

Chapter 329

2017 EDITION

Oregon Educational Act for the 21st Century; Educational Improvement and Reform

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EDUCATION AND CULTURE

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**OREGON EDUCATIONAL ACT
FOR THE 21st CENTURY
(Generally)**

329.005 Oregon Educational Act for the 21st Century; duties of department; evaluation by legislature. (1) This chapter shall be known as the Oregon Educational Act for the 21st Century.

(2) The Department of Education shall be the coordinating agency for furthering implementation of this chapter. This chapter shall be subject to review by the Legislative Assembly.

(3) The appropriate legislative interim committee shall:

(a) Develop the form and content expected of the ongoing review described in this section;

(b) Notify the appropriate agencies of expectations; and

(c) Receive and evaluate regular reports from the Department of Education and other public agencies.

(4) This review outline may be changed as needed in succeeding years. [Subsections (3) and (4) enacted as 1991 c.693 §1a; 1993 c.45 §22; subsections (1) and (2) formerly 326.705; 2003 c.303 §1]

329.007 Definitions for chapter. As used in this chapter, unless the context requires otherwise:

(1) “Academic content standards” means expectations of student knowledge and skills adopted by the State Board of Education under ORS 329.045.

(2) “Administrator” includes all persons whose duties require an administrative license.

(3) “Board” or “state board” means the State Board of Education.

(4) “Community learning center” means a school-based or school-linked program providing informal meeting places and coordination for community activities, adult education, child care, information and referral and other services as described in ORS 329.157. “Community learning center” includes, but is not limited to, a community school program as defined in ORS 336.505, family resource centers as described in ORS 417.725, full service schools, lighted schools and 21st century community learning centers.

(5) “Department” means the Department of Education.

(6) “English” includes, but is not limited to, reading and writing.

(7) “History, geography, economics and civics” includes, but is not limited to, Oregon Studies.

(8) “Oregon Studies” means history, geography, economics and civics specific to the State of Oregon. Oregon Studies instruction in Oregon government shall include municipal, county, tribal and state government, as well as the electoral and legislative processes.

(9) “Parents” means parents or guardians of students who are covered by this chapter.

(10) “Public charter school” has the meaning given that term in ORS 338.005.

(11) “School district” means a school district as defined in ORS 332.002, a state-operated school or any legally constituted combination of such entities.

(12) “Teacher” means any licensed employee of a school district who has direct responsibility for instruction, coordination of educational programs or supervision of students and who is compensated for such services from public funds. “Teacher” does not include a school nurse, as defined in ORS 342.455, or a person whose duties require an administrative license.

(13) “The arts” includes, but is not limited to, literary arts, performing arts and visual arts.

(14) “World languages” means American Sign Language and languages other than English.

(15) “21st Century Schools Council” means a council established pursuant to ORS 329.704. [1995 c.660 §2; 1999 c.1023 §4; 1999 c.1029 §1; 2001 c.759 §1; 2003 c.303 §2; 2007 c.858 §1; 2013 c.15 §1]

329.010 [Repealed by 1957 c.678 §1]

329.015 Educational goals. (1) The Legislative Assembly believes that education is a major civilizing influence on the development of a humane, responsible and informed citizenry, able to adjust to and grow in a rapidly changing world. Students must be encouraged to learn of their heritage and their place in the global society. The Legislative Assembly concludes that these goals are not inconsistent with the goals to be implemented under this chapter.

(2) The Legislative Assembly believes that the goals of kindergarten through grade 12 education are:

(a) To equip students with the academic and career skills and information necessary to pursue the future of their choice through a program of rigorous academic preparation and career readiness;

(b) To provide an environment that motivates students to pursue serious scholarship and to have experience in applying knowledge and skills and demonstrating achievement;

(c) To provide students with the skills necessary to pursue learning throughout their lives in an ever-changing world; and

(d) To prepare students for successful transitions to the next phase of their educational development. [Formerly 326.710; 1995 c.660 §3; 2007 c.858 §2]

329.020 [Repealed by 1957 c.678 §1]

329.025 Characteristics of school system. It is the intent of the Legislative Assembly to maintain a system of public elementary and secondary schools that allows students, parents, teachers, administrators, school district boards and the State Board of Education to be accountable for the development and improvement of the public school system. The public school system shall have the following characteristics:

(1) Provides equal and open access and educational opportunities for all students in the state regardless of their linguistic background, culture, race, gender, capability or geographic location;

(2) Assumes that all students can learn and establishes high, specific skill and knowledge expectations and recognizes individual differences at all instructional levels;

(3) Provides each student an education experience that supports academic growth beyond proficiency in established academic content standards and encourages students to attain aspirational goals that are individually challenging;

(4) Provides special education, compensatory education, linguistically and culturally appropriate education and other specialized programs to all students who need those services;

(5) Supports the physical and cognitive growth and development of students;

(6) Provides students with a solid foundation in the skills of reading, writing, problem solving and communication;

(7) Provides opportunities for students to learn, think, reason, retrieve information, use technology and work effectively alone and in groups;

(8) Provides for rigorous academic content standards and instruction in mathematics, science, English, history, geography, economics, civics, physical education, health, the arts and world languages;

(9) Provides increased learning time;

(10) Provides students an educational background to the end that they will function successfully in a constitutional republic, a participatory democracy and a multicultural nation and world;

(11) Provides students with the knowledge and skills that will provide the oppor-

tunities to succeed in the world of work, as members of families and as citizens;

(12) Provides students with the knowledge and skills that lead to an active, healthy lifestyle;

(13) Provides students with the knowledge and skills to take responsibility for their decisions and choices;

(14) Provides opportunities for students to learn through a variety of teaching strategies;

(15) Emphasizes involvement of parents and the community in the total education of students;

(16) Transports children safely to and from school;

(17) Ensures that the funds allocated to schools reflect the uncontrollable differences in costs facing each district;

(18) Ensures that local schools have adequate control of how funds are spent to best meet the needs of students in their communities; and

(19) Provides for a safe, educational environment. [Formerly 326.715; 1995 c.660 §4; 1999 c.1029 §2; 2003 c.303 §3; 2007 c.858 §3; 2009 c.101 §2; 2009 c.843 §1; 2012 c.91 §16; 2013 c.15 §2]

329.030 [Repealed by 1957 c.678 §1]

329.035 [Formerly 326.720; 1995 c.660 §5; 2003 c.303 §4; repealed by 2007 c.858 §40]

329.040 [Repealed by 1963 c.544 §52]

329.045 Revision of Common Curriculum Goals, performance indicators, diploma requirements, Essential Learning Skills and academic content standards; instruction in academic content areas.

(1)(a) In order to achieve the goals contained in ORS 329.025, the State Board of Education shall regularly and periodically review and revise its Common Curriculum Goals, performance indicators and diploma requirements.

(b) The review and revision conducted under this section shall:

(A) Include Essential Learning Skills and rigorous academic content standards in mathematics, science, English, history, geography, economics, civics, physical education, health, the arts and world languages.

(B) Involve teachers and other educators, parents of students and other citizens and shall provide ample opportunity for public comment.

(C) Encourage increased learning time. As used in this subparagraph, "increased learning time" means a schedule that encompasses a longer school day, week or year for the purpose of increasing the total number of school hours available to provide:

(i) Students with instruction in core academic subjects, including mathematics, science, English, history, geography, economics, civics, the arts and world languages;

(ii) Students with instruction in subjects other than the subjects identified in subparagraph (i) of this subparagraph, including health and physical education;

(iii) Students with the opportunity to participate in enrichment activities that contribute to a well-rounded education, including learning opportunities that may be based on service, experience or work and that may be provided through partnerships with other organizations; and

(iv) Teachers with the opportunity to collaborate, plan and engage in professional development within and across grades and subjects.

(c) Nothing in this subsection prevents a school district or public charter school from maintaining control over course content, format, materials and teaching methods.

(2) The State Board of Education shall continually review and revise all adopted academic content standards necessary for students to successfully transition to the next phase of their education.

(3)(a) School districts and public charter schools must offer students instruction in mathematics, science, English, history, geography, economics, civics, physical education, health, the arts and world languages.

(b) Instruction required under paragraph (a) of this subsection must:

(A) Meet the academic content standards adopted by the State Board of Education; and

(B) Meet the requirements adopted by the State Board of Education and the board of the school district or public charter school.

(4) School districts and public charter schools are encouraged to offer students courses or other educational opportunities in civics and financial literacy to allow every student who wants to receive instruction in civics and financial literacy to be able to receive the instruction. [Formerly 326.725; 1995 c.660 §6; 1999 c.200 §29; 1999 c.1029 §3; 2003 c.303 §5; 2007 c.858 §4; 2012 c.91 §17; 2013 c.15 §3; 2017 c.133 §1; 2017 c.263 §1a]

Note: The amendments to 329.045 by section 1a, chapter 263, Oregon Laws 2017, take effect July 1, 2018. See section 3, chapter 263, Oregon Laws 2017. The text that is effective until July 1, 2018, including amendments by section 1, chapter 133, Oregon Laws 2017, is set forth for the user's convenience.

329.045. (1)(a) In order to achieve the goals contained in ORS 329.025, the State Board of Education shall regularly and periodically review and revise its Common Curriculum Goals, performance indicators and diploma requirements.

(b) The review and revision conducted under this section shall:

(A) Include Essential Learning Skills and rigorous academic content standards in mathematics, science, English, history, geography, economics, civics, physical education, health, the arts and world languages.

(B) Involve teachers and other educators, parents of students and other citizens and shall provide ample opportunity for public comment.

(C) Encourage increased learning time. As used in this subparagraph, "increased learning time" means a schedule that encompasses a longer school day, week or year for the purpose of increasing the total number of school hours available to provide:

(i) Students with instruction in core academic subjects, including mathematics, science, English, history, geography, economics, civics, the arts and world languages;

(ii) Students with instruction in subjects other than the subjects identified in sub-subparagraph (i) of this subparagraph, including health and physical education;

(iii) Students with the opportunity to participate in enrichment activities that contribute to a well-rounded education, including learning opportunities that may be based on service, experience or work and that may be provided through partnerships with other organizations; and

(iv) Teachers with the opportunity to collaborate, plan and engage in professional development within and across grades and subjects.

(c) Nothing in this subsection prevents a school district or public charter school from maintaining control over course content, format, materials and teaching methods.

(2) The State Board of Education shall continually review and revise all adopted academic content standards necessary for students to successfully transition to the next phase of their education.

(3)(a) School districts and public charter schools shall offer students instruction in mathematics, science, English, history, geography, economics, civics, physical education, health, the arts and world languages.

(b) Instruction required under paragraph (a) of this subsection must:

(A) Meet the academic content standards adopted by the State Board of Education; and

(B) Meet the requirements adopted by the State Board of Education and the board of the school district or public charter school.

(4) School districts and public charter schools are encouraged to offer students courses or other educational opportunities in financial literacy to allow every student who wants to receive instruction in financial literacy to be able to receive the instruction.

329.049 Plan to encourage voter registration and voting; incorporation into Essential Learning Skills; rules. (1) Each school district that includes a public high school shall adopt a plan to encourage students to register to vote and vote in elections, including but not limited to:

(a) Posting a link to the electronic voter registration website maintained by the Secretary of State on the Internet home webpage, if any, of each public high school; and

(b) Making materials developed by the Secretary of State relating to voting and voter registration readily available to students at each public high school.

(2) The State Board of Education shall by rule incorporate voter registration skills into the Essential Learning Skills. [2009 c.702 §1]

Note: 329.049 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 329 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

329.050 [Repealed by 1963 c.544 §52]

329.055 [Formerly 326.735; repealed by 1995 c.660 §50]

329.060 [Repealed by 1963 c.544 §52]

329.065 Adequate funding required.

Nothing in this chapter is intended to be mandated without adequate funding support. Therefore, those features of this chapter which require significant additional funds shall not be implemented statewide until funding is available. [Formerly 326.740]

329.070 [Repealed by 1963 c.544 §52]

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

(2) The Department of Education shall be responsible for implementing the provisions of this chapter. Actions by the department to fulfill this responsibility and to increase student achievement may include, but are not limited to:

(a) Developing academic content standards;

(b) Updating Common Curriculum Goals to meet rigorous academic content standards and updating performance indicators and diploma requirements;

(c) Developing criterion-referenced assessments including performance-based, content-based and other assessment mechanisms to test knowledge and skills and whether students meet the performance expectations as determined by the board; and

(d) Establishing criteria for early childhood education programs governed by the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq.

(3) The department shall make school districts and the public aware of public school choice options available within our current public education framework. [Formerly 326.745; 1995 c.660 §8; 1997 c.652 §21; 1999 c.871 §1; 2003 c.303 §6; 2007 c.858 §5; 2013 c.624 §2]

329.077 [1995 c.660 §30; 2001 c.448 §1; repealed by 2007 c.858 §40]

329.080 [Repealed by 1963 c.544 §52]

(Assessing Effectiveness of Schools and Districts)

329.085 Assessment of schools and school districts required; report; standards.

(1) To facilitate the attainment and successful implementation of educational standards under ORS 326.051 (1)(a) and 329.025, the State Board of Education or its designee shall assess the effectiveness of each public school, public charter school and school district. The findings of the assessment shall be reported to the school or school district within six months.

(2) The board shall establish the standards, including standards of accessibility to educational opportunities, upon which the assessment is based.

(3) On a periodic basis, the board shall review school and school district standards and credit and performance requirements. The board shall seek public input in this process. [Formerly 326.755; 1995 c.660 §10a; 1997 c.17 §1; 2007 c.858 §6]

329.090 [Repealed by 1963 c.544 §52]

329.095 School district and school self-evaluations; local district continuous improvement plans; technical assistance.

(1)(a) The Department of Education shall require school districts and schools to conduct self-evaluations and to periodically update their local district continuous improvement plans. Except as provided by paragraph (b)(C) of this subsection, the department may not require school districts or schools to conduct self-evaluations or to update their local district continuous improvement plans more frequently than biennially.

(b) The department may require a school district to:

(A) File, periodically, or at the department's request, its local district continuous improvement plan with the department;

(B) Notify the department of any substantial changes, as defined by rule of the State Board of Education, to the school district; or

(C) Update its local district continuous improvement plan when there has been a substantial change, as defined by rule of the board, to the school district.

(c) The self-evaluation process conducted as provided by this subsection shall involve the public in the setting of local goals. The school districts shall ensure that representatives from the demographic groups of their school population are invited to participate in the development of local district continuous improvement plans to achieve the goals.

(2) As part of setting local goals, school districts shall undertake a communications

process that involves parents, students, teachers, school employees and community representatives to explain and discuss the local goals and their relationship to programs under this chapter.

(3) At the request of the school district, department staff shall provide ongoing technical assistance in the development and implementation of the local district continuous improvement plan.

(4) The local district continuous improvement plan shall include:

(a) Goals to implement the following:

(A) A rigorous curriculum aligned with state standards;

(B) High-quality instructional programs;

(C) Short-term and long-term professional development plans;

(D) Programs and policies that achieve a safe educational environment;

(E) A plan for family and community engagement;

(F) Staff leadership development;

(G) High-quality data systems;

(H) Improvement planning that is data-driven;

(I) Education service plans for students who have or have not exceeded all of the academic content standards; and

(J) A strong school library program;

(b) A review of demographics, student performance, staff characteristics and student access to, and use of, educational opportunities; and

(c) A description of district efforts to achieve local efficiencies and efforts to make better use of resources. [Formerly 326.760; 1995 c.660 §11; 2007 c.858 §7; 2009 c.840 §2; 2011 c.311 §1]

329.100 [Repealed by 1963 c.544 §52]

329.105 School district and school performance reports. (1) The Superintendent of Public Instruction shall collect data and produce annual school district and school performance reports to provide information to parents and to improve schools.

(2) The superintendent shall include in the school district and school performance reports data for the following areas, for each school or district, that are available to the Department of Education from the most recent school year:

(a) Data required by the federal Every Student Succeeds Act (P.L. 114-95, 129 Stat. 1802);

(b) Information about how to access the website that is maintained by the State Department of Geology and Mineral Industries as provided by ORS 516.030 (6)(b);

(c) Information related to the number of children served in the district and the number of children who are susceptible to restrictable disease, as reported under ORS 433.269 (2)(a); and

(d) Any other data identified by the Department of Education as required by federal law to be in the reports.

(3) In addition to the data required by subsection (2) of this section, the superintendent may include other data on the school district and school performance reports.

(4) The department shall work with stakeholders to:

(a) Design and implement an accountability system of progressive interventions for schools and school districts that do not demonstrate improvement; and

(b) Provide technical assistance to schools and school districts that do not demonstrate improvement. [Formerly 326.765; 1995 c.660 §12; 1999 c.938 §1; 2001 c.959 §2; 2007 c.858 §8; 2011 c.313 §5; 2012 c.61 §2; 2015 c.802 §3; 2017 c.726 §2]

329.110 [Repealed by 1963 c.544 §52]

329.115 Oregon Report Card. (1) Prior to December 1 of each year, the Superintendent of Public Instruction shall issue an Oregon Report Card on the state of the public schools of this state.

