

SENATE AMENDMENTS TO SENATE BILL 658

By COMMITTEE ON EDUCATION

April 11

1 On page 1 of the printed bill, line 2, after “327.254” insert “and 329.847 and sections 64 and 68,
2 chapter 631, Oregon Laws 2021”.

3 Delete lines 5 through 28 and delete pages 2 through 6 and insert:

4 **“SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS chapter 327.**

5 **“SECTION 2. (1) As used in this section:**

6 **“(a) ‘ADM’ has the meaning given that term in ORS 327.006.**

7 **“(b) ‘Homeless students’ means students who are considered homeless children and
8 youths under the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. 11434a(2).**

9 **“(2) The Department of Education shall establish a pilot program to provide additional
10 funding to school districts that have a significant population of homeless students.**

11 **“(3)(a) The department shall award grants to school districts participating in the pilot
12 program established by this section.**

13 **“(b) A school district may participate in the pilot program as part of a consortium with
14 one or more other school districts.**

15 **“(c) A school district, or a consortium of school districts, may participate in the pilot
16 program in partnership with one or more of the following:**

17 **“(A) Education service districts.**

18 **“(B) Local governments.**

19 **“(C) Nonprofit organizations.**

20 **“(D) Federally recognized Indian tribes.**

21 **“(4) Grants shall be awarded from the Statewide Education Initiatives Account and must
22 be used to provide direct assistance to homeless students in kindergarten through grade 12
23 for the purposes of increasing access to schools and improving academic achievement.**

24 **“(5)(a) The amount of a grant awarded under this section to participating school districts
25 shall equal the total number of homeless students who make up a school district’s or
26 consortium’s ADM × (the total amount available for distribution to school districts under
27 this section ÷ the total number of homeless students who make up the ADM of all school
28 districts that participate in the pilot program under this section).**

29 **“(b) For the purpose of the calculation made under paragraph (a) of this subsection, the
30 total amount available for distribution to school districts under this section shall equal the
31 amount that is 1.0 of the additional amount used to calculate weighted average daily mem-
32 bership under ORS 327.013 for purposes of State School Fund distributions × the total
33 number of homeless students who make up the ADM of all school districts that participate
34 in the pilot program under this section.**

35 **“(6) Any school district may apply to participate in the pilot program. To the greatest**

1 extent practicable, the department shall select school districts that:

2 “(a) Have significant populations of homeless students, based on either the total number
3 of homeless students of the school district or the percentage of homeless students of the
4 school district; and

5 “(b) Represent a diversity of sizes and geographic locations.

6 “(7) The department shall enter into a grant agreement with any school district the de-
7 partment selects to participate in the pilot program.

8 “(8) After a grant agreement has been entered into, the department shall award a grant
9 in the amount calculated under subsection (5) of this section. Grant moneys received under
10 this section must be deposited into a separate account and applied as provided by the grant
11 agreement.

12 “(9) Each grant recipient must submit to the department a description of how grant
13 moneys received under this section were used to advance the purposes described in sub-
14 section (4) of this section. A grant recipient shall provide the information required under this
15 subsection based on the timelines and forms prescribed by the department.

16 “(10) The Department of Education may provide technical assistance to school districts
17 participating in the pilot program. Technical assistance may include collaborating with the
18 Department of Human Services to identify locations in each school district to use as shelters
19 for homeless students.

20 “(11) The State Board of Education shall adopt any rules necessary for the administration
21 of the pilot program under this section.

22 “SECTION 3. (1) Section 2 of this 2023 Act becomes operative on July 1, 2024.

23 “(2) Notwithstanding the operative date set forth in subsection (1) of this section, the
24 State Board of Education, the Department of Education and school districts may take any
25 action that is necessary for school districts to use grant moneys during the 2024-2025 school
26 year.

27 “(3) The Department of Education shall submit to the interim legislative committees re-
28 lated to education:

29 “(a) Prior to November 1, 2024, a report that summarizes the planned uses of grant
30 moneys awarded under section 2 of this 2023 Act; and

31 “(b) Prior to November 1, 2025, a report that summarizes the results of the pilot program
32 under section 2 of this 2023 Act.

