

# Enrolled Senate Bill 216

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor John A. Kitzhaber, M.D., for Oregon Education Investment Board)

CHAPTER .....

AN ACT

Relating to quality teaching; amending ORS 329.800, 329.805, 329.820, 329.838 and 342.950; and declaring an emergency.

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

**SECTION 1.** ORS 342.950 is amended to read:

342.950. (1) The Network of Quality Teaching and Learning is established. The network consists of the Oregon Education Investment Board, the Department of Education and public and private entities that receive funding as provided by this section to accomplish the purposes of the network described in subsection (2) of this section.

(2) The purposes of the network are the following:

(a) To enhance a culture of leadership and collaborative responsibility for advancing the profession of teaching among providers of early learning services, teachers and administrators in kindergarten through grade 12, education service districts and teacher education institutions.

(b) To strengthen and enhance existing evidence-based practices that improve student achievement, including practices advanced by or described in ORS 329.788 to 329.820, 329.822, 329.824, 329.838, 342.433 to 342.449 and 342.805 to 342.937.

(c) To improve recruitment, preparation, induction, career advancement opportunities and support of educators.

(3) To accomplish the purposes of the network described in subsection (2) of this section, the Department of Education, subject to the direction and control of the Chief Education Officer, shall distribute funding as follows:

(a) To **schools**, school districts, *[schools,]* **education service districts**, nonprofit organizations, post-secondary institutions and consortiums that are any combination of those entities for the purpose of supporting the implementation *[of common core state standards]* **and delivery of common core state standards and other state standards that indicate whether a student is prepared for college.**

(b) To school districts, **education service districts** and nonprofit organizations for the *[purposes of complying]* **purpose of providing teacher and administrator evaluations and aligned professional development in a manner that complies** with the core teaching standards adopted as provided by ORS 342.856 and *[complying]* with related standards prescribed by federal law.

(c) To school districts and nonprofit organizations for the purpose of providing teachers with opportunities for professional collaboration and professional development and for the pursuit of ca-

reer pathways in a manner that is consistent with the School District Collaboration Grant Program described in ORS 329.838.

(d) To school districts, **education service districts** and nonprofit organizations for the purpose of providing beginning teachers and administrators with mentors in a manner that is consistent with the beginning teacher and administrator mentorship program described in ORS 329.788 to 329.820.

*[(e) To school districts for the purposes of obtaining assessments and developing professional development plans to meet school improvement objectives and educator needs.]*

*[(f)]* (e) To school districts, **education service districts**, nonprofit organizations, *[and]* post-secondary institutions **and the tribes of this state** for the purpose of closing achievement gaps by providing and improving the effectiveness of **instruction and** professional development, implementing data-driven decision making, supporting practice communities and implementing culturally competent practices.

*[(g) To school districts and nonprofit organizations for the purposes of developing and engaging in proficiency-based or student-centered learning practices and assessments.]*

*[(h)]* (f) To school districts, nonprofit organizations and post-secondary institutions for the purposes of:

(A) Strengthening educator *[preparation]* programs **for educators at all levels to improve educator preparation, recruitment and leadership.** *[and]*

(B) Supporting the development and sustainability of partnerships between providers of early learning services, public schools with any grades from kindergarten through grade 12 and post-secondary institutions.

*[(i) To providers of early learning services, nonprofit organizations and post-secondary institutions for the purposes of providing professional development and supporting providers of early learning services with opportunities for professional collaboration and advancement.]*

(4) The Oregon Education Investment Board shall *[support]* **provide strategic direction to** the network by:

(a) Conducting and coordinating research to determine best practices and evidence-based models.

(b) **Convening an advisory group to guide network activities and expand the implementation of effective practices.**

*[(b)]* (c) Working with educator *[preparation]* programs to ensure ongoing collaboration with education providers.

*[(c)]* (d) Supporting programs that help to achieve the *[goal]* **purposes** of the Minority Teacher Act of 1991 *[as described in ORS 342.437]*.

*[(d)]* (e) Creating and supporting a statewide plan for increasing the successful recruitment of high-ability and culturally diverse candidates to work in high-need communities and fields.

