

## B-Engrossed House Bill 3499

Ordered by the House May 29  
Including House Amendments dated April 22 and May 29

Sponsored by Representative GALLEGOS, Senator ROBLAN, Representative KOMP; Representatives HUFFMAN, VEGA PEDERSON, WHISNANT

### 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.

Directs Department of Education to convene advisory group related to budgets and spending for English language learner programs.

Directs Department of Education to convene work group related to English language learner programs.

Requires school districts to make annual report to Department of Education related to English language learner programs.

Directs Department of Education to develop and implement statewide plan to support students eligible for English language learner programs.

Adjusts methods by which State School Fund distributions are made to school districts for students enrolled in English language learner programs.

Declares emergency, effective July 1, 2015.

### A BILL FOR AN ACT

Relating to English language learner programs; creating new provisions; amending ORS 327.008, 327.013, 327.345, 329.157, 329.488, 336.079, 342.950 and 344.257 and section 4, chapter 25, Oregon Laws 2015 (Enrolled House Bill 5017); and declaring an emergency.

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

**SECTION 1. (1) The Department of Education shall convene an advisory group to develop uniform budget coding requirements and uniform reporting requirements to provide budget transparency for the spending of moneys received by school districts as provided by ORS 327.013 (1)(c)(A)(ii) for students in average daily membership eligible for and enrolled in an English language learner program under ORS 336.079.**

**(2) Taking into consideration the work of the advisory group under this section, the State Board of Education shall adopt rules related to uniform budget coding requirements no later than January 1, 2016.**

**SECTION 2. Section 1 of this 2015 Act is repealed on January 2, 2016.**

**SECTION 3. (1) The Department of Education shall convene a work group related to English language learner programs.**

**(2) The work group must consist of educators, parents, community stakeholders, experts on English language learner policy and experts in collecting and analyzing data. The department shall solicit recommendations for membership from organizations that represent educators, administrators, school district boards and parents when determining membership of the work group.**

**(3) The work group shall identify the following:**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (a) Criteria for determining if a school district is:

2 (A) Not meeting objectives and the needs of students eligible for and enrolled in an  
3 English language learner program, taking into account the specific learning challenges and  
4 demographics of the students; or

5 (B) In need of targeted assistance.

6 (b) Information necessary for school districts to include in an annual report on student  
7 progress indicators for students eligible for and enrolled in an English language learner  
8 program for the purpose of determining if a school district is:

9 (A) Not meeting objectives and the needs of students eligible for and enrolled in an  
10 English language learner program, taking into account the specific learning challenges and  
11 demographics of the students; or

12 (B) In need of targeted assistance.

13 (c) Technical assistance that the department will provide to a school district that is:

14 (A) Not meeting objectives and the needs of students eligible for and enrolled in an  
15 English language learner program, taking into account the specific learning challenges and  
16 demographics of the students; or

17 (B) In need of targeted assistance.

18 (d) Guidelines for how the department shall direct a school district on how to expend  
19 moneys received under ORS 327.013 (1)(c)(A)(ii) if the school district is:

20 (A) Not meeting objectives and the needs of students eligible for and enrolled in an  
21 English language learner program, taking into account the specific learning challenges and  
22 demographics of the students; or

23 (B) In need of targeted assistance.

24 (4) In addition to the duties of the work group prescribed by subsection (3) of this sec-  
25 tion, the work group shall establish criteria to define and identify long-term English language  
26 learners and develop recommendations for best practices on the following:

27 (a) Providing ongoing support to students of a school district who no longer are eligible  
28 for or enrolled in an English language learner program under ORS 336.079.

29 (b) Engaging parents and delivering essential notifications related to English language  
30 learner programs.

31 (c) Identifying students who are eligible to be enrolled in an English language learner  
32 program, including any identification methods that occur before a student enrolls in  
33 kindergarten.

34 (d) Providing accommodations for assessments for English language learners.

35 (e) Assessing English language learners, which may allow for a list of assessments to be  
36 approved by the department.

37 (f) Acquiring student library books in languages other than English.

38 (g) Providing support to students who have been identified as long-term English language  
39 learners.

40 (5) Taking into consideration the work of the work group under this section, the State  
41 Board of Education shall adopt rules:

42 (a) Related to the work of the work group as described in subsection (3) of this section  
43 no later than January 1, 2016.

44 (b) Related to the work of the work group as described in subsection (4) of this section  
45 no later than January 1, 2017.

**SECTION 4.** Section 3 of this 2015 Act is repealed on January 2, 2017.

**SECTION 5.** Section 6 of this 2015 Act is added to and made a part of ORS 327.006 to 327.133.

**SECTION 6.** (1) Each school district shall prepare an annual report that:

(a) Identifies the total amounts that are:

(A) Allocated to the school district from the State School Fund for students eligible for and enrolled in an English language learner program as provided by ORS 327.013 (1)(c)(A)(ii);

(B) Expended from the amounts identified in subparagraph (A) of this paragraph for students in average daily membership who are eligible for and enrolled in an English language learner program; and

(C) Expended as described in subparagraph (B) of this paragraph by category of expenditure, as identified and defined by the State Board of Education by rule.

