

A-Engrossed
House Bill 3162

Ordered by the House May 11
Including House Amendments dated May 11

Sponsored by COMMITTEE ON EDUCATION

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.

Abolishes Certificate of Initial Mastery and Certificate of Advanced Mastery.

Directs Department of Education to contract with independent educational assessment organization to develop and implement statewide assessment system. **Directs department to report on contract progress to legislative committees on education before July 1, 2006.** Prescribes requirements for statewide assessment system.

Declares emergency, effective July 1, 2005.

A BILL FOR AN ACT

1
2 Relating to Oregon Educational Act for the 21st Century; creating new provisions; amending ORS
3 327.506, 329.035, 329.045, 329.075, 329.105, 329.447, 329.485, 329.830, 329.860, 336.637, 338.115,
4 341.009, 348.183 and 348.186; repealing ORS 329.445, 329.465, 329.467, 329.475, 329.855 and 329.885
5 and section 27, chapter 660, Oregon Laws 1995; and declaring an emergency.

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

7 **SECTION 1.** ORS 327.506 is amended to read:

8 327.506. (1) The quality goals for the state's system of kindergarten through grade 12 public
9 education include those established under ORS 329.007, 329.015, 329.025, 329.035, 329.045[,] **and**
10 329.065[, *329.465 and 329.475*].

11 (2) Each biennium the Quality Education Commission shall determine the amount of moneys
12 sufficient to ensure that the state's system of kindergarten through grade 12 public education meets
13 the quality goals.

14 (3) In determining the amount of moneys sufficient to meet the quality goals, the commission
15 shall identify best practices that lead to high student performance and the costs of implementing
16 those best practices in the state's kindergarten through grade 12 public schools. Those best prac-
17 tices shall be based on research, data, professional judgment and public values.

18 (4) Prior to August 1 of each even-numbered year, the commission shall issue a report to the
19 Governor and the Legislative Assembly that identifies:

20 (a) Current practices in the state's system of kindergarten through grade 12 public education,
21 the costs of continuing those practices and the expected student performance under those practices;
22 and

23 (b) The best practices for meeting the quality goals, the costs of implementing the best practices
24 and the expected student performance under the best practices.

25 (5) In addition, the commission shall provide in the report issued under subsection (4) of this
26 section at least two alternatives for meeting the quality goals. The alternatives may use different

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 approaches for meeting the quality goals or use a phased implementation of best practices for
2 meeting the quality goals.

3 **SECTION 2.** ORS 329.035 is amended to read:

4 329.035. The Legislative Assembly declares that:

5 (1) The State of Oregon believes that all students can learn and should be held to rigorous ac-
6 ademic content standards and expected to succeed.

7 (2) Access to a quality education must be provided for all of Oregon's youth regardless of lin-
8 guistic background, culture, race, gender, capability or geographic location.

9 (3) A restructured educational system is necessary to achieve the state's goals of the best edu-
10 cated citizens in the nation and the world.

11 (4) The specific objectives of this chapter and ORS 329.905 to 329.975 are:

12 (a) To achieve the highest standards of academic content and performance;

13 [(b) *In addition to a diploma, to establish the Certificates of Initial Mastery and Advanced Mastery*
14 *as evidence of new high academic standards of performance for all students;]*

15 [(c) (b) To establish alternative learning environments and services for students who experience
16 difficulties in achieving state or local academic standards;

17 [(d) (c) To establish early childhood programs and academic professional technical programs
18 as part of a comprehensive educational system; and

19 [(e) (d) To establish partnerships among business, labor and the educational community in the
20 development of standards for academic professional technical endorsements and provide work-related
21 learning experiences necessary to achieve those standards.

22 **SECTION 3.** ORS 329.045 is amended to read:

23 329.045. (1) In order to achieve the goals contained in ORS 329.025 and 329.035, the State Board
24 of Education shall regularly and periodically review and revise its Common Curriculum Goals. This
25 includes Essential Learning Skills and rigorous academic content standards in mathematics, science,
26 English, history, geography, economics, civics, physical education, health, the arts and second lan-
27 guages. School districts and public charter schools shall maintain control over course content, for-
28 mat, materials and teaching methods. [*The rigorous academic content standards shall reflect the*
29 *knowledge and skills necessary for achieving the Certificate of Initial Mastery, the Certificate of Initial*
30 *Mastery subject area endorsements, the Certificate of Advanced Mastery and diplomas pursuant to*
31 *ORS 329.025 and as described in ORS 329.447.] The regular review shall involve teachers and other
32 educators, parents of students and other citizens and shall provide ample opportunity for public
33 comment.*

34 (2) The State Board of Education shall continually review all adopted academic content stan-
35 dards and shall raise the standards for mathematics, science, English, history, geography, economics,
36 civics, physical education, health, the arts and second languages to the highest levels possible.