33 “SECTION 4. Section 2 of this 2023 Act is repealed on July 1, 2025.

34 “SECTION 5. No later than September 15, 2026, the Department of Education, in collab-
35 oration with the Department of Human Services, shall submit to the interim committees of
36 the Legislative Assembly related to education a report on the education of homeless students
37 in this state. The report must include, for the 2023-2024, 2024-2025 and 2025-2026 school years,
38 information on:

39 “(1) The percentage of homeless students who received a high school diploma, both as a
40 percentage of total homeless students and as a percentage of all students;

41 “(2) The demographics of homeless students; and

42 “(3) The uses of moneys received by school districts under section 2 of this 2023 Act.

43 “SECTION 6. Section 5 of this 2023 Act is repealed on January 2, 2027.

44 “SECTION 7. (1) As used in this section, ‘plan student’ means a student enrolled in early
45 childhood through post-secondary education who:

1 “(a) Is considered a homeless child or youth under the McKinney-Vento Homeless As-
2 sistance Act of 1987, 42 U.S.C. 11434a(2); and

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

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

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

8 “(A) Represent community-based organizations serving homeless youth and families; and

9 “(B) Represent education stakeholders, including representatives of the Early Learning
10 Division, the Youth Development Division and the Higher Education Coordinating Commis-
11 sion.

12 “(c) The advisory group formed as provided in paragraph (b) of this subsection shall ad-
13 vise the department regarding:

14 “(A) Development and implementation of the plan;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 “(i) Increase attendance of plan students in community colleges and professional certi-
43 fication programs;

44 “(j) Increase attendance of plan students in four-year post-secondary institutions of ed-
45 ucation; and

1 “(k) Align the plan with statewide education plans developed and implemented under ORS
2 329.841, 329.843, 329.845 and 329.847.

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

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

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

14 “**SECTION 8.** Section 7 of this 2023 Act is amended to read:

15 “**Sec. 7.** (1) As used in this section, ‘plan student’ means a student enrolled in early childhood
16 through post-secondary education who:

17 “(a) Is considered a homeless child or youth under the McKinney-Vento Homeless Assistance
18 Act of 1987, 42 U.S.C. 11434a(2); and

19 “(b) Has experienced disproportionate results in education due to historical practices, as iden-
20 tified by the State Board of Education by rule.

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

23 “(b) The Department of Education shall form an advisory group consisting of individuals who:

24 “(A) Represent community-based organizations serving homeless youth and families; and

25 “(B) Represent education stakeholders, including representatives of the [*Early Learning*
26 *Division*] **the Department of Early Learning and Care**, the Youth Development Division and the
27 Higher Education Coordinating Commission.

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

30 “(A) Development and implementation of the plan;

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

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

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

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

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

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

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

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

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

45 “(c) Increase the engagement of plan students in educational activities before and after regular

1 school hours;

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

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

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

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

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

11 “(i) Increase attendance of plan students in community colleges and professional certification
12 programs;

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

15 “(k) Align the plan with statewide education plans developed and implemented under ORS
16 329.841, 329.843, 329.845 and 329.847.

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

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

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

28 “**SECTION 9.** Section 64, chapter 631, Oregon Laws 2021, as amended by section 1, chapter 27,
29 Oregon Laws 2022, is amended to read:

30 “**Sec. 64.** (1) ORS 326.432 and 329A.750, the amendments to ORS 131A.360, 131A.365, 183.459,
31 279A.050, 326.425, 326.430, 326.435, 327.269, 327.274, 329.155, 329.156, 329.165, 329.170, 329.172,
32 329.175, 329.181, 329.183, 329.185, 329.195, 329.200, 329.219, 329.841, 329.843, 329.845, 329A.010,
33 329A.120, 329A.135, 329A.250, 329A.261, 329A.712, 336.101, 336.104, 343.465, 343.475, 343.499, 417.781,
34 417.782, 417.784, 417.788, 417.790, 417.793, 417.795, 417.796, 417.827, 417.829, 419B.005, 433.301,
35 609.652, 805.205 and 805.207 by sections 11 and 14 to 62, chapter 631, Oregon Laws 2021, **the**
36 **amendments to ORS 329.847 by section 13 of this 2023 Act, the amendments to section 7 of**
37 **this 2023 Act by section 8 of this 2023 Act** and the repeal of ORS 329.145, 329.150, 329.190,
38 329A.490 and 329A.493 by section 63, chapter 631, Oregon Laws 2021, become operative on July 1,
39 2023.