(b) Summarizes the progress for a school district on meeting objectives and the needs of students eligible for and enrolled in an English language learner program.

(c) Provides information on student demographics, including:

(A) The average number of years students have been enrolled in an English language learner program;

(B) The average number of years the students have attended their current schools;

(C) The percentage of students who also receive special education and related services; and

(D) Any other information required by the Department of Education.

(2) The report required under subsection (1) of this section must:

(a) Be filed with the Department of Education by September 1 of each year;

(b) Cover the school year ending on the preceding June 30; and

(c) Comply with the form and content requirements for the report that are prescribed by the Department of Education.

(3) Notwithstanding subsection (2)(a) of this section and pursuant to rules adopted by the State Board of Education, the Superintendent of Public Instruction may waive a reporting date or specify an alternative date for filing the report if a human-created disaster or a natural disaster affects the ability of the school district to file a report by the specified date.

(4) Prior to January 1 of each odd-numbered year, the Department of Education shall submit to the interim legislative committees on education a report on the data collected under subsection (2) of this section. The report must include the data collected for the preceding two school years.

**SECTION 7.** A school district shall first file the report required under section 6 of this 2015 Act by July 1, 2016.

**SECTION 8.** ORS 336.079 is amended to read:

336.079. (1) As used in this section, "English language learner" means a student who:

(a) Has limited English language proficiency because English is not the native language of the student or the student comes from an environment where a language other than English has had a significant impact on the student's level of English language proficiency; and

(b) Meets any other criteria established by the State Board of Education by rule.

(2) Specific courses to teach speaking, reading and writing of the English language shall be provided at kindergarten and each grade level to *[those children]* **students** who are unable to

1 *[profit]* **benefit** from classes taught in English. *[Such]* **The** courses shall be taught *[to such a level*  
 2 *in school as may be required until children are able to profit]* **at school until the students are able**  
 3 **to benefit** from classes conducted in English.

4 **(3) The Department of Education shall develop and implement a statewide plan to support**  
 5 **students eligible for and enrolled in an English language learner program under this section.**

6 **(4) Each school district shall file a report related to students eligible for and enrolled in**  
 7 **an English language learner program as provided by section 6 of this 2015 Act.**

8 **(5)(a) Based on the report received under subsection (4) of this section, the department**  
 9 **shall identify school districts that are:**

10 **(A) Not meeting objectives and the needs of students eligible for and enrolled in an**  
 11 **English language learner program, taking into account the specific learning challenges and**  
 12 **demographics of the students; or**

13 **(B) In need of targeted assistance.**

14 **(b) The department, in consultation with a school district identified under paragraph (a)**  
 15 **of this subsection, shall establish the expected growth in student progress indicators, and the**  
 16 **expected benchmarks for student progress indicators, for English language learners of the**  
 17 **school district. The interventions shall be provided for four years after the school district**  
 18 **has been identified.**

19 **(c) The department, in consultation with a school district identified under paragraph**  
 20 **(a)(A) of this subsection, shall design and implement an accountability system of progressive**  
 21 **interventions for the school district. The interventions shall be provided for four years after**  
 22 **the school district has been identified.**

23 **(d) The department shall provide technical assistance to school districts that have been**  
 24 **identified under paragraph (a)(B) of this subsection. Technical assistance shall be provided**  
 25 **for four years after the school district has been identified.**

26 **(e) If a school district has been identified under paragraph (a) of this subsection for four**  
 27 **years and has not met the expected growth in student progress indicators, and the expected**  
 28 **benchmarks for student progress indicators, established under paragraph (b) of this sub-**  
 29 **section, the department shall direct the school district on how to expend moneys received**  
 30 **under ORS 327.013 (1)(c)(A)(ii) for up to three years.**

31 **SECTION 9. (1) The Statewide English Language Learner Program Account is established**  
 32 **in the State Treasury, separate and distinct from the General Fund. Interest earned by the**  
 33 **Statewide English Language Learner Program Account shall be credited to the General**  
 34 **Fund.**

35 **(2) Moneys in the Statewide English Language Learner Program Account are contin-**  
 36 **uously appropriated to the Department of Education for statewide activities related to Eng-**  
 37 **lish language learner programs.**

38 **(3) The Department of Education, on behalf of the State of Oregon, may solicit and ac-**  
 39 **cept gifts, grants or donations from public and private sources for English language learner**  
 40 **programs. Moneys received under this subsection shall be deposited into the Statewide**  
 41 **English Language Learner Program Account.**

42 **SECTION 10. ORS 327.008, as amended by section 6, chapter 81, Oregon Laws 2014, is amended**  
 43 **to read:**

44 **327.008. (1) There is established a State School Fund in the General Fund. The fund shall consist**  
 45 **of moneys appropriated by the Legislative Assembly and moneys transferred from the Education**

1 Stability Fund. The State School Fund is continuously appropriated to the Department of Education  
2 for the purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125, 327.137, 327.348,  
3 336.575, 336.580, 336.635, 342.173, 343.243, 343.533 and 343.961 and sections 1 to 3, chapter 735,  
4 Oregon Laws 2013, and section 2, chapter 81, Oregon Laws 2014.

