

House Bill 2246

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Joint Interim Committee on Judiciary for Office of Legislative Counsel)

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**.

Makes nonsubstantive and technical changes in Oregon law related to prekindergarten through grade 12 public education. Deletes obsolete provisions. Conforms language to existing statutes and legislative style.

Declares emergency, effective July 1, 2005.

A BILL FOR AN ACT

1
2 Relating to correction of erroneous material in Oregon education law; creating new provisions;
3 amending ORS 12.270, 291.228, 326.111, 327.101, 327.109, 327.137, 327.485, 327.500, 328.351,
4 329.170, 329.200, 329.228, 329.765, 329.905, 329.930, 330.095, 330.101, 330.425, 332.030, 334.293,
5 336.035, 336.067, 336.145, 336.179, 337.288, 338.035, 338.055, 338.075, 339.115, 339.254, 339.327,
6 339.353, 339.520, 342.120, 342.135, 342.165 and 342.360 and section 154, chapter 45, Oregon Laws
7 1993; repealing ORS 334.270, 339.325 and 343.149; and declaring an emergency.

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

9 **SECTION 1.** ORS 12.270 is amended to read:

10 12.270. On September 13, 1975, any proceeding that establishes or alters the boundaries of a
11 governmental subdivision previously or hereafter initiated and purported to be effected in accord-
12 ance with applicable legal requirements shall be conclusively presumed valid for all purposes one
13 year after the purported effective date of the action. No direct or collateral attack on the action
14 may thereafter be commenced. This statute of limitations includes but is not limited to the following
15 proceedings:

16 (1) Formations and change of organizations under ORS 198.705 to 198.955.

17 (2) Boundary changes under ORS 199.410 to 199.519.

18 (3) Consolidations under ORS 199.705 to 199.795.

19 (4) Incorporations under ORS 221.010 to 221.090.

20 (5) Annexations under ORS 222.111 to 222.180, 222.750 and 222.840 to 222.915.

21 (6) Consolidations under ORS 222.210 to 222.310.

22 (7) Withdrawals and transfers of territory under ORS 222.510 to 222.580.

23 (8) Mergers under ORS 222.610 to 222.710.

24 (9) Formations and changes under ORS chapter 261.

25 (10) Alterations, changes, mergers and consolidations under ORS 330.080 to 330.123, 330.505 to
26 330.780 (1989 Edition),] **and** 335.490 to 335.505 [*and ORS chapter 333 (2001 Edition)*].

27 **(11) Alterations, changes, mergers and consolidations under ORS chapter 333 commenced**
28 **before July 1, 2003.**

29 [(11)] **(12)** Formations and boundary changes under ORS 341.025 to 341.125 and 341.565 to
30 341.575.

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 [(12)] (13) Organizations and boundary changes under ORS 545.002 and 545.025 to 545.043,
2 545.051 to 545.105, 545.109, 545.123, 545.126 and 545.131.

3 [(13)] (14) Formations and boundary alterations under ORS 547.005 to 547.060 and 547.250 to
4 547.260.

5 [(14)] (15) Formations and organizations under ORS chapter 551.

6 **SECTION 2.** ORS 291.228 is amended to read:

7 291.228. (1) The Governor shall publish a report that:

8 (a) Demonstrates that the amount [*within*] **in** the Governor's budget [*appropriated*] **recom-**
9 **mended** for the state's system of kindergarten through grade 12 public education is the amount of
10 moneys as determined by the Quality Education Commission established by ORS 327.500 that is
11 sufficient to meet the quality goals; or

12 (b) Identifies the reasons that the amount [*appropriated*] **recommended** for the state's system
13 of kindergarten through grade 12 public education is not sufficient, the extent of the insufficiency
14 and the impact of the insufficiency on the ability of the state's system of kindergarten through grade
15 12 public education to meet the quality goals. In identifying the impact of the insufficiency, the
16 Governor shall include in the report how the amount [*appropriated*] **recommended** in the Gover-
17 nor's budget may affect both the current practices and student performance identified by the com-
18 mission under ORS 327.506 (4)(a) and the best practices and student performance identified by the
19 commission under ORS 327.506 (4)(b).

20 (2) The Governor shall [*identify in the report*] **determine** whether the state's system of post-
21 secondary public education has quality goals established by law. If there are quality goals, the
22 Governor shall include in the report a determination that the amount [*appropriated*] **recommended**
23 in the Governor's budget is sufficient to meet those goals or an identification of the reasons the
24 amount [*appropriated*] **recommended** is not sufficient, the extent of the insufficiency and the impact
25 of the insufficiency on the ability of the state's system of post-secondary public education to meet
26 the quality goals.

27 (3) The report shall be issued at the same time as the Governor's budget report required under
28 ORS 291.202.

29 (4) The Governor shall provide public notice of the report's issuance, including posting the re-
30 port on the Internet and providing a print version of the report upon request.

31 **SECTION 3.** ORS 326.111 is amended to read:

32 326.111. (1) The Department of Education **is created and** shall function under the direction and
33 control of the State Board of Education with the Superintendent of Public Instruction serving as an
34 administrative officer for public school matters.

35 (2) The Department of Education shall consist of:

36 (a) Agencies and officers that are added by law to the Department of Education; and

37 (b) The administrative organizations and staffs required for the performance of the department's
38 functions.

39 (3) All administrative functions of the State Board of Education shall be exercised through the
40 Department of Education, and the department shall exercise all administrative functions of the state
41 relating to supervision, management and control of schools not conferred by law on some other
42 agency.

43 **SECTION 4.** ORS 327.101 is amended to read:

44 327.101. (1) [*For*] **Each** fiscal [*years beginning on or after July 1, 1993*] **year**, the distribution to
45 a school district under ORS 327.008 and 327.013 shall be adjusted to fully reflect the difference be-

1 tween the apportionment due to the district for the prior fiscal year under ORS 327.008 and 327.013,
 2 and the amounts actually distributed to the district in the prior fiscal year under ORS 327.008,
 3 327.013 and 327.099. The adjustment shall be made to the May 15 apportionment to the district.

4 (2) No consideration shall be made in the adjustment made under subsection (1) of this section
 5 for any penalties, forfeitures or additional receipts of State School Fund moneys, except when ex-
 6 pressly directed by law.

7 (3) An amount of funds equal to the sum of all negative adjustments made to the May 15 ap-
 8 portionment under subsection (1) of this section shall be appropriated to the Department of Educa-
 9 tion for purposes of funding positive adjustments required under subsection (1) of this section in the
 10 same fiscal year.

11 (4) If the amounts available under subsection (3) of this section are either not sufficient or ex-
 12 ceed the adjustments to districts required under subsection (1) of this section, the Superintendent
 13 of Public Instruction shall recalculate the funding percentage in ORS 327.013 (2) to distribute as
 14 nearly as practicable the total sum available for distribution.

15 **SECTION 5.** ORS 327.109 is amended to read:

16 327.109. (1) Upon receipt from a citizen of Oregon of a complaint that on its face is colorable
 17 that a school district or public charter school [*is a district or public charter school that*] sponsors,
 18 financially supports or is actively involved with religious activity, the Superintendent of Public In-
 19 struction or the superintendent's designated representative shall undertake promptly a preliminary
 20 investigation of the facts alleged in the complaint.

21 (2) If, after the preliminary investigation, the superintendent finds that there is a substantial
 22 basis to believe that the school district or public charter school [*is a district or public charter school*
 23 *that*] sponsors, financially supports or is actively involved with religious activity, the superintendent
 24 shall:

25 (a) In the case of a school district:

26 (A) Notify the complainant and the school district;

27 (B) Withhold immediately all funds due the school district under ORS 327.095; and

28 (C) Schedule a contested case hearing to be conducted in accordance with ORS 183.413 to
 29 183.470.

30 (b) In the case of a public charter school:

31 (A) Notify the complainant, the public charter school, the school district in which the public
 32 charter school is located and the sponsor of the public charter school;

33 (B) Withhold immediately all funds for the public charter school that, pursuant to ORS 338.155,
 34 are due under ORS 327.095 to the school district in which the public charter school is located;

35 (C) Order the school district in which the public charter school is located to withhold imme-
 36 diately all funds due the public charter school under ORS 338.155; and

37 (D) Schedule a contested case hearing to be conducted in accordance with ORS 183.413 to
 38 183.470.

