

Senate Bill 897

Sponsored by Senators ROBLAN, KNOPP

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Limits additional distributions of State School Fund moneys to school districts for students enrolled in English as a second language program to no more than seven school years for each student. Distributes moneys to school districts during seven-year period even if student is no longer eligible for or enrolled in program.

Distributes grants from State School Fund to school districts for purpose of funding world language immersion programs and support services related to English as a second language programs.

Requires school districts to use additional distributions and grant moneys for specified purposes. Takes effect July 1, 2016.

A BILL FOR AN ACT

1
2 Relating to State School Fund distributions for English as a second language programs; creating new
3 provisions; amending ORS 327.008 and 327.013; and prescribing an effective date.

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

5 **SECTION 1.** ORS 327.013 is amended to read:

6 327.013. The State School Fund distributions for school districts include the following grants:

7 (1) General Purpose Grant = Funding Percentage × Target Grant × District extended ADMw.

8 For the purpose of the calculation made under this subsection:

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

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

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

14 (B) Teacher Experience Factor = \$25 × {District average teacher experience – statewide av-
15 erage teacher experience}. As used in this subparagraph, “average teacher experience” means the
16 average, in years, of teaching experience of licensed teachers as reported to the Department of Ed-
17 ucation.

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

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

23 (i) 1.0 for each student in average daily membership eligible for special education as a child with
24 a disability under ORS 343.035, which may not exceed 11 percent of the district's ADM without re-
25 view and approval by the Department of Education. Children with disabilities eligible for special
26 education in adult local correctional facilities, as defined in ORS 169.005, or adult regional
27 correctional facilities, as defined in ORS 169.620, may not be included in the calculation made under
28 this sub-subparagraph.

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 (ii) 0.5 for each student in average daily membership **who first became** eligible for and enrolled
 2 in an English as a second language program under ORS 336.079 **fewer than seven school years**
 3 **prior to the current school year, as provided by section 6 (1) of this 2015 Act.**

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

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

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

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

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

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

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

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

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

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

33 (3)(a) Transportation grant equals:

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

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

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

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

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

44 (b) A school district shall receive a Facility Grant in the distribution year that a new school
 45 building is first used.

1 (c) As used in this subsection:

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

5 (B) "Construction costs" does not include costs for land acquisition.

6 **SECTION 2.** ORS 327.008, as amended by section 6, chapter 81, Oregon Laws 2014, is amended
7 to read:

8 327.008. (1) There is established a State School Fund in the General Fund. The fund shall consist
9 of moneys appropriated by the Legislative Assembly and moneys transferred from the Education
10 Stability Fund. The State School Fund is continuously appropriated to the Department of Education
11 for the purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125, 327.137, 327.348,
12 336.575, 336.580, 336.635, 342.173, 343.243, 343.533 and 343.961 and sections 1 to 3, chapter 735,
13 Oregon Laws 2013, and section 2, chapter 81, Oregon Laws 2014.

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (c) For each biennium, the amounts identified in paragraph (b)(B) and (C) of this subsection shall

1 be adjusted by the same percentage by which the amount appropriated to the State School Fund for
 2 that biennium is increased or decreased compared to the preceding biennium, as determined by the
 3 Department of Education after consultation with the Legislative Fiscal Officer.

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

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

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

14 **(14) Each biennium, the Department of Education may expend up to \$50 million from the**
 15 **State School Fund to make grants as provided in section 6 (2) of this 2015 Act, with a mini-**
 16 **imum of \$35,000 each biennium being distributed to school districts that have a weighted av-**
 17 **erage daily membership (ADMw) of less than 8,500.**

18 *[(14)]* (15) Each fiscal year, the Department of Education shall transfer the amount of \$2.5
 19 million from the State School Fund to the Small School District Supplement Fund established in
 20 section 3, chapter 735, Oregon Laws 2013.

21 **SECTION 3.** ORS 327.008, as amended by section 7, chapter 735, Oregon Laws 2013, and section
 22 7, chapter 81, Oregon Laws 2014, is amended to read:

23 327.008. (1) There is established a State School Fund in the General Fund. The fund shall consist
 24 of moneys appropriated by the Legislative Assembly and moneys transferred from the Education
 25 Stability Fund. The State School Fund is continuously appropriated to the Department of Education
 26 for the purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125, 327.137, 327.348,
 27 336.575, 336.580, 336.635, 342.173, 343.243, 343.533 and 343.961 and section 2, chapter 81, Oregon
 28 Laws 2014.

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

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

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

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

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

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

45 (8) Each fiscal year, the Department of Education shall transfer to the Pediatric Nursing Facil-

1 ity Account established in section 5, chapter 81, Oregon Laws 2014, the amount necessary to pay
 2 the costs of educational services provided to students admitted to pediatric nursing facilities as
 3 provided in section 2, chapter 81, Oregon Laws 2014.

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

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

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

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

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

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

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

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

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 24 School Fund to provide administration of and support for the development of talented and gifted
 25 education under ORS 343.404.

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

29 **(14) Each biennium, the Department of Education may expend up to \$50 million from the**
 30 **State School Fund to make grants as provided in section 6 (2) of this 2015 Act, with a mini-**
 31 **imum of \$35,000 each biennium being distributed to school districts that have a weighted av-**
 32 **erage daily membership (ADMw) of less than 8,500.**

33 **SECTION 4. (1) The amendments to ORS 327.008 and 327.013 by sections 1 to 3 of this 2015**
 34 **Act apply to State School Fund distributions commencing with the 2016-2017 distributions.**

35 **(2) Notwithstanding ORS 327.008 (14), the amount that may be expended from the State**
 36 **School Fund for the 2015-2017 biennium shall be \$25 million and the minimum amount that**
 37 **must be distributed for the 2015-2017 biennium to school districts that have a weighted av-**
 38 **erage daily membership of less than 8,500 shall be \$17,500.**

39 **SECTION 5. Section 6 of this 2015 Act is added to and made a part of ORS 327.006 to**
 40 **327.077.**

41 **SECTION 6. (1) For the purpose of State School Fund distributions made as provided by**
 42 **ORS 327.013 (1)(c)(A)(ii):**

43 **(a) An additional amount shall be computed under ORS 327.013 (1)(c)(A)(ii) for each stu-**
 44 **dent for no more than seven school years; and**

45 **(b) If a student ceases to be eligible for an English as a second language program or**

1 ceases enrollment in the program during the period for which funding is allowed under this
2 subsection, an additional amount shall continue to be computed and distributed to a school
3 district under ORS 327.013 (1)(c)(A)(ii) for the purposes of:

4 (A) Monitoring and supporting the student's educational progress; and

5 (B) Funding and improving the school district's English as a second language program.

6 (2) For the purpose of State School Fund distributions made as provided by ORS 327.008
7 (14), moneys shall be distributed as grants to school districts for the purposes of:

8 (a) Monitoring and supporting the educational progress of students who are no longer
9 eligible for, and students who have ceased enrollment in, an English as a second language
10 program;

11 (b) Providing world language immersion programs to the students of the school district;
12 and

13 (c) Providing support services related to English as a second language programs to the
14 students of the school district during the summer or before or after school.

15 (3) The State Board of Education may adopt by rule:

16 (a) Reporting or auditing requirements to confirm that a school district is complying with
17 the provisions of this section; and

18 (b) Requirements for grants distributed as provided by this section.

19 SECTION 7. This 2015 Act takes effect July 1, 2016.

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