5 (2) There shall be apportioned from the State School Fund to each school district a State School  
6 Fund grant, consisting of the positive amount equal to a general purpose grant and a facility grant  
7 and a transportation grant and a high cost disabilities grant minus local revenue, computed as pro-  
8 vided in ORS 327.011 and 327.013.

9 (3) There shall be apportioned from the State School Fund to each education service district a  
10 State School Fund grant as calculated under ORS 327.019.

11 (4) All figures used in the determination of the distribution of the State School Fund shall be  
12 estimates for the same year as the distribution occurs, unless otherwise specified.

13 (5) Numbers of students in average daily membership used in the distribution formula shall be  
14 the numbers as of June of the year of distribution.

15 (6) A school district may not use the portion of the State School Fund grant that is attributable  
16 to the facility grant for capital construction costs.

17 (7) The total amount of the State School Fund that is distributed as facility grants may not ex-  
18 ceed \$20 million in any biennium. If the total amount to be distributed as facility grants exceeds this  
19 limitation, the Department of Education shall prorate the amount of funds available for facility  
20 grants among those school districts that qualified for a facility grant.

21 (8) Each fiscal year, the Department of Education shall transfer to the Pediatric Nursing Facil-  
22 ity Account established in section 5, chapter 81, Oregon Laws 2014, the amount necessary to pay  
23 the costs of educational services provided to students admitted to pediatric nursing facilities as  
24 provided in section 2, chapter 81, Oregon Laws 2014.

25 (9) Each fiscal year, the Department of Education shall transfer the amount of \$18 million from  
26 the State School Fund to the High Cost Disabilities Account established in ORS 327.348.

27 (10)(a) Each biennium, the Department of Education shall transfer \$33 million from the State  
28 School Fund to the Network of Quality Teaching and Learning Fund established under ORS 342.953.

29 (b) For the purpose of making the transfer under this subsection:

30 (A) The total amount available for all distributions from the State School Fund shall be reduced  
31 by \$5 million;

32 (B) The amount distributed to school districts from the State School Fund under this section and  
33 ORS 327.013 shall be reduced by \$14 million; and

34 (C) The amount distributed to education service districts from the State School Fund under this  
35 section and ORS 327.019 shall be reduced by \$14 million.

36 (c) For each biennium, the amounts identified in paragraph (b)(B) and (C) of this subsection shall  
37 be adjusted by the same percentage by which the amount appropriated to the State School Fund for  
38 that biennium is increased or decreased compared [to] **with** the preceding biennium, as determined  
39 by the Department of Education after consultation with the Legislative Fiscal Officer.

40 **(11) Each biennium, the Department of Education shall transfer \$12.5 million from the**  
41 **State School Fund to the Statewide English Language Learner Program Account established**  
42 **under section 9 of this 2015 Act.**

43 [(11)] (12) Each fiscal year, the Department of Education may expend up to \$550,000 from the  
44 State School Fund for the contract described in ORS 329.488. The amount distributed to education  
45 service districts from the State School Fund under this section and ORS 327.019 shall be reduced

by the amount expended by the department under this subsection.

[(12)] (13) Each biennium, the Department of Education may expend up to \$350,000 from the State School Fund to provide administration of and support for the development of talented and gifted education under ORS 343.404.

[(13)] (14) Each biennium, the Department of Education may expend up to \$150,000 from the State School Fund for the administration of a program to increase the number of speech-language pathologists and speech-language pathology assistants under ORS 348.394 to 348.406.

[(14)] (15) Each fiscal year, the Department of Education shall transfer the amount of \$2.5 million from the State School Fund to the Small School District Supplement Fund established in section 3, chapter 735, Oregon Laws 2013.

**SECTION 11.** ORS 327.008, as amended by section 7, chapter 735, Oregon Laws 2013, and section 7, chapter 81, Oregon Laws 2014, is amended to read:

327.008. (1) There is established a State School Fund in the General Fund. The fund shall consist of moneys appropriated by the Legislative Assembly and moneys transferred from the Education Stability Fund. The State School Fund is continuously appropriated to the Department of Education for the purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125, 327.137, 327.348, 336.575, 336.580, 336.635, 342.173, 343.243, 343.533 and 343.961 and section 2, chapter 81, Oregon Laws 2014.

(2) There shall be apportioned from the State School Fund to each school district a State School Fund grant, consisting of the positive amount equal to a general purpose grant and a facility grant and a transportation grant and a high cost disabilities grant minus local revenue, computed as provided in ORS 327.011 and 327.013.