39 (3)(a) In the case of a school district if, after the preliminary investigation, the superintendent
 40 finds that there is no substantial basis to believe that the school district [*is a district that*] sponsors,
 41 financially supports or is actively involved with religious activity, the superintendent shall notify
 42 the complainant and the district of that finding and shall not withhold funds due the district under
 43 ORS 327.095 or schedule a hearing.

44 (b) In the case of a public charter school if, after the preliminary investigation, the superinten-
 45 dent finds that there is no substantial basis to believe that the public charter school [*is a school*

1 *that*] sponsors, financially supports or is actively involved with religious activity, the superintendent
2 shall notify the complainant, the public charter school, the school district in which the public
3 charter school is located and the sponsor of the public charter school of that finding and shall not
4 schedule a hearing or withhold funds for the public charter school that, pursuant to ORS 338.155,
5 are due under ORS 327.095 to the school district in which the public charter school is located. The
6 superintendent shall also order the school district in which the public charter school is located not
7 to withhold funds due the public charter school under ORS 338.155.

8 (4) During the preliminary investigation, the school district or public charter school shall co-
9 operate to a reasonable degree with the superintendent and provide any [*and all*] evidence that the
10 superintendent considers necessary for the investigation. If the school district or public charter
11 school fails or refuses to cooperate to a reasonable degree with the superintendent during the in-
12 vestigation, the superintendent shall presume that there is a substantial basis to believe that the
13 school district or public charter school [*is a school district or public charter school that*] sponsors,
14 financially supports or is actively involved with religious activity and shall proceed as provided in
15 subsection (2) of this section.

16 (5) If the superintendent makes a finding under subsection (2) or (4) of this section, the school
17 district or public charter school shall receive no funds under ORS 327.095 or 338.155 from the date
18 of the superintendent's finding until the superintendent finds that the school district or public
19 charter school is no longer sponsoring, financially supporting or actively involved with religious
20 activity.

21 (6) The funds withheld under this section shall be held in an escrow account and shall be re-
22 moved from that account only as follows:

23 (a) If the superintendent determines, after a contested case hearing, or a court on appeal rules,
24 that the school district or public charter school never sponsored, financially supported or was ac-
25 tively involved with religious activity, the entire amount, including interest thereon, in the escrow
26 account shall be released to the school district or public charter school.

27 (b) If the superintendent determines, after a contested case hearing, or a court on appeal rules,
28 that the school district or public charter school sponsored, financially supported or was actively
29 involved with religious activity in the past but has ceased to do so, that portion of the amount, in-
30 cluding interest thereon, in the escrow account that accrued to the school district or public charter
31 school after the school district or public charter school ceased the proscribed conduct shall be paid
32 to the school district or public charter school. Any amount, including interest thereon, permanently
33 withheld from the school district or public charter school shall revert to the State School Fund or
34 to the General Fund, if the biennium has ended.

35 (c) If the school district or public charter school does not cease the proscribed conduct by the
36 beginning of the next school year, the superintendent shall notify the State Treasurer who shall
37 cause the amount in the escrow account, including interest thereon, to revert to the State School
38 Fund or to the General Fund, if the biennium has ended.

39 (7) If the superintendent schedules a contested case hearing, as provided in subsection (2) of this
40 section, the superintendent may conduct such further investigation of the facts relevant to the
41 complaint as the superintendent considers necessary. In conducting the investigation, the super-
42 intendent shall have the power of subpoena to compel production of documents and attendance of
43 witnesses at depositions and may do all things necessary to secure a full and thorough investigation.

44 (8) If a person or school district or public charter school fails to comply with any subpoena is-
45 sued under subsection (7) of this section, a judge of the circuit court of any county, on application

1 of the superintendent, shall compel obedience by proceedings for contempt as in the case of disobe-
2 dience of the requirements of a subpoena issued from circuit court.

3 **SECTION 6.** ORS 327.137 is amended to read:

4 327.137. Every common or union high school district shall file a copy of its audit statement with
5 the Department of Education within six months of the end of the fiscal year for which the audit is
6 required. If the audit report, as submitted to the district, fails to provide the detail necessary for the
7 computation required in the administration of ORS 327.006 to 327.133, 327.731, 328.542[, 334.270,] **and**
8 530.115 and this section, the district shall submit the necessary information on forms provided by
9 the department within the time prescribed for filing the audit in this section. Any district failing to
10 file a copy of its report under this section or ORS 327.133 shall not receive any payments from the
11 State School Fund until such reports are filed.

12 **SECTION 7.** ORS 327.485 is amended to read:

13 327.485. (1) The Education Cash Account of the General Fund consists of all moneys made
14 available to the Department of Education by:

15 (a) Charitable and philanthropic foundations, organizations and agencies[, *which*] **if the moneys**
16 have not been dedicated for specific use by requirements of other sections of Oregon Revised Stat-
17 utes;

18 (b) Miscellaneous receipts;

19 (c) Collection of fees from sale of supplies and publications compiled and furnished by the De-
20 partment of Education and distributed or sold to other persons or groups;

21 (d) Funds received as gifts, contributions and bequests for professional technical education and
22 moneys received as reimbursements for funds theretofore expended;

23 [(e) *Moneys received through issuance fees from graduate equivalency certificates;*]

24 [(f)] (e) Moneys received through charges to grants, contracts and other funds for indirect costs;
25 and

26 [(g)] (f) Any other nondedicated moneys received by the Department of Education for which the
27 Legislative Assembly has established an administrative funds limitation.

28 (2) The provisions of this section do not relieve the department of its responsibilities to sepa-
29 rately account for moneys received as trust funds.

30 (3) Disbursements from the Education Cash Account shall be made as directed by the Depart-
31 ment of Education. The department shall keep a record of all moneys deposited in such account. The
32 record shall indicate by separate cumulative accounts the source from which the moneys are derived
33 and the individual activity against which each withdrawal is charged.

34 **SECTION 8.** ORS 327.500 is amended to read:

35 327.500. (1) There is established a Quality Education Commission consisting of 11 members ap-
36 pointed by the Governor. [*No*] **The Governor may not appoint** more than five [*of the*] members
37 of the commission [*shall be persons*] who are employed by a school district at the time of appoint-
38 ment.

39 (2) The term of office of each member is four years, but a member serves at the pleasure of the
40 Governor. Before the expiration of the term of a member, the Governor shall appoint a successor
41 whose term begins on August 1 next following. A member is eligible for reappointment. If there is
42 a vacancy for any cause, the Governor shall make an appointment to become immediately effective
43 for the remainder of the unexpired term.

44 (3) The appointment of members of the commission is subject to confirmation by the Senate in
45 the manner prescribed in ORS 171.562 and 171.565.

1 (4) A member of the commission is entitled to compensation and expenses as provided in ORS
2 292.495.

3 (5) The Department of Education shall provide staff to the commission.

4 **SECTION 9.** ORS 328.351 is amended to read:

5 328.351. (1) If, at the time the state is required to make a debt service payment under the state
6 guaranty on behalf of a school district, sufficient moneys of the state are not on hand and available
7 for that purpose, the State Treasurer may, singly or in any combination:

8 (a) Obtain from the Common School Fund or from any other state funds that qualify to make a
9 loan under ORS 293.205 to 293.225, if the loan would satisfy the requirements of ORS 293.205 to
10 293.225, a loan sufficient to make the required payment.

11 (b) Borrow money, if economical and convenient, as authorized by ORS 288.165.

12 (c) Issue state bonds as provided in subsection (2) of this section.

13 (d) With the approval of the Legislative Assembly, or the Emergency Board if emergency funds
14 are lawfully available for making the required payment in the interim between sessions of the Leg-
15 islative Assembly, pay moneys from the General Fund or any other funds lawfully available for the
16 purpose or from emergency funds amounts sufficient to make the required payment.

17 (2) The State Treasurer may issue state bonds to meet the state guaranty obligations under ORS
18 328.321 to 328.356 [*and 328.361*], pursuant to Article XI-K of the Oregon Constitution. The issuance
19 of such state bonds shall be at the determination of the State Treasurer and is exempt from ORS
20 286.505 to 286.545.

21 (3) Before issuing or selling any state bonds, the State Treasurer shall prepare a written plan
22 of financing that shall provide for:

23 (a) The terms and conditions under which the state bonds will be issued, sold and delivered, in
24 accordance with any applicable provisions of ORS chapters 286 and 288;

25 (b) The taxes or revenues to be anticipated;

26 (c) The maximum amount of such state bonds that may be outstanding at any one time under
27 the plan of financing;

28 (d) The sources of payment of the state bonds;

29 (e) The rate or rates of interest, if any, on the state bonds or a method, formula or index under
30 which the interest rate or rates on the state bonds may be determined during the time the state
31 bonds are outstanding; and

32 (f) Any other details relating to the issuance, sale and delivery of the state bonds, as may be
33 required by the applicable provisions of ORS chapters 286 and 288. For purposes of ORS chapters
34 286 and 288, the office of the State Treasurer shall be deemed the relevant state agency authorizing
35 the issuance of bonds and for whose benefit the bonds are issued.