37 (3) School districts and public charter schools shall offer students instruction in mathematics,
38 science, English, history, geography, economics, civics, physical education, health, the arts and sec-
39 ond languages that meets the academic content standards adopted by the State Board of Education
40 and meets the requirements adopted by the State Board of Education and the board of the school
41 district or public charter school.

42 **SECTION 4.** ORS 329.075 is amended to read:

43 329.075. (1) The State Board of Education shall adopt rules, in accordance with ORS 183.750 and
44 ORS chapter 183, as necessary for the statewide implementation of this chapter. The rules shall be
45 prepared in consultation with appropriate representatives from the educational and business and

1 labor communities.

2 (2) The Department of Education shall be responsible for coordinating research, planning and
3 public discussion so that activities necessary to the implementation of this chapter can be achieved.
4 Actions by the department to fulfill this responsibility and to increase student achievement may in-
5 clude, but are not limited to:

6 (a) Updating Common Curriculum Goals to meet rigorous academic content standards;

7 [(b) *Developing criterion-referenced assessments including performance-based, content-based and*
8 *other assessment mechanisms to test knowledge and skills;*]

9 [(c) *Establishing criteria for Certificates of Initial Mastery and Advanced Mastery;*]

10 [(d)] (b) Establishing criteria for early childhood improvement programs;

11 [(e)] (c) Amending the application process for school improvement grants;

12 [(f)] (d) Researching and developing public school choice plans; **and**

13 [(g) *Working with the Education and Workforce Policy Advisor and the Department of Community*
14 *Colleges and Workforce Development to develop no fewer than six broad career endorsement areas of*
15 *study; and*]

16 [(h)] (e) Establishing criteria for learning options that may include alternative learning centers.

17 (3) The State Board of Education shall create, by rule, a process for school districts to initiate
18 and propose pilot programs. The rules shall include a process for waivers of rules and regulations
19 and a process for approval of the proposed pilot programs.

20 (4) The Department of Education shall make school districts and the public aware of public
21 school choice options available within our current public education framework.

22 (5) The Department of Education shall:

23 (a) Evaluate pilot programs developed pursuant to ORS 329.690 using external evaluators to
24 provide data that specify the educational effectiveness, implementation requirements and costs of the
25 programs and to describe what training, funding and related factors are required to replicate pilot
26 programs that are shown to be effective;

27 (b) Present to the State Board of Education and the appropriate legislative committee an annual
28 evaluation of all pilot programs; and

29 (c) Include funding for the implementation and evaluation of pilot programs in the Department
30 of Education budget.

31 [(6) *As used in this section:*]

32 [(a) *“Criterion-referenced assessment” means testing of the knowledge or ability of a student with*
33 *respect to some standard.*]

34 [(b) *“Content-based assessment” means testing of the understanding of a student of a predetermined*
35 *body of knowledge.*]

36 [(c) *“Performance-based assessment” means testing of the ability of a student to use knowledge and*
37 *skills to create a complex or multifaceted product or complete a complex task.*]

38 **SECTION 5.** ORS 329.105 is amended to read:

39 329.105. (1) The Superintendent of Public Instruction shall collect data and produce annual
40 school district and school performance reports containing information on student performance, stu-
41 dent behavior and school characteristics. The purpose of the performance reports is to provide in-
42 formation to parents and to improve schools through greater parental involvement.

43 (2)(a) In consultation with representatives of parents, teachers, school district boards and school
44 administrators, the State Board of Education shall adopt, by rule, criteria for grading schools. Such
45 criteria shall take into account student performance, improvement in student performance and the

1 participation rate of students on the statewide assessments. The Superintendent of Public Instruc-
 2 tion, based on the criteria adopted by the State Board of Education, shall assign a grade to each
 3 school for student performance, student behavior and school characteristics and also shall assign
 4 an overall grade to the school. The grades shall include classifications for exceptional performance,
 5 strong performance, satisfactory performance, low performance and unacceptable performance.

6 (b) The grades received by a school shall be included in the school district and school perform-
 7 ance reports.

8 (c) If a school is within the low performance or unacceptable performance classification in any
 9 category, the school shall file a school improvement plan with the Superintendent of Public In-
 10 struction and with the school district board and the 21st Century Schools Council for the school.