(3) There shall be apportioned from the State School Fund to each education service district a State School Fund grant as calculated under ORS 327.019.

(4) All figures used in the determination of the distribution of the State School Fund shall be estimates for the same year as the distribution occurs, unless otherwise specified.

(5) Numbers of students in average daily membership used in the distribution formula shall be the numbers as of June of the year of distribution.

(6) A school district may not use the portion of the State School Fund grant that is attributable to the facility grant for capital construction costs.

(7) The total amount of the State School Fund that is distributed as facility grants may not exceed \$20 million in any biennium. If the total amount to be distributed as facility grants exceeds this limitation, the Department of Education shall prorate the amount of funds available for facility grants among those school districts that qualified for a facility grant.

(8) Each fiscal year, the Department of Education shall transfer to the Pediatric Nursing Facility Account established in section 5, chapter 81, Oregon Laws 2014, the amount necessary to pay the costs of educational services provided to students admitted to pediatric nursing facilities as provided in section 2, chapter 81, Oregon Laws 2014.

(9) Each fiscal year, the Department of Education shall transfer the amount of \$18 million from the State School Fund to the High Cost Disabilities Account established in ORS 327.348.

(10)(a) Each biennium, the Department of Education shall transfer \$33 million from the State School Fund to the Network of Quality Teaching and Learning Fund established under ORS 342.953.

(b) For the purpose of making the transfer under this subsection:

(A) The total amount available for all distributions from the State School Fund shall be reduced by \$5 million;

(B) The amount distributed to school districts from the State School Fund under this section and ORS 327.013 shall be reduced by \$14 million; and

(C) The amount distributed to education service districts from the State School Fund under this section and ORS 327.019 shall be reduced by \$14 million.

(c) For each biennium, the amounts identified in paragraph (b)(B) and (C) of this subsection shall be adjusted by the same percentage by which the amount appropriated to the State School Fund for that biennium is increased or decreased compared [to] **with** the preceding biennium, as determined by the Department of Education after consultation with the Legislative Fiscal Officer.

**(11) Each biennium, the Department of Education shall transfer \$12.5 million from the State School Fund to the Statewide English Language Learner Program Account established under section 9 of this 2015 Act.**

[(11)] (12) Each fiscal year, the Department of Education may expend up to \$550,000 from the State School Fund for the contract described in ORS 329.488. The amount distributed to education service districts from the State School Fund under this section and ORS 327.019 shall be reduced by the amount expended by the department under this subsection.

[(12)] (13) Each biennium, the Department of Education may expend up to \$350,000 from the State School Fund to provide administration of and support for the development of talented and gifted education under ORS 343.404.

[(13)] (14) Each biennium, the Department of Education may expend up to \$150,000 from the State School Fund for the administration of a program to increase the number of speech-language pathologists and speech-language pathology assistants under ORS 348.394 to 348.406.

**SECTION 12. The amendments to ORS 327.008 by sections 10 and 11 of this 2015 Act apply to State School Fund distributions commencing with the 2015-2016 distributions.**

**SECTION 13.** ORS 327.013 is amended to read:

327.013. The State School Fund distributions for school districts include the following grants:

(1) General Purpose Grant = Funding Percentage  $\times$  Target Grant  $\times$  District extended ADMw. For the purpose of the calculation made under this subsection:

(a) The funding percentage shall be calculated by the Superintendent of Public Instruction to distribute as nearly as practicable the total sum of money available for distribution.

(b) Target Grant = Statewide Target per ADMw Grant + Teacher Experience Factor. For the purpose of the calculation made under this paragraph:

(A) Statewide Target per ADMw Grant = \$4,500.

(B) Teacher Experience Factor =  $\$25 \times \{\text{District average teacher experience} - \text{statewide average teacher experience}\}$ . As used in this subparagraph, "average teacher experience" means the average, in years, of teaching experience of licensed teachers as reported to the Department of Education.

(c) District extended ADMw = ADMw or ADMw of the prior year, whichever is greater. The calculation of the district extended ADMw must be made as provided by ORS 338.155 (1)(b) if a public charter school is located in the school district. For the purpose of this paragraph:

(A) Weighted average daily membership or ADMw = average daily membership + an additional amount computed as follows:

(i) 1.0 for each student in average daily membership eligible for special education as a child with a disability under ORS 343.035, which may not exceed 11 percent of the district's ADM without review and approval by the Department of Education. Children with disabilities eligible for special education in adult local correctional facilities, as defined in ORS 169.005, or adult regional

1 correctional facilities, as defined in ORS 169.620, may not be included in the calculation made under  
2 this sub-subparagraph.

3 (ii) 0.5 for each student in average daily membership eligible for and enrolled in an English [*as*  
4 *a second*] language **learner** program under ORS 336.079.