36 (4) In identifying the taxes or revenues to be anticipated and the sources of payment of the state
37 bonds in the financing plan, the State Treasurer may include:

38 (a) The intercepted revenues authorized by ORS 328.346; or

39 (b) Any other source of repayment or lawfully available funds and any combination of this par-
40 agraph and paragraph (a) of this subsection.

41 (5) The State Treasurer may include in the plan of financing the terms and conditions of ar-
42 rangements entered into by the State Treasurer on behalf of the state with financial and other in-
43 stitutions for letters of credit, standby letters of credit, reimbursement agreements and remarketing,
44 indexing and tender agent agreements to secure the state bonds, including payment from any legally
45 available source of fees, charges or other amounts coming due under the agreements entered into

1 by the State Treasurer.

2 (6)(a) When issuing the state bonds, the State Treasurer shall establish the interest, form, man-
 3 ner of execution, payment, manner of sale, prices at, above or below the face value and all details
 4 of issuance of the state bonds in accordance with any applicable provisions of ORS chapters 286 and
 5 288.

6 (b) Each state bond shall recite that it is a valid obligation of the state and that the full faith,
 7 credit and resources of the state are pledged for the payment of the principal of and interest on the
 8 state bond from the taxes or revenues identified in accordance with its terms and the Oregon Con-
 9 stitution and other laws of this state.

10 (7) Upon the completion of any sale of the state bonds, the State Treasurer shall credit the
 11 proceeds of the sale, other than accrued interest and amounts required to pay costs of issuance of
 12 the state bonds, to the fund or account established by the State Treasurer to be applied to the
 13 purpose for which the state bonds were issued.

14 **SECTION 10.** ORS 329.170 is amended to read:

15 329.170. (1) As used in ORS 329.170 to 329.200:

16 [(1)] (a) “Advisory committee” means the advisory committee established specifically for the
 17 Oregon prekindergarten program established by ORS 329.170 to 329.200.

18 [(2)] (b) “Oregon prekindergartens” means [*those*] programs [*which*] **that** are recognized by the
 19 department as meeting the minimum program rules to be adopted by the State Board of Education
 20 and **that** provide comprehensive health, education and social services in order to maximize the po-
 21 tential of children three and four years of age.

22 [(3)] (c) “Oregon prekindergarten program” means the statewide administrative activities car-
 23 ried on within the Department of Education to allocate, award and monitor state funds appropriated
 24 to create or assist local Oregon prekindergartens.

25 [(4)] (2) For purposes of ORS 329.175, “eligible child” means an at-risk child who is not a par-
 26 ticipant in a federal, state or local program providing like comprehensive services and may include
 27 children who are eligible under rules adopted by the State Board of Education. As used in this
 28 subsection, “at-risk child” means a child at least three years of age and not eligible for kindergarten
 29 whose family circumstances would qualify that child for eligibility under the federal Head Start
 30 program.

31 [(5) “*Department*” means the *Department of Education*.]

32 **SECTION 11.** ORS 329.200 is amended to read:

33 329.200. (1) The Superintendent of Public Instruction shall report to the Legislative Assembly
 34 on the merits of continuing and expanding the Oregon prekindergarten program or instituting other
 35 means of providing early childhood development assistance.

36 (2) The superintendent’s report shall include specific recommendations on at least the following
 37 issues:

38 (a) The relationship of the state-funded Oregon prekindergarten program with the common
 39 school system;

40 (b) The types of children and their needs that the program should serve;

41 (c) The appropriate level of state support for implementing the program for all eligible children,
 42 including related projects to prepare instructors and provide facilities, equipment and transporta-
 43 tion;

44 (d) The state administrative structure necessary to implement the program; and

45 (e) Licensing or [*indorsement*] **endorsement** of early childhood teachers.

1 (3) The Department of Education, in consultation with the Department of Community Colleges
 2 and Workforce Development, shall examine, monitor and assess the effectiveness of the Oregon
 3 prekindergarten program. The superintendent shall make biennial reports to the Legislative Assem-
 4 bly on the effectiveness of the program.

5 **SECTION 12.** ORS 329.228 is amended to read:

6 329.228. (1) The Early Childhood Education Trust Fund is established as a fund in the State
 7 Treasury, separate and distinct from the General Fund. Interest earned by the trust fund shall be
 8 credited to the trust fund. The primary purpose of the trust fund is to assist public school districts
 9 in providing programs designed to improve educational services for children enrolled in kindergarten
 10 through grade three. For this purpose, the trust fund is continuously appropriated [*for and shall be*
 11 *expended only*] **to the Department of Education** for programs described in ORS 329.215 to 329.235.

12 (2) The State Board of Education may solicit and accept money in the form of gifts, contribu-
 13 tions and grants to be deposited in the trust fund. The acceptance of federal grants for purposes of
 14 ORS 329.215 to 329.235 does not commit state funds nor place an obligation upon the Legislative
 15 Assembly to continue the purposes for which the federal funds are made available.

16 (3) The trust fund may be listed, if otherwise qualified, on the Oregon income tax return for
 17 checkoff pursuant to application made to the Oregon Charitable Checkoff Commission under ORS
 18 305.690 to 305.753 by the State Board of Education.

19 **SECTION 13.** ORS 329.765 is amended to read:

20 329.765. (1) The Oregon Student Assistance Commission shall administer the Oregon Teacher
 21 Corps program insofar as practicable in the same manner as the loan program under ORS 348.050
 22 is administered and make rules for the selection of qualified applicants.

23 (2) Eligibility for the Oregon Teacher Corps is limited to those prospective teachers whom the
 24 Oregon Student Assistance Commission determines to have graduated, or currently rank, in the top
 25 20 percent of their high school or college class. The commission shall assess each applicant's po-
 26 tential for teaching through such means as essays written by the applicant, letters of recommen-
 27 dations from teachers and others, descriptions of relevant teaching experiences, and other
 28 appropriate measures. Allowance shall be given for those applicants whom the commission deter-
 29 mines to be in at least one of the following categories:

30 (a) Minority individuals as defined in ORS 200.005;

31 (b) Prospective teachers in scarce [*indorsement*] **endorsement** areas, as defined by the Teacher
 32 Standards and Practices Commission; or

33 (c) Prospective teachers who agree to teach in remote and difficult to serve school districts in
 34 this state.

35 (3) Recipients of loans under ORS 329.757 to 329.780 shall be enrolled at least half-time in an
 36 approved teacher education program at an Oregon institution of higher education.

37 **SECTION 14.** ORS 329.905 is amended to read:

38 329.905. (1) The Legislative Assembly finds that a highly skilled, well-educated workforce is
 39 critical to the present and future competitiveness of Oregon's economy. Curricular and institutional
 40 change throughout the educational process is imperative to achieve Oregon's economic and educa-
 41 tion reform goals. To accomplish fully education reform at the elementary and secondary levels, it
 42 is essential that Oregon's citizens gain a thorough understanding of the significant value of profes-
 43 sional technical education and the vital role it plays in preparing Oregon's citizens for entry into
 44 the workforce, further training or entry into higher education. The Legislative Assembly, therefore,
 45 declares that it is the economic development policy of the state to support and promote literacy,

1 education and professional technical job training for Oregon's citizens. Further, the Legislative
 2 Assembly declares that it is the goal of the state to achieve the following [*by the year 2000*]:

3 (a) Measurably increase the knowledge and improve the skills of Oregon workers;

4 (b) Promote and sponsor effective and responsive training programs for employed and unem-
 5 ployed Oregonians who need literacy and other job-related training;

6 (c) Promote and increase youth enrollment in secondary, post-secondary and apprenticeship
 7 programs that lead to family wage jobs;

8 (d) Secure the active participation and full cooperation of Oregon industry leaders and business
 9 owners in developing programs to increase and improve worker education and performance;

10 (e) Promote and increase the coordination of Oregon's education and job training systems to
 11 more fully respond to the increasingly complex training needs of workers; and

12 (f) Promote and increase access to education and job training programs for all Oregonians re-
 13 gardless of their economic status or geographic location within the state.