11 (3) The Superintendent of Public Instruction shall include in the school performance reports data
 12 for the following areas, for each school, that are available to the Department of Education from the
 13 most recent school year:

- 14 (a) Enrollment in English as a second language courses under ORS 336.079;
- 15 (b) Attendance rates;
- 16 (c) School safety, such as expulsions involving weapons in the school;
- 17 *[(d) Students who met or exceeded standards leading to the Certificate of Initial Mastery;]*
- 18 *[(e)]* (d) Dropout rates and the number of students who dropped out of school;
- 19 *[(f)]* (e) Parent and community involvement such as volunteer hours;
- 20 *[(g)]* (f) Classes taught by a teacher outside the teacher's area of certification; and
- 21 *[(h)]* (g) School staff, identified by category.

22 (4) The Superintendent of Public Instruction shall include in the school district performance
 23 reports data for the following areas, for each school district, that are available to the Department
 24 of Education from the most recent school year:

- 25 (a) Resident students who attend a public school in another school district;
- 26 (b) Facilities used for distance learning;
- 27 (c) Election results of any bond levy proposed to the electors of the district;
- 28 (d) Expenditures;
- 29 (e) Level of support from the education service district;
- 30 (f) Administrators not assigned to a specific school;
- 31 (g) School district staff, identified by category; and
- 32 (h) Students who are eligible for special education.

33 (5) The Superintendent of Public Instruction shall notify the public and the media by January
 34 30 of each year that school district and school performance reports are available at schools and
 35 school districts and at the Department of Education website and offices. The superintendent shall
 36 also include notice that copies of school and district improvement plans can be obtained from school
 37 and school district offices. Each school district shall send a copy of the school district and applica-
 38 ble school performance reports to each parent of a child enrolled in a public school in the school
 39 district.

40 **SECTION 6. The amendments to ORS 329.105 by section 5 of this 2005 Act apply to school**
 41 **performance reports issued on or after July 1, 2007.**

42 **SECTION 7.** ORS 329.105, as amended by section 5 of this 2005 Act, is amended to read:

43 329.105. (1) The Superintendent of Public Instruction shall collect data and produce annual
 44 school district and school performance reports containing information on student performance, stu-
 45 dent behavior and school characteristics. The purpose of the performance reports is to provide in-

1 formation to parents and to improve schools through greater parental involvement.

2 (2)(a) In consultation with representatives of parents, teachers, school district boards and school
3 administrators, the State Board of Education shall adopt, by rule, criteria for grading schools. Such
4 criteria shall take into account student performance, improvement in student performance and the
5 participation rate of students on the statewide assessments. The Superintendent of Public Instruc-
6 tion, based on the criteria adopted by the State Board of Education, shall assign a grade to each
7 school for student performance, student behavior and school characteristics and also shall assign
8 an overall grade to the school. The grades shall include classifications for exceptional performance,
9 strong performance, satisfactory performance, low performance and unacceptable performance.

10 (b) The grades received by a school shall be included in the school district and school perform-
11 ance reports.

12 (c) If a school is within the low performance or unacceptable performance classification in any
13 category, the school shall file a school improvement plan with the Superintendent of Public In-
14 struction and with the school district board and the 21st Century Schools Council for the school.

15 (3) The Superintendent of Public Instruction shall include in the school performance reports data
16 for the following areas, for each school, that are available to the Department of Education from the
17 most recent school year:

18 (a) Enrollment in English as a second language courses under ORS 336.079;

19 (b) Attendance rates;

20 (c) **Student scores on statewide assessments developed and implemented under ORS**
21 **329.485;**

22 [(c)] (d) School safety, such as expulsions involving weapons in the school;

23 [(d)] (e) Dropout rates and the number of students who dropped out of school;

24 [(e)] (f) Parent and community involvement such as volunteer hours;

25 [(f)] (g) Classes taught by a teacher outside the teacher's area of certification; and

26 [(g)] (h) School staff, identified by category.

27 (4) The Superintendent of Public Instruction shall include in the school district performance
28 reports data for the following areas, for each school district, that are available to the Department
29 of Education from the most recent school year:

30 (a) Resident students who attend a public school in another school district;

31 (b) Facilities used for distance learning;

32 (c) Election results of any bond levy proposed to the electors of the district;

33 (d) Expenditures;

34 (e) Level of support from the education service district;

35 (f) Administrators not assigned to a specific school;

36 (g) School district staff, identified by category; and

37 (h) Students who are eligible for special education.

38 (5) The Superintendent of Public Instruction shall notify the public and the media by January
39 30 of each year that school district and school performance reports are available at schools and
40 school districts and at the Department of Education website and offices. The superintendent shall
41 also include notice that copies of school and district improvement plans can be obtained from school
42 and school district offices. Each school district shall send a copy of the school district and applica-
43 ble school performance reports to each parent of a child enrolled in a public school in the school
44 district.