5 (iii) 0.2 for each student in average daily membership enrolled in a union high school district  
6 or in an area of a unified school district where the district is only responsible for educating students  
7 in grades 9 through 12 in that area.

8 (iv) -0.1 for each student in average daily membership enrolled in an elementary district oper-  
9 ating kindergarten through grade six or kindergarten through grade eight or in an area of a unified  
10 school district where the district is only responsible for educating students in kindergarten through  
11 grade eight.

12 (v) 0.25 times the sum of the following:

13 (I) The number of students who are in average daily membership and who are also in poverty  
14 families, as determined by the Department of Education based on rules adopted by the State Board  
15 of Education that incorporate poverty data published by the United States Census Bureau, student  
16 data provided by school districts and other data identified by the board;

17 (II) The number of children in foster homes in the district as determined by the report of the  
18 Department of Human Services to the United States Department of Education, "Annual Statistical  
19 Report on Children in Foster Homes and Children in Families Receiving AFDC Payments in Excess  
20 of the Poverty Income Level," or its successor, for October 31 of the year prior to the year of dis-  
21 tribution; and

22 (III) The number of children in the district in state-recognized facilities for neglected and de-  
23 linquent children, based on information from the Department of Human Services for October 31 of  
24 the year prior to the year of distribution.

25 (vi) The amount determined under ORS 327.077 for each remote small elementary school and for  
26 each small high school in the district.

27 (B) All numbers of children used for the computation in this paragraph must reflect any district  
28 consolidations that have occurred since the numbers were compiled.

29 (C) The total additional weight that shall be assigned to any student in average daily member-  
30 ship in a district, exclusive of students described in subparagraph (A)(v) and (vi) of this paragraph,  
31 may not exceed 2.0.

32 (2) High cost disabilities grant = the total amount received by a school district under ORS  
33 327.348 for providing special education and related services to resident pupils with disabilities.

34 (3)(a) Transportation grant equals:

35 (A) 70 percent of approved transportation costs for those school districts ranked below the 80th  
36 percentile under paragraph (b) of this subsection.

37 (B) 80 percent of approved transportation costs for those school districts ranked in or above the  
38 80th percentile but below the 90th percentile under paragraph (b) of this subsection.

39 (C) 90 percent of approved transportation costs for those school districts ranked in or above the  
40 90th percentile under paragraph (b) of this subsection.

41 (b) Each fiscal year, the Department of Education shall rank school districts based on the ap-  
42 proved transportation costs per ADM of each school district, ranking the school district with the  
43 highest approved transportation costs per ADM at the top of the order.

44 (4)(a) Facility Grant = 8 percent of total construction costs of new school buildings.

45 (b) A school district shall receive a Facility Grant in the distribution year that a new school



building is first used.

(c) As used in this subsection:

(A) “New school building” includes new school buildings, structures added onto existing school buildings and premanufactured structures added to a school district if those buildings or structures are to be used for instructing students.

(B) “Construction costs” does not include costs for land acquisition.

**SECTION 14.** ORS 327.345 is amended to read:

327.345. (1) As used in this section, [“*ESL student*”] “**ELL student**” means a student who is eligible for and enrolled in an English [*as a second*] language **learner** program under ORS 336.079.

(2) In addition to distributing moneys through the State School Fund, the Department of Education may award grants to school districts for the costs of training English [*as a second*] language **learner** teachers.

(3) The grants shall be available to any school district:

(a) In which three percent or more of the students enrolled are [*ESL*] **ELL** students;

(b) That serves [*ESL*] **ELL** students or bilingual students within a large geographic area in the district;

(c) That has a high growth, as defined by rule of the State Board of Education, of [*ESL*] **ELL** students or bilingual students in any school year; or

(d) That can demonstrate extraordinary need, as defined by rule of the board, for English [*as a second*] language **learner** teachers or training for English [*as a second*] language **learner** teachers.

(4) A school district that receives a grant under this section may use the grant to reimburse teachers for tuition costs associated with completing an English [*as a second*] language **learner** or a bilingual teaching program.

(5) The department may seek and accept gifts, grants and donations from any source and federal funds for the purpose of carrying out the grant program under this section.

(6) The board may adopt any rules necessary for the administration of the grant program. The rules adopted by the board shall include a method for determining the grant amount that a qualified school district may receive under this section.

**SECTION 15.** ORS 329.157 is amended to read:

329.157. (1) Community learning centers shall promote identification and coordination of existing resources including, but not limited to, the following services and activities:

(a) Before-school and after-school enrichment activities linked with the school curriculum;

(b) Youth development and service learning activities;

(c) Child care programs;

(d) Mentoring and tutoring programs;

(e) Parent literacy and adult education programs;

(f) Prenatal and early childhood support programs;

(g) Parent education and support groups;

(h) Cultural activities and English [*as a second*] language **learner** programs;

(i) School-to-work and workforce development programs;

(j) Intergenerational activities connecting senior citizens with children;

(k) Referrals for health care and other social and educational services;

(L) Primary health care services, including immunizations, sports physicals and well-child checkups; and

(m) Counseling services.