14 (2) The Legislative Assembly declares that it is the policy of this state to integrate employment,
 15 training and development programs into its economic development efforts.

16 (3) The Legislative Assembly further declares that the employment development and training
 17 activities provided for in ORS 329.905 to 329.975 are job creation and economic development activ-
 18 ities within the meaning of subsection (3), section 4, Article XV of the Oregon Constitution.

19 (4) The Legislative Assembly further declares that the State of Oregon must dedicate the talents,
 20 resources and energies of its people to having the best trained workforce in the United States [*by*
 21 *the year 2000*] and a workforce equal to any in the world [*by 2010*]. When this workforce exists,
 22 Oregon will have a highly skilled workforce that is:

23 (a) Engaged by competitive, diversified industries;

24 (b) Supported by education and training;

25 (c) Supported by employment systems that are responsive to the needs of people and the labor
 26 market; and

27 (d) Reflective of the diversity of Oregon's population.

28 (5) The Legislative Assembly further declares that the role of business and industry is critical
 29 to the implementation of education reform and that the goals of ORS 329.905 to 329.975 are:

30 (a) Coordinated and complementary education, training and employment programs.

31 (b) A high performance workforce characterized by diversity, technical competence and eco-
 32 nomic self-sufficiency.

33 (c) Educational performance standards that match the highest in the world.

34 (d) Assurance of educational attention necessary for attainment of high academic standards for
 35 all students.

36 (e) An education and employment training system that has the capacity to meet the training
 37 needs of individuals and employers.

38 (f) Assurance of workforce preparedness for all students through covenants between business
 39 and education.

40 **SECTION 15.** ORS 329.930 is amended to read:

41 329.930. (1) Pursuant to rules adopted by the Economic and Community Development Depart-
 42 ment, a program is established to organize business, industry and education partnerships to develop
 43 the most competent workforce in America [*by the year 2000,*] **and** specifically:

44 (a) To provide targeted training grants for customized training programs for new or expanding
 45 firms;

1 (b) To provide industry training grants to community colleges or others for training programs
 2 addressing the common needs of two or more businesses within an industry, with special emphasis
 3 on Key Industries as designated by “Oregon Shines” and the Legislative Assembly; and

4 (c) To provide capacity building grants to trade associations and business and labor organiza-
 5 tions to build capacity for addressing long-term workforce and workplace training and education
 6 needs.

7 (2) Pursuant to rules adopted by the Economic and Community Development Department, an
 8 Industrial Extension Service is established, using public and private expertise, to assist Oregon firms
 9 in traded sectors in adopting the appropriate technology, management techniques, work organization
 10 and workforce development strategies to remain competitive in a global economy.

11 (3) The Department of Community Colleges and Workforce Development shall support the
 12 Oregon Advanced Technology Center, for the purpose of enhancing Oregon’s economic
 13 competitiveness by assisting Oregon manufacturers with the adoption and implementation of modern
 14 manufacturing technologies and processes.

15 **SECTION 16.** ORS 330.095 is amended to read:

16 330.095. (1) Subject to ORS 332.118, the request or petition for proposed change or merger in
 17 school districts shall:

18 (a) Be directed to the district boundary board of the county or counties having jurisdiction over
 19 the affected school districts;

20 (b) Contain the names and numbers of districts affected by the change;

21 (c) Contain a concise statement of the type of change requested and, if only a portion of the
 22 school district is involved, contain a legal description thereof; and

23 (d) If a petition of electors from affected districts is involved, contain the signatures and [*resi-*
 24 *dent*] **residence** addresses **or mailing addresses** of the petitioners and the names of the school
 25 districts in which they reside.

26 (2) If a merger is requested or petitioned, the request or petition shall also contain proposals for
 27 distribution of debt.

28 (3) When any proposed boundary change or merger affects school districts under the jurisdiction
 29 of different district boundary boards, the proposed change or merger shall first be acted upon by the
 30 district boundary board of the county in which lies the most populous district, and must be submit-
 31 ted to the district boundary board of the other affected county or counties.

32 (4) Any proposed merger may contain a recommendation that the new district retain the same
 33 name and number as the most populous school district in the merger or a recommendation for a new
 34 name for the district, a request for the formation of school committees as described in ORS 330.425
 35 and a request that the number of members of the district school board be increased to seven mem-
 36 bers.

37 **SECTION 17.** ORS 330.101 is amended to read:

38 330.101. (1) Before the proposed change or merger is [*considered*] **ordered**, the district boundary
 39 board shall give notice in the manner provided in ORS 330.400 of the proposed change or merger
 40 and the session of the board at which it will be [*considered*] **ordered**. If no remonstrance petition
 41 on the change or merger is submitted requiring an election as provided in subsection (2) of this
 42 section, the board shall issue an order that the change or merger shall become effective as provided
 43 in ORS 330.103. The remonstrance petition is subject to ORS 332.118. However, the boundary board
 44 shall not issue an order until all affected boundary boards have had opportunity to consider the
 45 proposed change or merger.

1 (2) If a remonstrance petition on a proposed change or merger signed by at least five percent
 2 or at least 500, whichever is less, of the electors of a school district affected by the proposed change
 3 or merger is filed with the district boundary board within 20 days after the date of the order to ef-
 4 fect the proposed change or merger, and when all district boundary boards have acted on the change
 5 or merger as provided in ORS 330.095 (3), the board shall submit the question of the proposed
 6 change or merger to the electors of each affected school district from which a remonstrance petition
 7 was filed, with the district boundary board acting as the district elections authority on behalf of the
 8 school districts. Separate elections shall be held in sequence in the districts from which
 9 remonstrance petitions have been filed, commencing with the least populous district and progressing
 10 in order of population to the most populous district. If the majority of votes in each election favor
 11 the change or merger, an election shall be held in the next most populous district. The cost of an
 12 election on a proposed boundary change or merger shall be prorated between or among the district
 13 school boards involved in accordance with ORS 255.305.

14 (3) If the majority of votes cast in any affected district oppose the change or merger, the change
 15 or merger shall be defeated, and the same or a substantially similar change or merger shall not be
 16 *[considered]* **ordered** until 12 months have elapsed from the date of the election at which the change
 17 or merger was defeated, unless otherwise required by law. If the vote is favorable in all
 18 remonstrating districts, the district boundary board shall declare the change or merger effective as
 19 provided in ORS 330.103 **and issue an order** without further elections.

20 *[(4) Notwithstanding subsection (3) of this section, the same or substantially similar change or*
 21 *merger that is in response to chapter 393, Oregon Laws 1991, may be considered even though 12 months*
 22 *have not elapsed from the date of the election at which the change or merger was defeated.]*

23 *[(5) For any school district merger or boundary change before September 1, 1996, initiated at the*
 24 *request of the district school boards of the affected districts, that is in response to chapter 393, Oregon*
 25 *Laws 1991, no remonstrance petition or election shall be allowed.]*

26 *[(6) Subsection (5) of this section applies only to a proposed change or merger brought before the*
 27 *district boundary board after July 13, 1993.]*

28 [(7)] (4) For any school district merger that is initiated under ORS 327.106 (3), no remonstrance
 29 petition or election shall be allowed.

30 [(8)] (5) When a unified elementary district with an average daily membership of greater than
 31 50 that has, prior to the merger, paid tuition for the majority of its high school students to attend
 32 an out-of-state high school merges with a district that provides education in kindergarten and grades
 33 1 through 12, the following shall apply after the merger:

34 (a) The students who reside in the former unified elementary district shall be authorized to at-
 35 tend the out-of-state high school that the majority of the high school students of the unified ele-
 36 mentary district were attending during the 1992-1993 school year;

37 (b) The merged district shall pay tuition for the students described in paragraph (a) of this
 38 subsection but not in an amount greater than the district's average expenditure for high school
 39 students; and

40 (c) The parents of a student who wish the student to attend the out-of-state high school must
 41 agree to pay the difference, if any, between what the district is authorized to pay as tuition under
 42 paragraph (b) of this subsection and the amount of tuition charged by the out-of-state high school.

43 **SECTION 18.** ORS 330.425 is amended to read:

44 330.425. (1) Each local school committee provided for in the reorganization plan under ORS
 45 330.530 (1989 Edition) *[or pursuant to ORS 330.092]* shall consist of three members elected by the

1 electors of the school district pursuant to ORS chapter 255. At the first regular district election
 2 following the merger of the school district, there shall be elected three members of each local school
 3 committee. Each person elected shall serve a term of two years. Members of the local school com-
 4 mittee may be nominated and elected from the attendance area determined by the district school
 5 board or may be nominated from such areas but elected from the district or may be nominated and
 6 elected from the district, the manner to be determined by the district school board.

