

Senate Bill 300

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SUMMARY

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

Creates Expanded Options Program for students attending public schools in grades 11 and 12 or who are 16 years of age or older. Allows eligible students to enroll in post-secondary courses for credit at eligible post-secondary institutions. Prohibits institutions from charging student post-secondary course costs. Directs resident school district to enter into agreement with institution for limited payment of costs from State School Fund grant of school district. Establishes cap on number of credit hours that may be awarded at each high school under Expanded Options Program.

Sunset credit hours cap June 30, 2009.

A BILL FOR AN ACT

1 Relating to education; creating new provisions; and amending ORS 327.008.

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

SECTION 1. For purposes of sections 1 to 17 of this 2005 Act:

3 (1) **"Eligible post-secondary course"** means any nonsectarian course or program offered
4 through an eligible post-secondary institution if the course or program may lead to a high
5 school diploma, General Educational Development certificate, professional certification, as-
6 sociate degree or baccalaureate degree. "Eligible post-secondary course" includes, but is not
7 limited to:

8 (a) **Academic, technical, remedial or developmental courses;**

9 (b) **English as a second language or bilingual education courses; and**

10 (c) **Distance education courses.**

11 (2) **"Eligible post-secondary institution"** has the meaning given that term in ORS 348.180.

12 (3)(a) **"Eligible student"** means a student who is enrolled in an Oregon public school and
13 who is:

14 (A) **In grade 11 or 12; or**

15 (B) **16 years of age or older.**

16 (b) **"Eligible student"** does not include a foreign exchange student enrolled in a school
17 under a cultural exchange program.

18 (4) **"Expanded Options Program"** means the program created under sections 1 to 17 of
19 this 2005 Act.

20 **SECTION 2. The Legislative Assembly declares that the purposes of sections 1 to 17 of**
21 **this 2005 Act are to:**

22 (1) **Increase academic and career opportunities for all public school students enrolled in**
23 **grades 11 and 12.**

24 (2) **Allow eligible students enrolled in Oregon public schools to receive concurrent credits**
25 **toward achievement of a Certificate of Initial Mastery, Certificate of Advanced Mastery or**
26 **27**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 a high school diploma and a degree from an eligible post-secondary institution.

2 (3) Allow eligible students enrolled in Oregon public schools to take courses that help the
3 students meet post-secondary institution admissions standards.

4 (4) Allow eligible students who participate in the Expanded Options Program to enroll
5 full-time or part-time in an eligible post-secondary institution.

6 (5) Provide public funding for educational services to eligible students directly to the el-
7 igible post-secondary institutions to offset tuition charges for students who participate in the
8 Expanded Options Program.

9 **SECTION 3.** (1) An eligible student may apply to an eligible post-secondary institution to
10 enroll in eligible post-secondary courses offered by the eligible post-secondary institution.

11 (2) If an eligible post-secondary institution accepts an eligible student for enrollment
12 under this section pursuant to ORS 341.505 or other admissions standards, the eligible post-
13 secondary institution shall send written notice to the student, the student's resident school
14 district and the Department of Education within 20 days of acceptance. The notice shall in-
15 dicate the eligible post-secondary courses and hours of enrollment offered to the student.

16 (3) If an eligible post-secondary institution accepts an eligible student for enrollment
17 under this section, the eligible post-secondary institution shall provide academic advising to
18 the student as appropriate.

19 (4) An eligible post-secondary institution may designate individual programs to offer eli-
20 gible students for enrollment under this section.

21 (5) An eligible post-secondary institution may not be required to accept an eligible stu-
22 dent for enrollment under this section.

23 **SECTION 4.** An eligible post-secondary institution may enroll an eligible student partic-
24 ipating in the Expanded Options Program only in eligible post-secondary courses under the
25 program.

26 **SECTION 5.** (1) Prior to February 1 of each year, each school district shall notify all el-
27 igible students and the students' parents or guardians of the Expanded Options Program.

28 (2) Each school district shall establish a process to ensure that all at-risk students, as
29 defined by the school district board, and their parents are notified about the program.

30 (3) The State Board of Education shall establish by rule the required components of the
31 notice. The notice may include information about:

32 (a) Financial arrangements for tuition, textbooks, equipment and materials;

33 (b) Available transportation services;

34 (c) The effect of enrolling in the Expanded Options Program on the eligible student's
35 ability to complete the required high school graduation requirements;

36 (d) The consequences of failing or not completing an eligible post-secondary course; and

37 (e) Participation in the Expanded Options Program being contingent on acceptance by
38 an eligible post-secondary institution.