40 “(2) Notwithstanding the operative date set forth in subsection (1) of this section, the Early
41 Learning Division and the Department of Education may take any action before the operative date
42 set forth in subsection (1) of this section that is necessary for the Department of Early Learning and
43 Care to exercise, on and after the operative date set forth in subsection (1) of this section, all of the
44 duties, functions and powers conferred on the Department of Early Learning and Care by ORS
45 326.432 and 329A.750 and the amendments to ORS 131A.360, 131A.365, 183.459, 279A.050, 326.425,

1 326.430, 326.435, 327.269, 327.274, 329.155, 329.156, 329.165, 329.170, 329.172, 329.175, 329.181, 329.183,
2 329.185, 329.195, 329.200, 329.219, 329.841, 329.843, 329.845, 329A.010, 329A.120, 329A.135, 329A.250,
3 329A.261, 329A.712, 336.101, 336.104, 343.465, 343.475, 343.499, 417.781, 417.782, 417.784, 417.788,
4 417.790, 417.793, 417.795, 417.796, 417.827, 417.829, 419B.005, 433.301, 609.652, 805.205 and 805.207 by
5 sections 11 and 14 to 62, chapter 631, Oregon Laws 2021, **the amendments to ORS 329.847 by**
6 **section 13 of this 2023 Act and the amendments to section 7 of this 2023 Act by section 8 of**
7 **this 2023 Act.**

8 “(3) For the purpose of ensuring that the Department of Early Learning and Care may exercise,
9 on and after the operative date set forth in subsection (1) of this section, all of the duties, functions
10 and powers conferred on the Department of Early Learning and Care by ORS 326.432 and 329A.750
11 and the amendments to ORS 131A.360, 131A.365, 183.459, 279A.050, 326.425, 326.430, 326.435, 327.269,
12 327.274, 329.155, 329.156, 329.165, 329.170, 329.172, 329.175, 329.181, 329.183, 329.185, 329.195, 329.200,
13 329.219, 329.841, 329.843, 329.845, 329A.010, 329A.120, 329A.135, 329A.250, 329A.261, 329A.712,
14 336.101, 336.104, 343.465, 343.475, 343.499, 417.781, 417.782, 417.784, 417.788, 417.790, 417.793, 417.795,
15 417.796, 417.827, 417.829, 419B.005, 433.301, 609.652, 805.205 and 805.207 by sections 11 and 14 to 62,
16 chapter 631, Oregon Laws 2021, **the amendments to ORS 329.847 by section 13 of this 2023 Act**
17 **and the amendments to section 7 of this 2023 Act by section 8 of this 2023 Act**, the Early
18 Learning Division and the Department of Education shall develop and implement a plan that pro-
19 vides for a seamless transfer of duties, functions and powers.

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

22 “**SECTION 10.** Section 68, chapter 631, Oregon Laws 2021, is amended to read:

23 “**Sec. 68.** (1) Nothing in [*sections 12 and 13 of this 2021 Act*] **ORS 326.432 and 329A.750**, the
24 amendments to ORS 131A.360, 131A.365, 183.459, 279A.050, 326.425, 326.430, 326.435, 327.269, 327.274,
25 329.155, 329.156, 329.165, 329.170, 329.172, 329.175, 329.181, 329.183, 329.185, 329.195, 329.200, 329.219,
26 329.841, 329.843, 329.845, 329A.010, 329A.120, 329A.135, 329A.250, 329A.261, 329A.712, 336.101,
27 336.104, 343.465, 343.475, 343.499, 417.781, 417.782, 417.784, 417.788, 417.790, 417.793, 417.795, 417.796,
28 417.827, 417.829, 419B.005, 433.301, 609.652, 805.205 and 805.207 by sections 11 and 14 to 62 [*of this*
29 *2021 Act*], **chapter 631, Oregon Laws 2021, the amendments to ORS 329.847 by section 13 of**
30 **this 2023 Act and the amendments to section 7 of this 2023 Act by section 8 of this 2023 Act**,
31 or the repeal of ORS 329.145, 329.150, 329.190, 329A.490 and 329A.493 by section 63 [*of this 2021*
32 *Act*], **chapter 631, Oregon Laws 2021**, relieves a person of a liability, duty or obligation accruing
33 under or with respect to the duties, functions and powers transferred by the amendments to ORS
34 326.430 by section 11 [*of this 2021 Act*], **chapter 631, Oregon Laws 2021**. The Department of Early
35 Learning and Care may undertake the collection or enforcement of any such liability, duty or obli-
36 gation.

37 “(2) The rights and obligations of the Early Learning Division or the Department of Education
38 on behalf of the Early Learning Division legally incurred under contracts, leases and business
39 transactions executed, entered into or begun before the operative date of the amendments to ORS
40 326.430 by section 11 [*of this 2021 Act*], **chapter 631, Oregon Laws 2021**, are transferred to the
41 Department of Early Learning and Care. For the purpose of succession to these rights and obli-
42 gations, the Department of Early Learning and Care is a continuation of the Early Learning Divi-
43 sion and not a new authority.

44 “**SECTION 11.** ORS 327.254 is amended to read:

45 “327.254. (1) The Department of Education shall use moneys in the Statewide Education Initi-

1 atives Account to provide funding for statewide education initiatives, including:

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

4 “(b) Expanding school breakfast and lunch programs;

5 “(c) Operating youth reengagement programs or providing youth reengagement services;

6 “(d) Establishing and maintaining the Statewide School Safety and Prevention System under
7 ORS 339.341;

8 “(e) Developing and providing statewide equity initiatives, including [*the Black or African-*
9 *American education plan developed under ORS 329.841, the American Indian or Alaska Native edu-*
10 *cation plan developed under ORS 329.843, the Latino or Hispanic education plan developed under ORS*
11 *329.845 or any similar*] **any statewide** education plan [*identified*] **developed and implemented** by
12 the department;

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

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

17 “(h) Developing and implementing professional development programs and training programs,
18 including programs that increase educator diversity and retain diverse educators;

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

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

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

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

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

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

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

28 “(n) Funding costs incurred by the department in implementing this section and ORS 327.175 to
29 327.235 and 327.274.

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

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

35 “(B) The education service district’s ADMw \times (the total amount available for distribution to
36 education service districts in each biennium \div the total ADMw of all education service districts
37 that receive a distribution).

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

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

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

6 “(e) A plan developed under this subsection must:

7 “(A) Align with and support school districts in meeting the performance growth targets of the
8 school districts developing the plan;

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

11 “(C) Provide for coordination with the department in administering and providing technical as-
12 sistance to school districts, including coordinating any coaching programs established under ORS
13 327.214; and

14 “(D) Be adopted and amended as provided for local service plans under ORS 334.175 and ap-
15 proved by the department.

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

17 “(A) Describes how the education service district spent moneys received under this subsection;
18 and

19 “(B) Includes an evaluation of the education service district’s compliance with the plan from the
20 superintendent of each school district that participated in the development of the plan.

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

23 “**SECTION 12.** ORS 329.847 is amended to read:

24 “329.847. (1) As used in this section, ‘plan student’ means a student enrolled in early childhood
25 through post-secondary education who:

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

28 “(b) Has experienced disproportionate results in education due to historical practices, as iden-
29 tified by the State Board of Education by rule.

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

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

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

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

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

41 “(D) Education stakeholders, including representatives of the Early Learning Division, the
42 Youth Development Division and the Higher Education Coordinating Commission.