7 (2) A person shall be nominated as a candidate for member of a local school committee by filing
 8 a petition for nomination or a declaration of candidacy under ORS 255.235. If a candidate is nomi-
 9 nated by petition and members are nominated from attendance areas, the petition must be signed
 10 by at least 10 electors residing in the attendance area from which the candidate seeks nomination.

11 (3) Each office of local school committee member shall be designated by number as Position No.
 12 1, Position No. 2 or Position No. 3 and so forth. The school district shall assign a position number
 13 to each office on the local school committee and shall certify to the filing officer the name of the
 14 committee member in office holding that position. A copy of the certification shall be filed in the
 15 office of the filing officer. As used in this section, "filing officer" means the:

16 (a) County clerk or county official in charge of elections of the county in which the adminis-
 17 trative office of the district is located regarding a district located in more than one county; or

18 (b) County clerk or county official in charge of elections in a district situated wholly within the
 19 county.

20 **SECTION 19.** ORS 332.030 is amended to read:

21 332.030. (1) The district school board shall declare the office of a director vacant upon the
 22 happening of any of the following:

23 (a) The death or resignation of the incumbent.

24 (b) When an incumbent is removed from office or the election of the incumbent thereto has been
 25 declared void by the judgment of any court.

26 (c) Subject to the provisions of subsections (2) and (3) of this section, when an incumbent ceases
 27 to be a resident of the district or zone from which nominated.

28 (d) When an incumbent ceases to discharge the duties of office for two consecutive months un-
 29 less prevented therefrom by sickness or other unavoidable cause.

30 (e) When an incumbent ceases to discharge the duties of office for four consecutive months for
 31 any reason.

32 (f) When an incumbent is recalled.

33 (2) A director of a union high school board who changes the director's permanent residence from
 34 one component common school district to another component common school district in which an-
 35 other director resides shall continue to serve as director to June 30 next following the next regular
 36 district election. At that election, a successor shall be elected to serve the remainder, if any, of the
 37 unexpired term to which the director was elected. If the term to which the director was elected
 38 expires June 30 next following the election of the successor, the successor shall be elected to a full
 39 term. In either case, the successor shall take office July 1 next following the election.

40 (3) A director of a common school district nominated from a zone who changes the director's
 41 permanent residence from one zone to another zone in which another director resides shall continue
 42 to serve as director to June 30 next following the next regular district election. At that election, a
 43 successor shall be elected to serve the remainder, if any, of the unexpired term to which the director
 44 was elected. If the term to which the director was elected expires June 30 next following the
 45 election of the successor, the successor shall be elected to a full term. In either case, the successor

1 shall take office July 1 next following the election.

2 (4) When a vacancy is declared under subsection (1)(a), **(b) or (d) to (f)** of this section, the re-
 3 maining member or members of the board shall meet and appoint a person to fill the vacancy. The
 4 person must satisfy the eligibility requirements under ORS 332.018 and, if the district is zoned, re-
 5 side in the zone in which the vacancy occurs. A director appointed under this subsection shall serve
 6 to June 30 next following the next regular district election. At that election, a successor shall be
 7 elected to serve the remainder, if any, of the unexpired term to which the director was appointed.
 8 If the term to which the director was appointed expires June 30 next following the election of the
 9 successor, the successor shall be elected to a full term. In any case, the successor shall take office
 10 July 1 next following the election.

11 (5) If the offices of a majority of the directors of any district are vacant at the same time, the
 12 education service district board, or if there is none, the governing body of the county shall appoint
 13 persons to fill the vacancies. The persons must satisfy the eligibility requirements under ORS
 14 332.018 and, if the district is zoned, reside in the zones in which the vacancies occur. If the vacan-
 15 cies occur in a joint district that is not included in an education service district, the governing body
 16 of the county containing the greater portion of the pupils in average daily membership shall appoint
 17 the directors. Each director appointed under this subsection shall serve to June 30 next following
 18 the next regular district election. At that election, a successor shall be elected to serve the re-
 19 mainder, if any, of the unexpired term to which the director was appointed. If the term to which the
 20 director was appointed expires June 30 next following the election of the successor, the successor
 21 shall be elected to a full term. In any case, the successor shall take office July 1 next following the
 22 election.

23 **SECTION 20.** ORS 334.293 is amended to read:

24 334.293. Notwithstanding ORS 334.240[, 334.270] and 334.285, each education service district
 25 shall ascertain and levy annually, in addition to all other taxes, a direct ad valorem tax on all tax-
 26 able property in the education service district sufficient to pay the maturing interest and principal
 27 of all education service district bonds promptly when and as the payments become due. The board
 28 in each year shall include the taxes in the education service district budget for that year.

29 **SECTION 21.** ORS 336.035 is amended to read:

30 336.035. (1) The district school board shall see that the courses of study prescribed by law and
 31 by the rules of the State Board of Education are carried out. The board may establish supplemental
 32 courses [*which*] **that** are not inconsistent with the prescribed courses and may adopt courses of
 33 study in lieu of state courses of study upon approval by the Superintendent of Public Instruction.

34 (2) Any district school board may establish a course of education concerning sexually transmit-
 35 ted diseases including recognition of causes, sources and symptoms, and the availability of diagnos-
 36 tic and treatment centers. Any such course established may be taught to adults from the community
 37 served by the individual schools as well as to [*student enrollment*] **students enrolled in the**
 38 **school**. The board shall cause the parents or guardians of minor students to be notified in advance
 39 that the course is to be taught. Any such parent or guardian may direct in writing that the minor
 40 child in the care of the parent or guardian be excused from [*the*] **any class within the course**. Any
 41 parent or guardian may inspect the instructional materials to be used before or during the time the
 42 [*class*] **course** is taught.

43 (3) The district school board shall coordinate the course provided in subsection (2) of this sec-
 44 tion with the officials of the local health department and the Superintendent of Public Instruction.
 45 Teachers holding [*indorsements*] **endorsements** for health education shall be used where available.

1 No teacher shall be subject to discipline or removal for teaching or refusing to teach courses con-
2 cerning sexually transmitted diseases.

3 **SECTION 22.** ORS 336.067 is amended to read:

4 336.067. (1) In public schools special emphasis shall be given to instruction in:

5 (a) Honesty, morality, courtesy, obedience to law, respect for the national flag, the Constitution
6 of the United States and the Constitution of the State of Oregon, respect for parents and the home,
7 the dignity and necessity of honest labor and other lessons [*which*] **that** tend to promote and develop
8 an upright and desirable citizenry.

9 (b) Respect for all humans, regardless of race, color, creed, national origin, religion, age, sex or
10 disability.

11 (c) Acknowledgment of the dignity and worth of individuals and groups and their participative
12 roles in society.

13 [*c*] (d) Humane treatment of animals.

14 [*d*] (e) The effects of tobacco, alcohol, drugs and controlled substances upon the human system.

15 (2) The Superintendent of Public Instruction shall prepare an outline with suggestions [*which*]
16 **that** will best accomplish the purpose of this section, and shall incorporate the outline in the
17 courses of study for all public schools.

18 **SECTION 23.** ORS 336.145 is amended to read:

19 336.145. (1) Any district school board may provide for the establishment of classes for adult ed-
20 ucation. The board may employ personnel for the purpose of establishing and maintaining classes for
21 adults on the fundamental principles of democratic government, English language, citizenship, public
22 affairs, [*forums*,] arts and crafts, general cultural subjects, adult recreation and [*such*] other subjects
23 [*as*] **that** the State Board of Education may authorize. [*Such*] **The** classes shall be conducted in the
24 English language, except as the needs for teaching a foreign language may require otherwise.

25 (2) The district school board may establish a fee schedule for [*such*] **the** classes and collect fees
26 from persons enrolled in the adult education program of the district. The fees shall be used for the
27 support or encouragement of adult education.

28 (3) The classes shall be subject to the rules of the district school board, shall be organized to
29 meet the needs of the adults in the district and, as far as practicable, shall be held at [*such*] times
30 and places [*as*] **that** are most convenient and accessible to the members of the [*class*] **classes**.

31 **SECTION 24.** ORS 336.179 is amended to read:

32 336.179. (1) It is state policy for all school districts to foster an atmosphere of student commit-
33 ment to excellence in education, recognizing excellence in academics and excellence in citizenship.

34 (2) Each school district shall determine the activities necessary to qualify for special recognition
35 of student achievement.