(2) The Oregon Report Card shall include information on the following:

(a) Data required by the federal Every Student Succeeds Act (P.L. 114-95, 129 Stat. 1802); and

(b) Any other data identified by the Department of Education as required by federal law.

(3) In addition to the information required under subsection (2) of this section, the superintendent may include other information in the Oregon Report Card. [Formerly 326.770; 1995 c.660 §13; 2007 c.858 §9; 2011 c.313 §6; 2017 c.726 §3]

(Proficiency Education)

329.119 Implementation of proficiency education; advisory committee. (1) As used in this section:

(a) "Proficiency education" means a practice of student-centered education that is based on the following principles:

(A) Students learn in a personalized environment and advance upon demonstrated mastery of industry, state or national standards;

(B) Measurable learning objectives are explicit and empower the students;

(C) Student assessment is meaningful and a positive learning experience; and

(D) Students receive rapid, differentiated support and learning outcomes, including applied learning.

(b) “Proficiency grading” means assigning a well-defined, descriptive value of a student’s demonstrated knowledge and skills to report whether the student meets or exceeds a defined level of performance.

(2) A school district may implement a proficiency education system as provided by this section.

(3)(a) For a school district that will implement or has implemented a proficiency education system or a proficiency grading system, the superintendent of the school district shall revise the duties of an existing committee to include the development and implementation of the proficiency education system or the proficiency grading system. If a school district does not have an existing committee to serve the purpose described in this paragraph, the superintendent of the school district shall establish a committee. A committee that is revised or established as provided by this paragraph shall act as an advisory committee.

(b) An advisory committee described in paragraph (a) of this subsection must consist of teachers, administrators and other school district personnel. When an employee organization represents educators of the school district, the superintendent of the school district, at the direction of the school district board, shall collaborate with the local president of the employee organization to recommend the appointment of educators to the advisory committee.

(4) An advisory committee described in subsection (3) of this section shall:

(a) Identify the best practices in proficiency education;

(b) Identify the best practices in proficiency grading and reporting;

(c) Determine the best method and format to communicate to students and parents the students’ progress toward meeting or exceeding the academic content standards;

(d) Determine educator professional learning needs with respect to proficiency education and proficiency grading;

(e) Examine the time needed to implement proficiency education and proficiency grading and reporting;

(f) Collaborate with administrators to ensure that the district data and reporting system are aligned to tasks that are related to proficiency education;

(g) Address any problems that emerge in the implementation of proficiency education and proficiency grading and reporting systems; and

(h) Make recommendations to the school district superintendent based on the determinations of the advisory committee as described in paragraphs (a) to (g) of this subsection or necessary for the development and implementation of proficiency education and proficiency grading and reporting. [2014 c.42 §3]

329.120 [Repealed by 1963 c.544 §52]

(Parental and Community Participation)

329.125 Policy on parental and community participation. The Legislative Assembly recognizes that students in public elementary and secondary schools can best reach the levels of performance expected under the provisions of this chapter with parental and community participation in the education process. It is, therefore, recommended but not required that:

(1) School districts provide opportunities for parents or guardians to be involved in establishing and implementing educational goals and to participate in decision-making at the school site;

(2) Employers recognize the need for parents or guardians and members of the community to participate in the education process not only for their own children but for the educational system;

(3) Employers be encouraged to extend appropriate leave to parents or guardians to allow greater participation in that process during school hours;

(4) School districts enter into partnerships with business, labor and other groups to provide workplace-based professional development opportunities for their educational staff; and

(5) School districts enter into partnerships with recreation groups, faith-based organizations, social service and health care agencies, businesses, child care providers and other groups that support children and families to create community learning centers for students, parents and members of the surrounding community. [Formerly 326.775; 1995 c.660 §14; 2001 c.759 §2]

329.130 [Repealed by 1963 c.544 §52]

(Services for Children and Families)

329.145 Definitions for ORS 329.150 and 329.155. As used in ORS 329.150 and 329.155:

(1) “Families” means a group of individuals related by blood, marriage or adoption, or individuals whose functional relationships are similar to those found in such associations. The family’s purpose is the security, support, nurturance, love, transmission of values and facilitation of each member’s

growth and development, and is the primary social unit affecting a child's well-being.

(2) "Services" means education and all other programs and services addressing one or more of a child's six basic needs as follows: stimulus, nutrition, health, safety, nurturance and shelter.

(3) "Young children" means children zero through six years of age. [Formerly 326.785; 2012 c.37 §37a]

329.150 Services for children and families at school site. A school district may provide services for children and families at the school site, which may include a community learning center. If the district chooses to provide services, the design of educational and other services to children and their families shall be the responsibility of the school district. School districts may coordinate services with programs provided through and overseen by the Early Learning Council for the purpose of providing services to families. To ensure that all educational and other services for young children and their families offer the maximum opportunity possible for the personal success of the child and family members, it is the policy of this state that the following principles for serving children should be observed to the maximum extent possible in all of its educational and other programs serving young children and their families, including those programs delivered at community learning centers:

(1) Services for young children and their families should be located as close to the child and the family's community as possible, encouraging community support and ownership of such services;

(2) Services for young children and their families should reflect the importance of integration and diversity to the maximum extent possible in regard to characteristics such as race, economics, gender, creed, capability and cultural differences;

(3) Services should be designed to support and strengthen the welfare of the child and the family and be planned in consideration of the individual family's values;

(4) Services should be designed to ensure continuity of care among caregivers in a given day and among service plans from year to year;

(5) Service systems should address the most urgent needs in a timely manner including health, intervention and support services; and

(6) Service providers and sources of support should be coordinated and collaborative, to reflect the knowledge that no single system can serve all of the needs of the child and family. [Formerly 326.790; 1995 c.660 §15; 2001 c.759 §3; 2012 c.37 §84]

329.153 Policy on prevention and cost-effective programs and strategies. (1) It is the policy of the Legislative Assembly that programs and strategies that can substantiate a claim to prevention and cost-effectiveness be of high priority.

(2) The Legislative Assembly finds that dollars invested in quality programs, such as the Head Start program after which the Oregon prekindergarten is modeled, return the costs thereof several times over in costs saved in the areas of remedial education, corrections and human services. [Formerly 336.005]

329.155 Standards for education programs and programs providing services for children and families; interagency coordination. (1) State agencies that administer education programs and other programs that provide services for children and families shall:

(a) Evaluate the effectiveness of the program as related to the principles stated in ORS 329.025 and 417.305 in the earliest stages of the budget process, including components within programs as appropriate;

(b) Articulate ways in which the program is:

(A) An effective component of agency and state priorities, goals and strategies that have been established by the Early Learning Council; and

(B) Relevant to research and professional standards;

(c) Establish plans, interagency partnerships and implementation practices;

(d) Use the information generated by applicable state advisory groups and governing boards in the program assessment of needs and decisions as to service delivery in a given community; and

(e) Identify barriers to improving program capability to serve the needs of young children and make related recommendations, if any, to the Early Learning Council.

(2) The processes listed in subsection (1) of this section are for the purpose of generating interagency coordination so as to serve to the greatest extent possible young children and their families in a comprehensive

and developmentally appropriate fashion. The information generated by these processes shall be considered as a contribution to subsequent budget decisions by state and local agencies, the Oregon Department of Administrative Services and the Legislative Assembly. [Formerly 326.795; 1999 c.59 §80; 1999 c.1053 §26; 2012 c.37 §§38,85]

(Community Learning Centers)

329.156 Creation; requirements; technical assistance. (1) The Department of Education and the Department of Human Services shall support the development and implementation of a network of community learning centers across the state.

(2) Within available funding, the Early Learning Division, in conjunction with other organizations that provide training and technical assistance to schools or community programs, shall provide training and technical assistance to promote the development and implementation of community learning centers. To the extent possible, the division shall use voluntary organizations to provide the training and technical assistance.

(3) Community learning centers created pursuant to this section shall:

(a) Be located in or near a school or a cluster of schools;

(b) Involve parents in the care and education of their children;

(c) Involve the local community in developing and overseeing community learning center programs;

(d) Incorporate the principles of family support services described in ORS 329.150 and 417.342;

(e) In partnership with the local school district board, create or designate an advisory committee to offer guidance on program development and implementation, with membership that is representative of the diversity of community interests, including representatives of businesses, schools, faith-based organizations, social service and health care agencies, cultural groups, recreation groups, municipal governments, community colleges, libraries, child care providers, parents and youths; and

(f) Conduct an assessment of strengths, needs and assets within the community to be served by the community learning center that identifies services being delivered in the community, defines and clarifies services that are missing or overlapping and builds on any existing community assessments.

(4) The Department of Human Services and the Department of Education shall provide technical assistance to community learning centers to develop policies ensuring

that confidential information is disclosed only in accordance with state and federal laws. [2001 c.759 §5; 2005 c.503 §16; 2012 c.37 §§39,86; 2013 c.624 §§24,25]

329.157 Identification and coordination of existing resources. (1) Community learning centers shall promote identification and coordination of existing resources including, but not limited to, the following services and activities:

(a) Before-school and after-school enrichment activities linked with the school curriculum;

(b) Youth development and service learning activities;

(c) Child care programs;

(d) Mentoring and tutoring programs;

(e) Parent literacy and adult education programs;

(f) Prenatal and early childhood support programs;

(g) Parent education and support groups;

(h) Cultural activities and English language learner programs;

(i) School-to-work and workforce development programs;

(j) Intergenerational activities connecting senior citizens with children;

(k) Referrals for health care and other social and educational services;

(L) Primary health care services, including immunizations, sports physicals and well-child checkups; and

(m) Counseling services.

(2) School districts that create community learning centers shall encourage existing family resource centers to become involved in the development and implementation of the community learning centers. An existing family resource center developed under ORS 417.725 may be designated as a community learning center if the family resource center meets the standards specified in this section and ORS 329.156.

(3) Community learning centers shall follow best practice standards to ensure their effectiveness. [2001 c.759 §6; 2015 c.604 §15]

329.159 [2001 c.759 §7; repealed by 2011 c.313 §25]

(Early Childhood Education)

329.160 Policy on early childhood and parenting education; funding goal. It is the policy of this state to implement programs for early childhood education, for parenting education including instruction about prenatal care, for child-parent centers and for extended Oregon prekindergarten programs. The Oregon prekindergarten program shall be operated in coordination with the

federal Head Start program in order to avoid duplication of services and so as to ensure maximum use of resources. The state shall continue funding Oregon prekindergarten programs with a goal to have full funding for all eligible children. [Formerly 326.810; 1995 c.660 §17; 2007 c.858 §10]

329.165 Development of long-range plan for serving children and families. (1) In consultation with the advisory committee for the Oregon prekindergarten program, the Early Learning Council, acting as the state advisory council for purposes of the federal Head Start Act, shall develop a long-range plan for serving eligible children and their families and shall report to each odd-numbered year regular session of the Legislative Assembly on the funds necessary to implement the long-range plan, including but not limited to regular programming costs, salary enhancements and program improvement grants. The council shall determine the rate of increase in funding for programs necessary each biennium to provide service to all children eligible for the prekindergarten program.

(2) Each biennial report shall include but not be limited to estimates of the number of eligible children and families to be served, projected cost of programs and evaluation of the programs. [Formerly 326.813; 1995 c.660 §18; 2007 c.858 §11; 2011 c.545 §41; 2013 c.624 §3]

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

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

(b) “Oregon prekindergartens” means programs that are recognized by the Early Learning Division as meeting the minimum program rules to be adopted by the Early Learning Council and that provide comprehensive health, education and social services in order to maximize the potential of children three and four years of age.

(c) “Oregon prekindergarten program” means the statewide administrative activities carried on within the Early Learning Division to allocate, award and monitor state funds appropriated to create or assist local Oregon prekindergartens.

(2) For purposes of ORS 329.175, “eligible child” means an at-risk child who is not a participant in a federal, state or local program providing like comprehensive services and may include children who are eligible under rules adopted by the Early Learning Council. As used in this subsection, “at-risk child” means a child at least three years of age and not eligible for kindergarten whose

family circumstances would qualify that child for eligibility under the federal Head Start program. [Formerly 326.600; 2001 c.831 §15; 2005 c.209 §10; 2013 c.624 §4]

329.172 Early Learning Division to administer preschool program; contracts; report. (1) The Early Learning Division shall administer a preschool program as provided by this section. The preschool program shall expand preschool options available to the children of this state.

(2)(a) For the purpose of expanding and coordinating preschool options, Early Learning Hubs shall:

(A) Coordinate the providers of preschool programs under this section.

(B) Convene annual meetings between representatives of the Oregon prekindergarten program and the preschool program described in this section to coordinate the enrollment of eligible children in the programs before the eligible children are enrolled. The representatives shall collaborate to determine the program that best meets the needs of eligible children and their families within the Early Learning Hub.

(b) The Early Learning Hubs shall apply for state funding, coordinate local planning and enter into contracts with preschool providers.

(3) A preschool provider that meets the requirements of this subsection may apply to participate in the preschool program described in this section. The preschool provider:

(a) Must be establishing a new preschool program or expanding an existing preschool program.

(b) Must meet or exceed the requirements of subsection (4) of this section.

(c) May be a Head Start program, an Oregon prekindergarten program, a child care provider, a relief nursery, a private preschool, a public school, a public charter school, an education service district or a community-based organization that provides a preschool program.

(4) A preschool provider may participate in the preschool program described in this section if the provider’s preschool program:

(a) Provides, at a minimum, the annual number of instructional hours required for full-day kindergarten.

(b) Takes into consideration the scheduling needs of families who need full-time child care.

(c) Serves children who:

(A) Are at least three years of age but not older than five years of age, as deter-

mined by the date used to determine kindergarten eligibility; and

(B)(i) Are members of families whose incomes, at the time of enrollment, are at or below 200 percent of the federal poverty guidelines; or

(ii) Otherwise meet criteria established by the Early Learning Council by rule.

(d) Provides continuity from infant and toddler services to early elementary grades.

(e) Demonstrates quality through meeting standards, including:

(A) Attaining one of the top two ratings of the quality rating and improvement system for early childhood programs.

(B) Adopting culturally responsive teaching methods and practices.

(C) Providing a high-quality, culturally responsive family engagement environment that supports parents as partners in a child's learning and development.

(D) Providing high-quality, culturally responsive curricula, assessments and professional development that are linked to one another and to the state's comprehensive early learning standards.

(E) Providing highly trained lead preschool teachers who have:

(i) At least a bachelor's degree in:

(I) Early childhood education or a field related to early childhood education; or

(II) A field not related to early childhood education if the Early Learning Division, based on rules adopted by the Early Learning Council, determines that the teacher has completed coursework that is equivalent to a major in early childhood education and has sufficient training in early childhood education;

(ii) An associate degree with additional training or additional certification in early childhood education or a field related to early childhood education, as determined by the Early Learning Division based on rules adopted by the Early Learning Council; or

(iii) Sufficient alternative credentialing to indicate that the teacher is highly trained, as determined by the Early Learning Division based on rules adopted by the Early Learning Council.

(F) Providing lead preschool teachers with a salary that meets the minimum salary requirements established by the Early Learning Council.

(G) Providing at least one assistant in each classroom who provides support for academic instruction and who meets the state's personnel qualification requirements of one of the top two tiers for the quality rating and

improvement system for early childhood programs.

(H) Providing additional health and child development supports for children and families, such as screening, referrals and coordination with health care providers.

(f) Incorporates best practices in outreach, enrollment and programming for diverse cultural and linguistic populations and children who have been historically underserved in preschool programs.

(g) Works in collaboration with community programs to ensure that families have knowledge of, and are connected to, community resources and supports to meet the needs of children and families served by the preschool program.

(h) Participates in an ongoing monitoring and program evaluation system that is used for continuous program improvement.

(5)(a) While any moneys received under a contract entered into as provided by this section must be used to serve children described in subsection (4)(c) of this section, nothing in subsection (4)(c) of this section prevents a preschool provider from serving additional children, including children who:

(A) Pay tuition for the preschool program and whose family incomes at the time of enrollment exceeds 200 percent of federal poverty guidelines.

(B) Are funded by the Oregon prekindergarten program, a Head Start program or another source of funding.

(b) If a preschool program serves children described in paragraph (a) of this subsection, moneys received under a contract as provided by this section may not be used to pay for expenses incurred for the children described in paragraph (a) of this subsection.

(6) A preschool program may receive a waiver of any of the requirements described in subsection (4) of this section if the waiver:

(a) Is for a preschool program that is maintaining progress toward quality;

(b) Is anticipated for the first years of the preschool program only; and

(c) Is granted for only one year at a time.

(7) To assist the Early Learning Division in administering this section, the Early Learning Council shall:

(a) Identify resources necessary for the Early Learning Division to develop, support and sustain the implementation of a high-quality preschool program, including evaluations, professional development opportunities, technical assistance, monitoring guidance and administrative assistance.

