

A-Engrossed
House Bill 2246

Ordered by the House April 21
Including House Amendments dated April 21

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Chief Education Office)

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.

[Establishes Task Force on the High School Graduation and College and Career Readiness Act.]
[Sunsets December 31, 2018.]

Expands entities that are eligible to receive apportionments under Ballot Measure 98 (2016) to include Oregon School for the Deaf, Youth Corrections Education Program and Juvenile Detention Education Program. Prescribes method for calculating apportionments for school and programs.

Allows school districts to determine purposes for which school districts will use apportionments, based on total amount of apportionments that school districts receive. Allows school districts to use percentage of apportionments on purposes described in ballot measure for students in eighth grade.

Prescribes additional eligibility requirements to receive apportionments and describes components of biennial plans.

Refines definitions to align with other statutes. Makes other technical changes.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the High School Graduation and College and Career Readiness Act; creating new pro-
3 visions; amending sections 2, 3, 5, 6, 7, 8, 12 and 16, chapter 1, Oregon Laws 2017 (Ballot
4 Measure 98 (2016)); and declaring an emergency.

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

6 **SECTION 1.** Section 2, chapter 1, Oregon Laws 2017 (Ballot Measure 98), is amended to read:

7 **Sec. 2. (1)** The High School Graduation and College and Career Readiness Fund is established
8 in the **State Treasury, separate and distinct from the** General Fund, for the purposes of im-
9 proving the graduation rates and college and career readiness of all high school students in Oregon.

10 **Interest earned by the High School Graduation and College and Career Readiness Fund shall**
11 **be credited to the General Fund.**

12 **(2)(a)** The Legislative Assembly shall appropriate, allocate or otherwise make available to the
13 **High School Graduation and College and Career Readiness** Fund an amount not less than \$800
14 per high school student per school year.

15 **(b) The Department of Education, on behalf of the State of Oregon, may solicit and ac-**
16 **cept gifts, grants, donations and other moneys from public and private sources for the pur-**
17 **poses of sections 2 to 16, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)). Moneys**
18 **received under this paragraph shall be deposited in the High School Graduation and College**
19 **and Career Readiness Fund.**

20 **(3)** The **High School Graduation and College and Career Readiness** Fund is continuously

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 appropriated to the Department of Education for the purposes of sections 2 to 16, **chapter 1,**
 2 **Oregon Laws 2017 (Ballot Measure 98 (2016))** [of this 2016 Act].

3 **SECTION 2.** Section 3, chapter 1, Oregon Laws 2017 (Ballot Measure 98), is amended to read:

4 **Sec. 3.** (1)(a) Subject to sections 10 and 14, **chapter 1, Oregon Laws 2017 (Ballot Measure**
 5 **98 (2016))**, [of this 2016 Act,] for school years beginning on or after July 1, 2017, the High School
 6 Graduation and College and Career Readiness Fund shall be apportioned to each school district
 7 based on the extended weighted average daily membership of high school students computed:

8 (A) As provided in ORS 327.013 (1)(c)[.], **for common or union high school districts.**

9 (B) **By multiplying the average daily membership for students in grades 9 through 12 by**
 10 **2.0, as calculated for the current school year and the previous school year and using the**
 11 **greater amount, for the Oregon School for the Deaf.**

12 (C) **As provided in ORS 327.026, for an educational program under the Youth Corrections**
 13 **Education Program or the Juvenile Detention Education Program.**

14 (b) In the event the Department of Education is unable to determine the extended weighted av-
 15 erage daily membership of high school students for a school district, the department may determine
 16 the average extended weighted average daily membership for all students in the school district and
 17 apply the average extended weighted average daily membership to the number of high school stu-
 18 dents in the school district.

19 (2)(a) For school years beginning on or after July 1, 2018, the amount appropriated, allocated
 20 or otherwise made available to the fund under section 2, **chapter 1, Oregon Laws 2017 (Ballot**
 21 **Measure 98 (2016))**, [of this 2016 Act] shall be increased each school year in a biennium by the
 22 amount derived from the application of the process in Executive Order 14-14 used to calculate the
 23 cost to maintain the current level of service.

24 (b) The intent of paragraph (a) of this subsection is to apply the process in Executive Order
 25 14-14 in the event Executive Order 14-14 is canceled, superseded or otherwise made ineffective.

26 **SECTION 3.** Section 5, chapter 1, Oregon Laws 2017 (Ballot Measure 98), is amended to read:

27 **Sec. 5.** (1) A school district shall use a portion of the funds apportioned under section 3,
 28 **chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016))**, [of this 2016 Act] to establish [and] or
 29 expand [career-technical] **career and technical** education programs in high schools that are relevant
 30 to the job market in the community or region the school district serves.