36 (3) In implementing the state policy, and after consultation with the student body, an elementary
37 or secondary school shall offer special recognition as appropriate [*which*]. **Special recognition** may
38 include [*activities such as*], **but need not be limited to:**

39 (a) Reduced admission to athletic events;

40 (b) Discount on school yearbook;

41 (c) Discount on student store merchandise;

42 (d) Free or discounted school parking permits;

43 (e) Free or discounted tickets to student events;

44 (f) Exemption from a limited number of semester finals;

45 (g) Academic "Pride" insignia;

- 1 (h) Early registration privileges;
- 2 (i) Local merchant discounts where available to the district; and
- 3 (j) Free membership in school organizations.

4 **SECTION 25.** ORS 337.288 is amended to read:

5 337.288. (1) There is created the Spread the Word Program in the Department of Education. The
 6 purpose of the program is to provide books to elementary school children in kindergarten through
 7 grade five who have few books at home. Under the program, participating schools, individuals and
 8 civic groups may collect children’s books that shall be donated to recipient schools for distribution
 9 to eligible children.

10 (2) The department shall:

11 (a) Establish assessment criteria to identify children eligible to receive books under the pro-
 12 gram; and

13 (b) Develop an informational brochure on the program and distribute the brochure to public
 14 schools and public charter schools in this state.

15 (3) Participating schools that are not private schools shall:

16 (a) Conduct book drives;

17 (b) Review donated books to ensure that they are appropriate for [*young*] **elementary school**
 18 children and in satisfactory condition for distribution;

19 (c) Count, sort and pack the books; and

20 (d) Contact the school district to report the approximate number of books to be collected by the
 21 school district for distribution to [*needy*] **elementary school** children who have few books at home.

22 (4) Participating schools that are private schools and individuals and civic groups may deliver
 23 donated books to a participating school that is a public school or public charter school for review
 24 and collection as provided in subsection (3) of this section.

25 (5) School districts shall:

26 (a) Collect donated books from participating schools within the district; and

27 (b) Arrange for the donated books to be transported to the recipient school.

28 (6) A recipient school shall distribute books to those children identified as eligible under criteria
 29 developed by the department under subsection (2) of this section.

30 (7) Records of children who receive books pursuant to this section are not public records.

31 **SECTION 26.** ORS 338.035 is amended to read:

32 338.035. (1) A public charter school may be established:

33 (a) As a new public school;

34 (b) From an existing public school or a portion of the school; or

35 (c) From an existing alternative education program, as defined in ORS 336.615.

36 (2)(a) Before a public charter school may operate as a public charter school, it must:

37 (A) Be approved by a sponsor;

38 (B) Be established as a nonprofit organization under the laws of Oregon; and

39 (C) Have applied to qualify as an exempt organization under section 501(c)(3) of the Internal
 40 Revenue Code.

41 (b) Notwithstanding paragraph (a) of this subsection, the requirements of paragraph (a)(B) and
 42 (C) of this subsection do not apply to a public charter school that is operated by a school district.

43 (3) An applicant seeking to establish a public charter school shall submit a proposal pursuant
 44 to ORS 338.045 to the school district board of the school district within which the public charter
 45 school will be located at least 120 days prior to the date upon which the public charter school would

1 begin operating. However, it is recommended that an applicant consult with the school district
 2 board prior to submitting a proposal.

3 (4) An applicant seeking to establish a public charter school shall provide to the State Board
 4 of Education a copy of any proposal submitted to a school district board under ORS 338.045 and a
 5 copy of any subsequent approval by the school district board.

6 (5)(a) **One or more, but not** all, schools in a school district [*shall not*] **may** become public
 7 charter schools.

8 (b) [*However,*] **Notwithstanding paragraph (a) of this subsection**, a school in a school district
 9 that is composed of only one school may become a public charter school.

10 (6)(a) A school district board or the State Board of Education may not approve a public charter
 11 school proposal that authorizes the conversion of any private school that is tuition based to a public
 12 charter school.

13 (b) Notwithstanding paragraph (a) of this subsection, a school district board or the State Board
 14 of Education may authorize the conversion of an existing alternative education program, as defined
 15 in ORS 336.615, to a public charter school.

16 (7) A school district board or the State Board of Education may not approve a public charter
 17 school proposal that is affiliated with a nonpublic sectarian school or a religious institution.

18 **SECTION 27.** ORS 338.055 is amended to read:

19 338.055. (1) Within 60 days of receipt of a proposal submitted under ORS 338.045, the school
 20 district board shall hold a public hearing on the provisions of the proposal.

21 (2) The school district board shall evaluate a proposal in good faith using the following criteria:

22 (a) The demonstrated, sustainable support for the public charter school by teachers, parents,
 23 students and other community members, including comments received at the public hearing held
 24 under subsection (1) of this section;

25 (b) The demonstrated financial stability of the public charter school;

26 (c) The capability of the applicant, in terms of support and planning, to provide comprehensive
 27 instructional programs to students pursuant to an approved proposal;

28 (d) The capability of the applicant, in terms of support and planning, to specifically provide,
 29 pursuant to an approved proposal, comprehensive instructional programs to students identified by
 30 the applicant as academically low achieving;

31 (e) The extent to which the proposal addresses the information required in ORS 338.045;

32 (f) Whether the value of the public charter school is outweighed by any directly identifiable,
 33 significant and adverse impact on the quality of the public education of students residing in the
 34 school district in which the public charter school will be located;

35 (g) Whether there are arrangements for any necessary special education and related services for
 36 children with disabilities pursuant to ORS 338.165; and

37 (h) Whether there are alternative arrangements for students and for teachers and other school
 38 employees who choose not to attend or who choose not to be employed by the public charter school.

39 (3) The school district board must approve a proposal or state in writing the reasons for disap-
 40 proving a proposal within 30 days after the public hearing held under subsection (1) of this section.

41 (4) Written notice of the school district board's action shall be sent to the applicant. If the
 42 proposal is not approved, the reasons for the denial and suggested remedial measures, if any, shall
 43 be clearly stated in the notice sent by the school district board to the applicant. If the proposal is
 44 not approved, the applicant may amend the proposal to address objections and any suggested reme-
 45 dial measures and resubmit the proposal to the school district board. The school district board shall

1 approve or disapprove the resubmitted proposal within 20 days after receiving it. If the proposal is
2 not approved, the applicant may appeal the decision of the school district board to the State Board
3 of Education.

4 (5) Individual elements in a public charter school proposal may be changed through the [*appli-*
5 *cation*] **proposal** and chartering process.

6 (6) A proposal to convert an existing public school to a public charter school must be approved
7 by the school district board of the public school.

8 (7) The school district board or the State Board of Education shall not charge any fee to appli-
9 cants for the [*application*] **proposal** process.

10 (8) Upon request by a school district, the State Board of Education may grant an extension of
11 any timeline required by this section if the district has good cause for requesting the extension.

12 **SECTION 28.** ORS 338.075 is amended to read:

13 338.075. (1) If a school district board does not approve a proposal to start a public charter
14 school pursuant to ORS 338.055, the applicant may request that the State Board of Education review
15 the decision of the school district board.

16 (2) Upon receipt of a request for review, the State Board of Education:

17 (a) Shall attempt to mediate a resolution between the applicant and the school district board.

18 (b) May recommend to the applicant and school district board revisions to the [*application*]
19 **proposal**.

20 (c) If the school district board does not accept the revisions to the [*application*] **proposal** and
21 the applicant agrees to the sponsorship, may become the sponsor of the public charter school.

22 (3) Upon receipt of a request for review, in addition to actions described in subsection (2) of this
23 section and at any time during the review process, the State Board of Education may reject a pro-
24 posal to start a public charter school if the school fails to meet the requirements of this chapter.

25 (4) An applicant may seek judicial review of an order of the State Board of Education pursuant
26 to ORS 183.484. If the court finds that the decision of the State Board of Education is not supported
27 by substantial evidence in the record, the court shall enter a judgment directing the State Board
28 of Education to sponsor the public charter school.

29 **SECTION 29.** ORS 339.115 is amended to read:

30 339.115. (1) Except as provided in ORS 339.141, authorizing tuition for courses not part of the
31 regular school program, the district school board shall admit free of charge to the schools of the
32 district all persons between the ages of 5 and 19 [*residing therein*] **who reside within the school**
33 **district**. [*The*] **A** person whose 19th birthday occurs during the school year shall continue to be el-
34 igible for a free and appropriate public education for the remainder of the school year. However, a
35 district school board may admit [*other*] nonresident persons, determine who is not a resident of the
36 district and [*may*] fix rates of tuition for nonresidents.

