

Enrolled House Bill 3075

Sponsored by Representative BARKER (at the request of Oregon School Boards Association)

CHAPTER

AN ACT

Relating to education; creating new provisions; amending ORS 329.498 and 332.505 and sections 9 and 21, chapter 718, Oregon Laws 2011, and sections 14 and 16, chapter 36, Oregon Laws 2012; and declaring an emergency.

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

SECTION 1. ORS 329.498 is amended to read:

329.498. (1) The Department of Education shall collect data from school districts on:

[(1)] (a) The number of minutes of physical education that are provided to students in kindergarten through grade 8 each school week in each public school within the district;

[(2)] (b) The physical capacity of public schools to provide students in kindergarten through grade 5 with at least 150 minutes of physical education during each school week and to provide students in grades 6 through 8 with at least 225 minutes of physical education during each school week; and

[(3)] (c) The additional facilities required by public schools to provide physical education to students as described in [subsection (2) of this section] **paragraph (b) of this subsection.**

(2) The department shall collect the data described in subsection (1) of this section:

(a) Annually, for data described in subsection (1)(a) of this section.

(b) Whenever a public school increases or decreases the school's physical capacity to provide students with physical education, for data described in subsection (1)(b) and (c) of this section.

SECTION 2. ORS 332.505 is amended to read:

332.505. (1) A district school board may:

(a) Employ a superintendent of schools and necessary assistant superintendents for the district and fix the terms and conditions of employment and the compensation. The district school board shall not contract with a superintendent for more than a period of three years at a time. The contract shall automatically expire at the end of its term. However, the district school board may elect to issue a subsequent contract for an additional three years at any time.

(b) Employ personnel, including teachers and administrators, necessary to carry out the duties and powers of the board and fix the duties, terms and conditions of employment and the compensation.

(c) Compensate district employees in any form which may include, but shall not be limited to, insurance, tuition reimbursement and salaries.

(d) Employ educational assistants and intern teachers subject to the rules of the State Board of Education.

(2) The district school board shall maintain written personnel policies [*at least one copy of which shall be placed in the library and one copy in the business office of every school in the district. Copies shall be*] **and make the policies** available for inspection by any school employee or member of the public.

(3) The superintendent of the school district shall cause each employee to be specifically informed of the existence and availability of the personnel policies.

SECTION 3. Section 16, chapter 36, Oregon Laws 2012, is amended to read:

Sec. 16. (1) Each school district and education service district shall form an achievement compact advisory committee.

(2) An achievement compact advisory committee shall be responsible for developing an achievement compact and ensuring that an achievement compact is implemented.

(3) The governing body of a district shall appoint the members of an achievement compact advisory committee. The members shall consist of teachers, administrators and other appropriate education personnel who are employed by the district. When an employee organization represents educators of a district, the superintendent of the district, at the direction of the governing board of the district, shall collaborate with the local president of the employee organization to recommend the appointment of educators to the achievement compact advisory committee.

(4) An achievement compact advisory committee shall:

(a) Develop plans for achieving the district's outcomes, measures of progress, goals and targets expressed in an achievement compact, including methods of assessing and reporting progress toward the achievement of goals and targets; and

(b) Recommend outcomes, measures of progress, goals and targets to be contained in the district's achievement compact for the next fiscal year.

(5) Each achievement compact advisory committee shall present its recommendations in a report to the governing board of the district no later than [*February*] **May** 1 of each year. An achievement compact advisory committee's report and recommendations shall be considered by the governing board of the district when entering into an achievement compact for the next fiscal year. The governing board shall file the achievement compact advisory committee's report with each achievement compact it adopts and forwards to the Oregon Education Investment Board.

SECTION 4. Section 14, chapter 36, Oregon Laws 2012, is amended to read:

Sec. 14. (1) For the purposes of this section:

(a) "Achievement compact" means an agreement entered into between the Oregon Education Investment Board and the governing body of an education entity as described in this section.

(b) "Education entity" means:

(A) A school district, as defined in ORS 332.002;

(B) An education service district operated under ORS chapter 334;

(C) A community college district or community college service district operated under ORS chapter 341;

(D) The Oregon University System established by ORS 351.011;

(E) A public university of the Oregon University System, as listed in ORS 352.002; and

(F) The health professions and graduate science programs of the Oregon Health and Science University operated under ORS chapter 353.

(c) "Governing body of an education entity" means:

(A) For a school district, the school district board.

(B) For an education service district, the board of directors of the education service district.

(C) For a community college district or a community college service district, the board of education of the community college district.

(D) For the Oregon University System, the State Board of Higher Education.

(E) For a public university of the Oregon University System, the president of the university.

(F) For the Oregon Health and Science University, the Oregon Health and Science University Board of Directors.

(2)(a) Prior to the beginning of each fiscal year, the governing body of each education entity must enter into an achievement compact with the Oregon Education Investment Board for the fiscal year.