(b) Ensure that pathways and supports are available to teaching staff to increase

culturally and linguistically diverse staff to teach and assist in preschool classrooms.

(c) Establish minimum salary requirements and target salary guidelines for lead preschool teachers as required under subsection (4)(e)(F) of this section. Minimum salary requirements may be differentiated by program type. Target salary guidelines shall be, to the extent practicable, comparable to lead kindergarten teacher salaries in public schools. The Early Learning Division shall provide guidelines and technical assistance to programs to address salary disparities among preschool teachers and preschool staff.

(d) Develop strategies that strive to increase the mean salary for lead preschool teachers and other preschool staff in this state.

(e) Administer waivers as described in subsection (6) of this section.

(8) Each biennium, the Early Learning Division shall submit a report to the Legislative Assembly that describes:

(a) The number of children served by the preschool program described in this section, including the number of children:

(A) Whose family incomes are at or below 200 percent of the federal poverty guidelines;

(B) Whose family incomes are between 100 and 200 percent of the federal poverty guidelines;

(C) Who pay tuition; and

(D) Who are eligible for Head Start programs.

(b) The cost to serve each child described in subsection (4)(c) of this section.

(c) The level of state support received for implementing the preschool program described in this section.

(d) The effectiveness of the preschool program described in this section, including student progress and outcomes.

(e) Improvements that have been made to the administration and evaluation of the preschool program to improve the effectiveness of the program.

(f) The salary, education levels and turnover rates of lead preschool teachers employed by preschool providers receiving moneys under this section.

(9) The Early Learning Division shall coordinate with the Department of Education and other state agencies in support of the preschool program described in this section.

(10) The Early Learning Division shall prescribe the form and timeline for applications to participate in the preschool program

as provided by this section. [2015 c.745 §2; 2017 c.140 §1; 2017 c.280 §1]

329.175 Early Learning Division to administer prekindergarten program; grants; coordination with other programs. (1) The Early Learning Division shall administer the Oregon prekindergarten program to assist eligible children with comprehensive services including educational, social, health and nutritional development to enhance their chances for success in school and life. Eligible children, upon request of parent or guardian, shall be admitted to approved Oregon prekindergartens to the extent that the Legislative Assembly provides funds.

(2) Nonsectarian organizations including school districts and Head Start grantees are eligible to compete for funds to establish an Oregon prekindergarten. Grant recipients shall serve children eligible according to federal Head Start guidelines and other children who meet criteria of eligibility adopted by rule by the Early Learning Council. However, not more than 20 percent of the total enrollment shall consist of children who do not meet Head Start guidelines. School districts may contract with other governmental or nongovernmental nonsectarian organizations to conduct a portion of the program. Funds appropriated for the program shall be used to establish and maintain new or expanded Oregon prekindergartens and shall not be used to supplant federally supported Head Start programs. Oregon prekindergartens also may accept gifts, grants and other funds for the purposes of this section.

(3) Applicants shall identify how they will serve the target population and provide all components as specified in the federal Head Start performance standards and guidelines, including staff qualifications and training, facilities and equipment, transportation and fiscal management.

(4) Oregon prekindergartens shall coordinate with each other and with federal Head Start programs to ensure efficient delivery of services and prevent overlap. Oregon prekindergartens shall also work with local organizations such as local education associations serving young children and make the maximum use of local resources.

(5) Oregon prekindergartens shall coordinate services with other services provided through the Oregon Early Learning System. The coordination of services shall be consistent with federal and state law.

(6)(a) The governing body of a recipient of grant funds under this section shall be subject to ORS 192.610 to 192.690 but is subject to ORS 192.311 to 192.478 only:

(A) With respect to records created at a meeting of the governing body, minutes of a meeting of a governing body or records presented at a meeting of the governing body; or

(B) As otherwise provided by law other than this subsection.

(b) As used in this subsection, “governing body” means a board or other entity of two or more persons who are authorized to make decisions with respect to a recipient or who are authorized to advise or make recommendations to a governing body of the recipient. [Formerly 326.605; 2001 c.831 §16; 2012 c.37 §87; 2013 c.282 §§1,2; 2013 c.624 §§5,6]

329.180 [Formerly 326.610; repealed by 2001 c.831 §30]

329.183 Prekindergarten Program Trust Fund. (1) The Prekindergarten Program Trust Fund is established as a fund in the State Treasury, separate and distinct from the General Fund. Interest earned by the trust fund shall be credited to the trust fund. The primary purpose of the trust fund is to assist eligible children with comprehensive services including educational, social, health and nutritional development to enhance their chances for success in school and life. For this purpose, the trust fund is continuously appropriated to the Early Learning Division for the Oregon prekindergarten program described in ORS 329.170 to 329.200.

(2) The division may solicit and accept money in the form of gifts, contributions and grants to be deposited in the trust fund. Except as provided in ORS 329.185, the acceptance of federal grants for purposes of ORS 329.170 to 329.200 does not commit state funds nor place an obligation upon the Legislative Assembly to continue the purposes for which the federal funds are made available.

(3) The trust fund may be listed, if otherwise qualified, on the Oregon income tax return for checkoff pursuant to application made to the Oregon Charitable Checkoff Commission under ORS 305.690 to 305.753 by the division. [1995 c.636 §4; 2001 c.831 §17; 2007 c.858 §12; 2013 c.624 §7]

329.185 Expansion of Oregon prekindergarten program. When the federal Head Start program provides funding for programs for eligible children at or greater than the 1990-1991 per child level, eligibility for the state funded Oregon prekindergarten program shall be expanded to include programs for children whose family income exceeds the federal Head Start limits or who are in an underserved or unserved age category. After determining the increase in income limits or age level that would make children most in need of state programs eligible for them, the

Early Learning Division may direct expenditure of any unexpended or unobligated funds appropriated for the biennium for eligible children to be expended for the additional children considered to be most in need. In the following biennium, the Early Learning Division shall include the cost of any added program for the children most in need in its biennial budget. [Formerly 326.815; 1995 c.660 §19; 2001 c.831 §18; 2013 c.624 §8]

Note: 329.185 was added to and made a part of ORS chapter 329 by legislative action but was not added to 329.170 to 329.200. See Preface to Oregon Revised Statutes for further explanation.

329.190 Advisory committee. The Early Learning Council shall establish an advisory committee composed of interested parents and representatives from the health care profession, early childhood education and development staff preparation programs, Oregon Head Start Association, school districts, community colleges, Early Intervention Council, child care and other organizations. The purpose of the advisory committee is to provide advice to the Early Learning Council on matters related to the Oregon prekindergarten program. [Formerly 326.615; 1999 c.39 §5; 2001 c.831 §19; 2007 c.858 §13; 2012 c.37 §40; 2013 c.624 §9]

329.195 Rules for Oregon prekindergarten program; grant applications. (1)(a) The Early Learning Council, acting as the state advisory council for purposes of the federal Head Start Act, shall adopt rules for the establishment of the Oregon prekindergarten program.

(b) Rules adopted under this section specifically shall require:

(A) Performance standards and operating standards that are at a level no less than the level required under the federal Head Start program guidelines.

(B) Processes and procedures for recompetition that are substantially similar to the processes and procedures required under the rules and guidelines adopted under the federal Head Start Act.

(C) Implementation plans for any changes to the federal Head Start program rules or guidelines.

(c) Federal Head Start program guidelines shall be considered as guidelines for the Oregon prekindergarten program.

(d) Notwithstanding paragraph (b) of this subsection, the council may adopt rules that allow for the provision of a half-day program or a full-day program, or a combination thereof, to meet community needs, as determined by the council based on community assessments.

(2) In developing rules for the Oregon prekindergarten program, the council shall

consult with the advisory committee established under ORS 329.190 and shall consider such factors as coordination with existing programs, the preparation necessary for instructors, qualifications of instructors, training of staff, adequate space and equipment and special transportation needs.

(3) The Early Learning Division shall review applications for the Oregon prekindergarten program received and designate those programs as eligible to commence operation by July 1 of each year. When approving grant applications, to the extent practicable, the council shall distribute funds regionally based on percentages of unmet needs for the county or region. [Formerly 326.620; 2001 c.831 §20; 2007 c.858 §14; 2012 c.37 §§18,88; 2013 c.624 §§10,11; 2017 c.140 §2]

329.200 Report on Oregon prekindergarten program by superintendent; assessment of program effectiveness. (1) The Superintendent of Public Instruction shall report to the Legislative Assembly on the merits of continuing and expanding the Oregon prekindergarten program or instituting other means of providing early childhood development assistance.

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

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

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

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

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

(e) Licensing or endorsement of early childhood teachers.

(3) The Early Learning Division shall examine, monitor and assess the effectiveness of the Oregon prekindergarten program. The superintendent shall make biennial reports to the Legislative Assembly on the effectiveness of the program. [Formerly 326.625; 2001 c.831 §21; 2005 c.209 §11; 2007 c.858 §15; 2013 c.624 §12]

329.210 [Repealed by 1953 c.306 §18]

329.215 [Formerly 343.415; repealed by 2007 c.858 §40]

329.219 Early Learning Division to implement policies and practices related to early childhood professional development systems. (1) The Early Learning Division, under the direction of the Early Learning Council and in collaboration with the Educator Advancement Council created by ORS 342.940, shall establish and imple-

ment policies and practices to achieve vigorous and comprehensive early childhood professional development systems in this state that incorporate improved recruitment, preparation, induction, career advancement opportunities and support for early learning providers and professionals, including professionals who provide home visiting services.

(2) To achieve the objectives described in subsection (1) of this section, the division shall develop or expand:

(a) Strategies and partnerships that connect early learning providers and professionals with access to education pathways, including college credentials, degrees and certificates;

(b) Coaching and mentorship programs that make available cohorts, mentors and quality improvement specialists to advise, assist, educate and provide information to early learning providers and professionals;

(c) Professional development tracking systems for the workforce for early learning to ensure coverage of the necessary skills and knowledge required of early learning providers and professionals, including professionals who provide home visiting services; and

(d) Collaborations that support exempt family child care providers, as defined in ORS 329A.430, through the advancement of research in child development, peer learning and mentoring.

(3) The division shall collaborate with any state agencies or other partners to achieve the objectives described in subsection (1) of this section and to carry out the provisions of subsection (2) of this section. [2017 c.639 §7]

Note: 329.219 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 329 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

329.220 [Repealed by 1953 c.306 §18]

329.225 [Formerly 343.425; 2001 c.831 §22; repealed by 2007 c.858 §40]

329.228 [1995 c.636 §2; 2005 c.209 §12; 2007 c.858 §16; repealed by 2011 c.313 §25]

329.230 [Repealed by 1953 c.306 §18]

329.235 Provision of early childhood education. Subject to the approval of the Superintendent of Public Instruction:

(1) The district school board of any school district in which there are resident children who are three years of age or older but who have not attained compulsory attendance age and who are not enrolled in a kindergarten of the district may:

(a) Provide early childhood education for such children as part of the district's educational program; or

(b) When the board considers a contract to be economically feasible and in the interests of the learning opportunities of eligible children, contract for instruction of such children in a school district operating an approved early childhood education program, subject to such reimbursement as the districts may agree.

(2) An education service district may operate an approved early childhood education program in the same manner as programs are provided under ORS 334.175 or 334.185. [Formerly 343.435]

329.237 [Formerly 336.435; 1995 c.660 §20; 1999 c.59 §81; 1999 c.1053 §27; repealed by 2007 c.858 §40]

329.240 [Repealed by 1953 c.306 §18]

329.245 [Formerly 336.437; repealed by 2007 c.858 §40]

329.250 [Repealed by 1953 c.306 §18]

(Child Development and Student-Parent Programs)

329.255 Child development specialist program. (1) The district school board of every school district operating any elementary schools may establish a child development specialist program.

(2) If a district school board establishes a child development specialist program, the school district must meet the following requirements:

(a) The school district shall submit a written plan describing the program to the Department of Education and the program must be approved by the department.

(b) Upon approval of a program, a school district shall submit child development specialist candidate applications for department approval.

(c) The school district shall conduct an annual review of the program and submit an updated plan to the department for reauthorization of the program.

(d) Each child development specialist employed by a school district shall complete an annual evaluation of the specialist's child development plan to be included with the school district's updated plan.

(3) The department shall review the plans annually.

(4) School districts may provide the child development specialist program by contract with qualified state or local programs. [Formerly 343.125; 1995 c.660 §21; 1999 c.871 §§2,3; 2007 c.858 §17]

329.260 [Repealed by 1953 c.306 §18]

329.265 [Formerly 343.135; 2007 c.858 §18; repealed by 2009 c.76 §1]

329.275 State board guidelines; rules; qualifications for child development specialists. (1) The State Board of Education by rule shall establish guidelines for implementation of ORS 329.255, including but not limited to qualifications for child development specialists and procedures for community coordination of efforts. Such qualifications and procedures shall not be limited to traditional treatment oriented disciplines or the various disciplines requiring certification.

(2) Exceptions to the qualifications established by the state board may be made if the state board determines after a hearing that an individual is capable of performing the required functions. [Formerly 343.145; 1999 c.871 §§4,5; 2009 c.76 §2]

329.280 [Repealed by 1953 c.306 §18]

329.290 [Repealed by 1953 c.306 §18]

329.300 [Repealed by 1953 c.306 §18]

329.310 [Repealed by 1953 c.306 §18]

329.320 [Repealed by 1953 c.306 §18]

329.330 [Repealed by 1953 c.306 §18]

329.350 [Repealed by 1953 c.306 §18]

329.360 [Repealed by 1953 c.306 §18]

329.385 Child development programs; student-parent programs. (1) The Department of Education shall prepare operating guides for child development programs and for student-parent programs applicable to programs under this section that are consistent with requirements imposed by the State Board of Education.

(2) The Department of Education shall review applications for approval of child development programs and student-parent programs and may approve up to 20 child development and up to 20 student-parent programs after considering:

(a) The educational adequacy and type of programs.

(b) The number of students and children who are to be served by the program.

(c) The availability of trained personnel and facilities.

(d) The need for the programs in the applying district.

(3) In approving applications for child development programs, the department shall require that the school district use the contributions described in ORS 315.234 (2003 or earlier edition) for child development curriculum and in the formulation and initiation of on-site child development centers. Each center must be able to accommodate not more than 30 full-time equivalent spaces for children, distributed according to needs of the community.

(4) In approving applications for student-parent programs, the department shall re-

quire that the school district use the contributions described in ORS 315.234 (2003 or earlier edition) for appropriate education for student-parents leading to graduation and in the formulation and development of appropriate on-site child care facilities. Each facility must be able to accommodate not more than 30 full-time equivalent spaces for children, distributed according to the needs of the student-parents.

(5) As used in this section:

(a) "Child development program" means an educational program that conforms to standards adopted by the State Board of Education and that consists of an education component and a child care component.

(b) "Student-parent program" means an educational program that conforms to standards adopted by the State Board of Education and that consists of education for the student-parent and child care for the student-parent's child. [Formerly 336.850; 1995 c.278 §38; 2005 c.94 §113]

329.390 [Repealed by 1953 c.306 §18]

329.395 Definitions for ORS 329.395 to 329.425. As used in ORS 329.395 to 329.425:

(1) "Child development program" means an educational program funded by ORS 329.395 to 329.425 that conforms to standards adopted by the State Board of Education and that consists of an education component and a child care component.

(2) "Teenage parent program" means an educational program funded by ORS 329.395 to 329.425 that conforms to standards adopted by the State Board of Education and that consists of education for the student-parent and child care for the student-parent's child. [Formerly 336.870; 1995 c.278 §39]

329.400 [Repealed by 1953 c.306 §18]

329.405 [Formerly 336.875; repealed by 2007 c.858 §40]

329.415 Operating guides and grant procedures for ORS 329.395 to 329.425. (1) The Department of Education shall prepare operating guides for child development programs and for teenage parent programs applicable to programs under ORS 329.395 to 329.425 that are consistent with requirements imposed by the State Board of Education.

(2) The department shall review applications for approval of child development programs and teenage parent programs and may approve those programs after considering:

(a) The educational adequacy and type of programs.

(b) The number of students and children who are to be served by the program.

(c) The availability of trained personnel and facilities.

(d) The need for the programs in the applying district.

(3) In approving applications for child development programs, the department shall require that the school district use its grant for child development curriculum and in the formulation and initiation of on-site child development centers. Each center must be able to accommodate from 15 to 30 full-time equivalent spaces for children, distributed according to needs of the community.

(4) In approving applications for teenage parent programs, the department shall require that the school district use the grant in connection with appropriate education for teenage parents leading to graduation and in the formulation and development of appropriate on-site child care centers. Each center must be able to accommodate from 15 to 30 full-time equivalent spaces for children, distributed according to the needs of the teenage student-parents. [Formerly 336.880; 2007 c.858 §19]

329.420 [Repealed by 1953 c.306 §18]

329.425 Grants under ORS 329.395 to 329.425. (1) An approved school district child development program shall be entitled to receive a grant not to exceed \$50,000.