37 (2) A district must admit an otherwise eligible person who has not yet attained 21 years of age
38 prior to the beginning of the current school year if the person is:

39 (a) Receiving special education and has not yet received a regular high school diploma; or

40 (b) Shown to be in need of additional education in order to receive a diploma.

41 (3) The obligation to make a free appropriate public education available to individuals with
42 disabilities 18 through 21 years of age who are incarcerated in an adult correctional facility applies
43 only to those individuals who, in their last educational placement prior to their incarceration in the
44 adult correctional facility:

45 (a) Were identified as being a child with a disability as defined in ORS 343.035; or

1 (b) Had an individualized education program as described in ORS [343.149] **343.151**.

2 (4) For purposes of subsection (3) of this section, “adult correctional facility” means:

3 (a) A local correctional facility as defined in ORS 169.005;

4 (b) A regional correctional facility as defined in ORS 169.620; or

5 (c) A Department of Corrections institution as defined in ORS 421.005.

6 (5) An otherwise eligible person under subsection (2) of this section whose 21st birthday occurs
7 during the school year shall continue to be eligible for a free appropriate public education for the
8 remainder of the school year.

9 (6) The person may apply to the board of directors of the school district of residence for ad-
10 mission after the 19th birthday as provided in subsection (1) of this section. A person aggrieved by
11 a decision of the local board may appeal to the State Board of Education. The decision of the state
12 board is final and not subject to appeal.

13 (7) Notwithstanding ORS 339.133 (1), a school district shall not exclude from admission a child
14 located in the district solely because the child does not have a fixed place of residence or solely
15 because the child is not under the supervision of a parent, guardian or person in a parental re-
16 lationship.

17 (8) Notwithstanding subsection (1) of this section, a school district:

18 (a) May for the remaining period of an expulsion deny admission to the regular school to a
19 resident student who is expelled from another school district; and

20 (b) Shall for at least one calendar year from the date of the expulsion and if the expulsion is for
21 more than one calendar year, may for the remaining period of time deny admission to the regular
22 school program to a student who is under expulsion from another school district for an offense that
23 constitutes a violation of a school district policy adopted pursuant to ORS 339.250 (6).

24 (9) A child entering the first grade during the fall term shall be considered to be six years of
25 age if the sixth birthday of the child occurs on or before September 1. A child entering kindergarten
26 during the fall term shall be considered to be five years of age if the fifth birthday of the child oc-
27 curs on or before September 1. However, nothing in this section prevents a district school board
28 from admitting free of charge a child whose needs for cognitive, social and physical development
29 would best be met in the school program, as defined by policies of the district school board, to enter
30 school even though the child has not attained the minimum age requirement but is a resident of the
31 district.

32 **SECTION 30.** ORS 339.254 is amended to read:

33 339.254. (1) A school district board may establish a policy regarding when a school superinten-
34 dent or the board may file with the Department of Transportation a written request to suspend the
35 driving privileges of a student or the right to apply for driving privileges. Such policy shall include:

36 (a) A [*requirement that a*] **provision authorizing the** superintendent or the school district board
37 [*may*] **to** file with the Department of Transportation a written request to suspend the driving privi-
38 leges of a student or the right to apply for driving privileges only if the student is at least 15 years
39 of age and:

40 (A) The student has been expelled for bringing a weapon to school;

41 (B) The student has been suspended or expelled at least twice for assaulting or menacing a
42 school employee or another student, for willful damage or injury to school property or for use of
43 threats, intimidation, harassment or coercion against a school employee or another student; or

44 (C) The student has been suspended or expelled at least twice for possessing, using or delivering
45 any controlled substance or for being under the influence of any controlled substance at a school

1 or on school property or at a school sponsored activity, function or event.

2 (b) A *[requirement that]* **provision requiring** the school superintendent **to** meet with the parent
3 or guardian of the student before submitting a written request to the Department of Transportation.

4 (c) A *[requirement that]* **provision authorizing** the school superintendent or board *[may]* **to** re-
5 quest that the driving privileges of the student or the right to apply for driving privileges be sus-
6 pended for no more than one year.

7 (d) Notwithstanding paragraph (c) of this subsection, a *[requirement]* **provision stating** that, if
8 a school superintendent or the school district board files a second written request with the De-
9 partment of Transportation to suspend the driving privileges of a student *[or the right to apply for*
10 *driving privileges]*, **the request is that** those privileges *[shall]* be suspended until the student is 21
11 years of age.

12 (e) A provision that a student may appeal the decision of a school superintendent regarding
13 driving privileges of a student under the due process procedures of the school district for suspen-
14 sions and expulsions.

15 (2) If the driving privileges of a student are suspended, the student may apply to the Department
16 of Transportation for a hardship driver permit under ORS 807.240.

17 **SECTION 31.** ORS 339.327 is amended to read:

18 339.327. (1) A superintendent of a school district **or a superintendent's designee** who has
19 reasonable cause to believe that a person, while in a school, is or has been *[in possession of a*
20 *weapon while also being]* in possession of a list that threatens harm to other persons, shall notify:

21 (a) The parent or guardian of any student whose name appears on the list as a target of the
22 harm; and

23 (b) Any teacher or school employee whose name appears on the list as a target of the harm.

24 **(2) A superintendent or superintendent's designee who has reasonable cause to believe**
25 **that a student, while in a school, has made threats of violence or harm to another student**
26 **shall notify the parent or guardian of the threatened student.**

27 *[(2)]* **(3)** The superintendent **or superintendent's designee** shall attempt to notify the persons
28 specified in *[subsection (1)]* **subsections (1) and (2)** of this section by telephone or in person
29 promptly but not later than 12 hours after discovering the list or learning of the threat. The su-
30 perintendent **or superintendent's designee** shall follow up the notice with a written notification
31 sent within 24 hours after discovering the list or learning of the threat.

32 *[(3)]* **(4)** *[Anyone]* **Any school district or person** participating in good faith in making the no-
33 tification required by this section is immune from any liability, civil or criminal, that might other-
34 wise be incurred or imposed with respect to the making or content of the notification.

35 *[(4)]* **(5)** As used in this section, "school" has the meaning given that term in ORS 339.315.

36 **SECTION 32.** ORS 339.353 is amended to read:

37 339.353. (1) The Legislative Assembly finds that:

38 *[(1)]* **(a)** A safe and civil environment is necessary for students to learn and achieve high aca-
39 demic standards.

40 *[(2)]* **(b)** Harassment, intimidation or bullying, like other disruptive or violent behavior, is con-
41 duct that disrupts a student's ability to learn and a school's ability to educate its students in a safe
42 environment.

43 *[(3)]* **(c)** Students learn by example.

44 **(2)** The legislature commends school administrators, faculty, staff and volunteers for demon-
45 strating appropriate behavior, treating others with civility and respect and refusing to tolerate

1 harassment, intimidation or bullying.

2 **SECTION 33.** ORS 339.520 is amended to read:

3 339.520. The minimum information to be reported on students who withdraw from school **prior**
 4 **to becoming graduates** and **who** do not transfer to another educational system [*prior to becoming*
 5 *graduates shall be*] **is**:

6 (1) Age, sex and racial-ethnic designation of the student;

7 (2) Date of withdrawal;

8 (3) Reason for withdrawal, including but not limited to expulsion, work or death;

9 (4) Number of credits earned toward meeting graduation requirements, if applicable, or grade
 10 level, of the reporting district;

11 (5) Length of time the student was enrolled in the reporting district;

12 (6) Information relating to the disposition of the student after withdrawing, including but not
 13 limited to General Educational Development (GED) participation, alternative certificate of partic-
 14 ipation, transfer to mental health or youth correction facility or participation in a substance abuse
 15 program or other dispositions listed in ORS 339.505 (1)(b) and (c); and

16 (7) Information on why the student withdrew as such information relates to academics, conduct
 17 standards, interpersonal relationships, relation with school personnel, personal characteristics such
 18 as illness, lack of motivation, home and family characteristics, alternative education participation
 19 and employment information.

20 **SECTION 34.** ORS 342.120 is amended to read:

21 342.120. As used in this chapter, unless the context requires otherwise:

22 (1) “Administrator” includes all superintendents, assistant superintendents and principals in the
 23 public schools or education service districts.

24 (2) “Approved teacher education institution” is [*one which*] **an institution that** meets the
 25 standards of the Teacher Standards and Practices Commission for preparation of teachers for pre-
 26 primary programs and grades 1 through 12.