31 (2) **For purposes of this section**, establishment [and] or expansion of a [career-technical] **ca-**
 32 **reer and technical** education program includes the purchase of equipment, the construction of fa-
 33 cilities and the recruitment, licensing, employment and training of personnel to provide
 34 [career-technical] **career and technical** education.

35 (3) **The portion of funds to be used as described in this section shall be determined as**
 36 **provided by section 8, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)).**

37 **SECTION 4.** Section 6, chapter 1, Oregon Laws 2017 (Ballot Measure 98), is amended to read:

38 **Sec. 6.** (1) A school district shall use a portion of the amount apportioned under section 3,
 39 **chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016))**, [of this 2016 Act] to establish [and] or
 40 expand college-level educational opportunities for students in high schools.

41 (2) **For purposes of this section**, the college-level educational opportunities must include:

42 (a)(A) Advanced placement, International Baccalaureate or comparable college-level courses; or

43 (B) Dual credit[, *co-enrollment programs or extended co-enrollment programs*] **and other accel-**
 44 **erated college credit programs** offered in conjunction with an Oregon community college, public
 45 university or other accredited institutions of higher learning or post-high school career schools;

1 (b) Assisting students with the selection and successful completion of college-level educational
2 opportunities; and

3 (c) The recruitment, licensing, employment and training of personnel to provide college-level
4 educational opportunities for students in all high schools.

5 **(3) The portion of funds to be used as described in this section shall be determined as**
6 **provided by section 8, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)).**

7 **SECTION 5.** Section 7, chapter 1, Oregon Laws 2017 (Ballot Measure 98), is amended to read:

8 **Sec. 7.** (1) A school district shall use a portion of the amount apportioned under section 3,
9 **chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)),** *[of this 2016 Act]* to establish *[and]* or
10 expand dropout-prevention strategies in all high schools.

11 (2) **For purposes of this section,** the dropout-prevention strategies must include:

12 (a) Implementing activities designed to reduce chronic absenteeism;

13 (b) Establishing and maintaining data management systems that provide timely reports on
14 students' grades, absences and discipline by school and by course;

15 (c) Beginning with grade 8, using attendance, course grades, credits earned and disciplinary re-
16 ferrals to identify students at risk of not graduating;

17 (d) Beginning in the summer after grade 8, providing academic and social supports for students
18 at risk of not graduating to ensure that the students are on track to graduate by the time the stu-
19 dents enter grade 10 and stay on track to graduate after entering grade 10, including such supports
20 as summer programs, additional instructional time before and after school hours, tutoring or small-
21 group instruction during the school day or counseling services; and

22 (e) Providing counseling and coaching to provide early exposure for students to employment
23 opportunities and requirements and options for post-secondary education.

24 **(3) The portion of funds to be used as described in this section shall be determined as**
25 **provided by section 8, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)).**

26 **SECTION 6.** Section 8, chapter 1, Oregon Laws 2017 (Ballot Measure 98), is amended to read:

27 **Sec. 8.** (1) A school district must use the amount apportioned under section 3, **chapter 1,**
28 **Oregon Laws 2017 (Ballot Measure 98 (2016)),** *[of this 2016 Act]* to establish *[and]* or expand
29 programs, opportunities and strategies under sections 5, 6 and 7, **chapter 1, Oregon Laws 2017**
30 **(Ballot Measure 98 (2016)),** *[of this 2016 Act]* and may not use the amount apportioned to maintain
31 programs, opportunities and strategies established prior to *[the effective date of this 2016 Act]* **De-**
32 **cember 8, 2016,** except when a use is necessary to replace the loss or expiration of time-limited
33 grants[,] or federal funds *[and funds that support extended co-enrollment programs in effect prior to*
34 *the effective date of this 2016 Act].*

35 **(2)(a) The portion of funds that a school district uses for the purposes of sections 5, 6**
36 **and 7, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)), shall be determined as follows:**

37 **(A) If a school district receives less than \$100,000 for the school year from an appor-**
38 **tionment made under section 3, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)), the**
39 **school district may use all of the funds for any one of the purposes described in section 5, 6**
40 **or 7, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)).**

41 **(B) If a school district receives \$100,000 or more but less than \$350,000 for the school year**
42 **from an apportionment made under section 3, chapter 1, Oregon Laws 2017 (Ballot Measure**
43 **98 (2016)), the school district must use a portion of the funds for the purpose described in**
44 **section 5, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)), and a portion of the funds**
45 **for a purpose described in section 6 or 7, chapter 1, Oregon Laws 2017 (Ballot Measure 98**

1 (2016)).