(5) The Department of Education shall support the network by:

(a) Developing a system that ensures statewide dissemination of best practices and evidence-based models.

(b) Supporting the development and implementation of standards-based curriculum, high-leverage practices and assessments that promote student learning and improve outcomes for students learning English as a second language and for students with disabilities.

(c) Administering the distribution of funding as described in subsection (3) of this section.

(6) The Oregon Education Investment Board shall develop processes to establish the network and ensure the accountability of the network. The processes must ensure that the network:

(a) Gives preference to entities that have demonstrated success in improving student outcomes.

(b) Delivers services for the benefit of all regions of this state.

(c) Is accountable for improving education outcomes identified by the Oregon Education Investment Board, contained in achievement compacts or set forth in ORS 351.009.

(d) Includes and connects education providers and leaders from pre-kindergarten through post-secondary education.

(7) No more than two percent of all moneys received for the purposes of this section may be expended by the Oregon Education Investment Board or the Department of Education for administrative costs incurred under this section. For the purpose of this subsection, [*technical assistance and direct program services provided to school districts and nonprofit organizations*] **the following** are not considered administrative costs[.]:

(a) **Technical assistance and direct program services provided to school districts and nonprofit organizations; and**

(b) **Any administrative costs incurred under ORS 329.838 related to the administration of the School District Collaboration Grant Program.**

(8) The State Board of Education may adopt any rules necessary for the Department of Education to support the network and perform any duties assigned to the department under this section or assigned to the department by the Oregon Education Investment Board. Any rules adopted by the State Board of Education must be consistent with this section and with actions taken by the Oregon Education Investment Board to implement this section.

**SECTION 2.** ORS 342.950, as amended by section 2, chapter 661, Oregon Laws 2013, is amended to read:

342.950. (1) The Network of Quality Teaching and Learning is established. The network consists of the Department of Education and public and private entities that receive funding as provided by this section to accomplish the purposes of the network described in subsection (2) of this section.

(2) The purposes of the network are the following:

(a) To enhance a culture of leadership and collaborative responsibility for advancing the profession of teaching among providers of early learning services, teachers and administrators in kindergarten through grade 12, education service districts and teacher education institutions.

(b) To strengthen and enhance existing evidence-based practices that improve student achievement, including practices advanced by or described in ORS 329.788 to 329.820, 329.822, 329.824, 329.838, 342.433 to 342.449 and 342.805 to 342.937.

(c) To improve recruitment, preparation, induction, career advancement opportunities and support of educators.

(3) To accomplish the purposes of the network described in subsection (2) of this section, the Department of Education, subject to the direction and control of the Superintendent of Public Instruction, shall distribute funding as follows:

(a) To **schools**, school districts, [*schools*,] **education service districts**, nonprofit organizations, post-secondary institutions and consortiums that are any combination of those entities for the purpose of supporting the implementation [*of common core state standards*] **and delivery of common core state standards and other state standards that indicate whether a student is prepared for college.**

(b) To school districts, **education service districts** and nonprofit organizations for the [*purposes of complying*] **purpose of providing teacher and administrator evaluations and aligned professional development in a manner that complies** with the core teaching standards adopted as provided by ORS 342.856 and [*complying*] with related standards prescribed by federal law.

(c) To school districts and nonprofit organizations for the purpose of providing teachers with opportunities for professional collaboration and professional development and for the pursuit of career pathways in a manner that is consistent with the School District Collaboration Grant Program described in ORS 329.838.

(d) To school districts, **education service districts** and nonprofit organizations for the purpose of providing beginning teachers and administrators with mentors in a manner that is consistent with the beginning teacher and administrator mentorship program described in ORS 329.788 to 329.820.

[*e*] To school districts for the purposes of obtaining assessments and developing professional development plans to meet school improvement objectives and educator needs.]

[*f*] (e) To school districts, **education service districts**, nonprofit organizations, [*and*] post-secondary institutions **and the tribes of this state** for the purpose of closing achievement gaps by providing and improving the effectiveness of **instruction and** professional development, implement-

ing data-driven decision making, supporting practice communities and implementing culturally competent practices.