(b) Governing bodies of education entities identified in subsection (1)(b)(A) to (C) of this section shall enter into achievement compacts as part of the budgeting process under ORS 294.305 to 294.565 and shall submit achievement compacts to the board prior to:

(A) October 15 of each year for governing bodies of education entities identified in subsection (1)(b)(A) or (B) of this section; or

(B) July 1 of each year for governing bodies of education entities identified in subsection (1)(b)(C) of this section.

(c) The board shall specify a process for adoption and a timeline for submission of achievement compacts for education entities identified in subsection (1)(b)(D) to (F) of this section.

(d) The board shall provide to each school district a number quantifying the district's estimated level of funding for the next fiscal year compared to the determination of funding needed to ensure that the state's system of kindergarten through grade 12 public education meets the quality goals specified under ORS 327.506.

(3)(a) The board shall establish the terms for achievement compacts.

(b) The terms of an achievement compact may include:

(A) A description of goals for outcomes that are consistent with the educational goals identified in ORS 329.015, the findings described in ORS 351.003 and the mission of education provided in ORS 351.009.

(B) A description of the outcomes and measures of progress that will allow each education entity to quantify:

(i) Completion rates for:

(I) Critical stages of learning and programs of study;

(II) The attainment of diplomas, certificates and degrees; and

(III) Achieving the high school and post-secondary education goals established in ORS 351.009 and a projection of the progress needed to achieve those goals by 2025;

(ii) Validations of the quality of knowledge and skills acquired by students of the education entity; and

(iii) The relevance of the knowledge and skills acquired by the students of the education entity and the means by which those skills and knowledge will contribute to the workforce, the economy and society as described in state policy.

(C) Other information suggested by the governing body of an education entity and approved by the board.

(c) Notwithstanding the terms described in paragraph (b) of this subsection, for an achievement compact entered into by an education entity identified in subsection (1)(b)(F) of this section, the terms of the achievement compact shall be limited to the enrollment of, and attainment of degrees by, Oregon residents in programs for which the state provides funding.

(4)(a) The governing body of each education entity shall identify a target number and percentage of students for achievement of the outcomes, measures of progress and goals specified in the achievement compact for the fiscal year.

(b) The governing body of each education entity shall provide a target number and percentage of students for the aggregate of all disadvantaged subgroups, as defined by federal law or specified by rules adopted by the board. The target number and percentage of students must reflect the education entity's goals of improving education outcomes for disadvantaged student groups and closing any student achievement gaps between disadvantaged student groups and other student groups.

(5) As part of the process of entering into an achievement compact, the governing body of an education entity shall ensure that open communications are provided to parents, students, teachers or faculty, employees, exclusive bargaining representatives and community representatives for the purposes of explaining and discussing the outcomes, measures of progress, goals and targets speci-

fied in the achievement compact for the fiscal year. The open communications must be provided during each education entity's public budget process.

(6) The board shall specify the format of the achievement compacts and provide model achievement compacts to the governing body of each education entity.

(7) The board may adopt a timeline and method for governing bodies of education entities to provide the board with a report at the end of a fiscal year that describes the achievements made by the education entities during the fiscal year. The report:

(a) Must include disaggregated data for each disadvantaged student group specified by the board; and

(b) May state achievements in numbers and percentages and in relation to the outcomes, measures of progress, goals and targets specified in the achievement compact for the fiscal year.

SECTION 5. Section 9, chapter 718, Oregon Laws 2011, is amended to read:

Sec. 9. (1) For purposes of ORS 339.133 (5)(b), a person whose legal residence is not within a school district but who attends school in the district is considered a resident of the district in which the person attends school if the person receives written consent to attend school from the district school board where the school is located, as provided by this section.

(2)(a) By March 1 of each year, a district school board shall determine whether the board will give consent to persons whose legal residence is not within the school district.

(b) If the district school board will give consent, the board shall establish standards by which consent will be given. The standards must:

(A) Identify the number of persons to whom consent will be given for the school year. The district school board may limit the number of persons to whom consent will be given based on school, grade or a combination of school and grade.

(B) Allow persons who live within the boundaries of the school district the first opportunity to change to a different school in the district if the district school board will be giving consent to attend that school to persons who do not reside within the district.

(3) A person seeking consent as provided by this section must request consent no later than April 1 prior to the beginning of the school year for which consent is being requested. Requests may be submitted before the district school board makes the determination and establishes the standards described in subsection (2) of this section, but may not be considered by the board when the board makes the determination and establishes the standards.

(4)(a) A district school board must give consent to a person who requests consent unless:

(A) The board decides to not give consent to any person as allowed by subsection (2) of this section;

(B) The board decides to limit the number of persons to whom consent will be given and the person was not selected to be given consent based on the selection process described in subsection (5) of this section; or

(C) The board is not required to admit the person, as provided by ORS 339.115 (8).