2 (C) If a school district receives \$350,000 or more for the school year from an apportionment made under section 3, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)), the school district must use a portion of the funds for all three of the purposes described in sections 5, 6 and 7, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)).

6 (b) Notwithstanding paragraph (a) of this subsection, if a school district receives an apportionment for the second school year of a biennium that is greater than the apportionment for the first school year of the biennium and the increase would affect the portion of moneys the school district is required to use for the purposes described in sections 5, 6 and 7, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)), as described in paragraph (a) of this subsection, the school district is not required to change the portions that the school district uses for the purposes of sections 5, 6 and 7, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)), for the second school year of the biennium.

14 (c) Nothing in this subsection prohibits a school district receiving an apportionment as described in paragraph (a)(A) or (B) of this subsection from using any portion of the apportionment for more purposes than what is described in paragraph (a)(A) or (B) of this subsection.

18 (3) Notwithstanding the requirements in sections 5, 6, 7 and 15 (3), chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)), that apportionments made under section 3, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)), be used for career and technical education programs in high schools, college-level educational opportunities for students in high schools and dropout-prevention strategies in high schools, a school district may use up to 15 percent of the apportionments the school district receives, after deducting any amounts used for administrative costs under section 15, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)), for programs, opportunities and strategies for students in eighth grade. The use of apportionments under this subsection must comply with the distribution requirements described in subsection (2) of this section.

28 [(2) School districts may, and are encouraged to:]

29 [(a) Cooperate, coordinate or act jointly with other school districts and with education service districts, including through the use of professional learning communities, to achieve the purposes of the High School Graduation and College and Career Readiness Fund and to maximize benefits from apportionments under section 3 of this 2016 Act;]

33 [(b) Cooperate, coordinate or act jointly with nonprofit programs and community-based organizations that have demonstrated achievement of positive outcomes in work with underserved student populations; and]

36 [(c) Use evidence-based criteria to determine appropriate staffing ratios and class sizes to achieve the purposes of the fund and to maximize benefits from apportionments under section 3 of this 2016 Act.]

39 [(3)] (4) When establishing [and] or expanding [career-technical] **career and technical** education programs and college-level educational opportunities, school districts may, and are encouraged to, give preference to programs and opportunities in science, technology, engineering and mathematics.

42 **SECTION 7.** Section 12, chapter 1, Oregon Laws 2017 (Ballot Measure 98), is amended to read:

43 **Sec. 12.** (1) [By March 1, 2017,] The State Board of Education shall by rule adopt eligibility requirements, biennial plan guidelines, biennial plan submission deadlines, reporting criteria and audit processes to ensure that amounts apportioned under section 3, **chapter 1, Oregon Laws 2017**

1 **(Ballot Measure 98 (2016))**, [of this 2016 Act] improve students' progress toward graduation begin-
2 ning with grade 9, increase the graduation rates of high schools and improve high school graduates'
3 readiness for college or career.

4 (2) The requirements for eligibility adopted under subsection [(2)] (1) of this section must in-
5 clude:

6 (a) **The requirement that the biennial plan include:**

7 (A) **A district needs assessment and an explanation of how the establishment or expan-**
8 **sion of career and technical education programs, college-level educational opportunities or**
9 **dropout-prevention strategies addresses those needs.**

10 (B) **A description of how the school district will establish or expand career and technical**
11 **education programs, college-level educational opportunities and dropout-prevention strate-**
12 **gies in compliance with section 8, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)).**

13 (C) **The four-year plan of the school district relating to the establishment or expansion**
14 **of career and technical education programs, college-level educational opportunities and**
15 **dropout-prevention strategies, as provided by section 8, chapter 1, Oregon Laws 2017 (Ballot**
16 **Measure 98 (2016)).**

17 (b) **The requirement that the school district demonstrate in the biennial plan how the**
18 **school district will:**

19 [(a)] (A) [A school district's providing] **Provide** sufficient time for teachers and staff of students
20 in grade 9 to review data on students' grades, absences and discipline by school and by course and
21 to develop strategies to ensure at-risk students stay on track to graduate;

22 [(b)] (B) [A school district's implementing] **Implement** district-wide evidence-based practices for
23 reducing chronic absenteeism in grades 9 through 12;

24 [(c)] (C) [A school district's assignment of] **Assign** high school students to advanced and dual-
25 credit courses based on academic qualifications in order to avoid bias in course assignments; and

26 [(d)] (D) [A school district's implementing] **Implement** systems to ensure that high school stu-
27 dents, including English Language Learners, are taking courses required for on-time graduation.