(2) An approved school district teenage parent program shall be entitled to receive a grant not to exceed \$25,000.

(3) A district may receive grants under both subsections (1) and (2) of this section but no district is entitled to receive more than \$75,000 for the grant period. [Formerly 336.885]

329.430 [Repealed by 1953 c.306 §18]

329.440 [Repealed by 1953 c.306 §18]

329.445 [Formerly 326.730; 1995 c.660 §22; repealed by 2007 c.858 §40]

329.447 [1995 c.660 §25; 2003 c.303 §7; repealed by 2007 c.858 §40]

329.450 [Repealed by 1953 c.306 §18]

(Diplomas and Certificates)

329.451 High school diploma; modified diploma; extended diploma; alternative certificate; grade level advancement.

(1)(a) At or before grade 12, a school district or public charter school shall award a high school diploma to a student who completes the requirements established by subsection (2) of this section.

(b) A school district or public charter school shall award a modified diploma to a student who satisfies the requirements established by subsection (7) of this section, an extended diploma to a student who satisfies the requirements established by subsection (8) of this section or an alternative certificate to a student who satisfies the require-

ments established by subsection (9) of this section.

(c) A school district or public charter school may not deny a student who has the documented history described in subsection (7)(b) or (8)(b) of this section the opportunity to pursue a diploma with more stringent requirements than a modified diploma or an extended diploma for the sole reason that the student has the documented history.

(d) A school district or public charter school may award a modified diploma or extended diploma to a student only upon receiving consent as provided by subsection (6) of this section.

(2)(a) In order to receive a high school diploma from a school district or public charter school, a student must satisfy the requirements established by the State Board of Education and the school district or public charter school and, while in grades 9 through 12, must complete at least:

- (A) Twenty-four total credits;
- (B) Three credits of mathematics; and
- (C) Four credits of English.

(b) If a school district or public charter school requires a student to complete more than 24 total credits, as provided by paragraph (a)(A) of this subsection, the school district or public charter school may only require the student to complete additional credits for:

- (A) Subjects for which the State Board of Education has established academic content standards under ORS 329.045;
- (B) Courses provided as part of a career and technical education program; or
- (C) Courses that provide, or qualify to provide, credit at post-secondary institutions of education.

(c)(A) A school district or public charter school that requires students to satisfy any requirements not specified by paragraph (a) of this subsection or by rule of the State Board of Education must grant to a student a waiver of the requirements established by the school district or public charter school if the student is or, at any time from grade 9 to 12, was:

- (i) A foster child, as defined in ORS 30.297;
- (ii) Homeless, as determined under rules adopted by the State Board of Education based on standards adopted by the Department of Human Services;
- (iii) A runaway, as determined under rules adopted by the State Board of Education based on standards adopted by the Department of Human Services;

(iv) A child in a military family covered by the Interstate Compact on Educational Opportunity for Military Children, as determined under rules adopted by the State Board of Education;

(v) A child of a migrant worker, as determined under rules adopted by the State Board of Education; or

(vi) Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education Program.

(B) For any student identified under subparagraph (A) of this paragraph, a school district or public charter school must accept any credits earned by the student in another school district or public charter school and apply those credits toward requirements specified by paragraph (a) of this subsection or by rule of the State Board of Education if the credits satisfied those requirements in that other school district or public charter school.

(3) A student providing work samples to demonstrate proficiency in Essential Learning Skills as may be required under subsection (2) of this section must be allowed to use accommodations described in the student's individualized education program or the student's plan developed in accordance with section 504 of the Rehabilitation Act of 1978, 29 U.S.C. 794. As used in this subsection, the term "accommodations":

(a) Includes, but is not limited to:

- (A) Additional time to demonstrate proficiency.
- (B) The ability to demonstrate proficiency in an alternative location that is secure and proctored.
- (C) The use of text-to-speech or speech-to-text technology or other assistive technology.

(b) Does not include modifications that lower the proficiency standards or that are used solely to earn modified credit.

(4) A student may satisfy the requirements of subsection (2) of this section in less than four years. If a student satisfies the requirements of subsection (2) of this section and a school district or public charter school has received consent as provided by subsection (6) of this section, the school district or public charter school shall award a high school diploma to the student.

(5) If a school district or public charter school has received consent as provided by subsection (6) of this section, the school district or public charter school may advance the student to the next grade level if the student has satisfied the requirements for the student's current grade level.

(6)(a) For the purpose of receiving consent as provided by subsections (1)(d), (4) and (5) of this section, consent shall be provided by:

(A) The parent or guardian of the student, if the student:

(i) Is under 18 years of age and is not emancipated pursuant to ORS 419B.550 to 419B.558; or

(ii) Has been determined not to have the ability to give informed consent regarding the student's education pursuant to a protective proceeding under ORS chapter 125; or

(B) The student, if the student is 18 years of age or older or is emancipated pursuant to ORS 419B.550 to 419B.558.

(b) For the purpose of awarding a modified diploma or extended diploma as provided by subsection (1)(d) of this section or of awarding a high school diploma as provided by subsection (4) of this section, consent must be received during the school year for which the diploma will be awarded.

(7) A school district or public charter school shall award a modified diploma only to students who have demonstrated the inability to meet the full set of academic content standards for a high school diploma with reasonable modifications and accommodations. To be eligible for a modified diploma, a student must:

(a) Satisfy the requirements for a modified diploma established by the State Board of Education; and

(b) Have a documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers or have a documented history of a medical condition that creates a barrier to achievement.

(8) A school district or public charter school shall award an extended diploma only to students who have demonstrated the inability to meet the full set of academic content standards for a high school diploma with reasonable modifications and accommodations. To be eligible for an extended diploma, a student must:

(a) While in grade nine through completion of high school, complete 12 credits, which may not include more than six credits earned in a self-contained special education classroom and shall include:

(A) Two credits of mathematics;

(B) Two credits of English;

(C) Two credits of science;

(D) Three credits of history, geography, economics or civics;

(E) One credit of health;

(F) One credit of physical education; and

(G) One credit of the arts or a world language; and

(b) Have a documented history of:

(A) An inability to maintain grade level achievement due to significant learning and instructional barriers;

(B) A medical condition that creates a barrier to achievement; or

(C) A change in the student's ability to participate in grade level activities as a result of a serious illness or injury that occurred after grade eight.

(9) A school district or public charter school shall award an alternative certificate to a student who does not satisfy the requirements for a high school diploma, a modified diploma or an extended diploma if the student meets requirements established by the board of the school district or public charter school.

(10) A student shall have the opportunity to satisfy the requirements of subsection (7), (8) or (9) of this section by the later of:

(a) Four years after starting grade nine; or

(b) The student reaching the age of 21 years, if the student is entitled to a public education until the age of 21 years under state or federal law.

(11)(a) A student may satisfy the requirements described in subsection (7), (8) or (9) of this section in less than four years if consent is provided in the manner described in subsection (6)(a) of this section.

(b) The consent provided under this subsection must be written and must clearly state that the parent, guardian or student is waiving the time allowed under subsection (10) of this section. A consent may not be used to allow a student to satisfy the requirements of subsection (7), (8) or (9) of this section in less than three years.

(c) A copy of all consents provided under this subsection for students in a school district must be forwarded to the district superintendent.

(d) Each school district must provide to the Superintendent of Public Instruction information about the number of consents provided during a school year.

(12)(a) A student who qualifies to receive or receives a modified diploma, an extended diploma or an alternative certificate shall:

(A) Have the option of participating in a high school graduation ceremony with the class of the student; and

(B) Have access to instructional hours, hours of transition services and hours of other services that are designed to:

(i) Meet the unique needs of the student; and

(ii) When added together, provide a total number of hours of instruction and services to the student that equals at least the total number of instructional hours that is required to be provided to students who are attending a public high school.

(b)(A) The number of instructional hours, hours of transition services and hours of other services that are appropriate for a student shall be determined by the student's individualized education program team. Based on the student's needs and performance level, the student's individualized education program team may decide that the student will not access the total number of hours of instruction and services to which the student has access under paragraph (a)(B) of this subsection.

(B) A school district may not unilaterally decrease the total number of hours of instruction and services to which the student has access under paragraph (a)(B) of this subsection, regardless of the age of the student.

(c) If a student's individualized education program team decides that the student will not access the total number of hours of instruction and services to which the student has access under paragraph (a)(B) of this subsection, the school district shall annually:

(A) Provide the following information in writing to the parent or guardian of the student:

(i) The school district's duty to comply with the requirements of paragraph (a)(B) of this subsection; and

(ii) The prohibition against a school district's unilaterally decreasing the total number of hours of instruction and services to which the student has access.

(B) Obtain a signed acknowledgment from the parent or guardian of the student that the parent or guardian received the information described in subparagraph (A) of this paragraph.

(C) Include in the individualized education program for the student a written statement that explains the reasons the student is not accessing the total number of hours of instruction and services to which the student has access under paragraph (a)(B) of this subsection.

(d) For purposes of paragraph (a)(B) of this subsection, transition services and other services designed to meet the unique needs of the student may be provided to the student

through an interagency agreement entered into by the school district if the individualized education program developed for the student indicates that the services may be provided by another agency. A school district that enters into an interagency agreement as allowed under this paragraph retains the responsibility for ensuring that the student has access to the number of service hours required to be provided to the student under this subsection. An agency is not required to change any eligibility criteria or enrollment standards prior to entering into an interagency agreement as provided by this paragraph.

(13) A school district or public charter school shall:

(a) Ensure that students have on-site access to the appropriate resources to achieve a high school diploma, a modified diploma, an extended diploma or an alternative certificate at each high school in the school district or at the public charter school.

(b) Provide literacy instruction to all students until graduation.

(c) Annually provide, to the parents or guardians of a student who has the documented history described in subsection (8)(b) of this section, information about the availability of a modified diploma, an extended diploma and an alternative certificate and the requirements for the diplomas and certificate:

(A) Beginning in grade five; or

(B) Beginning after a documented history described in subsection (8)(b) of this section has been established. [2005 c.827 §1; 2007 c.407 §1; 2007 c.660 §12; 2009 c.618 §1; 2011 c.240 §1a; 2011 c.286 §1; 2011 c.313 §7; 2011 c.546 §1; 2013 c.15 §4; 2013 c.64 §1; 2013 c.761 §3; 2014 c.42 §§5,6; 2017 c.433 §1; 2017 c.726 §6]

Note: 329.451 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 329 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

329.455 [Formerly 335.125; repealed by 1995 c.660 §50]

329.460 [Repealed by 1953 c.306 §18]

329.465 [Formerly 335.140; 1995 c.660 §23; 1999 c.717 §3; 1999 c.1029 §4; 2003 c.303 §8; repealed by 2007 c.858 §40]

329.467 [1995 c.660 §24a; repealed by 2007 c.858 §40]

329.470 [Repealed by 1953 c.306 §18]

(Student Assessments)

329.471 Availability of personally identifiable information in relation to results of performance-based assessment. (1) Except as provided by subsection (2) of this section, a school district employee or volunteer may not post, publish or otherwise make publicly available in a nonsecure setting any

personally identifiable information in relation to the specific or comparative results of a performance-based assessment.

(2) A school district employee may post, publish or otherwise make publicly available in a nonsecure setting the information described in subsection (1) of this section if consent to post, publish or otherwise make publicly available the information as allowed by state and federal law is provided by:

(a) The student who took the assessment, if the student is 18 years of age or older; or

(b) The parent or guardian of the student who took the assessment, if the student is under 18 years of age. [2015 c.160 §2]

329.475 [Formerly 335.150; 1995 c.660 §28; 1995 c.769 §1; 1997 c.353 §1; 2003 c.303 §9; repealed by 2007 c.858 §40]

329.479 Student Assessment Bill of Rights; excusal from statewide summative assessment; notice. (1) This section shall be known and may be cited as the Student Assessment Bill of Rights.

(2) As used in this section:

(a) “Adult student” means a student of a public school or a public charter school who is 18 years of age or older or who is emancipated pursuant to ORS 419B.550 to 419B.558.

(b) “Parent” means a parent, legal guardian or person in parental relationship, as defined in ORS 339.133, of a student of a public school or a public charter school.

(c) “Statewide summative assessment” means a standardized summative assessment that is identified by the Department of Education for administration in all of the school districts and public charter schools of this state.

(3) A parent or an adult student may annually choose to excuse the student from taking a statewide summative assessment by:

(a) Completing a form established by the Department of Education as provided by subsection (4) of this section; and

(b) Submitting the completed form to the school district for the school that the student attends.

(4) The Department of Education shall establish a form to excuse a student from taking a statewide summative assessment. The form must have at least the following:

(a) An explanation of the right of a parent or an adult student to excuse the student from taking a statewide summative assessment; and

(b) An explanation of the purpose and value of statewide summative assessments.

(5) At the beginning of each school year, each school district and public charter

school shall ensure that parents and adult students are provided with a notice about statewide summative assessments. The notice shall be established by the Department of Education and must include information about statewide summative assessments, the time frame when the statewide summative assessments most likely will be administered and a student’s or parent’s right to excuse the student from taking the statewide summative assessments.

(6)(a) At least 30 days prior to the administration of statewide summative assessments, a school district or public charter school must send to parents and adult students a notice about the statewide summative assessments. The notice must include:

(A) The purpose of the assessments and how the results of the assessments will be used;

(B) The specific days the statewide summative assessments will be administered;

(C) The amount of class time required for the statewide summative assessments;

(D) The learning targets that make up the assessments;

(E) The difference between good and poor performances on the assessments;

(F) When results of the assessments will be available to students; and

(G) Access to the form established as provided by subsection (4) of this section.

(b) Notwithstanding paragraph (a) of this subsection, the Department of Education may waive the notice requirement for a school district or public charter school if a human-created disaster or a natural disaster affects the ability of the school district or public charter school to administer the statewide summative assessments and the statewide summative assessments must be provided at a later date.

(7) School districts and public charter schools shall provide supervised study time for students excused from the statewide summative assessments as provided by this section. The study time shall be considered instructional time for purposes of rules adopted by the State Board of Education.

(8) A student who is excused from the statewide summative assessments may not be denied a diploma under ORS 329.451 if the student is able to satisfy all other requirements for the diploma established under ORS 329.451.

(9) The results of a statewide summative assessment must be provided to students in a timely manner and in a manner that is understandable by the student.

(10) If the rating on a school performance report is affected by the number of parents and adult students who excuse students from taking a statewide summative assessment as provided by this section, the Department of Education shall include on the school performance report:

(a) An indication that the rating was affected by a federal law requirement;

(b) A brief explanation of the federal law requirement that affected the rating; and

(c) The rating the school would have received if not for the federal law requirement. [2015 c.519 §3]

Note: The amendments to 329.479 by section 5, chapter 519, Oregon Laws 2015, become operative July 1, 2021, and first apply to statewide summative assessments administered for the 2021-2022 school year. See section 6, chapter 519, Oregon Laws 2015. The text that is operative on and after July 1, 2021, is set forth for the user's convenience.

329.479. (1) This section shall be known and may be cited as the Student Assessment Bill of Rights.

(2) As used in this section:

(a) "Adult student" means a student of a public school or a public charter school who is 18 years of age or older or who is emancipated pursuant to ORS 419B.550 to 419B.558.

(b) "Parent" means a parent, legal guardian or person in parental relationship, as defined in ORS 339.133, of a student of a public school or a public charter school.

(c) "Statewide summative assessment" means a standardized summative assessment that is identified by the Department of Education for administration in all of the school districts and public charter schools of this state.

(3) At the beginning of each school year, each school district and public charter school shall ensure that parents and adult students are provided with a notice about statewide summative assessments. The notice shall be established by the Department of Education and must include information about statewide summative assessments, the time frame when the statewide summative assessments most likely will be administered and a student's or parent's right to excuse the student from taking the statewide summative assessments.

(4)(a) At least 30 days prior to the administration of statewide summative assessments, a school district or public charter school must send to parents and adult students a notice about the statewide summative assessments. The notice must include:

(A) The purpose of the assessments and how the results of the assessments will be used;

(B) The specific days the statewide summative assessments will be administered;

(C) The amount of class time required for the statewide summative assessments;

(D) The learning targets that make up the assessments;

(E) The difference between good and poor performances on the assessments; and

(F) When results of the assessments will be available to students.

(b) Notwithstanding paragraph (a) of this subsection, the Department of Education may waive the notice requirement for a school district or public charter school if a human-created disaster or a natural disaster

affects the ability of the school district or public charter school to administer the statewide summative assessments and the statewide summative assessments must be provided at a later date.

(5) School districts and public charter schools shall provide supervised study time for students excused from the statewide summative assessments as provided by this section. The study time shall be considered instructional time for purposes of rules adopted by the State Board of Education.

(6) A student who is excused from the statewide summative assessments may not be denied a diploma under ORS 329.451 if the student is able to satisfy all other requirements for the diploma established under ORS 329.451.

(7) The results of a statewide summative assessment must be provided to students in a timely manner and in a manner that is understandable by the student.