39 **SECTION 6.** (1) It shall be a priority for school districts to provide information about the
40 Expanded Options Program to high school students who have dropped out of school.

41 (2) School districts shall establish a process to identify high school students who have
42 dropped out of school and provide the students with information about the program. A school
43 district shall send information about the program to the last-known address of the family
44 of the student.

45 **SECTION 7.** (1) Prior to March 1 of each year, an eligible student who is interested in

1 participating in the Expanded Options Program shall notify the student's resident school
2 district of the student's intent to enroll in eligible post-secondary courses during the fol-
3 lowing school year.

4 (2) The resident school district shall review with the eligible student and the student's
5 parent or guardian the student's current status toward meeting all state and school district
6 graduation requirements and the applicability of the proposed eligible post-secondary course
7 with respect to fulfilling the student's remaining graduation requirements.

8 (3)(a) It is recommended that an eligible student who intends to participate in the Ex-
9 panded Options Program establish an educational learning plan in cooperation with an advi-
10 sory support team.

11 (b) The educational learning plan may include:

12 (A) The student's short-term and long-term learning goals and proposed activities; and

13 (B) The relationship of the eligible post-secondary courses proposed under the Expanded
14 Options Program and the student's learning goals.

15 (c) An advisory support team may include the student, the student's parent or guardian,
16 a teacher and a counselor.

17 **SECTION 8.** (1) An eligible student who enrolls in the Expanded Options Program may
18 not enroll in eligible post-secondary courses under section 3 of this 2005 Act for more than
19 the equivalent of two academic years. An eligible student who first enrolls in the Expanded
20 Options Program in grade 12 may not enroll in eligible post-secondary courses under section
21 3 of this 2005 Act for more than the equivalent of one academic year. If an eligible student
22 first enrolls in an eligible post-secondary course in the middle of the school year, the time
23 of participation shall be reduced proportionately. If an eligible student is enrolled in a year-
24 round program and begins each grade in the summer session, summer sessions may not be
25 counted against the time of participation.

26 (2) A student who has graduated from high school may not participate in the Expanded
27 Options Program. However, an eligible student who has completed course requirements for
28 graduation, but who has not received a diploma, may participate in the Expanded Options
29 Program.

30 **SECTION 9.** (1) The State Board of Education shall establish a procedure for a school
31 district to award credits to eligible students for eligible post-secondary courses completed
32 under the Expanded Options Program.

33 (2) Prior to an eligible student's beginning an eligible post-secondary course, the school
34 district shall notify the student of the number and type of credits that the student will be
35 granted upon successful completion of the eligible post-secondary course.

36 (3) If there is a dispute between the school district and the eligible student regarding the
37 number or type of credits that a school district will grant to a student or that a school dis-
38 trict has granted for a particular eligible post-secondary course, the student may appeal the
39 school district's decision using an appeals process adopted by the school district board.

40 (4) Credits granted to an eligible student shall be counted toward high school graduation
41 requirements and subject area requirements of the state and school district. Evidence of
42 successful completion of each eligible post-secondary course and credits granted shall be in-
43 cluded in the student's education record. A student shall provide the school district with a
44 copy of the student's grade in each eligible post-secondary course taken for credit under the
45 Expanded Options Program. The student's education record shall indicate that the credits

1 were earned at an eligible post-secondary institution.

2 (5) If a student enrolls in an eligible post-secondary institution after leaving secondary
3 school, the eligible post-secondary institution shall award post-secondary credit for any eli-
4 gible post-secondary course successfully completed for credit at that institution if the course
5 is considered by the institution to be a college-level course. Other post-secondary institutions
6 may award, after a student leaves secondary school, post-secondary credit for any eligible
7 post-secondary course successfully completed under the Expanded Options Program. A
8 post-secondary institution may not charge a student for the award of credit.

9 **SECTION 10.** (1) An eligible student enrolled in an eligible post-secondary course at an
10 eligible post-secondary institution pursuant to section 3 of this 2005 Act shall continue to be
11 considered a resident pupil of the student's school district for purposes of calculation of the
12 State School Fund grant under ORS 327.006 to 327.133 and 327.731.