28 (c) **If necessary for the success of the establishment or expansion of career and technical**
29 **education programs, college-level educational opportunities and dropout-prevention strate-**
30 **gies, the requirement that a school district must demonstrate in the biennial plan that the**
31 **school district will:**

32 (A) **Cooperate, coordinate or act jointly with other school districts, education service**
33 **districts, regional achievement collaboratives, post-secondary institutions or other education**
34 **partners, including professional learning communities, to achieve the purposes of the High**
35 **School Graduation and College and Career Readiness Fund and to maximize benefits from**
36 **apportionments under section 3, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016));**

37 (B) **Cooperate, coordinate or act jointly with nonprofit programs and community-based**
38 **organizations that have demonstrated achievement of positive outcomes in work with**
39 **underserved student populations;**

40 (C) **Consult with federally recognized Oregon Indian tribes, as required by rule of the**
41 **State Board of Education; and**

42 (D) **Use evidence-based criteria to determine appropriate staffing ratios and class sizes**
43 **to achieve the purposes of the fund and to maximize benefits from apportionments under**
44 **section 3, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)).**

45 **SECTION 8. Notwithstanding the requirement for a biennial plan under section 13,**

1 **chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)), and any rules adopted by the State**
2 **Board of Education related to biennial plans under section 12, chapter 1, Oregon Laws 2017**
3 **(Ballot Measure 98 (2016)), plans submitted for school years beginning on or after July 1,**
4 **2018, but before July 1, 2021, shall describe the school district's plans for using amounts ap-**
5 **portioned under section 3, chapter 1, Oregon Laws 2017 (Ballot Measure 98 (2016)), for each**
6 **school year for which apportionments are sought and that are prior to the school year that**
7 **begins July 1, 2021.**

8 **SECTION 9. Section 8 of this 2017 Act is repealed on July 1, 2021.**

9 **SECTION 10. Section 16, chapter 1, Oregon Laws 2017 (Ballot Measure 98), is amended to read:**

10 **Sec. 16. As used in sections 2 to 16, chapter 1, Oregon Laws 2017 (Ballot Measure 98**
11 **(2016)):**

12 (1) *[As used in sections 7 and 12 of this 2016 Act,]* “Chronic absenteeism” means a *[student's*
13 *missing two weeks or more in]* **student has missed 10 percent or more of school days, including**
14 **excused, nonexcused and disciplinary exclusion, within** a school year.

15 (2) *[As used in section 12 of this 2016 Act,]* “English Language Learner” *[means a child whose*
16 *native language is other than English or who speaks a language other than English in the child's*
17 *home]* **has the meaning given that term in ORS 336.079.**

18 (3) *As used in this section and sections 6 and 8 of this 2016 Act, “Extended co-enrollment*
19 *program” means a program in which a student who has satisfied the requirements for a diploma es-*
20 *ablished by the State Board of Education under ORS 329.451:]*

21 *[(a) Does not receive a diploma;]*

22 *[(b) Remains enrolled at a school district;]*

23 *[(c) Attends a community college for at least half of the student's coursework; and]*

24 *[(d) Has some or all of the student's tuition, fees and books for coursework at the community col-*
25 *lege paid by the school district where the student is enrolled.]*

26 (4) (3) *[As used in sections 3 and 12 of this 2016 Act,]* “High school student” means a student
27 enrolled in grades 9 through 12 or age level equivalent.

28 (5) (4) *[As used in section 11 of this 2016 Act,]* “Program audit” means determining:

29 (a) The extent to which the desired results or benefits of a program are being achieved;

30 (b) The extent to which the need for or objectives of an ongoing program are necessary or rel-
31 evant;

32 (c) Whether the program complements, duplicates, overlaps or conflicts with other related pro-
33 grams;

34 (d) The effectiveness of organizations, programs, activities or functions; and

35 (e) Whether the entity that is the subject of the audit has complied with laws and regulations
36 applicable to the program.

37 (6) (5) *[As used in sections 2 to 16 of this 2016 Act,]* “School district” means:

38 (a) A common or union high school district[.];

39 (b) **The Oregon School for the Deaf; and**

40 (c) **An educational program under the Youth Corrections Education Program or the Ju-**
41 **venile Detention Education Program, as those terms are defined in ORS 326.695.**

42 **SECTION 11. This 2017 Act being necessary for the immediate preservation of the public**
43 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**
44 **on its passage.**