(b) A district school board may not deny consent or give priority based on race, religion, sex, sexual orientation, ethnicity, national origin, disability, terms of an individualized education program, income level, proficiency in the English language, [or] athletic ability **or residence**.

(5) If the number of persons seeking consent exceeds the number of persons to whom the district school board has determined will be given consent, the board shall give consent based on an equitable lottery selection process. The process may give priority to persons who have siblings currently enrolled in a school of the school district, but in no event may a sibling be given priority to any open spot in the schools of the school district over any persons who reside within the school district.

(6)(a) If a person is considered a resident of the school district as provided by this section and the person has expressed an interest in attending the schools of another school district before the end of the school year, the school district shall meet with the person and encourage the person to continue to attend the schools of the school district for the remainder of the school year.

(b) If a person is considered a resident of the school district as provided by this section, the school district may not encourage or require the person to attend the schools of another school district as a condition of avoiding a disciplinary measure, including but not limited to suspension or expulsion.

[(6)(a)] **(7)(a)** Except as provided by paragraphs (b) and (c) of this subsection, a person who receives consent and who is considered a resident of a district as provided by this section shall be considered a resident of the district for all educational purposes. A person who is considered a resident of the district as provided by this section shall continue to be considered a resident of the district until the person:

(A) Graduates from high school;

(B) Is no longer required to be admitted to the schools of the school district under ORS 339.115; or

(C) Enrolls in a school in a different school district.

(b) A school district is not required to provide transportation outside the boundaries of the district to a person who is considered a resident of the district as provided by this section, except that a district:

(A) Must allow persons who are considered a resident of the district as provided by this section to use existing bus routes and transportation services of the district. **Costs incurred for transportation provided under this subparagraph [is] are considered approved transportation costs for purposes of ORS 327.013, except for costs incurred for providing transportation solely to persons who are considered residents of the district as provided by this section if the transportation is provided:**

(i) Outside the boundaries of the district; and

(ii) For the purpose of transporting the persons between home and school.

(B) May provide a stipend for a person who is a member of a low-income family, as defined in ORS 339.147, in an amount that does not exceed the district's average cost per student for transportation.

(C) Must provide transportation if required by federal law. **Costs incurred for transportation provided under this subparagraph are considered approved transportation costs for purposes of ORS 327.013.**

(c) After the first year that a person is considered a resident of a district as provided by this section, the district school board may transfer the person to a different school in the district. Any transfers must be made consistent with district policy and do not affect the status of the person as a resident of the district.

[(7)] **(8)** A district school board shall provide written notification of the attendance of a person who receives consent as provided by this section to the district school board where the legal residence of the person is located. The written notification required by this subsection must be provided no later than May 1 prior to the beginning of the school year for which consent was given.

[(8)] **(9)** Nothing in this section:

(a) Requires a district school board to give consent to siblings if the board determines that consent will not be given to any students for a school year.

(b) Prevents a school district from entering into interagency agreements to provide services to persons who do not reside in the school district or are not considered residents of the school district.

(c) Prevents or otherwise limits a district school board from providing consent to a person who has received consent from the district school board for the school district in which the person resides, as provided by ORS 339.133 (5)(a).

SECTION 6. The amendments to section 9, chapter 718, Oregon Laws 2011, by section 5 of this 2013 Act apply to:

(1) Consent or priority given on or after the effective date of this 2013 Act; and

(2) Costs incurred for transportation on or after July 1, 2013.

SECTION 7. A school district that provides consent to nonresident persons to attend the schools of the school district as provided by section 9, chapter 718, Oregon Laws 2011, may not expend moneys received from the State School Fund or as Local Revenues, as described in ORS 327.011, to advertise openings for nonresident persons if the advertisements are:

(1) Located outside the boundaries of the school district, including advertisements that are made by signage or billboards; or

(2) Directed to persons who are not residents of the school district, including:

(a) Advertisements that are targeted to nonresidents through direct mail or online direct marketing;

(b) Television or radio advertisements; or

(c) Newspaper advertisements, unless the advertisement is in a newspaper that primarily serves the residents of the school district.

SECTION 8. Section 7 of this 2013 Act applies to contracts for advertising entered into by a school district on or after the effective date of this 2013 Act.

SECTION 9. Section 21, chapter 718, Oregon Laws 2011, is amended to read:

Sec. 21. Section 9 [of this 2011 Act is], chapter 718, Oregon Laws 2011, and section 7 of this 2013 Act are repealed on July 1, 2017.

SECTION 10. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

Passed by House April 18, 2013

Received by Governor:

Repassed by House June 11, 2013

.....M.,....., 2013

Approved:

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Ramona J. Line, Chief Clerk of House

.....M.,....., 2013

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Tina Kotek, Speaker of House

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John Kitzhaber, Governor

Passed by Senate June 5, 2013

Filed in Office of Secretary of State:

.....M.,....., 2013

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Peter Courtney, President of Senate

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Kate Brown, Secretary of State