*[(g) To school districts and nonprofit organizations for the purposes of developing and engaging in proficiency-based or student-centered learning practices and assessments.]*

*[(h)]* **(f)** To school districts, nonprofit organizations and post-secondary institutions for the purposes of:

**(A)** Strengthening educator *[preparation]* programs **for educators at all levels to improve educator preparation, recruitment and leadership.** *[and]*

**(B)** Supporting the development and sustainability of partnerships between providers of early learning services, public schools with any grades from kindergarten through grade 12 and post-secondary institutions.

*[(i) To providers of early learning services, nonprofit organizations and post-secondary institutions for the purposes of providing professional development and supporting providers of early learning services with opportunities for professional collaboration and advancement.]*

(4) The Department of Education shall *[support]* **provide strategic direction** to the network by:

(a) Conducting and coordinating research to determine best practices and evidence-based models.

**(b) Convening an advisory group to guide network activities and expand the implementation of effective practices.**

*[(b)]* **(c)** Working with educator *[preparation]* programs to ensure ongoing collaboration with education providers.

*[(c)]* **(d)** Supporting programs that help to achieve the *[goal]* **purposes** of the Minority Teacher Act of 1991 *[as described in ORS 342.437].*

*[(d)]* **(e)** Creating and supporting a statewide plan for increasing the successful recruitment of high-ability and culturally diverse candidates to work in high-need communities and fields.

*[(e)]* **(f)** Developing a system that ensures statewide dissemination of best practices and evidence-based models.

*[(f)]* **(g)** Supporting the development and implementation of standards-based curriculum, high-leverage practices and assessments that promote student learning and improve outcomes for students learning English as a second language and for students with disabilities.

*[(g)]* **(h)** Administering the distribution of funding as described in subsection (3) of this section.

(5) The State Board of Education shall develop processes to establish the network and ensure the accountability of the network. The processes must ensure that the network:

(a) Gives preference to entities that have demonstrated success in improving student outcomes.

(b) Delivers services for the benefit of all regions of this state.

(c) Is accountable for improving education outcomes identified by the State Board of Education, contained in achievement compacts or set forth in ORS 351.009.

(d) Includes and connects education providers and leaders from pre-kindergarten through post-secondary education.

(6) No more than two percent of all moneys received for the purposes of this section may be expended by the Department of Education for administrative costs incurred under this section. For the purpose of this subsection, *[technical assistance and direct program services provided to school districts and nonprofit organizations]* **the following** are not considered administrative costs[.]:

**(a) Technical assistance and direct program services provided to school districts and nonprofit organizations; and**

**(b) Any administrative costs incurred under ORS 329.838 related to the administration of the School District Collaboration Grant Program.**

(7) The State Board of Education may adopt any rules necessary for the Department of Education to support the network and perform any duties assigned to the department under this section. Any rules adopted by the State Board of Education must be consistent with this section.

**SECTION 3.** ORS 329.838 is amended to read:

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 [*administer*] **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.**

[*(b)*] (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.

[*(c)* *The department may expend no more than five percent of the amount appropriated to the department for the grant program to pay for the administrative costs incurred by the department under this section, not including any costs related to contracts described in paragraph (b) of this subsection.*]

(3) Each school district may apply [*to the department*] 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 [*department*] **administrator of the grant program** based on:

(A) The application submitted by the school district [*to the department*];

(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, 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 (3).

**(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) [The department shall award] Grants shall be awarded based on:

(a) The application submitted by the school district [to the department];  
(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.

**SECTION 4.** ORS 329.805 is amended to read:

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 [*geographic and demographic diversity*.]:

(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.

**SECTION 5.** ORS 329.800 is amended to read:

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);**

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

[(b)] (c) A description of the proposed mentorship program, which must provide **at least 75-90 hours of** frequent contact[, *totaling a minimum of 90 hours,*] 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.

**SECTION 6.** ORS 329.820 is amended to read:

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.

**SECTION 7. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.**

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**Passed by Senate April 28, 2015**

**Repassed by Senate June 9, 2015**

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House June 4, 2015**

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Tina Kotek, Speaker of House

**Received by Governor:**

.....M,....., 2015

**Approved:**

.....M,....., 2015

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2015

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Jeanne P. Atkins, Secretary of State