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

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

45 “[B] *The advisory group described in ORS 329.841, related to students who are Black or*

1 *African-American;*
2 *“(C) The advisory group described in ORS 329.843, related to students who are American Indian*
3 *or Alaska Native;*
4 *“(D) The advisory group described in ORS 329.845, related to students who are Latino or*
5 *Hispanic; and]*
6 **“(B) Advisory groups formed by the department to develop and implement statewide ed-**
7 **ucation plans for plan students; and**
8 *“[(E)] (C) Any other advisory groups or education stakeholders identified by the department.*
9 *“(d) The department shall be responsible for:*
10 *“(A) Implementing the plan developed under this section;*
11 *“(B) Developing eligibility criteria, the applicant selection process and expectations for recipi-*
12 *ents of grant awards described in this section; and*
13 *“(C) Advising the State Board of Education on the adoption of rules under this section.*
14 *“(3) The plan developed under this section must address:*
15 *“(a) The disparities experienced by plan students in every indicator of academic success, as*
16 *documented by the department’s statewide report card and other relevant reports related to plan*
17 *students;*
18 *“(b) The historical practices leading to disproportionate outcomes for plan students; and*
19 *“(c) The educational needs of plan students from early childhood through post-secondary edu-*
20 *cation as determined by examining culturally appropriate best practices in this state and across the*
21 *nation.*
22 *“(4) The plan developed and implemented under this section must provide strategies to:*
23 *“(a) Address the disproportionate rate of disciplinary incidents involving plan students as com-*
24 *pared to all students in the education system;*
25 *“(b) Increase parental engagement in the education of plan students;*
26 *“(c) Increase the engagement of plan students in educational activities before and after regular*
27 *school hours;*
28 *“(d) Increase early childhood education and kindergarten readiness for plan students;*
29 *“(e) Improve literacy and numeracy levels among plan students between kindergarten and grade*
30 *three;*
31 *“(f) Support plan student transitions to middle school and through the middle school and high*
32 *school grades to maintain and improve academic performance;*
33 *“(g) Support culturally responsive pedagogy and practices from early childhood through post-*
34 *secondary education;*
35 *“(h) Support the development of culturally responsive curricula from early childhood through*
36 *post-secondary education;*
37 *“(i) Increase attendance of plan students in early childhood programs through post-secondary*
38 *and professional certification programs; and*
39 *“(j) Increase attendance of plan students in four-year post-secondary institutions of education.*
40 *“(5) The department shall submit a biennial report concerning the progress of the plan developed*
41 *and implemented under this section to a committee of the Legislative Assembly related to education*
42 *at each even-numbered year regular session of the Legislative Assembly.*
43 *“(6) The department, in consultation with the advisory group, may award grants to Early*
44 *Learning Hubs, providers of early learning services, school districts, education service districts,*
45 *post-secondary institutions of education, tribal governments, community-based organizations or a*

1 consortium of these entities to implement the strategies provided in the plan developed and imple-
2 mented under this section.

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

6 “**SECTION 13.** ORS 329.847, as amended by section 12 of this 2023 Act, is amended to read:

7 “329.847. (1) As used in this section, ‘plan student’ means a student enrolled in early childhood
8 through post-secondary education who:

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

11 “(b) Has experienced disproportionate results in education due to historical practices, as iden-
12 tified by the State Board of Education by rule.

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

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

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

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

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

24 “(D) Education stakeholders, including representatives of the [*Early Learning Division*] **De-**
25 **partment of Early Learning and Care**, the Youth Development Division and the Higher Education
26 Coordinating Commission.