(8) If the rating on a school performance report is affected by the number of parents and adult students who excuse students from taking a statewide summative assessment as provided by this section, the Department of Education shall include on the school performance report:

(a) An indication that the rating was affected by a federal law requirement;

(b) A brief explanation of the federal law requirement that affected the rating; and

(c) The rating the school would have received if not for the federal law requirement.

329.480 [Repealed by 1953 c.306 §18]

329.485 Statewide assessment system; additional services or alternative educational options. (1) As used in this section:

(a) "Content-based assessment" means testing of the understanding of a student of a predetermined body of knowledge.

(b) "Criterion-referenced assessment" means testing of the knowledge or ability of a student with respect to some standard.

(c) "Performance-based assessment" means testing of the ability of a student to use knowledge and skills to create a complex or multifaceted product or complete a complex task.

(2)(a) The Department of Education shall implement statewide a valid and reliable assessment system for all students that meets technical adequacy standards. The assessment system shall include criterion-referenced assessments including performance-based assessments, content-based assessments, and other valid methods to measure the academic content standards and to identify students who meet or exceed the standards.

(b) The department shall develop the statewide assessment system in mathematics, science, English, history, geography, economics and civics.

(3) In addition to the assessment system implemented under subsection (2) of this section, the department may make available to school districts and public charter schools an assessment system that uses criterion-

referenced assessments, including performance-based assessments and content-based assessments to:

(a) Measure a student's progress toward mastery of the knowledge and skills of the student's current grade level or course content level;

(b) Determine the student's level of mastery, which shall be determined regardless of the actual grade level of the student and may be determined by adapting the assessment during the assessment process as a result of the performance of the student;

(c) Track and provide reports on the progress of a student based on the information provided under paragraphs (a) and (b) of this subsection; and

(d) Provide predictions of anticipated student progress that are based on the information provided under this subsection and not on the current grade level of the student.

(4)(a) School districts and public charter schools shall implement the statewide assessment system in mathematics, science and English. In addition, school districts and public charter schools may implement the statewide assessment system in history, geography, economics and civics.

(b) School districts and public charter schools may choose to implement the assessment system described in subsection (3) of this section.

(5)(a) Each year the resident school district shall be accountable for determining the student's progress toward achieving the academic content standards. Progress toward the academic content standards:

(A) Shall clearly show the student and parents whether the student is making progress toward meeting or exceeding the academic content standards at the student's current grade level or course content level;

(B) Shall be based on the student's progress toward mastery of a continuum of academic knowledge and skills; and

(C) May be based on the student's progress in a continuum of knowledge and skills that are not academic and that may include student behaviors that are defined by the school district.

(b) School districts shall determine the method and format for showing student progress toward achieving the academic content standards. Communications on student progress shall include a reasonable number, as determined by the school district, of academic knowledge and skills in a content area to enable parents and students to understand a student's progress toward meeting or exceeding the academic content standards. No more than three indicators of academic

knowledge and skills per content area reporting category shall be required as provided by this section. A school district may use more than three indicators of academic knowledge and skills per content area reporting category if the school district implements a proficiency education system as provided by ORS 329.119.

(6) In addition to the requirements described in subsection (5) of this section, the school district shall adopt and implement a reporting system based on the school district board adopted course content of the school district's curriculum. The reporting system:

(a) Shall clearly show the student and parents whether the student is achieving course requirements at the student's current grade level or course content level;

(b) Shall be based on the student's progress toward mastery of a continuum of academic knowledge and skills; and

(c) May be based on the student's progress in a continuum of knowledge and skills that are not academic and that may include student behaviors that are defined by the school district.

(7) If a student has not met or has exceeded all of the academic content standards, the school district shall make additional services or alternative educational or public school options available to the student.

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

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

(b) Any state and federal funds the attending school district is entitled to receive payable as provided in ORS 339.133 (2)(b). [Formerly 335.160; 1995 c.660 §29; 2001 c.269 §1; 2003 c.303 §10; 2005 c.220 §1; 2007 c.858 §22; 2009 c.101 §1; 2011 c.139 §1; 2011 c.718 §11; 2014 c.42 §1; 2017 c.726 §22]

329.486 Guidelines for best practices of administering assessments. The State Board of Education shall adopt guidelines for the best practices of administering statewide assessments of students. The guidelines must provide that a student who is in any grade

from kindergarten through grade eight and who has met or exceeded state standards on a test is excused from being required to re-take the test. [2011 c.565 §1]

Note: 329.486 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 329 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

329.487 [1995 c.660 §26; 1999 c.806 §1; 2001 c.443 §1; repealed by 2003 c.303 §17]

329.488 Nationally normed assessment; rules. (1) The Department of Education shall contract with a nonprofit entity to administer a nationally normed assessment, in collaboration with the department, to all students in grade 10 who are enrolled in a public school. The purpose of the assessment is to predict the success of students on, and provide practice for students taking, college entrance exams.

(2) The department shall base the selection of the contractor under subsection (1) of this section on all of the following criteria:

(a) The contractor must be able to provide to the department statewide data containing the results of the assessment;

(b) The contractor shall provide an assessment that:

(A) Identifies students with high potential to excel in advanced placement (AP) or other honors courses based on a research-based correlation of scores on the grade 10 assessment to advanced placement examinations;

(B) Examines students in mathematics, reading and writing; and

(C) Provides results that can be used by Oregon's higher education institutions to recruit students to attend college;

(c) The contractor must be able to supply schools with an item-by-item analysis of student performance on the assessment; and

(d) The contractor must be able to make available to each student taking the assessment a free career assessment and online exploration of colleges and career opportunities.

(3)(a) In lieu of using the contractor selected by the department under subsection (1) of this section, a school district may apply to the department for a waiver to allow the district to enter into a contract with a different nonprofit entity for the purpose of administering a nationally normed assessment to all students in grade 10 who are enrolled in the public schools operated by the district. The department shall grant the waiver if:

(A) The district had entered into a contract with the entity for the 2007-2008 school year to administer a grade 10 assessment;

(B) The entity, in coordination with the district, administered a grade 10 assessment during the 2007-2008 school year;

(C) For the most recent school year in which the entity administered a grade 10 assessment, the entity met the criteria set forth in subsection (2) of this section as in effect for the school year in which the entity administered the assessment; and

(D) The entity plans to meet the criteria set forth in subsection (2) of this section as in effect for the school year for which the school district seeks a waiver.

(b) A waiver granted by the department under this subsection:

(A) Is valid for one school year; and

(B) May be renewed each school year.

(c) The department shall reimburse a school district for the cost of assessments allowed under this subsection from funds available to the department under ORS 327.008 (14).

(4) Notwithstanding subsections (1) and (3) of this section:

(a) The department may, under rules adopted by the State Board of Education, waive the assessment for specific groups of students; and

(b) Upon request from a student who is enrolled in a public school operated by a school district or the parent or guardian of the student, the school district shall waive the assessment for the student. [2007 c.858 §42; 2008 c.20 §1; 2011 c.302 §§1,2; 2013 c.577 §§10,15; 2014 c.81 §10; 2015 c.604 §16; 2015 c.644 §8; 2015 c.783 §11]

Note: 329.488 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 329 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

(Subjects)

329.489 American Sign Language. (1) Within the State of Oregon's kindergarten through grade 12 education system, proficiency for students in American Sign Language shall be in accordance with rules adopted by the State Board of Education pursuant to ORS chapter 329 and any other applicable state or federal law.

(2) The State Board of Education is encouraged to continue to:

(a) Coordinate with public universities listed in ORS 352.002 and the Oregon School for the Deaf to develop curricula for American Sign Language courses;

(b) Implement programs to locate and prepare qualified teachers and interpreters of American Sign Language; and

(c) Assist public high schools in identifying local and regional needs and resources

available for American Sign Language courses. [1995 c.687 §1; 2007 c.858 §64; 2015 c.767 §102]

Note: 329.489 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 329 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

329.490 [Repealed by 1953 c.306 §18]

329.492 Oregon Studies. (1) The Department of Education shall develop academic content standards for Oregon Studies and shall prepare materials to support teacher training and classroom instruction in Oregon Studies.

(2) In the development of the academic content standards in Oregon Studies and in the preparation of materials to support teacher training and classroom instruction in Oregon Studies, the department shall consult with:

- (a) The Oregon Historical Society;
- (b) The Commission on Black Affairs;
- (c) The Commission on Hispanic Affairs;
- (d) The Commission on Indian Services;
- (e) The Commission on Asian and Pacific Islander Affairs; and
- (f) Any other organization identified by the Superintendent of Public Instruction.

(3) The materials prepared as provided by subsection (2) of this section shall include a balanced presentation of the relevant contributions to society by men and women of African-American, Hispanic, Native American, Asian-American and other racial groups in Oregon.

(4) The Oregon Historical Society or any commission identified in subsection (2) of this section may use any public funds allocated to the society or commission for the purposes of this section. In addition, the Oregon Historical Society or any commission identified in subsection (2) of this section may raise additional funds from private sources for the purposes of this section. [1999 c.1023 §3; 2003 c.303 §11; 2013 c.777 §1]

329.493 Curriculum relating to Native American experience in Oregon. (1) The Department of Education shall:

(a) Develop a curriculum relating to the Native American experience in Oregon and make the curriculum available to school districts; and

(b) Provide professional development to teachers and administrators relating to the curriculum.

(2) The curriculum required by this section must be:

(a) For students in kindergarten through grade 12;

(b) Related to the Native American experience in Oregon, including tribal history, sovereignty issues, culture, treaty rights, government, socioeconomic experiences and current events;

(c) Historically accurate, culturally relevant, community-based, contemporary and developmentally appropriate; and

(d) Aligned with the academic content standards adopted under ORS 329.045.

(3) School districts must implement the curriculum developed under subsection (1) of this section for students in kindergarten through grade 12.

(4) The department may contract for the development of the curriculum under this section or for the provision of professional development.

(5) The department shall ensure that the federally recognized Indian tribes in Oregon are given the opportunity to collaborate in the development of the curriculum and the provision of professional development, and may make moneys available to those tribes to support collaboration efforts. [2017 c.632 §2]

Note: Section 3, chapter 632, Oregon Laws 2017, provides:

Sec. 3. Phase-in of implementation of curriculum relating to Native American experience in Oregon. (1) The requirement of section 2 (3) of this 2017 Act [329.493 (3)], relating to the implementation of the curriculum developed under section 2 (1) of this 2017 Act, first applies to the 2019-2020 school year.

(2) The Department of Education shall report on the status of the implementation of section 2 of this 2017 Act to the Commission on Indian Services, the Government to Government Indian Education Cluster and the State Board of Education no later than:

- (a) October 15, 2018;
- (b) October 15, 2019; and
- (c) October 15, 2020. [2017 c.632 §3]

329.495 [Formerly 335.170; repealed by 1995 c.660 §50]

329.496 Physical education participation; professional development; instruction without endorsement; rules. (1) Every public school student in kindergarten through grade eight shall participate in physical education for the entire school year.

(2)(a) Students in kindergarten through grade five, and students in grade six at a school that teaches kindergarten through grade six, shall participate in physical education for at least 150 minutes during each school week.

(b) Except as provided by paragraph (a) of this subsection, students in grades six through eight shall participate in physical education for at least 225 minutes during each school week.

(c) Notwithstanding the time requirements established by paragraphs (a) and (b) of this subsection, the State Board of Educa-

tion shall adopt rules that prorate the time requirements for:

(A) School weeks with scheduled school closures, including closures for holidays, in-service days and days scheduled for parent-teacher conferences;

(B) School weeks with unscheduled school closures, including closures for inclement weather and emergencies;

(C) School weeks with out-of-school activities that occur during usual school hours, including field trips and outdoor school programs;

(D) Part-time school programs, including half-day kindergarten; and

(E) Irregular class schedules, including class schedules based on a four-day week.

(d) School districts and public charter schools are not required to comply with the time requirements established by paragraphs (a) and (b) of this subsection for school years during the biennium in which the total amounts appropriated or allocated to the State School Fund and available for distribution to school districts are less than the amounts determined to be needed for school districts through the State School Fund under the tentative budget prepared as provided by ORS 291.210. After the beginning of a biennium, a school district or a public charter school may cease to comply with the time requirements established by paragraphs (a) and (b) of this subsection if the amounts appropriated or allocated to the State School Fund and available for distribution to school districts are less than the amounts determined to be needed for distribution through the State School Fund, as calculated under ORS 291.210.

(3) School districts and public charter schools shall offer instruction in physical education that meets the academic content standards for physical education adopted by the State Board of Education under ORS 329.045. The instruction shall be a sequential, developmentally appropriate curriculum that is designed, implemented and evaluated to help students develop the knowledge, motor skills, self-management skills, attitudes and confidence needed to adopt and maintain physical activity throughout their lives.

(4)(a) School districts and public charter schools shall devote at least 50 percent of physical education class time to actual physical activity in each school week, with as much class time as possible spent in moderate physical activity.

(b)(A) For the purpose of satisfying the time requirements established by subsection (2) of this section, school districts and public charter schools may provide up to 45 minutes of activities during each school week that:

(i) Meet the academic content standards for physical education adopted by the State Board of Education under ORS 329.045;

(ii) Are provided for students by a teacher whose license allows the teacher to provide instruction in physical education to those students, even if the teacher does not have a physical education endorsement; and

(iii) Have been reviewed by a licensed teacher with a physical education endorsement.

(B) The Department of Education shall:

(i) Review and, as appropriate, approve activities that are developed by nonprofit professional organizations representing health and physical education educators if the activities meet the requirements of subparagraph (A) of this paragraph; and

(ii) Make available to school districts and public charter schools a list of activities approved as provided by this subparagraph.

(C) School districts and public charter schools may provide activities that meet the requirements of subparagraph (A) of this paragraph even if the activities are not approved as provided by subparagraph (B) of this paragraph.

(5)(a) Notwithstanding subsections (1), (2) and (4) of this section, a student with disabilities shall have suitably adapted physical education incorporated as part of the individualized education program developed for the student under ORS 343.151.

(b) Notwithstanding subsections (1), (2) and (4) of this section, a student who does not have an individualized education program but has chronic health problems, other disabling conditions or other special needs that preclude the student from participating in regular physical education instruction shall have suitably adapted physical education incorporated as part of an individualized health plan developed for the student by the school district or public charter school.

(6) School districts and public charter schools shall assess school curricula at regular intervals to measure the attainment of the minimum number of minutes that students are required to participate in physical education under this section.

(7)(a) All teachers of physical education for public school students in kindergarten through grade eight shall be adequately prepared and shall regularly participate in professional development activities to effectively deliver the physical education program.

(b)(A) Notwithstanding any licensing or endorsement requirements established by the Teacher Standards and Practices Commission, a teacher with an elementary multiple subject endorsement may instruct students in

activities described in subsection (4)(b) of this section if the activities are reviewed by a licensed teacher with a physical education endorsement.

(B) A teacher described in this paragraph may provide instruction in activities described in subsection (4)(b) of this section to students who are not regularly taught by the teacher as long as the instruction in the activities to students who are not regularly taught by the teacher does not exceed 45 minutes during each school week. Nothing in this subparagraph allows a school district to employ a teacher for the sole purpose of providing instruction in activities described in subsection (4)(b) of this section.

(8) A school district that does not comply with the requirements of this section is considered to be nonstandard under ORS 327.103. [2007 c.839 §5; 2017 c.301 §1]

Note: Sections 2, 3, 5, and 7, chapter 301, Oregon Laws 2017, provide:

Sec. 2. Phase-in of time requirements. (1) Except as provided by subsections (2) and (3) of this section and only for school years prior to the 2022-2023 school year, a school district may not be considered nonstandard under ORS 327.103 and moneys may not be withheld or any other penalty or sanctions imposed on a school district that does not comply with the time requirements established by ORS 329.496 (2).

(2)(a) For the 2019-2020 school year, students identified in ORS 329.496 (2)(a) shall participate in physical education for at least 120 minutes during each school week.

(b) For the 2020-2021 school year and every school year thereafter, students identified in ORS 329.496 (2)(a) shall participate in physical education for at least 150 minutes during each school week.

(c) If a school district fails to comply with paragraph (a) or (b) of this subsection, the school district may be considered nonstandard under ORS 327.103.

(3)(a) For the 2021-2022 school year, students identified in ORS 329.496 (2)(b) shall participate in physical education for at least 180 minutes during each school week.

(b) For the 2022-2023 school year and every school year thereafter, students identified in ORS 329.496 (2)(b) shall participate in physical education for at least 225 minutes during each school week.

(c) If a school district fails to comply with paragraph (a) or (b) of this subsection, the school district may be considered nonstandard under ORS 327.103.