13 (2) The resident school district of the eligible student shall enter into an agreement with
14 any eligible post-secondary institution that accepts a student for enrollment in an eligible
15 post-secondary course pursuant to section 3 of this 2005 Act for the payment of actual tui-
16 tion, fees and other necessary instructional costs associated with the student's attending
17 eligible post-secondary courses at the institution.

18 (3) The payment under an agreement entered into under subsection (2) of this section for
19 each college credit hour or credit equivalency may not exceed:

20 (a) For an eligible post-secondary institution granting quarter college credits, an amount
21 = (90 percent of the statewide average general purpose grant per weighted average daily
22 membership (ADMw) of all school districts as calculated under ORS 327.013 for the prior
23 fiscal year) ÷ 45; or

24 (b) For an eligible post-secondary institution granting semester college credits, an
25 amount = (90 percent of the statewide average general purpose grant per ADMw of all school
26 districts as calculated under ORS 327.013 for the prior fiscal year) ÷ 30.

27 (4) In addition to any agreement entered into under subsection (2) of this section, the
28 resident school district of the eligible student shall enter into an agreement with an eligible
29 post-secondary institution that accepts a student for enrollment in an eligible post-secondary
30 course that is a nontuition course or noncredit course pursuant to section 3 of this 2005 Act
31 for the payment of the actual instruction costs associated with the student's attending the
32 eligible post-secondary course at the institution.

33 (5) The payment under an agreement entered into under subsection (4) of this section for
34 any eligible post-secondary course may not exceed an amount = (90 percent of the statewide
35 average general purpose grant per ADMw of all school districts as calculated under ORS
36 327.013 for the prior fiscal year).

37 (6) The amount of the statewide average general purpose grant per ADMw of all school
38 districts as calculated under ORS 327.013 shall be determined each fiscal year by the De-
39 partment of Education and made available to all school districts and, upon request, to any
40 eligible post-secondary institution.

41 (7) Nothing in this section shall prohibit a community college, a state institution of
42 higher education within the Oregon University System or the Oregon Health and Science
43 University from receiving additional state funding that may be available under any other law.

44 **SECTION 11.** (1) An eligible student enrolled in an eligible post-secondary course pursu-
45 ant to sections 1 to 17 of this 2005 Act is not eligible for any state student financial aid under

1 ORS 348.040 to 348.280 and 348.505 to 348.695.

2 (2) The eligible student may apply to the resident school district of the student for re-
 3 imbursement for any textbooks, equipment or materials purchased by the student that are
 4 required for an eligible post-secondary course.

5 (3) The amount of any reimbursement under subsection (2) of this section when combined
 6 with payment made by the school district to an eligible post-secondary institution under
 7 section 10 (2) or (4) of this 2005 Act may not exceed the limitations established by section
 8 10 (3) or (5) of this 2005 Act.

9 **SECTION 12.** An eligible post-secondary institution that receives payment for an eligible
 10 student under section 10 of this 2005 Act may not charge that student for tuition, fees or
 11 other necessary instructional costs of the eligible post-secondary courses in which the stu-
 12 dent is enrolled.

13 **SECTION 13.** All textbooks, equipment and materials provided to an eligible student and
 14 paid for under section 11 of this 2005 Act are the property of the resident school district of
 15 the student.

16 **SECTION 14.** (1) An eligible student's resident school district may provide transportation
 17 services to eligible students who attend eligible post-secondary institutions within the
 18 boundaries of the school district pursuant to ORS 327.043.

19 (2) Any transportation costs incurred by a school district under this section shall be
 20 considered approved transportation costs for purposes of ORS 327.013 (8).

21 **SECTION 15.** (1) The resident school district of an eligible student participating in the
 22 Expanded Options Program shall be responsible for providing any required special education
 23 and related services to the student. A student who requires special education and related
 24 services shall be considered a resident for school purposes in the school district in which the
 25 student's parents or guardians or persons in parental relationship to the student reside
 26 pursuant to ORS 339.133 and 339.134.

27 (2) If an eligible post-secondary institution intends to provide special education and re-
 28 lated services to an eligible student participating in the Expanded Options Program, the in-
 29 stitution shall enter into a written contract with the resident school district of the student.
 30 The contract shall include at least the following:

31 (a) Allowance for the student to remain in the program during the pendency of any spe-
 32 cial education due process hearing unless the parents and school district agree otherwise;

33 (b) Immediate notification to the resident school district if the post-secondary institution
 34 suspects that a student participating in the program may have a disability and needs special
 35 education or related services;

36 (c) Immediate notification to the resident school district if a student who is receiving
 37 special education and related services has engaged in conduct that may lead to suspension
 38 or expulsion; and

39 (d) Immediate notification to the resident school district of any complaint made by the
 40 parents of the student regarding the student's program at the post-secondary institution.