(2) School districts that create community learning centers shall encourage existing family resource centers to become involved in the development and implementation of the community learning centers. An existing family resource center developed under ORS 417.725 may be designated as a community learning center if the family resource center meets the standards specified in this section and ORS 329.156.

(3) Community learning centers shall follow best practice standards to ensure their effectiveness.

**SECTION 16.** ORS 329.488, as amended by section 10, chapter 81, Oregon Laws 2014, is amended to read:

329.488. (1) The Department of Education shall contract with a nonprofit entity to administer a nationally normed assessment, in collaboration with the department, to all students in grade 10 who are enrolled in a public school. The purpose of the assessment is to predict the success of students on, and provide practice for students taking, college entrance exams.

(2) The department shall base the selection of the contractor under subsection (1) of this section on all of the following criteria:

(a) The contractor must be able to provide to the department statewide data containing the results of the assessment;

(b) The contractor shall provide an assessment that:

(A) Identifies students with high potential to excel in advanced placement (AP) or other honors courses based on a research-based correlation of scores on the grade 10 assessment to advanced placement examinations;

(B) Examines students in mathematics, reading and writing; and

(C) Provides results that can be used by Oregon's higher education institutions to recruit students to attend college;

(c) The contractor must be able to supply schools with an item-by-item analysis of student performance on the assessment; and

(d) The contractor must be able to make available to each student taking the assessment a free career assessment and online exploration of colleges and career opportunities.

(3)(a) In lieu of using the contractor selected by the department under subsection (1) of this section, a school district may apply to the department for a waiver to allow the district to enter into a contract with a different nonprofit entity for the purpose of administering a nationally normed assessment to all students in grade 10 who are enrolled in the public schools operated by the district. The department shall grant the waiver if:

(A) The district had entered into a contract with the entity for the 2007-2008 school year to administer a grade 10 assessment;

(B) The entity, in coordination with the district, administered a grade 10 assessment during the 2007-2008 school year;

(C) For the most recent school year in which the entity administered a grade 10 assessment, the entity met the criteria set forth in subsection (2) of this section as in effect for the school year in which the entity administered the assessment; and

(D) The entity plans to meet the criteria set forth in subsection (2) of this section as in effect for the school year for which the school district seeks a waiver.

(b) A waiver granted by the department under this subsection:

(A) Is valid for one school year; and

(B) May be renewed each school year.

(c) The department shall reimburse a school district for the cost of assessments allowed under

1 this subsection from funds available to the department under ORS 327.008 [(11)] (12).

2 (4) Notwithstanding subsections (1) and (3) of this section:

3 (a) The department may, under rules adopted by the State Board of Education, waive the as-  
4 sessment for specific groups of students; and

5 (b) Upon request from a student who is enrolled in a public school operated by a school district  
6 or the parent or guardian of the student, the school district shall waive the assessment for the stu-  
7 dent.

8 **SECTION 17.** ORS 342.950 is amended to read:

9 342.950. (1) The Network of Quality Teaching and Learning is established. The network consists  
10 of the Oregon Education Investment Board, the Department of Education and public and private  
11 entities that receive funding as provided by this section to accomplish the purposes of the network  
12 described in subsection (2) of this section.

13 (2) The purposes of the network are the following:

14 (a) To enhance a culture of leadership and collaborative responsibility for advancing the pro-  
15 fession of teaching among providers of early learning services, teachers and administrators in  
16 kindergarten through grade 12, education service districts and teacher education institutions.

17 (b) To strengthen and enhance existing evidence-based practices that improve student achieve-  
18 ment, including practices advanced by or described in ORS 329.788 to 329.820, 329.822, 329.824,  
19 329.838, 342.433 to 342.449 and 342.805 to 342.937.

20 (c) To improve recruitment, preparation, induction, career advancement opportunities and sup-  
21 port of educators.

22 (3) To accomplish the purposes of the network described in subsection (2) of this section, the  
23 Department of Education, subject to the direction and control of the Chief Education Officer, shall  
24 distribute funding as follows:

25 (a) To school districts, schools, nonprofit organizations, post-secondary institutions and consor-  
26 tiums that are any combination of those entities for the purpose of supporting the implementation  
27 of common core state standards.

28 (b) To school districts and nonprofit organizations for the purposes of complying with the core  
29 teaching standards adopted as provided by ORS 342.856 and complying with related standards pre-  
30 scribed by federal law.

31 (c) To school districts and nonprofit organizations for the purpose of providing teachers with  
32 opportunities for professional collaboration and professional development and for the pursuit of ca-  
33 reer pathways in a manner that is consistent with the School District Collaboration Grant Program  
34 described in ORS 329.838.

