pedagogy and practices from early childhood through post-secondary education;
(h) Support the development of culturally responsive curricula from early childhood through post-secondary education;
(i) Increase attendance of plan students in early childhood programs through post-secondary and professional certification programs; and
(j) Increase attendance of plan students in four-year post-secondary institutions of education.

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

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

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

**SECTION 16.** ORS 329.847, as amended by section 15 of this 2023 Act, is amended to read:

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

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

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

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

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

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

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

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

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

(c) When implementing the plan, the Department of Education shall consult with:

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

(B) Advisory groups formed by the department to develop and implement a statewide education
plan for plan students; and

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

(d) The department shall be responsible for:

(A) Implementing the plan developed under this section;

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

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

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

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

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

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

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

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

(b) Increase parental engagement in the education of plan students;
(c) Increase the engagement of plan students in educational activities before and after regular school hours;
(d) Increase early childhood education and kindergarten readiness for plan students;
(e) Improve literacy and numeracy levels among plan students between kindergarten and grade three;
(f) Support plan student transitions to middle school and through the middle school and high school grades to maintain and improve academic performance;
(g) Support culturally responsive pedagogy and practices from early childhood through post-secondary education;
(h) Support the development of culturally responsive curricula from early childhood through post-secondary education;
(i) Increase attendance of plan students in early childhood programs through post-secondary and professional certification programs; and
(j) Increase attendance of plan students in four-year post-secondary institutions of education.
(5) The department shall submit a biennial report concerning the progress of the plan developed and implemented under this section to a committee of the Legislative Assembly related to education at each even-numbered year regular session of the Legislative Assembly.
(6) The department, in consultation with the advisory group, may award grants to Early Learning Hubs, providers of early learning services, school districts, education service districts, post-secondary institutions of education, tribal governments, community-based organizations or a consortium of these entities to implement the strategies provided in the plan developed and implemented under this section.
(7) To qualify for and receive a grant described in this section, an applicant must identify and demonstrate that the applicant meets the eligibility criteria established by the State Board of Education by rule.

SECTION 17. 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 July 1, 2023.