41 (3)(a) If an eligible post-secondary institution provides special education and related ser-
 42 vices under a contract with a resident school district, the institution shall comply with
 43 standards established by the State Board of Education under this section.

44 (b) The State Board of Education shall establish standards to be applied to post-
 45 secondary institutions that provide special education and related services under a contract

1 with a resident school district. The standards shall include at least the following minimum
2 requirements:

3 (A) The implementation of special education and related services is done as described in
4 the eligible student's individualized education program as defined in ORS 343.035; and

5 (B) The post-secondary institution maintains the confidentiality of student records in
6 compliance with the federal Family Educational Rights and Privacy Act.

7 **SECTION 16.** The provisions of sections 1 to 17 of this 2005 Act do not apply to any
8 post-secondary courses in which a student is enrolled in addition to being enrolled full-time
9 in the student's resident school district. For purposes of this section, a student is considered
10 enrolled full-time if the student attends classes for credit in the secondary school for all
11 available hours of instruction.

12 **SECTION 17.** (1) For a high school with an enrollment of 1,000 students, each school year
13 no more than 330 quarter credit hours or 200 semester credit hours, or a combination
14 thereof, may be awarded to eligible students at the high school under the Expanded Options
15 Program.

16 (2) The State Board of Education by rule shall establish credit hours caps for high
17 schools that have an enrollment that is greater than or less than 1,000 students. The caps
18 shall be proportional to the credit hours caps established under subsection (1) of this section.

19 (3) If a school district has more eligible students who wish to participate in the program
20 than are allowed under the credit hours cap established under this section, the school dis-
21 trict board shall establish a process for selecting eligible students to participate in the pro-
22 gram. A school district shall give priority for program participation to at-risk students. Each
23 school district board shall adopt a policy that defines at-risk student.

24 **SECTION 18.** Section 17 of this 2005 Act is repealed on June 30, 2009.

25 **SECTION 19.** (1) Notwithstanding sections 1 to 17 of this 2005 Act, any program, agree-
26 ment or plan in effect on the effective date of this 2005 Act that provides access for public
27 high school students to a post-secondary course is not affected by sections 1 to 17 of this 2005
28 Act and may be continued or renewed at the discretion of the parties to the program,
29 agreement or plan.

30 (2) Any new program, agreement or plan that is developed after the effective date of this
31 2005 Act and that is intended to provide access for public high school students to a post-
32 secondary course may be initiated at the discretion of a school district and a post-secondary
33 institution.

34 (3) Notwithstanding subsection (1) or (2) of this section, a program, agreement or plan
35 described in subsection (1) or (2) of this section may not be used as a substitute for the Ex-
36 panded Options Program created under sections 1 to 17 of this 2005 Act or used to relieve
37 any school district of its obligation to institute the Expanded Options Program.

38 **SECTION 20.** ORS 327.008, as amended by section 13, chapter 695, Oregon Laws 2001, section
39 14, chapter 6, Oregon Laws 2002 (third special session), and sections 5 and 7, chapter 715, Oregon
40 Laws 2003, is amended to read:

41 327.008. (1) There is established a State School Fund in the General Fund. The fund shall consist
42 of moneys appropriated by the Legislative Assembly and moneys transferred from the Education
43 Stability Fund. The State School Fund is continuously appropriated to the Department of Education
44 for the purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125, 327.137, 336.575,
45 336.580, 336.635, 342.173, 343.243, 343.533 and 343.961 and sections 10 and 11 of this 2005 Act.

1 (2) There shall be apportioned from the State School Fund to each school district a State School
2 Fund grant, consisting of the positive amount equal to a general purpose grant and a facility grant
3 and a transportation grant minus local revenue, computed as provided in ORS 327.013.

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

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

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

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

12 (7) The total amount of the State School Fund that is distributed as facility grants may not ex-
13 ceed \$17.5 million in any biennium. If the total amount to be distributed as facility grants exceeds
14 this limitation, the Department of Education shall prorate the amount of funds available for facility
15 grants among those school districts that qualified for a facility grant.

16 **SECTION 21. The Expanded Options Program created by sections 1 to 17 of this 2005 Act**
17 **shall first be available to students for the 2006-2007 school year.**

18