45 **SECTION 8. The amendments to ORS 329.105 by section 7 of this 2005 Act become oper-**

1 **ative on July 1, 2008.**

2 **SECTION 9. The amendments to ORS 329.105 by section 7 of this 2005 Act apply to school**
3 **performance reports issued on or after July 1, 2008.**

4 **SECTION 10.** ORS 329.447 is amended to read:

5 329.447. [(1)] School districts shall [*continue to*] issue diplomas to students as evidence that stu-
6 dents have completed their public school education. At or before grade 12, a diploma shall be con-
7 ferred upon all students completing the requirements established by the State Board of Education
8 and the school districts. [*In addition to the diploma, school districts shall make the following avail-*
9 *able:*]

10 [(a) *A certificate, to be conferred upon students who with additional services and accommodations*
11 *do not meet the standards for the Certificate of Initial Mastery.*]

12 [(b) *Certificate of Initial Mastery, to be conferred upon all students meeting state and local stan-*
13 *dards and requirements for the Certificate of Initial Mastery in particular subjects pursuant to ORS*
14 *329.465.*]

15 [(c) *Certificate of Advanced Mastery, to be conferred upon all students meeting state and local*
16 *standards and requirements for the Certificate of Advanced Mastery in one of the areas pursuant to*
17 *ORS 329.475.*]

18 [(d) *Career endorsements, which are focus areas that identify a high quality career related course*
19 *of study which informs students about future choices and simultaneously prepares them for further*
20 *education, lifelong learning and employment.*]

21 [(2) *In addition to the diploma, certificates and career endorsements required by subsection (1) of*
22 *this section, school districts may offer Certificate of Initial Mastery subject area endorsements, to be*
23 *conferred upon all students meeting state and local standards and requirements for a subject area*
24 *endorsement pursuant to ORS 329.465.*]

25 **SECTION 11.** ORS 329.485 is amended to read:

26 329.485. [(1)(a)] (1) The Department of Education shall **contract with an independent educa-**
27 **tional assessment organization to develop and** implement statewide a valid and reliable assess-
28 ment system for all students that **is objectively scored and standards-based and that** meets
29 technical adequacy standards. [*The assessment system shall include criterion-referenced assessments*
30 *including performance-based assessments, content-based assessments, as those terms are defined in ORS*
31 *329.075, and other valid methods to measure the academic content standards and to identify students*
32 *who meet or exceed the standards for each mastery level leading to the Certificate of Initial Mastery,*
33 *Certificate of Initial Mastery subject area endorsements and the Certificate of Advanced Mastery.*]

34 [(b) *The Department of Education shall develop the statewide assessment system in mathematics,*
35 *science, English, history, geography, economics and civics.*]

36 [(2) *School districts and public charter schools shall implement the statewide assessment system in*
37 *mathematics, science and English. In addition, school districts and public charter schools may imple-*
38 *ment the statewide assessment system in history, geography, economics and civics.*]

39 [(3) *An assessment shall be administered to students on or after March 1 of a school year if the*
40 *assessment is:*]

41 [(a)(A) *A mathematics assessment that tests problem solving skills; or]*

42 [(B) *An English assessment that tests writing skills; and]*

43 [(b) *Administered as part of the statewide assessment.*]

44 [(4) *The State Board of Education shall establish by rule a process for granting a waiver to a*
45 *school district of the testing dates established by the Department of Education for the statewide as-*

1 *essment. The rules adopted by the board shall include the criteria for a waiver.]*

2 **(2) The statewide assessment system developed and implemented under subsection (1) of**
3 **this section shall:**

4 **(a) Meet the requirements of the federal No Child Left Behind Act of 2001 (P.L. 107-110,**
5 **115 Stat. 1425);**

6 **(b) Only provide testing in reading, writing, mathematics and science at the grade levels**
7 **required by the federal No Child Left Behind Act of 2001; and**

8 **(c) Meet the standards for educational and psychological testing developed jointly by the**
9 **American Educational Research Association, the American Psychological Association and**
10 **the National Council on Measurement in Education that exist on July 1, 2007.**

11 [(5)] **(3)** Each year the resident district shall be accountable for determining the student's
12 progress toward achieving the academic content standards. Progress toward the academic content
13 standards shall be measured in a manner that clearly enables the student and parents to know
14 whether the student is making progress toward meeting or exceeding the academic content stan-
15 dards. In addition, the district shall adopt a grading system based on the local school district board
16 adopted course content of the district's curriculum. The grading system shall clearly enable the
17 student and parents to know how well the student is achieving course requirements.

18 [(6)] **(4)** If a student has not met or has exceeded all of the academic content standards, the
19 school district shall make additional services or alternative educational or public school options
20 available to the student.