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

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

29 “(B) Advisory groups formed by the department to develop and implement [*a*] statewide educa-
30 tion [*plan*] **plans** for plan students; and

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

32 “(d) The department shall be responsible for:

33 “(A) Implementing the plan developed under this section;

34 “(B) Developing eligibility criteria, the applicant selection process and expectations for recipi-
35 ents of grant awards described in this section; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 “**SECTION 14.** ORS 327.254, as amended by section 11 of this 2023 Act, is amended to read:

30 “327.254. (1) The Department of Education shall use moneys in the Statewide Education Initi-
31 atives Account to provide funding for statewide education initiatives, including:

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

34 “(b) Expanding school breakfast and lunch programs;

35 “(c) Operating youth reengagement programs or providing youth reengagement services;

36 “(d) Establishing and maintaining the Statewide School Safety and Prevention System under
37 ORS 339.341;

38 “(e) Developing and providing statewide equity initiatives, including any statewide education
39 plan developed and implemented by the department;

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

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

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

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

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

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

6 “(A) The coaching program described in ORS 327.214; and
7 “(B) The intensive program described in ORS 327.222, including costs for student success teams;
8 “(L) Funding public charter schools, as described in ORS 327.362;
9 “(m) Funding education service districts, as described in subsection (2) of this section; *[and]*
10 “**(n) Funding for homeless students, as provided by section 2 of this 2023 Act; and**
11 “[*n*] (o) Funding costs incurred by the department in implementing this section and ORS
12 327.175 to 327.235 and 327.274.

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

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

18 “(B) The education service district’s $ADMw \times$ (the total amount available for distribution to
19 education service districts in each biennium \div the total $ADMw$ of all education service districts
20 that receive a distribution).

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

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

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

34 “(e) A plan developed under this subsection must:

35 “(A) Align with and support school districts in meeting the performance growth targets of the
36 school districts developing the plan;

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

39 “(C) Provide for coordination with the department in administering and providing technical as-
40 sistance to school districts, including coordinating any coaching programs established under ORS
41 327.214; and

42 “(D) Be adopted and amended as provided for local service plans under ORS 334.175 and ap-
43 proved by the department.

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

45 “(A) Describes how the education service district spent moneys received under this subsection;

1 and

2 “(B) Includes an evaluation of the education service district’s compliance with the plan from the
3 superintendent of each school district that participated in the development of the plan.

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

6 **“SECTION 15. The amendments to ORS 327.254 by section 14 of this 2023 Act become
7 operative on July 1, 2024.**

8 **“SECTION 16.** ORS 327.254, as amended by sections 11 and 14 of this 2023 Act, is amended to
9 read:

10 “327.254. (1) The Department of Education shall use moneys in the Statewide Education Initi-
11 atives Account to provide funding for statewide education initiatives, including:

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

14 “(b) Expanding school breakfast and lunch programs;

15 “(c) Operating youth reengagement programs or providing youth reengagement services;

16 “(d) Establishing and maintaining the Statewide School Safety and Prevention System under
17 ORS 339.341;

18 “(e) Developing and providing statewide equity initiatives, including any statewide education
19 plan developed and implemented by the department;

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

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

24 “(h) Developing and implementing professional development programs and training programs,
25 including programs that increase educator diversity and retain diverse educators;

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

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

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

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

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

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

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

35 “[*n*] *Funding for homeless students, as provided by section 2 of this 2023 Act; and*]

36 “[*o*] **(n)** Funding costs incurred by the department in implementing this section and ORS
37 327.175 to 327.235 and 327.274.

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

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

43 “(B) The education service district’s $ADM_w \times$ (the total amount available for distribution to
44 education service districts in each biennium \div the total ADM_w of all education service districts
45 that receive a distribution).

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

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

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

14 “(e) A plan developed under this subsection must:

15 “(A) Align with and support school districts in meeting the performance growth targets of the
16 school districts developing the plan;

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

19 “(C) Provide for coordination with the department in administering and providing technical as-
20 sistance to school districts, including coordinating any coaching programs established under ORS
21 327.214; and

22 “(D) Be adopted and amended as provided for local service plans under ORS 334.175 and ap-
23 proved by the department.

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

25 “(A) Describes how the education service district spent moneys received under this subsection;
26 and

27 “(B) Includes an evaluation of the education service district’s compliance with the plan from the
28 superintendent of each school district that participated in the development of the plan.

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

31 **“SECTION 17. The amendments to ORS 327.254 by section 16 of this 2023 Act become**
32 **operative on July 1, 2025.**

33 **“SECTION 18. This 2023 Act being necessary for the immediate preservation of the public**
34 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**
35 **on its passage.”.**