(4) For the purposes of this section, a school district may:

(a) Prorate time requirements provided by this section in compliance with rules adopted by the State Board of Education under ORS 329.496 (2)(c);

(b) Apply up to 45 minutes of activities described in ORS 329.496 (4)(b) to the time requirements provided by this section; and

(c) Cease to comply with the time requirements provided by this section if the conditions described in ORS 329.496 (2)(d) are satisfied. [2017 c.301 §2]

Sec. 3. Repeal. Section 2 of this 2017 Act is repealed on July 1, 2022. [2017 c.301 §3]

Sec. 5. Recommendations for implementation of time requirements for students in grades six through eight. (1) The Department of Education shall

develop recommendations for implementing the provisions of ORS 329.496 (2)(b).

(2) For the purpose of developing the recommendations, the department shall collaborate with advocates for physical education, representatives of school districts, educators and other interested stakeholders. Collaboration may be in person, electronically, or a combination of both.

(3) When developing the recommendations, the department shall consider:

(a) Best practices for providing physical education to students in grades six through eight and balance those best practices with resources available for providing physical education to students in grades six through eight, including scheduling issues, facility availability, costs for adding or upgrading facilities, moneys available for adding or upgrading facilities, the availability and costs of licensed physical education teachers and any other issues identified by the entities identified in subsection (2) of this section.

(b) All options for implementing the requirements of ORS 329.496 (2)(b) and other alternatives to the requirements of ORS 329.496 (2)(b) that are available for providing physical education to students in grades six through eight.

(4) All agencies of state government, as defined in ORS 174.111, and school districts are directed to assist the department in the performance of the department's duties under this section and, to the extent permitted by laws relating to confidentiality, to furnish information and advice the department considers necessary to perform its duties.

(5) The department may accept donations of time and money for the purpose of fulfilling the duties of the department under this section.

(6) The department shall submit any recommendations for legislation to the interim committees of the Legislative Assembly related to education no later than November 15, 2018. [2017 c.301 §5]

Sec. 7. Repeal. Section 5 of this 2017 Act is repealed on December 31, 2018. [2017 c.301 §7]

329.498 Data related to physical education; facilities; technical assistance. (1) The Department of Education shall collect data from school districts on:

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

(b) The physical capacity of public schools to provide students with the number of minutes of physical education specified by ORS 329.496 (2); and

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

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

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

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

(3) The department shall provide technical assistance to school districts and public charter schools to enable the school districts and public charter schools to comply with the requirements of ORS 329.496. [2007 c.839 §1; 2013 c.434 §1; 2017 c.301 §4]

Note: 329.498 to 329.501 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 329 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

329.499 Report to Legislative Assembly on physical education. Prior to February 1 of each odd-numbered year, the Department of Education shall report to the Legislative Assembly on the data collected under ORS 329.498 for the prior two school years. [2007 c.839 §2]

Note: See note under 329.498.

329.500 [Repealed by 1953 c.306 §18]

329.501 Grants for physical education; rules. (1) The Department of Education shall award grants to school districts and public charter schools for the purpose of meeting the physical education requirements of ORS 329.496.

(2) A district or school that receives a grant may use the grant to:

(a) Hire teachers who specialize in physical education; and

(b) Provide in-service training to teachers on the academic content standards for physical education and the requirements of ORS 329.496.

(3) The department shall determine:

(a) The amount of a grant;

(b) The criteria for awarding a grant; and

(c) The process for awarding grants.

(4) The State Board of Education may adopt any rules necessary to administer this section. [2007 c.839 §10]

Note: See note under 329.498.

329.504 Funding for programs that link physical activity and academic achievement. (1) For the purpose of implementing programs that link physical activity and academic achievement, the Department of Education shall, to the extent that funding and personnel are available to the department:

(a) Seek public and private funding for programs that link physical activity and academic achievement; and

(b) Provide information to school districts on public and private funding opportunities that are directly available to school districts for programs that link physical activity and academic achievement.

(2) For the purpose of funding programs described in subsection (1) of this section,

the department may accept contributions of funds and assistance from the United States Government and its agencies or from any other source, public or private, and agree to conditions placed on funds not inconsistent with the purpose described in subsection (1) of this section.

(3) All funds received by the department under this section shall be paid into the Department of Education Account established in ORS 326.115 to the credit of the department for the purpose of this section. [2009 c.495 §1]

Note: 329.504 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 329 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

329.505 [Formerly 335.180; repealed by 1995 c.660 §50]

329.510 [Repealed by 1953 c.306 §18]

329.520 [Repealed by 1953 c.306 §18]

329.530 [Repealed by 1953 c.306 §18]

329.535 [Formerly 336.530; repealed by 1995 c.660 §50]

329.537 [1991 c.693 §13; 1995 c.660 §49; repealed by 2007 c.858 §40]

329.540 [Repealed by 1953 c.306 §18]

329.545 [Formerly 336.535; repealed by 2007 c.858 §40]

329.555 [Formerly 336.540; 1995 c.278 §40; 1995 c.343 §28; 1995 c.660 §31; repealed by 2007 c.858 §40]

329.560 [Repealed by 1953 c.306 §18]

329.565 [Formerly 336.545; repealed by 2007 c.858 §40]

329.570 [Formerly 336.550; 1995 c.660 §32; repealed by 2007 c.858 §40]

329.575 [Formerly 336.555; 1997 c.864 §20; 2001 c.448 §2; repealed by 2007 c.858 §40]

329.585 [Formerly 336.557; 1995 c.660 §33; 1997 c.864 §21; repealed by 2007 c.858 §40]

329.595 [Formerly 336.560; 1997 c.864 §22; repealed by 2007 c.858 §40]

329.600 [Formerly 336.565; 1997 c.864 §23; repealed by 2007 c.858 §40]

329.605 [Formerly 336.570; repealed by 2007 c.858 §40]

329.610 [Repealed by 1963 c.22 §2]

329.620 [Repealed by 1963 c.22 §2]

329.630 [Repealed by 1963 c.22 §2]

329.640 [Repealed by 1963 c.22 §2]

329.650 [Repealed by 1963 c.22 §2]

329.660 [Repealed by 1963 c.22 §2]

329.670 [Repealed by 1963 c.22 §2]

329.675 [Formerly 336.705; 1995 c.660 §34; 1997 c.249 §95; 1997 c.383 §7; 2001 c.317 §1; 2007 c.858 §24; 2007 c.863 §1; renumbered 329.788 in 2007]

329.680 [Repealed by 1963 c.22 §2]

329.685 [Formerly 336.710; repealed by 2007 c.858 §40]

329.690 [Formerly 336.715; 1995 c.660 §35; repealed by 2007 c.858 §40]

329.695 [Formerly 336.720; repealed by 2007 c.858 §40]

329.700 [Formerly 336.730; 1995 c.660 §36; 2001 c.317 §2; repealed by 2007 c.858 §40]

SCHOOL COUNCILS

329.704 Local 21st Century Schools Councils; district site committees. (1) Nothing in this section shall interfere with the duties, responsibilities and rights of duly elected school district boards. There shall be established at each school a 21st Century Schools Council. The duties of a 21st Century Schools Council shall include but not be limited to:

- (a) The development of plans to improve the professional growth of the school's staff;
- (b) The improvement of the school's instructional program;
- (c) The development and coordination of plans for the implementation of programs under this chapter at the school; and
- (d) The administration of grants-in-aid for the professional development of teachers and classified district employees.

(2) A 21st Century Schools Council shall be composed of teachers, parents, classified employees and principals or the principal's designee, as follows:

- (a) Not more than half of the members shall be teachers;
 - (b) Not more than half of the members shall be parents of students attending that school;
 - (c) At least one member shall be a classified employee; and
 - (d) One member shall be the principal of the building or the principal's designee.
- (3) In addition, other members may be as the school district shall designate, including but not limited to business leaders, students and members of the community at large.

(4) Members of a 21st Century Schools Council shall be selected as follows:

- (a) Teachers shall be licensed teachers elected by licensed teachers at the school site;
- (b) Classified employees shall be elected by classified employees at the school site;
- (c) Parents shall be selected by parents of students attending the school; and
- (d) Other representatives shall be selected by the council.

(5) If a school district board determines that a school site is unable to fulfill the requirements of this section or if the needs of a school site require a different composition, the school district board shall establish the 21st Century Schools Council in a manner that best meets the educational needs of the district.

(6) All 21st Century Schools Council meetings shall be subject to the open meetings law pursuant to ORS 192.610 to 192.690.

(7) A school district may establish a district site committee to assist in the administration of grants or in the district-wide coordination of programs. [1995 c.660 §39 (enacted in lieu of 329.705); 2001 c.618 §7; 2007 c.858 §25; 2013 c.1 §27]

329.705 [Formerly 336.745; repealed by 1995 c.660 §38 (329.704 enacted in lieu of 329.705)]

329.709 [Formerly 336.755; repealed by 2007 c.858 §40]

329.710 [Amended by 1961 c.522 §1; 1963 c.282 §10; 1963 c.544 §23; renumbered 330.080]

329.715 [Formerly 336.765; 1995 c.343 §29; repealed by 2007 c.858 §40]

329.720 [Amended by 1961 c.522 §2; 1963 c.544 §24; renumbered 330.085]

329.725 [Formerly 336.775; repealed by 2001 c.317 §11]

329.730 [Amended by 1957 c.310 §6; 1959 c.518 §1; 1961 c.522 §3; repealed by 1963 c.282 §16]

329.735 [Formerly 336.780; repealed by 2007 c.858 §40]

329.740 [Renumbered 330.115]

329.745 [Formerly 336.785; repealed by 2007 c.858 §40]

329.750 [Renumbered 330.125]

**PROFESSIONAL DEVELOPMENT OF EDUCATORS
(Federal Loans)**

329.752 Determination of school type for purpose of federal loan forgiveness programs. For the purpose of federal loan forgiveness programs offered to teachers, the type of school where a teacher teaches shall be determined as follows:

(1) The school shall be considered a secondary school if the school offers instruction in:

- (a) Grades 6 through 12, or any part thereof; or
- (b) Kindergarten through grade 12, or any part thereof, but the teacher is employed for the purpose of teaching any grade from grade 6 through 12.

(2) The school shall be considered an elementary school if the school offers instruction in:

- (a) Kindergarten through grade 5, or any part thereof; or
- (b) Kindergarten through grade 12, or any part thereof, but the teacher is employed for the purpose of teaching any grade from kindergarten through grade 5. [2011 c.428 §1]

Note: 329.752 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 329 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

329.753 [Formerly 342.017; repealed by 1995 c.660 §50]

329.755 [1955 c.22 §1; 1957 c.89 §3; renumbered 330.135]

329.757 [Formerly 348.120; 1999 c.704 §5; 2011 c.637 §106; repealed by 2013 c.747 §203]

329.760 [Amended by 1953 c.538 §2; renumbered 330.145]

329.765 [Formerly 348.125; 1999 c.704 §6; 2005 c.209 §13; 2011 c.637 §107; repealed by 2013 c.747 §203]

329.770 [Amended by 1953 c.513 §3; renumbered 330.155]

329.775 [Formerly 348.130; 1997 c.383 §8; 1999 c.704 §7; 2011 c.637 §108; repealed by 2013 c.747 §203]

329.780 [Formerly 348.135; 1997 c.28 §1; 1999 c.704 §8; 1999 c.1070 §10; 2011 c.637 §109; repealed by 2013 c.747 §203]

(Beginning Teacher and Administrator Program)

329.788 Definitions for ORS 329.788 to 329.820. As used in ORS 329.788 to 329.820:

(1) “Beginning administrator” means a principal or superintendent who:

(a) Possesses a preliminary administrative license issued by the Teacher Standards and Practices Commission;

(b) Is employed as a principal or superintendent by a school district; and

(c) Has been assigned for fewer than two school years in the administrator’s present position.

(2) “Beginning teacher” means a teacher who:

(a) Possesses a preliminary teaching license or reciprocal license issued by the Teacher Standards and Practices Commission;

(b) Is employed at least half-time, primarily as a classroom teacher, by a school district; and

(c) Has taught fewer than two school years as a licensed probationary teacher in any public, private or state-operated school in any state.

(3) “Educator network” means an educator network established under ORS 342.943.

(4) “Mentor” means an individual who:

(a) Is an acting or retired teacher, principal or superintendent;

(b) Has met established best practice and research-based criteria as defined by the State Board of Education by rule;

(c) Possesses a teaching or administrative license issued by the Teacher Standards and Practices Commission;

(d) Has successfully served for five or more years as a licensed teacher, principal or superintendent in any public school; and

(e) Has been selected and trained as described in ORS 329.815.

(5) “Mentorship program” means a program provided by a mentor to a beginning teacher or administrator that includes, but is not limited to, direct classroom observation and consultation, assistance in instructional planning and preparation, support in implementation and delivery of classroom instruction, development of school leadership skills and other assistance intended to assist the beginning teacher or administrator to become a confident and competent professional educator who makes a positive impact on student learning. [Formerly 329.675; 2015 c.647 §1; 2017 c.639 §§6,11]

Note: The amendments to 329.788 by section 11, chapter 639, Oregon Laws 2017, become operative June 30, 2018. See section 18, chapter 639, Oregon Laws 2017. The text that is operative until June 30, 2018, including amendments by section 6, chapter 639, Oregon Laws 2017, is set forth for the user’s convenience.

329.788. As used in ORS 329.788 to 329.820:

(1) “Beginning administrator” means a principal or superintendent who:

(a) Possesses a preliminary administrative license issued by the Teacher Standards and Practices Commission;

(b) Is employed as a principal or superintendent by a school district; and

(c) Has been assigned for fewer than two school years in the administrator’s present position.

(2) “Beginning teacher” means a teacher who:

(a) Possesses a preliminary teaching license or reciprocal license issued by the Teacher Standards and Practices Commission;

(b) Is employed at least half-time, primarily as a classroom teacher, by a school district; and

(c) Has taught fewer than two school years as a licensed probationary teacher in any public, private or state-operated school in any state.

(3) “Mentor” means an individual who:

(a) Is an acting or retired teacher, principal or superintendent;

(b) Has met established best practice and research-based criteria as defined by the State Board of Education by rule;

(c) Possesses a teaching or administrative license issued by the Teacher Standards and Practices Commission;

(d) Has successfully served for five or more years as a licensed teacher, principal or superintendent in any public school; and

(e) Has been selected and trained as described in ORS 329.815.

(4) “Mentorship program” means a program provided by a mentor to a beginning teacher or administrator that includes, but is not limited to, direct classroom observation and consultation, assistance in instructional planning and preparation, support in implementation and delivery of classroom instruction, development of school leadership skills and other assistance intended to assist the beginning teacher or administrator to become a confident and competent professional educator who makes a positive impact on student learning.

329.790 Findings on teacher and administrator programs. The Legislative Assembly finds that:

(1) The quality of teaching and administration in the public schools is of vital importance to the future of this state;

(2) This state has a special interest in ensuring that the induction of beginning teachers and administrators into their profession enhances their professional growth and development by making a positive impact on student learning;

(3) The formal assignment of mentors who have demonstrated the appropriate subject matter knowledge and teaching and administrative skills will substantially improve the induction and professional growth of beginning teachers and administrators in this state, as well as provide mentors with additional and valuable opportunities to enhance their own professional growth;

(4) Teachers and administrators who receive research-based, relevant mentoring produce students with a higher rate of achievement;

(5) School districts that have teacher mentoring have a higher rate of retention among teachers; and

(6) Administrators who receive mentoring improve their effectiveness as administrators and continue to improve throughout their careers. [Formerly 342.784; 2001 c.317 §3; 2007 c.863 §2]

329.795 Beginning teacher and administrator program established; district and educator network participation; use of grants. (1) The State Board of Education shall establish a beginning teacher and administrator mentorship program to provide eligible beginning teachers and administrators in this state with a continued and sustained mentorship program from a formally assigned mentor.

(2) Any school district or educator network is eligible to participate in the mentorship program.

(3) A school district may participate through an educator network or may enter into a partnership with another school district, an institution of higher education, an education service district or another organization to operate jointly a mentorship program if:

(a) All moneys received as grants-in-aid for the mentorship program are administered by the participating school district or educator network to provide direct services to beginning teachers and administrators; and

(b) All other requirements of ORS 329.788 to 329.820 are met.

(4) All programs in ORS 329.788 to 329.820 are subject to the availability of funds appropriated therefor. [Formerly 342.786; 2001 c.317 §4; 2007 c.863 §3; 2017 c.639 §12]

Note: The amendments to 329.795 by section 12, chapter 639, Oregon Laws 2017, become operative June 30, 2018. See section 18, chapter 639, Oregon Laws 2017. The text that is operative until June 30, 2018, is set forth for the user's convenience.

329.795. (1) The State Board of Education shall establish a beginning teacher and administrator mentorship program to provide eligible beginning teachers and administrators in this state with a continued and sustained mentorship program from a formally assigned mentor.

(2) Any district is eligible to participate in the mentorship program.

(3) A school district may enter into a partnership with another school district, an institution of higher education, an education service district or another organization to operate jointly a mentorship program if:

(a) All moneys received as grants-in-aid for the mentorship program are administered by the participating school district to provide direct services to beginning teachers and administrators; and

(b) All other requirements of ORS 329.788 to 329.820 are met.