21 [(7)] **(5)** If the student to whom additional services or alternative educational options have been
22 made available does not meet or exceed the academic content standards within one year, the school
23 district, with the consent of the parents, shall make an appropriate placement, which may include
24 an alternative education program or the transfer of the student to another public school in the dis-
25 trict or to a public school in another district that agrees to accept the student. The district that
26 receives the student shall be entitled to payment. The payment shall consist of:

27 **(a)** An amount equal to the district expenses from its local revenues for each student in average
28 daily membership, payable by the resident district in the same year; and

29 **(b)** Any state and federal funds the attending district is entitled to receive payable as provided
30 in ORS 339.133 (2).

31 **SECTION 12. The statewide assessment system developed and implemented under ORS**
32 **329.485, as amended by section 11 of this 2005 Act, shall first be administered in the 2007-2008**
33 **school year.**

34 **SECTION 13.** ORS 329.830 is amended to read:

35 329.830. (1) The State Board of Education shall establish a system of determining successful
36 schools and dispensing appropriate incentive rewards to those schools. The system shall be based
37 on a school being the measurement unit to determine success. School success shall be determined
38 by measuring a school's improvement over a specific assessment period. The successful schools
39 program shall be voluntary.

40 (2) A school may submit an application to the Department of Education for the successful
41 schools program. The application shall include a short statement from the school requesting con-
42 sideration for the successful schools program. The application shall also include a copy of the school
43 improvement plan implemented pursuant to ORS 329.095.

44 (3) A school may not amend its application after the application is submitted without approval
45 by the state board. A school that has submitted an application may not submit a new application

1 until the assessment period has ended, unless the school withdraws the previous application.

2 (4) The department shall distribute incentive rewards to schools that are determined to be suc-
3 cessful schools. The board shall establish criteria for determining successful schools. The criteria
4 shall include, but not be limited to:

5 (a) The results from the statewide *[assessment system developed pursuant to]* **assessments de-**
6 **veloped and implemented under** ORS 329.485;

7 (b) The achievement of measurable academic goals from school improvement plans; and

8 (c) Other criteria relating to improvement in student learning.

9 (5) The department shall base the amount of the reward to each successful school on the number
10 of teachers employed by the school. The minimum reward for each full-time teacher shall be \$1,000.
11 Part-time teachers shall receive a percentage of the reward based on the amount of time the part-
12 time teacher worked. Teachers hired during the assessment period shall receive a percentage of the
13 reward based on the length of time the teacher worked at the school during the assessment period.

14 (6) Each teacher shall individually decide how to use the reward. A reward shall be used by a
15 teacher for classroom enhancements or professional development. As used in this subsection,
16 “classroom enhancements” means items and activities that will improve student learning, including,
17 but not limited to, books, instructional materials, multimedia equipment and software, supplies and
18 field trips.

19 (7) The State Board of Education shall adopt any rules necessary to implement the successful
20 schools program.

21 **SECTION 14.** ORS 329.860 is amended to read:

22 329.860. (1) The Department of Education in consultation with the Department of Community
23 Colleges and Workforce Development and the Education and Workforce Policy Advisor shall develop
24 models for school districts of alternative learning options that may include Learning Centers de-
25 signed to assist students who have left school. *[in meeting the academic content standards required*
26 *for the Certificate of Initial Mastery through]* **The alternative learning options may include** the
27 use of teaching strategies, technology and curricula that emphasize the latest research and best
28 practice.

29 *[(2) The Learning Centers may also provide for the integration of existing local and community*
30 *programs that provide any part of the services needed to assist individuals in meeting the academic*
31 *content standards for the Certificate of Initial Mastery.]*

32 *[(3)]* **(2) The Learning** Centers may promote means of identifying, coordinating and integrating
33 existing resources and may include:

34 (a) Child care services during school hours;

35 (b) After-school child care;

36 (c) Parental training;

37 (d) Parent and child education;

38 (e) English as a second language or bilingual services for limited proficiency students;

39 (f) Health services or referral to health services;

40 (g) Housing assistance;

41 (h) Employment counseling, training and placement;

42 (i) Summer and part-time job development;

43 (j) Drug and alcohol abuse counseling; and

44 (k) Family crisis and mental health counseling.

45 *[(4)]* **(3)** Education service districts, school districts or schools, or any combination thereof, may

1 contact any eligible elementary or secondary school student and the student's family if the student
 2 has ceased to attend school to encourage the student's enrollment in an education program that may
 3 include alternative learning options. If the student or the family cannot be located, the name and
 4 last-known address shall be reported to the school nearest the address. The school shall attempt to
 5 determine if that student or family is being provided services by this state and shall seek to assist
 6 the student or family in any appropriate manner.