35 (d) To school districts and nonprofit organizations for the purpose of providing beginning  
36 teachers and administrators with mentors in a manner that is consistent with the beginning teacher  
37 and administrator mentorship program described in ORS 329.788 to 329.820.

38 (e) To school districts for the purposes of obtaining assessments and developing professional  
39 development plans to meet school improvement objectives and educator needs.

40 (f) To school districts, nonprofit organizations and post-secondary institutions for the purpose  
41 of closing achievement gaps by providing and improving the effectiveness of professional develop-  
42 ment, implementing data-driven decision making, supporting practice communities and implementing  
43 culturally competent practices.

44 (g) To school districts and nonprofit organizations for the purposes of developing and engaging  
45 in proficiency-based or student-centered learning practices and assessments.

(h) To school districts, nonprofit organizations and post-secondary institutions for the purposes of strengthening educator preparation programs and supporting the development and sustainability of partnerships between providers of early learning services, public schools with any grades from kindergarten through grade 12 and post-secondary institutions.

(i) To providers of early learning services, nonprofit organizations and post-secondary institutions for the purposes of providing professional development and supporting providers of early learning services with opportunities for professional collaboration and advancement.

(4) The Oregon Education Investment Board shall support the network by:

(a) Conducting and coordinating research to determine best practices and evidence-based models.

(b) Working with educator preparation programs to ensure ongoing collaboration with education providers.

(c) Supporting programs that help to achieve the goal of the Minority Teacher Act of 1991 as described in ORS 342.437.

(d) Creating and supporting a statewide plan for increasing the successful recruitment of high-ability and culturally diverse candidates to work in high-need communities and fields.

(5) The Department of Education shall support the network by:

(a) Developing a system that ensures statewide dissemination of best practices and evidence-based models.

(b) Supporting the development and implementation of standards-based curriculum, high-leverage practices and assessments that promote student learning and improve *[outcomes for students learning English as a second language]* **student progress indicators for students who are enrolled in an English language learner program under ORS 336.079** and for students with disabilities.

(c) Administering the distribution of funding as described in subsection (3) of this section.

(6) The Oregon Education Investment Board shall develop processes to establish the network and ensure the accountability of the network. The processes must ensure that the network:

(a) Gives preference to entities that have demonstrated success in improving student *[outcomes]* **progress indicators**.

(b) Delivers services for the benefit of all regions of this state.

(c) Is accountable for improving *[education outcomes]* **student progress indicators** identified by the Oregon Education Investment Board, contained in achievement compacts or set forth in ORS 351.009.

(d) Includes and connects education providers and leaders from pre-kindergarten through post-secondary education.

(7) No more than two percent of all moneys received for the purposes of this section may be expended by the Oregon Education Investment Board or the Department of Education for administrative costs incurred under this section. For the purpose of this subsection, technical assistance and direct program services provided to school districts and nonprofit organizations are not considered administrative costs.

(8) The State Board of Education may adopt any rules necessary for the Department of Education to support the network and perform any duties assigned to the department under this section or assigned to the department by the Oregon Education Investment Board. Any rules adopted by the State Board of Education must be consistent with this section and with actions taken by the Oregon Education Investment Board to implement this section.

**SECTION 18.** ORS 342.950, as amended by section 2, chapter 661, Oregon Laws 2013, is

1 amended to read:

2 342.950. (1) The Network of Quality Teaching and Learning is established. The network consists  
3 of the Department of Education and public and private entities that receive funding as provided by  
4 this section to accomplish the purposes of the network described in subsection (2) of this section.

5 (2) The purposes of the network are the following:

6 (a) To enhance a culture of leadership and collaborative responsibility for advancing the pro-  
7 fession of teaching among providers of early learning services, teachers and administrators in  
8 kindergarten through grade 12, education service districts and teacher education institutions.

9 (b) To strengthen and enhance existing evidence-based practices that improve student achieve-  
10 ment, including practices advanced by or described in ORS 329.788 to 329.820, 329.822, 329.824,  
11 329.838, 342.433 to 342.449 and 342.805 to 342.937.

12 (c) To improve recruitment, preparation, induction, career advancement opportunities and sup-  
13 port of educators.

14 (3) To accomplish the purposes of the network described in subsection (2) of this section, the  
15 Department of Education, subject to the direction and control of the Superintendent of Public In-  
16 struction, shall distribute funding as follows:

17 (a) To school districts, schools, nonprofit organizations, post-secondary institutions and consor-  
18 tiums that are any combination of those entities for the purpose of supporting the implementation  
19 of common core state standards.

20 (b) To school districts and nonprofit organizations for the purposes of complying with the core  
21 teaching standards adopted as provided by ORS 342.856 and complying with related standards pre-  
22 scribed by federal law.

23 (c) To school districts and nonprofit organizations for the purpose of providing teachers with  
24 opportunities for professional collaboration and professional development and for the pursuit of ca-  
25 reer pathways in a manner that is consistent with the School District Collaboration Grant Program  
26 described in ORS 329.838.