27 (3) “Approved teacher education program” is [*one*] **a program that is** offered by an approved
 28 teacher education institution and is so recognized by the Teacher Standards and Practices Com-
 29 mission, after considering recommendations of the State Board of Education.

30 (4) “Commission” means the Teacher Standards and Practices Commission.

31 (5) “Educational assistant” means a classified school employee who does not require a license
 32 to teach, who is employed by a school district or education service district and whose assignment
 33 consists of and is limited to assisting a licensed teacher in accordance with rules established by the
 34 State Board of Education.

35 (6) “Instruction” includes direction of learning in class, in small groups, in individual situations,
 36 in the library and in guidance and counseling, but does not include the provision of related services,
 37 as defined in ORS 343.035, to a child identified as a child with disabilities pursuant to ORS 343.146
 38 to 343.183 when provided in accordance with ORS 343.221.

39 [(7) “*Intern teacher*” means a regularly enrolled student of an approved teacher education institu-
 40 tion who teaches under the supervision of the staff of the institution and of the employing school district
 41 in order to acquire practical experience in teaching and for which the student receives both academic
 42 credit from the institution and financial compensation from the school district or education service
 43 district.]

44 [(8)] (7) “State board” means the State Board of Education.

45 [(9)] (8) “Teacher” includes all licensed employees in the public schools or employed by an ed-

1 ucation service district who have direct responsibility for instruction, coordination of educational
 2 programs or supervision or evaluation of teachers and who are compensated for their services from
 3 public funds. "Teacher" does not include a school nurse as defined in ORS 342.455.

4 [(10)] (9) "Teaching license" means a license issued under ORS 342.125 or 342.144.

5 **SECTION 35.** Section 154, chapter 45, Oregon Laws 1993, is amended to read:

6 **Sec. 154.** Notwithstanding ORS 342.125 (2) and 342.135, a teacher shall be granted a subject
 7 matter [*indorsement*] **endorsement** if the teacher held a basic license and a subject matter [*in-*
 8 *dorsement*] **endorsement** on or before January 1, 1981.

9 **SECTION 36.** ORS 342.135 is amended to read:

10 342.135. (1) A teaching license provided for in this section shall qualify its holder to accept any
 11 instructional assignment from preprimary through grade 12 for which the holder has completed the
 12 professional requirements established by the rules of the Teacher Standards and Practices Commis-
 13 sion.

14 (2)(a) A basic teaching license shall be issued on application to an otherwise qualified person
 15 who has completed an approved teacher education program and meets [*such*] **the** other requirements
 16 [*as*] **that** the Teacher Standards and Practices Commission may consider necessary to maintain and
 17 improve quality of instruction in the public schools of the state.

18 [(a)] (b) Holders of the basic teaching license who meet the requirements of the Teacher Stan-
 19 dards and Practices Commission to teach in the regular classroom program of the public schools[,]
 20 **in** kindergarten through grade nine[,] may renew the basic license to qualify them to continue in
 21 such teaching by verification of successful teaching experience and of continuing professional de-
 22 velopment in keeping with Teacher Standards and Practices Commission rules.

23 [(b)] (c) A holder of the basic teaching license with an [*indorsement*] **endorsement** in art, edu-
 24 cational media, foreign language, health, home economics, industrial arts, music, physical education
 25 and reading may renew the initial basic license by verification of successful teaching experience and
 26 of continuing professional development in keeping with Teacher Standards and Practices Commis-
 27 sion rules. This [*subsection*] **paragraph** applies to licenses for preprimary programs and grades 1
 28 through 8 and shall include grade 9 if the teacher is teaching in a middle school or a junior high.

29 [(c)] (d) Secondary teachers may teach in the public schools, grades 5 through 12, in those sub-
 30 ject fields in which they have met the requirements of the Teacher Standards and Practices Com-
 31 mission.

32 [(d)] (e) [*The*] **A** holder of [*the*] **a** standard teaching license who meets the requirements of the
 33 Teacher Standards and Practices Commission to teach in the regular classroom program of the
 34 public schools in kindergarten through grade 12 is eligible to renew the standard license to qualify
 35 to continue in such teaching by verification of successful teaching experience and of continuing
 36 professional development consistent with rules of the Teacher Standards and Practices Commission.

37 (3)(a) A standard teaching license shall be issued on application to an otherwise qualified person
 38 who has completed an approved teacher education program, has taught on a basic teaching license
 39 for a minimum period of time to be determined by the Teacher Standards and Practices Commission,
 40 and is recommended for licensing by the approved teacher education institution or the school dis-
 41 trict, whichever offered the program.

42 (b) Preparation shall be a planned education program consisting of courses taken in an approved
 43 teacher education institution or in an in-service training program offered by a school district for
 44 which credit is given by an approved teacher education institution or some combination of both, in
 45 accordance with rules of the Teacher Standards and Practices Commission.

1 (4) Notwithstanding subsection (2) of this section, the Teacher Standards and Practices Com-
 2 mission shall by rule adopt dates by which continuing professional development is required for re-
 3 newal of a basic or standard teaching license.

4 **SECTION 37.** ORS 342.165 is amended to read:

5 342.165. (1) Pursuant to ORS chapter 183, the Teacher Standards and Practices Commission shall
 6 adopt rules necessary for the issuance, denial, continuation, renewal, lapse, revocation, suspension
 7 or reinstatement of licenses or registrations issued under ORS 342.120 to 342.430. The commission
 8 shall also adopt rules establishing means in addition to those prescribed by law whereby teachers
 9 are able to add additional [*indorsements*] **endorsements** to their teaching licenses.

10 (2) In establishing rules the commission shall consider:

- 11 (a) Its responsibilities to represent the public interest in the development of educational policies;
- 12 (b) The capabilities of Oregon teacher education institutions to prepare teachers;
- 13 (c) The norms required for the teaching assignments;
- 14 (d) The improvement of teaching;
- 15 (e) The adequacy of the teacher supply;
- 16 (f) The value of experience or nonacademic learning;
- 17 (g) The responsibilities imposed upon school districts by geographic and demographic conditions;
- 18 (h) The recommendations of the State Board of Education and Superintendent of Public In-

19 struction; and

20 (i) [*Such*] Other matters [*as*] **that** tend to improve education.

21 **SECTION 38.** ORS 342.360 is amended to read:

22 342.360. (1) The membership of the Teacher Standards and Practices Commission shall consist
 23 of:

- 24 (a) Four elementary teachers;
- 25 (b) Four junior or senior high school teachers;
- 26 (c) One elementary school administrator;
- 27 (d) One junior or senior high school administrator;
- 28 (e) One superintendent of city schools;
- 29 (f) One county superintendent or a superintendent employed by an education service district
- 30 board;
- 31 (g) One member from the faculty of an approved private teacher education institution in Oregon;
- 32 (h) One member from the faculty of a state institution of higher education;
- 33 (i) One member who is also a member of a district school board; and
- 34 (j) Two members of the general public.

35 (2) Except for those members appointed under subsection (1)(i) and (j) of this section, members
 36 must have been actively engaged in teaching, supervising or administering in the public schools or
 37 in approved teacher education institutions in Oregon for the period of five years immediately pre-
 38 ceding appointment. Acting as an elected representative of teachers, supervisors or administrators
 39 shall be considered teaching, supervising or administering for the purposes of the five-year experi-
 40 ence requirement. In addition, members appointed under subsection (1)(a) to (f) of this section must
 41 hold valid Oregon teaching or administrative licenses other than restricted teaching or administra-
 42 tive licenses.

43 (3)(a) Throughout the term for which appointed, one of the members appointed under subsection
 44 (1)(a) to (j) of this section must hold a teaching license with an [*indorsement*] **endorsement** in some
 45 aspect of special education or have demonstrated knowledge or experience in special education.

1 (b) As used in this subsection, "special education" means specially designed education to meet
2 the goals of the individual education program of a child with disabilities including regular classroom
3 instruction, instruction in physical education, home instruction, related services and instruction in
4 hospitals, institutions and special schools.

5 **SECTION 39. ORS 334.270 is repealed.**

6 **SECTION 40. ORS 339.325 is repealed.**

7 **SECTION 41. ORS 343.149 is repealed.**

8 **SECTION 42. The amendments to statutes and the repeal of statutes by sections 1 to 41
9 of this 2005 Act first apply to the 2005-2006 school year.**

10 **SECTION 43. This 2005 Act being necessary for the immediate preservation of the public
11 peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect
12 July 1, 2005.**

13