7 **SECTION 15.** ORS 336.637 is amended to read:

8 336.637. (1) A private alternative education program shall ensure that students receive instruc-
 9 tion in the educational standards adopted by the State Board of Education for the grade level the
 10 program serves.

11 (2) Students enrolled in a private alternative education program shall take the statewide as-
 12 sessment developed [*by the Department of Education*] **and implemented** under ORS 329.485. A pri-
 13 vate alternative education program shall be accountable for determining the progress of its students
 14 toward achieving academic content standards as defined in ORS 329.007. The private alternative
 15 education program shall report, at least annually, each student's academic progress, including the
 16 results of the [*state*] **statewide** assessment, to students, parents and the school district.

17 **SECTION 16.** ORS 338.115 is amended to read:

18 338.115. (1) Statutes and rules that apply to school district boards, school districts or other
 19 public schools [*shall*] **do** not apply to public charter schools. However, the following laws shall apply
 20 to public charter schools:

- 21 (a) Federal law;
- 22 (b) ORS 192.410 to 192.505 (public records law);
- 23 (c) ORS 192.610 to 192.690 (public meetings law);
- 24 (d) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);
- 25 (e) ORS 181.539, 326.603, 326.607 and 342.232 (criminal records checks);
- 26 (f) ORS 337.150 (textbooks);
- 27 (g) ORS 339.141, 339.147 and 339.155 (tuition and fees);
- 28 (h) ORS 659.850 and 659.855 (discrimination);
- 29 (i) ORS 30.260 to 30.300 (tort claims);
- 30 (j) Health and safety statutes and rules;
- 31 (k) Any statute or rule that is listed in the charter;
- 32 (L) The statewide assessment system developed [*by the Department of Education*] **and imple-**
 33 **mented** for **reading, writing**, mathematics[,] **and** science [*and English*] under ORS 329.485 [(1)];
- 34 (m) ORS 329.045 (academic content standards and instruction);
- 35 (n) Any statute or rule that establishes requirements for instructional time provided by a school
 36 during each day or during a year;
- 37 (o) ORS 339.250 (12) (prohibition on infliction of corporal punishment); and
- 38 (p) This chapter.

39 (2) Notwithstanding subsection (1) of this section, a charter may specify that statutes and rules
 40 that apply to school district boards, school districts and other public schools may apply to a public
 41 charter school.

42 (3) If a statute or rule applies to a public charter school, then the terms "school district" and
 43 "public school" shall include public charter school as those terms are used in that statute or rule.

44 (4) A public charter school shall not violate the Establishment Clause of the First Amendment
 45 to the United States Constitution or section 5, Article I of the Oregon Constitution, or be religion

1 based.

2 (5) A public charter school shall maintain an active enrollment of at least 25 students.

3 (6) A public charter school may sue or be sued as a separate legal entity.

4 (7) The sponsor, members of the governing board of the sponsor acting in their official capacity
5 and employees of a sponsor acting in their official capacity are immune from civil liability with re-
6 spect to all activities related to a public charter school within the scope of their duties or employ-
7 ment.

8 (8) A public charter school may enter into contracts and may lease facilities and services from
9 a school district, education service district, state institution of higher education, other governmental
10 unit or any person or legal entity.

11 (9) A public charter school may not levy taxes or issue bonds under which the public incurs li-
12 ability.

13 (10) A public charter school may receive and accept gifts, grants and donations from any source
14 for expenditure to carry out the lawful functions of the school.

15 (11) The school district in which the public charter school is located shall offer a high school
16 diploma[, *certificate, Certificate of Initial Mastery or Certificate of Advanced Mastery*] to any public
17 charter school student who meets the district's and state's standards for a high school diploma[,
18 *certificate, Certificate of Initial Mastery or Certificate of Advanced Mastery. If the school district offers*
19 *a Certificate of Initial Mastery subject area endorsement to students who attend school in the district,*
20 *then the school district shall offer the endorsement to any public charter school student who meets the*
21 *district's and state's standards for the endorsement.*]

22 (12) A high school diploma[, *certificate, Certificate of Initial Mastery, Certificate of Initial Mastery*
23 *subject area endorsement or Certificate of Advanced Mastery*] issued by a public charter school shall
24 grant to the holder the same rights and privileges as a high school diploma[, *certificate, Certificate*
25 *of Initial Mastery, Certificate of Initial Mastery subject area endorsement or Certificate of Advanced*
26 *Mastery*] issued by a nonchartered public school.

27 (13) Prior to beginning operation, the public charter school shall show proof of insurance to the
28 sponsor as specified in the charter.

