

OFFICE OF THE SECRETARY OF STATE

DENNIS RICHARDSON
SECRETARY OF STATE

LESLIE CUMMINGS
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION

MARY BETH HERKERT
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 581
OREGON DEPARTMENT OF EDUCATION

FILED

03/28/2019 11:38 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Fund Administration

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 05/16/2019 9:00 AM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Cody Sibley
503-934-0921
cody.sibley@ode.state.or.us

255 Capitol Street NE
Salem, OR 97310

Filed By:
Cody Sibley
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 04/17/2019

TIME: 10:00 AM - 10:30 AM

OFFICER: Cody Sibley

ADDRESS: Public Service Building
255 Capitol Street NE
Room 400A
Salem, OR 97310

NEED FOR THE RULE(S):

The current rule states that funds that are apportioned to a school district or charter school for a given biennium must be used by the school district, charter school, or ESD in that biennium. Some school districts would like to use some of their funds to support summer programming. The proposed revision will allow districts to request permission from ODE to use a portion of their funds for summer programming when that summer straddles two biennia.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Documents will be available on the State Board of Education's website under Board Book > April 2019

FISCAL AND ECONOMIC IMPACT:

none

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

none

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

small businesses were not involved

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

AMEND: 581-013-0015

RULE SUMMARY: The current rule states that funds that are apportioned to a school district or charter school for a given biennium must be used by the school district, charter school, or ESD in that biennium. Some school districts would like to use some of their funds to support summer programing. The proposed revision will allow districts to request permission from ODE to use a portion of their funds for summer programing when that summer straddles two biennia.

CHANGES TO RULE:

581-013-0015

Fund Administration ¶

(1) For each biennium, the Oregon Department of Education shall determine the total amount of funds to be apportioned among the eligible school districts and charter schools for each year of the biennium.¶

(2) For each school year, the Oregon Department of Education shall determine the portion of funds available to each school district or charter school that serves students in grades 9 through 12 from the High School Graduation and College and Career Readiness Fund.-In calculating the portion available to each school district and charter school, the Oregon Department of Education shall use the most current finalized extended ADMw from the State School Fund.¶

(3)(a) Funds that are apportioned to a school district or charter school for a given biennium must be used by the school district, charter school, or ESD in that biennium.-Funds that are not used by a school district, charter school, or ESD during year one of a given biennium may be carried over and used in year two of that same biennium.-Any funds that are not used by a school district, charter school, or ESD at the end of a biennium will be returned to the High School Graduation and College and Career Readiness Fund and reapportioned among all school districts and charter schools in the next biennium.¶

(b) Notwithstanding subsection(a) of this rule, a school district or charter school may request an extension to spend funds apportioned during a given biennium during the first two months of the next biennium. A request must be made to the Department of Education. The Department of Education will approve the request if the where the spending aligns to the School district's or charter school's biennial plan.¶

(4) Funds received by a school district or charter school under this section must be separately accounted for and must be used in accordance with the school district or charter school's approved biennial plan.

Statutory/Other Authority: Sec. 1, Ch. 1, OL 2017

Statutes/Other Implemented: Sec. 1, Ch. 1, OL 2017