27 (d) To school districts and nonprofit organizations for the purpose of providing beginning  
28 teachers and administrators with mentors in a manner that is consistent with the beginning teacher  
29 and administrator mentorship program described in ORS 329.788 to 329.820.

30 (e) To school districts for the purposes of obtaining assessments and developing professional  
31 development plans to meet school improvement objectives and educator needs.

32 (f) To school districts, nonprofit organizations and post-secondary institutions for the purpose  
33 of closing achievement gaps by providing and improving the effectiveness of professional develop-  
34 ment, implementing data-driven decision making, supporting practice communities and implementing  
35 culturally competent practices.

36 (g) To school districts and nonprofit organizations for the purposes of developing and engaging  
37 in proficiency-based or student-centered learning practices and assessments.

38 (h) To school districts, nonprofit organizations and post-secondary institutions for the purposes  
39 of strengthening educator preparation programs and supporting the development and sustainability  
40 of partnerships between providers of early learning services, public schools with any grades from  
41 kindergarten through grade 12 and post-secondary institutions.

42 (i) To providers of early learning services, nonprofit organizations and post-secondary insti-  
43 tutions for the purposes of providing professional development and supporting providers of early  
44 learning services with opportunities for professional collaboration and advancement.

45 (4) The Department of Education shall support the network by:

(a) Conducting and coordinating research to determine best practices and evidence-based models.

(b) Working with educator preparation programs to ensure ongoing collaboration with education providers.

(c) Supporting programs that help to achieve the goal of the Minority Teacher Act of 1991 as described in ORS 342.437.

(d) Creating and supporting a statewide plan for increasing the successful recruitment of high-ability and culturally diverse candidates to work in high-need communities and fields.

(e) Developing a system that ensures statewide dissemination of best practices and evidence-based models.

(f) Supporting the development and implementation of standards-based curriculum, high-leverage practices and assessments that promote student learning and improve *[outcomes for students learning English as a second language]* **student progress indicators for students who are enrolled in an English language learner program under ORS 336.079** and for students with disabilities.

(g) Administering the distribution of funding as described in subsection (3) of this section.

(5) The State Board of Education shall develop processes to establish the network and ensure the accountability of the network. The processes must ensure that the network:

(a) Gives preference to entities that have demonstrated success in improving student *[outcomes]* **progress indicators**.

(b) Delivers services for the benefit of all regions of this state.

(c) Is accountable for improving *[education outcomes]* **student progress indicators** identified by the State Board of Education, contained in achievement compacts or set forth in ORS 351.009.

(d) Includes and connects education providers and leaders from pre-kindergarten through post-secondary education.

(6) No more than two percent of all moneys received for the purposes of this section may be expended by the Department of Education for administrative costs incurred under this section. For the purpose of this subsection, technical assistance and direct program services provided to school districts and nonprofit organizations are not considered administrative costs.

(7) The State Board of Education may adopt any rules necessary for the Department of Education to support the network and perform any duties assigned to the department under this section. Any rules adopted by the State Board of Education must be consistent with this section.

**SECTION 19.** ORS 344.257 is amended to read:

344.257. (1) For the purposes of ORS 344.259, “continuing education” means organized instruction to serve the needs of post-secondary students, including but not limited to:

(a) Courses as offered to the regular full-time resident post-secondary student consisting of professional preparatory courses and professional supplementary, technical, academic and professional courses;

(b) Developmental education, consisting of adult basic education, high school completion courses for a high school diploma, instruction to pass the General Educational Development (GED) tests, English *[as a second language instruction]* **language learner programs**, and remedial instruction;

(c) Educational activities, consisting of adult self-improvement courses and Federal Cooperative Extension Service; and

(d) Hobby and recreation activities.

(2) “Continuing education” for a community college is limited to instruction within district boundaries and instruction outside district boundaries offered under contract.

**SECTION 20.** Section 4, chapter 25, Oregon Laws 2015 (Enrolled House Bill 5017), is amended to read:

**Sec. 4.** Notwithstanding ORS 327.008 and 327.013, for the biennium beginning July 1, 2015, the Department of Education:

(1) May spend up to \$968,000 from the State School Fund for the contract described in ORS 329.488.

(2) May spend up to \$1,600,000 from the State School Fund for purposes related to the Oregon Virtual School District.

*[(3) May spend up to \$12,500,000 from the State School Fund for an English language learners program. Up to \$10,000,000 of this amount may be used to support school districts that are identified as low-performing districts relating to English language learners. Up to \$2,500,000 of this amount may be used for technical assistance, best practice support and implementation of the statewide English language learners plan.]*

*[(4)]* (3) May spend up to \$2,395,593 from the State School Fund to provide lunches, at no charge to the student, to students who are eligible for reduced price lunches under the United States Department of Agriculture's current Income Eligibility Guidelines.

**SECTION 21.** This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect July 1, 2015.

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