29 (14) A public charter school may receive services from an education service district in the same
30 manner as a nonchartered public school in the school district in which the public charter school is
31 located.

32 **SECTION 17.** ORS 341.009 is amended to read:

33 341.009. The Legislative Assembly finds that:

34 (1) The community college is an educational institution which is intended to fill the institutional
35 gap in education by offering broad, comprehensive programs in academic as well as professional
36 technical subjects. It is primarily designed to provide associate or certificate degree programs for
37 some, serve a transitional purpose for others who will continue baccalaureate or other college work,
38 provide the ability to enter the workforce immediately and serve to determine future educational
39 needs for other students. It can provide means for continuation of academic education, professional
40 technical training or the attainment of entirely new skills as demands for old skills and old occu-
41 pations are supplanted by new technologies. It may also provide the means to coordinate courses
42 and programs with high schools [*to enhance the Certificate of Advanced Mastery and*] to accommodate
43 **the successful transition of students** to college degree programs.

44 (2) Each community college should be so located as to be within commuting time of a substantial
45 majority of its students. As an economical method of providing education close to the student's

1 home, the community college should remain a commuting institution.

2 (3) The community college should establish its organizational patterns to maintain a unique
3 quality of flexibility and the ability to change to meet changing needs.

4 (4) The community college is a post-high-school institution under the general supervision of the
5 State Board of Education. It should not be a "starter" institution intended to evolve into a four-year
6 baccalaureate institution. It should be concerned with programs terminating before reaching the
7 baccalaureate degree.

8 (5) The community college should continue to be prohibited by law from becoming a
9 baccalaureate degree granting institution.

10 (6) Admission to the community college should be open to high school graduates or to non-high
11 school graduates who can profit from the instruction offered.

12 (7) There should be close cooperation between those directing the community college program
13 and those responsible for higher education, so that lower-division college transfer programs of the
14 community college will provide adequate preparation for entering baccalaureate degree granting
15 programs, and so that students will be able to transfer with a minimum of difficulty.

16 (8) The community college should offer as comprehensive a program as the needs and resources
17 of the area which it serves dictate. Cost to student and quality of instruction in established private
18 institutions should be among the factors in determining necessary duplication of effort.

19 (9) It should be the policy of the community college to open its facilities and make available its
20 resources to the high schools of its area on a sound contractual basis, for appropriate secondary
21 or transitional courses, either academic or professional technical, when it is within its ability to
22 provide facilities and it is determined that the high school cannot or does not offer them.

23 (10) Programs designed to meet the needs of the area served should be based on the actual ed-
24 ucational and service needs of the district. Specific professional technical courses should be related
25 not only to the employment opportunities of the area but of the state and nation as well. Such de-
26 termination should be made in consultation with representatives of labor, business, industry, agri-
27 culture and other interested groups.

28 (11) The State Board of Education should be responsible for coordinating the community college
29 program of the state and should have general supervisory responsibilities for that program. The
30 State Board of Education should prepare estimates and make the requests for legislative appropri-
31 ations for a reasonable and consistent basis of support and establish standards for the distribution
32 of that support.

33 (12) The initiative for the establishment of new community colleges should come from the lo-
34 calities to be served, as a response to demonstrated educational needs of an area. However, these
35 localities must not only be willing to assume the responsibility for the institutions but must be able
36 to provide resources needed for an adequate educational and service program.

37 (13) The governing board of the community college should be charged with the policy-making
38 function. With respect to educational programming, the governing board should in cooperation with
39 the State Board of Education:

40 (a) Identify educational needs of the district; and

41 (b) Bring together the resources necessary to meet the needs.

42 (14) The state should maintain a policy of substantial state participation in community college
43 building costs and the maintenance of an adequate level of state support for operation. However,
44 no state funds should be appropriated for buildings such as dormitories or athletic facilities for
45 spectator sports. The district should provide a substantial portion of the funds for capital improve-

1 ment as well as for operation of a community college.

2 (15) State appropriations for community colleges shall be made separately from those for other
3 segments of education.

4 (16) The formula for the distribution of funds for operating costs should reflect the heavier op-
5 erating costs and capital outlay for certain professional technical courses. Federal funds received
6 for professional technical training, adult basic education, workforce development or other federal
7 initiatives should be used for those purposes only and be distributed separately from funds appro-
8 priated by the state and should be exempted from the computations of the present distribution for-
9 mula for operating costs.

10 (17) The cost of education to the individual should be sufficiently low to permit students of
11 low-income families to attend. This is particularly true of tuition costs. However, students should
12 pay an amount sufficient to provide an incentive to profit from the instructional program offered.