(4) All programs in ORS 329.788 to 329.820 are subject to the availability of funds appropriated therefor.

329.800 Application; content. (1) Each school district or educator network that wishes to participate in the beginning teacher and administrator mentorship program shall submit a formal application to the Department of Education. The application shall include:

(a) A description of the priorities to be addressed by moneys received by a school district or an educator network for the mentorship program, as described in ORS 329.805 (2);

(b) The names of all eligible beginning teachers and administrators employed by the school district or a school district within the educator network and a description of their assignments; and

(c) A description of the proposed mentorship program, which must provide at least 75-90 hours of frequent contact between the mentors and beginning teachers and administrators throughout the school year.

(2) The school district or educator network shall certify in the application that no eligible beginning professional educators are or may be under a conditional license, except as provided in rules of the Teacher Standards and Practices Commission. [Formerly 342.788; 2001 c.317 §6; 2007 c.863 §4; 2015 c.487 §5; 2017 c.639 §13]

Note: The amendments to 329.800 by section 13, chapter 639, Oregon Laws 2017, become operative June 30, 2018. See section 18, chapter 639, Oregon Laws 2017. The text that is operative until June 30, 2018, is set forth for the user's convenience.

329.800. (1) Each school district that wishes to participate in the beginning teacher and administrator mentorship program shall submit a formal application

to the Department of Education. The application shall include:

(a) A description of the priorities to be addressed by moneys received by a school district for the mentorship program, as described in ORS 329.805 (2);

(b) The names of all eligible beginning teachers and administrators employed by the school district and a description of their assignments; and

(c) A description of the proposed mentorship program, which must provide at least 75-90 hours of frequent contact between the mentors and beginning teachers and administrators throughout the school year.

(2) The school district shall certify in the application that no eligible beginning professional educators are or may be under a conditional license, except as provided in rules of the Teacher Standards and Practices Commission.

329.805 Grants-in-aid; rules. (1) Subject to ORS 291.232 to 291.260, the Department of Education shall distribute grants-in-aid to qualifying school districts or educator networks to offset the costs of beginning teacher and administrator mentorship programs. A qualifying district or educator network shall receive annually an amount that is aligned with evidence-based best practices.

(2) If the funds are insufficient for all eligible proposals, the Department of Education shall award grants on a competitive basis, taking into consideration:

(a) The priorities to be addressed by moneys received by a school district or an educator network, including efforts related to:

(A) Increasing the number of culturally and linguistically diverse educators hired; and

(B) Reflecting the demographics of the students of the school district or school districts within the educator network with the demographics of the educators of the school district or school districts within the educator network; and

(b) Whether the school district is a small school district or serves a rural community or whether the educator network serves small school districts or a rural community.

(3) The State Board of Education may adopt such rules as it considers appropriate for the distribution of grants-in-aid under this section.

(4) A school district or an educator network that is determined by the Department of Education to be in violation of one or more of the requirements of ORS 329.788 to 329.820 may be required to refund all grants-in-aid moneys distributed under ORS 329.788 to 329.820. The amount of penalty shall be determined by the State Board of Education. [Formerly 342.790; 2001 c.317 §7; 2007 c.863 §5; 2013 c.521 §1; 2015 c.487 §4; 2017 c.639 §14]

Note: The amendments to 329.805 by section 14, chapter 639, Oregon Laws 2017, become operative June

30, 2018. See section 18, chapter 639, Oregon Laws 2017. The text that is operative until June 30, 2018, is set forth for the user's convenience.

329.805. (1) Subject to ORS 291.232 to 291.260, the Department of Education shall distribute grants-in-aid to qualifying school districts to offset the costs of beginning teacher and administrator mentorship programs. A qualifying district shall receive annually an amount that is aligned with evidence-based best practices.

(2) If the funds are insufficient for all eligible proposals, the Department of Education shall award grants on a competitive basis, taking into consideration:

(a) The priorities to be addressed by moneys received by a school district, including efforts related to:

(A) Increasing the number of culturally and linguistically diverse educators hired; and

(B) Reflecting the demographics of the students of the school district with the demographics of the educators of the school district; and

(b) Whether the school district is a small school district or serves a rural community.

(3) The State Board of Education may adopt such rules as it considers appropriate for the distribution of grants-in-aid under this section.

(4) A district that is determined by the Department of Education to be in violation of one or more of the requirements of ORS 329.788 to 329.820 may be required to refund all grants-in-aid moneys distributed under ORS 329.788 to 329.820. The amount of penalty shall be determined by the State Board of Education.

329.810 Training for mentors and beginning teachers and administrators. (1)

After consulting with representatives of teachers, administrators, school boards, schools of education, the public universities listed in ORS 352.002 and such others as it considers appropriate, the Department of Education shall approve training for mentors and beginning teachers and administrators in programs qualifying for grants-in-aid under ORS 329.788 to 329.820.

(2) The training curriculum for mentors shall be based on research and knowledge of the needs of beginning teachers and administrators.

(3) Mentors shall be trained to build relationships of trust and mutual collaboration with beginning teachers and administrators.

(4) Mentors shall receive professional development before the school year begins and throughout the school year. [Formerly 342.792; 2001 c.317 §8; 2001 c.382 §5; 2007 c.863 §6; 2013 c.768 §133b; 2015 c.767 §103]

329.815 Mentors. (1) Based on the requirements of ORS 329.788 to 329.820, the selection, nature and extent of duties of mentors shall be determined:

(a) By the school district that is the employer of the teacher or administrator and of the mentor; or

(b) Jointly by the school district that is the employer of the teacher or administrator and the school district that is the employer of the mentor.

(2) A teacher, principal or superintendent may not be designated as a mentor unless willing to perform in that role.

(3) For purposes of actions taken under ORS 342.805 to 342.937:

(a) A mentor may not participate in the evaluation of a beginning teacher or administrator assigned to the mentor; and

(b) Any written or other reports of a mentor regarding a beginning teacher or administrator assigned to the mentor may not be used in the evaluation of the beginning teacher or administrator.

(4) Each mentor shall complete successfully training provided or approved by the Department of Education while participating in the beginning teacher and administrator mentorship program.

(5) The stipend received for each beginning teacher or administrator may be used by the school district or educator network to compensate mentors or to compensate other individuals assigned duties to provide release time for teachers, principals or superintendents acting as mentors. [Formerly 342.794; 2001 c.317 §9; 2007 c.863 §7; 2017 c.639 §15]

Note: The amendments to 329.815 by section 15, chapter 639, Oregon Laws 2017, become operative June 30, 2018. See section 18, chapter 639, Oregon Laws 2017. The text that is operative until June 30, 2018, is set forth for the user's convenience.

329.815. (1) Based on the requirements of ORS 329.788 to 329.820, the selection, nature and extent of duties of mentors shall be determined by the school district.

(2) A teacher, principal or superintendent may not be designated as a mentor unless willing to perform in that role.

(3) For purposes of actions taken under ORS 342.805 to 342.937:

(a) A mentor may not participate in the evaluation of a beginning teacher or administrator assigned to the mentor; and

(b) Any written or other reports of a mentor regarding a beginning teacher or administrator assigned to the mentor may not be used in the evaluation of the beginning teacher or administrator.

(4) Each mentor shall complete successfully training provided or approved by the Department of Education while participating in the beginning teacher and administrator mentorship program.

(5) The stipend received for each beginning teacher or administrator may be used by the school district to compensate mentors or to compensate other individuals assigned duties to provide release time for teachers, principals or superintendents acting as mentors.

329.820 Evaluation of programs; donations. (1) The Department of Education shall be responsible for the regular and ongoing evaluation of implementation and administration of programs under ORS 329.788 to 329.820 and may contract for such evaluation. The department may not expend in a biennium more than 2.5 percent of the total amount of moneys available for the programs on the evaluation of the programs. The eval-

uation may include assessments of the following:

(a) The effectiveness of the mentorship program in the retention of beginning teachers and administrators in a school district that has participated in the program and in the profession; and

(b) Student performance on statewide and other assessments.

(2) The department may accept contributions of moneys and assistance for the purpose of the evaluation of programs from any source, public or private, and agree to conditions placed on the moneys not inconsistent with ORS 329.788 to 329.820. All moneys received by the department under this subsection shall be deposited into the Department of Education Account to be used for the evaluation of programs conducted under this section. [Formerly 342.796; 2001 c.317 §10; 2007 c.863 §8; 2015 c.487 §6; 2017 c.639 §16]

Note: The amendments to 329.820 by section 16, chapter 639, Oregon Laws 2017, become operative June 30, 2018. See section 18, chapter 639, Oregon Laws 2017. The text that is operative until June 30, 2018, is set forth for the user's convenience.

329.820. (1) The Department of Education shall be responsible for the regular and ongoing evaluation of implementation and administration of programs under ORS 329.788 to 329.820 and may contract for such evaluation. The department may not expend in a biennium more than 2.5 percent of the total amount of moneys available for the programs on the evaluation of the programs. The evaluation may include assessments of the following:

(a) The effectiveness of the mentorship program in the retention of beginning teachers and administrators in the school district and in the profession; and

(b) Student performance on statewide and other assessments.

(2) The department may accept contributions of moneys and assistance for the purpose of the evaluation of programs from any source, public or private, and agree to conditions placed on the moneys not inconsistent with ORS 329.788 to 329.820. All moneys received by the department under this subsection shall be deposited into the Department of Education Account to be used for the evaluation of programs conducted under this section.

329.822 [2009 c.802 §1; 2011 c.637 §110; repealed by 2013 c.769 §4]

(Educator Professional Development Program)

329.824 Educator professional development program. (1) The Department of Education shall administer an educator professional development program that provides statewide collaborative leadership in educator professional development for pre-kindergarten through post-secondary education and that emphasizes school improvement. The department shall administer the program with a collaborative group of state, school district, educator, administrator, community college and higher education representatives operating as a unit.

(2)(a) In administering the program described in subsection (1) of this section, the department shall:

(A) Develop and maintain a public website for posting and sharing professional development opportunities.

(B) Assist local school districts in developing professional development plans to meet school improvement objectives.

(C) Develop and share state standards for professional development programs with appropriate persons.

(D) Coordinate and align the delivery of professional development across the state for the purpose of creating a more uniform and accessible system of support for professional educators.

(E) Provide recommended evaluative tools for educators to determine the effectiveness of the delivery of professional development.

(b) The department is not restricted to performing the activities described in paragraph (a) of this subsection.

(3) The website developed and maintained under this section shall:

(a) Display a calendar of professional development programs being offered across the state and be categorized by topics.

(b) Post feedback from users of professional development programs, with an emphasis on identifying successes, challenges and lessons learned.

(c) Provide contact information for professional development programs.

(d) Publish professional development standards adopted by the State Board of Education and relevant national professional associations to ensure that professional development program offerings are aligned with quality standards that support best practices for access to and delivery of professional development. [2009 c.802 §3; 2013 c.769 §3]

Note: 329.824 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 329 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

IMPROVEMENTS IN STUDENT ACHIEVEMENT

(Successful Schools Program)

329.825 Policy on successful and innovative schools. It shall be the policy of the State of Oregon to promote and encourage successful and innovative schools. Success shall be determined by establishing standards of improvement in student learning and measuring each school's performance in meeting those standards. Schools that meet those standards will be rewarded with addi-

tional tools to further improve student learning. [1997 c.864 §1]

Note: 329.825 and 329.830 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 329 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

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

(2) A school may submit an application to the Department of Education for the successful schools program. The application shall include a short statement from the school requesting consideration for the successful schools program. The application shall also include a copy of the district continuous improvement plan implemented pursuant to ORS 329.095 for the school.

(3) A school may not amend its application after the application is submitted without approval by the state board. A school that has submitted an application may not submit a new application until the assessment period has ended, unless the school withdraws the previous application.

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

(a) The results from the statewide assessment system developed pursuant to ORS 329.485;

(b) The achievement of measurable academic goals from district continuous improvement plans; and

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

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

(6) Each teacher shall individually decide how to use the reward. A reward shall be

used by a teacher for classroom enhancements or professional development. As used in this subsection, “classroom enhancements” means items and activities that will improve student learning, including, but not limited to, books, instructional materials, multimedia equipment and software, supplies and field trips.

(7) The State Board of Education shall adopt any rules necessary to implement the successful schools program. [1997 c.864 §2; 2007 c.858 §25a]

Note: See note under 329.825.

(Early Success Reading Initiative)

329.832 Legislative findings. The Legislative Assembly finds that:

(1) Reading is the gateway to learning and a key to building a child’s self-esteem.

(2) Children who read below grade level after third grade are at significantly greater risk of truancy, school failure, criminal and at-risk behaviors, early pregnancy and substance abuse.

(3) Research shows that children who have academic problems and exhibit at-risk behavior can be helped most effectively through prevention programs designed specifically to strengthen the collaborative and collective decision-making skills of kindergarten through grade three teachers and administrators within each individual school.

(4) Scientifically based assessment methods can identify as early as kindergarten those children needing extra help to successfully learn to read.

(5) Scientifically based instructional reading materials can provide the reading skills children need to successfully learn to read. [2001 c.861 §1]

Note: 329.832 to 329.837 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 329 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

329.834 Creation; components; reading sites. (1) There is created the Early Success Reading Initiative for the State of Oregon.

(2) The purpose of the initiative is to recognize the essential need of elementary schools to effectively use research-based teaching practices and learning strategies.

(3) The components of the Early Success Reading Initiative include, but are not limited to:

(a) Providing research-based assessment systems to administrators, teachers and the public in order to provide the decision-making and accountability information needed to monitor children’s progress as they learn to read.

(b) Screening and continuously monitoring the reading progress of all children from kindergarten through the completion of the third grade.

(c) Using scientific, research-based reading systems to create school cultures and processes that enable all children to read successfully, including children with disabilities and children with linguistic and cultural diversity and other learning needs.

(d) Enabling administrators and teachers within each individual school to collect, interpret and use student learning data to:

(A) Guide kindergarten through grade three teachers and administrators in instructional decisions;

(B) Implement a kindergarten through grade three schoolwide reading action plan;

(C) Provide strategies for student groups; and

(D) Provide structured interaction with parents.

(e) Establishing a relationship between school districts and the University of Oregon to provide instructional and research support to assist school administrators, teachers and parents to enable students in kindergarten through grade three to learn to read effectively and successfully through means that are in congruence with state standards for reading and common curriculum goals.

(4) The University of Oregon may design, implement and monitor the Early Success Reading Initiative. The University of Oregon may provide consultation services to school districts that establish early success reading sites.

(5) The goal of the initiative is to enable each school district to establish early success reading sites at individual elementary schools. An elementary school that is initially selected as an early success reading site shall serve as a model and as a resource to other elementary schools within its school district as those schools implement the initiative. [2001 c.861 §2]

Note: See note under 329.832.

329.837 Report. The University of Oregon shall report annually on the implementation, longitudinal progress and results of

the Early Success Reading Initiative to the Governor and the appropriate legislative committees. [2001 c.861 §3; 2011 c.731 §21]

Note: See note under 329.832.

(School District Collaboration Grant Program)

329.838 School District Collaboration Grant Program; student achievement results; rules. (1) The School District Collaboration Grant Program is established to provide funding for school districts or educator networks established under ORS 342.943 to improve student achievement through the voluntary collaboration of teachers and administrators to design and implement new approaches to:

- (a) Career pathways for teachers and administrators;
- (b) Evaluation processes for teachers and administrators;
- (c) Compensation models for teachers and administrators; and
- (d) Enhanced professional development opportunities for teachers and administrators.

(2)(a) The Department of Education shall ensure that the grant program established by this section is administered and may provide technical expertise to school districts or educator networks applying for or receiving a grant under this section.

(b) For the purpose of ensuring that the grant program is administered, the department may directly administer the grant program or may enter into a contract with a nonprofit entity to administer the grant program.

(c) For the purpose of providing technical expertise, the department may enter into contracts with nonprofit entities that have experience in designing and implementing approaches that are similar to the approaches described in subsection (1) of this section.

(3) Each school district or educator network may apply for a grant under this section, but a school district may receive grant funds under this section only as a school district or through an educator network. Applications may be for the design or for the implementation of an approach identified in subsection (1) of this section.

(4) Prior to applying for a grant as a school district or through an educator network, the school district must receive the approval to apply for the grant from:

(a) The exclusive bargaining representative for the teachers of the school district or, if the teachers are not represented by an

exclusive bargaining representative, from the teachers of the school district;

(b) The chairperson of the school district board; and

(c) The superintendent of the school district.

(5) Funding for the grant program established by this section shall be provided through the School District Collaboration Grant Account established by ORS 329.839.

(6) The amount of each grant shall be determined as follows:

(a) For grants that are for the design of an approach identified in subsection (1) of this section and that are awarded to a school district, the amount determined by the department based on:

(A) The application submitted by the school district;

(B) The portion of the total funds available for grants that are for the design of an approach; and

(C) Any other criteria or limitations established by the State Board of Education by rule, which may include a minimum amount or a maximum amount for a grant.