13 (18) Any eligible Oregon resident should have the right to attend a community college even
14 though not residing in a district operating one, subject to the right of the governing board to limit
15 the size of classes and to give preference to students residing in the district. Local school districts
16 and education service districts should have the authority to negotiate the terms and conditions with
17 the governing boards for the enrollment of students residing in such areas.

18 **SECTION 18.** ORS 348.183 is amended to read:

19 348.183. (1) The Legislative Assembly recognizes:

20 (a) That an investment in educational opportunities for all Oregonians is an investment in a
21 strong and stable economy and greater personal opportunities;

22 (b) That the single largest barrier to attending an institution of higher education is lack of fi-
23 nances;

24 (c) The broad and diverse range of quality post-secondary educational services provided by
25 Oregon's institutions of higher education, including Oregon's community colleges, state institutions
26 and independent not-for-profit institutions of higher education; and

27 (d) The positive effects on Oregon's citizens, families and economy of encouraging talented and
28 hardworking students to stay in Oregon to pursue a post-secondary education.

29 (2) It is the intent of the Legislative Assembly to[:]

30 [*(a) Empower students who have achieved a Certificate of Initial Mastery with the ability to attend*
31 *an Oregon institution of higher education; and]*

32 [*(b) empower and* reward all Oregon students who have achieved a [*Certificate of Initial Mas-*
33 *tery or a comparable*] **high** level of academic merit in Oregon schools with the opportunity and the
34 necessary funding to attend an Oregon institution of higher education.

35 **SECTION 19.** ORS 348.186 is amended to read:

36 348.186. (1) In addition to any other form of student financial aid authorized by law, the Oregon
37 Student Assistance Commission shall award, to the extent funds are made available, an Oregon
38 Achievement Grant to any qualified student who:

39 (a) Commences at least half-time study toward a degree at the eligible post-secondary institution
40 within three years of high school graduation; and

41 (b) Has [*received a Certificate of Initial Mastery or*], while a resident of Oregon, [*has*] scored at
42 or above a level on a nationally recognized college admissions test as determined by the Oregon
43 Student Assistance Commission.

44 (2) Any qualified student receiving an Oregon Achievement Grant under subsection (1) of this
45 section must use the grant for the purpose of study in an eligible program, as defined by rule of the

1 Oregon Student Assistance Commission, at an eligible post-secondary institution.

2 (3) The Oregon Student Assistance Commission may not award an Oregon Achievement Grant
3 to a qualified student who is enrolled in a course of study required for and leading to a degree in
4 theology, divinity or religious education.

5 (4) Each Oregon Achievement Grant shall be renewed yearly provided that the recipient has
6 maintained satisfactory progress toward a first associate or baccalaureate degree as determined by
7 the Oregon Student Assistance Commission.

8 (5) Notwithstanding subsection (4) of this section, no Oregon Achievement Grant shall be re-
9 newed after a qualified student has reached the number of credit hours required to graduate with
10 a baccalaureate degree at the institution the student is attending.

11 **SECTION 20. Prior to July 1, 2006, the Department of Education shall report to the leg-**
12 **islative interim committees on education on the progress of the department in contracting**
13 **with an independent educational assessment organization to develop and implement a state-**
14 **wide assessment system as required by ORS 329.485, as amended by section 11 of this 2005**
15 **Act.**

16 **SECTION 21. ORS 329.445, 329.465, 329.467, 329.475, 329.855 and 329.885 and section 27,**
17 **chapter 660, Oregon Laws 1995, are repealed.**

18 **SECTION 22. The amendments to ORS 327.506, 329.035, 329.045, 329.075, 329.447, 329.860,**
19 **336.637, 338.115, 341.009, 348.183 and 348.186 by sections 1 to 4, 10, 14 and 16 to 19 of this 2005**
20 **Act and the repeal of ORS 329.445, 329.465, 329.467, 329.475, 329.855 and 329.885 and section**
21 **27, chapter 660, Oregon Laws 1995, by section 21 of this 2005 Act first apply to the 2007-2008**
22 **school year.**

23 **SECTION 23. The amendments to ORS 327.506, 329.035, 329.045, 329.075, 329.105, 329.447,**
24 **329.485, 329.830, 329.860, 336.637, 338.115, 341.009, 348.183 and 348.186 by sections 1 to 5, 10, 11**
25 **and 13 to 19 of this 2005 Act and the repeal of ORS 329.445, 329.465, 329.467, 329.475, 329.855**
26 **and 329.885 and section 27, chapter 660, Oregon Laws 1995, by section 21 of this 2005 Act be-**
27 **come operative on July 1, 2007.**

28 **SECTION 24. This 2005 Act being necessary for the immediate preservation of the public**
29 **peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect**
30 **July 1, 2005.**

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