(b)(A) For grants that are for the implementation of an approach identified in subsection (1) of this section and that are awarded to a school district, the Grant Amount = School district ADMw × (the total amount available for distribution for an implementation grant in a fiscal year through the School District Collaboration Grant Program ÷ the total ADMw of the school districts that receive an implementation grant for the fiscal year through the School District Collaboration Grant Program). For the purpose of the calculation made under this paragraph, ADMw shall be calculated as provided by ORS 327.013, 338.155 (1) and 338.165 (2).

(B) Notwithstanding subparagraph (A) of this paragraph, a school district may receive a grant for an amount that is 10 percent more than the amount calculated under subparagraph (A) of this paragraph if the grant program administrator approves a school district's supplemental plan to design and implement new approaches to improve student achievement that are in addition to the approaches identified in subsection (1) of this section and that are research-based best practices.

(C) In addition to any amounts received under subparagraphs (A) and (B) of this paragraph, a school district that has an average daily membership of less than 1,500 may receive a supplemental amount of up to \$50,000 if:

(i) The supplemental amount is used for expenses incurred in relation to a grant manager who:

(I) Manages the use of a grant received under this paragraph;

(II) Supports the school district's committees related to the grant;

(III) Monitors and measures the implementation of new approaches funded by the grant;

(IV) Ensures timely and accurate communications with educators in the school district;

(V) Completes all Department of Education requirements related to the grant; and

(VI) Attends meetings and collaborates with other school districts; and

(ii) The total of the implementation grant and the supplemental amount does not exceed \$150,000.

(c) For grants that are awarded to an educator network, the amount determined by the department based on:

(A) The application submitted by the educator network;

(B) The portion of the total funds available for grants that are for educator networks; and

(C) Any other criteria or limitations established by the State Board of Education by rule, which may include a minimum or maximum amount for a grant.

(7) Grants shall be awarded based on:

(a) The application submitted by the school district or educator network;

(b) Other funds received by a school district or educator network for a purpose identified in subsection (1) of this section; and

(c) Any other criteria established by the State Board of Education by rule.

(8) Moneys received by a school district or an educator network under this section must be separately accounted for and may be used only to provide funding for the purposes described in the application submitted by the school district or educator network.

(9) The department shall accumulate, evaluate and publish student achievement results of school districts receiving grants under this section as a school district or through an educator network to determine the effectiveness of the approaches designed and implemented by the school districts or educator networks under the grant program.

(10)(a) Except as provided by paragraph (b) of this subsection, the State Board of Education may adopt any rules necessary for

the implementation of the grant program established by this section.

(b) The board may not adopt any rules that establish statewide standards for the design and implementation of the approaches described in subsection (1) of this section. [2011 c.706 §2; 2013 c.661 §4; 2015 c.27 §34; 2015 c.487 §3; 2017 c.639 §17]

Note: The amendments to 329.838 by section 17, chapter 639, Oregon Laws 2017, become operative June 30, 2018. See section 18, chapter 639, Oregon Laws 2017. The text that is operative until June 30, 2018, is set forth for the user's convenience.

329.838. (1) The School District Collaboration Grant Program is established to provide funding for school districts to improve student achievement through the voluntary collaboration of teachers and administrators to design and implement new approaches to:

(a) Career pathways for teachers and administrators;

(b) Evaluation processes for teachers and administrators;

(c) Compensation models for teachers and administrators; and

(d) Enhanced professional development opportunities for teachers and administrators.

(2)(a) The Department of Education shall ensure that the grant program established by this section is administered and may provide technical expertise to school districts applying for or receiving a grant under this section.

(b) For the purpose of ensuring that the grant program is administered, the department may directly administer the grant program or may enter into a contract with a nonprofit entity to administer the grant program.

(c) For the purpose of providing technical expertise, the department may enter into contracts with nonprofit entities that have experience in designing and implementing approaches that are similar to the approaches described in subsection (1) of this section.

(3) Each school district may apply for a grant under this section. Applications may be for the design or for the implementation of an approach identified in subsection (1) of this section.

(4) Prior to applying for a grant, the school district must receive the approval to apply for the grant from:

(a) The exclusive bargaining representative for the teachers of the school district or, if the teachers are not represented by an exclusive bargaining representative, from the teachers of the school district;

(b) The chairperson of the school district board; and

(c) The superintendent of the school district.

(5) Funding for the grant program established by this section shall be provided through the School District Collaboration Grant Account established by ORS 329.839.

(6) The amount of each grant shall be determined as follows:

(a) For grants that are for the design of an approach identified in subsection (1) of this section, the amount determined by the administrator of the grant program based on:

(A) The application submitted by the school district;

(B) The portion of the total funds available for grants that are for the design of an approach; and

(C) Any other criteria or limitations established by the State Board of Education by rule, which may in-

clude a minimum amount or a maximum amount for a grant.

(b)(A) For grants that are for the implementation of an approach identified in subsection (1) of this section, the Grant Amount = School district ADMw × (the total amount available for distribution for an implementation grant in a fiscal year through the School District Collaboration Grant Program ÷ the total ADMw of the school districts that receive an implementation grant for the fiscal year through the School District Collaboration Grant Program). For the purpose of the calculation made under this paragraph, ADMw shall be calculated as provided by ORS 327.013, 338.155 (1) and 338.165 (2).

(B) Notwithstanding subparagraph (A) of this paragraph, a school district may receive a grant for an amount that is 10 percent more than the amount calculated under subparagraph (A) of this paragraph if the grant program administrator approves a school district's supplemental plan to design and implement new approaches to improve student achievement that are in addition to the approaches identified in subsection (1) of this section and that are research-based best practices.

(C) In addition to any amounts received under subparagraphs (A) and (B) of this paragraph, a school district that has an average daily membership of less than 1,500 may receive a supplemental amount of up to \$50,000 if:

(i) The supplemental amount is used for expenses incurred in relation to a grant manager who:

(I) Manages the use of a grant received under this paragraph;

(II) Supports the school district's committees related to the grant;

(III) Monitors and measures the implementation of new approaches funded by the grant;

(IV) Ensures timely and accurate communications with educators in the school district;

(V) Completes all Department of Education requirements related to the grant; and

(VI) Attends meetings and collaborates with other school districts; and

(ii) The total of the implementation grant and the supplemental amount does not exceed \$150,000.

(7) Grants shall be awarded based on:

(a) The application submitted by the school district;

(b) Other funds received by a school district for a purpose identified in subsection (1) of this section; and

(c) Any other criteria established by the State Board of Education by rule.

(8) Moneys received by a school district under this section must be separately accounted for and may be used only to provide funding for the purposes described in the application submitted by the school district.

(9) The department shall accumulate, evaluate and publish student achievement results of school districts receiving grants under this section to determine the effectiveness of the approaches designed and implemented by the school districts under the grant program.

(10)(a) Except as provided by paragraph (b) of this subsection, the State Board of Education may adopt any rules necessary for the implementation of the grant program established by this section.

(b) The board may not adopt any rules that establish statewide standards for the design and implementation of the approaches described in subsection (1) of this section.

329.839 School District Collaboration Grant Account. The School District Collaboration Grant Account is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the School District Collaboration Grant Account shall be credited to the account. Moneys in the School District Collaboration Grant Account are continuously appropriated to the Department of Education for the School District Collaboration Grant Program established by ORS 329.838. [2011 c.706 §3]

329.840 [2005 c.834 §1; 2011 c.637 §111; 2015 c.245 §40; renumbered 336.851 in 2015]

(Education Plan)

329.841 Culturally specific statewide education plan; advisory group; report; grants; rules. (1) For the purposes of this section, "plan student" means a student enrolled in early childhood through post-secondary education who:

(a) Is black or African-American or a member of a student group that is not covered under an existing culturally specific statewide education plan; and

(b) Has experienced disproportionate results in education due to historical practices, as identified by the State Board of Education by rule.

(2)(a) The Department of Education shall develop and implement a statewide education plan for plan students.

(b) The department shall form an advisory group consisting of community members, education stakeholders and representatives of the Early Learning Division, the Youth Development Division and the Higher Education Coordinating Commission to advise the department regarding:

(A) Development and implementation of the plan;

(B) Eligibility criteria, applicant selection process and expectations for recipients of grant awards described in this section; and

(C) Adoption of rules by the State Board of Education for the implementation of the plan.

(3) The plan developed under this section shall address:

(a) The disparities experienced by plan students in every indicator of academic success, as documented by the department's statewide report card;

(b) The historical practices leading to disproportionate outcomes for plan students; and

(c) The educational needs of plan students from early childhood through post-secondary education by examining culturally

appropriate best practices in this state and across the nation.

(4) The plan developed and implemented under this section must provide strategies to:

(a) Address the disproportionate rate of disciplinary incidents for plan students compared to all students in the education system;

(b) Increase parental engagement in the education of plan students;

(c) Increase the engagement of plan students in educational activities before and after regular school hours;

(d) Increase early childhood and kindergarten readiness for plan students;

(e) Improve literacy and numeracy levels among plan students between kindergarten and grade three;

(f) Support plan student transitions to middle school and through the middle and high school grades to maintain and improve academic performance;

(g) Support culturally responsive pedagogy and practices from early childhood through post-secondary education;

(h) Support the development of culturally responsive curricula from early childhood through post-secondary education;

(i) Increase attendance of plan students in community colleges and professional certification programs; and

(j) Increase attendance of plan students in four-year post-secondary institutions of education.

(5) The department shall submit a biennial report concerning the progress of the plan developed and implemented under this section at each even-numbered year regular session of the Legislative Assembly in the manner provided by ORS 192.245 to an interim committee of the Legislative Assembly related to education.

(6) The department, in consultation with the advisory group, shall award grants to early learning hubs, providers of early learning services, school districts, post-secondary institutions of education and community-based organizations to implement the strategies developed in the plan developed and implemented under this section.

(7) To qualify for and receive a grant described in this section, an applicant must identify and demonstrate that the applicant meets the eligibility criteria established by the State Board of Education by rule. [2015 c.618 §1]

Note: 329.841 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 329 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

329.842 [2005 c.834 §3; renumbered 336.856 in 2015]

MISCELLANEOUS

329.850 Duties of Education and Workforce Policy Advisor. (1) The Education and Workforce Policy Advisor, in consultation with the Department of Education, the Higher Education Coordinating Commission, the Bureau of Labor and Industries, the Oregon Business Development Department and the Department of Human Services, shall propose policies and strategies consistent with this chapter.

(2) The Education and Workforce Policy Advisor's policies and strategies must take into account that:

(a) The state must promote innovative thinking with respect to the curriculum and educational delivery system of Oregon public schools;

(b) The state must require of all youth a level of achievement that prepares them to pursue college, career and technical education programs, apprenticeships, work-based training and school-to-work programs;

(c) Greater employer investment is essential in the ongoing training of all workers to meet workforce needs;

(d) The state must encourage Oregon businesses to improve productivity by creating high performance work organizations that provide high skills and high wage opportunities for youth and adults; and

(e) All employment-related training, education and job placement services and sources of funds must be coordinated among state agencies and boards and must complement the state's overall efforts on behalf of youth and adults. [Formerly 326.830; 1997 c.652 §22; 2009 c.94 §4; 2015 c.366 §80; 2017 c.185 §4; 2017 c.297 §34]

329.855 [Formerly 326.835; 1995 c.660 §42; 1997 c.652 §23; 2001 c.684 §23; 2003 c.303 §12; repealed by 2007 c.858 §40]

329.860 Outreach to students no longer attending school. Education service districts, school districts or schools, or any combination thereof, may contact any eligible elementary or secondary school student and the student's family if the student has ceased to attend school to encourage the student's enrollment in an education program that may include alternative learning options. If the student or the family cannot be located, the name and last-known address shall be reported to the school nearest the address. The school shall attempt to determine if that student or family is being provided services by this state and shall seek to assist the student or family in any appropriate manner. [Formerly 336.157; 1995 c.278 §41; 1995 c.660 §44; 1997 c.652 §24; 2003 c.303 §13; 2007 c.858 §26]

329.875 [1993 c.45 §94a; repealed by 2011 c.313 §25]

329.885 School-to-work transitions and work experience programs; funding; eligibility for grants. (1) It is the policy of the State of Oregon to encourage educational institutions and businesses to develop, in partnership, models for programs related to school-to-work transitions and work experience internships.

(2) From funds available, the Department of Education may allocate to any education service district, school district, individual secondary school or community college grants to develop programs such as those described in subsection (1) of this section.

(3) To receive a grant to operate a program described in subsection (1) of this section, a business shall demonstrate to the satisfaction of the department that the program shall:

(a) Identify groups that have been traditionally underrepresented in the programs and internships, particularly in health care, business and high technology employment positions.

(b) Encourage students who belong to groups identified in paragraph (a) of this subsection, particularly students in secondary schools and community colleges, to apply for consideration and acceptance into a model program described in subsection (1) of this section.

(c) Promote an awareness of career opportunities in the school-to-work transition and the work experience internships among students sufficiently early in their educational careers to permit and encourage students to apply for the model programs.

(d) Promote cooperation among businesses, school districts and community colleges in working toward the goals of the Oregon Educational Act for the 21st Century.

(e) Develop academic skills, attitudes and self-confidence necessary to allow students to succeed in the work environment, including attitudes of curiosity and perseverance and the feelings of positive self-worth that result from sustained effort.

(f) Provide a variety of experiences that reinforce the attitudes needed for success in the business world.

(4) The department shall direct fund recipients to adopt rules establishing standards for approved programs under this section, including criteria for eligibility of organizations to receive grants, and standards to determine the amount of grants.

(5) The department may seek and receive gifts, grants, endowments and other funds from public or private sources as may be made from time to time, in trust or other-

wise, for the use and benefit of the purposes of the school-to-work transition and the work experience internship programs and may expend the same or any income therefrom according to the terms of such gifts, grants, endowments or other funds. [1993 c.765 §46; 1999 c.59 §82; 2001 c.104 §108; 2007 c.858 §27]

329.900 [1993 c.765 §9; 1995 c.660 §45; repealed by 1997 c.652 §63]

329.901 Collection of student and teacher information; report; rules. (1) As used in this section, "public education program" means an education program provided by any of the following:

- (a) A school district;
- (b) A public charter school;
- (c) An education service district;
- (d) A long term care or treatment facility, as described in ORS 343.961;
- (e) The Youth Corrections Education Program; or
- (f) The Oregon School for the Deaf.

(2) For each school year, the Department of Education shall require public education programs to submit the following information about students in kindergarten through grade 12 classes:

- (a) The total number of students in the classes; and
- (b) The total number of licensed or registered teachers regularly assigned to the students counted under paragraph (a) of this subsection.

(3) By February 1 of the year following the school year described in subsection (2) of this section, the Department of Education shall make the information received under subsection (2) of this section available to:

- (a) The public on the website of the Department of Education; and
- (b) The Legislative Assembly through annual reports.

(4) For the purpose of this section, the State Board of Education shall identify by rule:

- (a) The definition of what constitutes a class for which a public education program must report;
- (b) The definition of what constitutes regular assignment of teachers to students for purposes of subsection (2)(b) of this section;
- (c) The categories of classes for which a public education program must report; and
- (d) If possible, the source of an existing data set that may be used to satisfy the requirements of this section. [2013 c.651 §1]

Note: 329.901 was enacted into law by the Legislative Assembly but was not added to or made a part of

ORS chapter 329 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

329.905 [Formerly 285.200; 2005 c.209 §14; repealed by 2007 c.858 §40]

329.910 [1993 c.765 §21; repealed by 1997 c.652 §63]

329.915 [Formerly 285.203; repealed by 2007 c.858 §40]

329.920 [1993 c.765 §5; 1997 c.652 §25; repealed by 2007 c.858 §40]

329.925 [Formerly 285.205; repealed by 2007 c.858 §40]

329.930 [1993 c.765 §18; 2005 c.209 §15; repealed by 2007 c.858 §40]

329.935 [Formerly 285.207; repealed by 1995 c.660 §50]

329.940 [1993 c.765 §10; repealed by 1997 c.652 §63]

329.945 [Formerly 285.213; 2001 c.104 §109; repealed by 2001 c.684 §38]

329.950 [Formerly 285.225; repealed by 2007 c.858 §40]

329.955 [Formerly 285.230; 1997 c.652 §26; 2001 c.525 §2; renumbered 657.736 in 2001]

329.960 [1993 c.765 §19; 1997 c.652 §27; repealed by 2001 c.684 §38]

329.965 [1993 c.765 §19a; 1997 c.61 §8; 1997 c.652 §28; 2001 c.524 §2; 2001 c.684 §24; renumbered 657.732 in 2001]

329.970 [Formerly 285.243; repealed by 1997 c.652 §63]

329.975 [Formerly 285.247; 1997 c.652 §29; 2001 c.684 §25; repealed by 2007 c.858 §40]

329.990 [Amended by 1963 c.22 §1; renumbered as part of 330.990]

