

House Bill 2289

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Education)

SUMMARY

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

Requires Superintendent of Public Instruction to rate school performance based on letter grades. Offers parents of students in schools with letter grade of "F" opportunity to receive scholarship for private school.

A BILL FOR AN ACT

1 Relating to education; creating new provisions; amending ORS 329.105; and appropriating money.

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

3 **SECTION 1. As used in sections 1 to 8 of this 2011 Act:**

4 (1) "Parent" means a student's parent or guardian, or a person in a parental relationship
5 with the student.

6 (2) "Private school" has the meaning given that term in ORS 345.505.

7 (3) "Resident school district" means the school district in which the student's parent
8 resides pursuant to ORS 339.133 and 339.134.

9 **SECTION 2. A parent of a student qualifies for a scholarship from the state for the stu-
10 dent to enroll in and attend a private school if:**

11 (1) The parent has obtained acceptance for admission of the student to a private school
12 and has notified the Department of Education and the resident school district of the request
13 for a scholarship no later than July 1 prior to the school year in which the parent intends
14 to use the scholarship for the student; and

15 (2) Any of the following has occurred:

16 (a) The student has spent the prior school year in attendance at a public school or public
17 charter school designated with a performance grade of "F" under ORS 329.105 for at least
18 two of the previous four school years;

19 (b) During or after the previous school year, the student has changed residence and is
20 now living within the attendance area of a public school designated with a performance grade
21 of "F" under ORS 329.105 for at least two of the previous four years; or

22 (c) The student is entering kindergarten or first grade and lives within the attendance
23 area of a public school designated with a performance grade of "F" under ORS 329.105 for
24 at least two of the previous four years.

25 **SECTION 3. If the Department of Education determines that a student qualifies for a
26 scholarship under section 2 of this 2011 Act, the department shall:**

27 (1) Reduce the amount of funds provided to the resident school district from the State
28 School Fund under ORS 327.008 by the amount of the scholarship, which is the amount
29 equivalent to the payment to the resident school district from all grants identified by ORS
30

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.

1 327.013, and transfer the amount of the reduction to the Opportunity Scholarship Program
2 Fund; and

3 (2) Transfer the amount of the scholarship from the Opportunity Scholarship Program
4 Fund to the private school. The transfer must occur in four equal payments no later than
5 September 1, November 1, February 1 and April 1 of each school year. The department may
6 require verification of continued enrollment by the student at the private school prior to
7 making the payments to the school.

8 **SECTION 4.** The Opportunity Scholarship Program Fund is established, separate and
9 distinct from the General Fund. Interest earned by the Opportunity Scholarship Program
10 Fund shall be credited to the fund. Moneys received by the Department of Education under
11 section 3 of this 2011 Act shall be deposited in the fund and are continuously appropriated
12 to the department for the purposes of sections 1 to 8 of this 2011 Act.

13 **SECTION 5.** (1) A private school may, at the end of a school year, decline to allow re-
14 newal of the scholarship of a student if the school determines that, for any reason, it cannot
15 continue to provide appropriate educational services to the student.

16 (2) Unless the private school declines renewal of the scholarship under subsection (1) of
17 this section, the parent of the student may annually renew the scholarship provided under
18 section 3 of this 2011 Act upon informing the Department of Education, prior to July 1 pre-
19 ceding the subsequent school year, of the parent's intent to renew the scholarship.

20 (3) The Department of Education may adjust the amount of the scholarship renewed
21 under subsection (2) of this section to account for changes in the amount of funds provided
22 to the private school under section 3 of this 2011 Act.

23 (4) A private school educating a student who has received a scholarship under section 3
24 of this 2011 Act may not refund, rebate or share the scholarship of the student with a parent
25 or the student in any manner, and may use the student's scholarship only for educational
26 purposes.

27 **SECTION 6.** (1) A school district containing a public school or public charter school
28 designated with a performance grade of "F" under ORS 329.105 for at least two of the pre-
29 vious four school years must provide notification on an annual basis to each parent of a
30 student attending the school of the scholarships available under section 2 of this 2011 Act.
31 The Department of Education shall prescribe the form of this notice by rule.

32 (2) The resident school district must offer the parent of a student applying for a schol-
33 arship under section 2 of this 2011 Act the opportunity to transfer within the school district
34 to a school with a performance grade of "C" or better as determined under ORS 329.105. The
35 parent is not required to accept this offer instead of accepting a scholarship under section
36 2 of this 2011 Act, but may accept the offer of the resident school district prior to July 1 of
37 a subsequent year in which the resident school district's school remains with a performance
38 grade of "F" as determined under ORS 329.105 for at least two of the previous four school
39 years

40 **SECTION 7.** A private school receiving a scholarship under section 3 of this 2011 Act:

41 (1) Must satisfy all criteria for registration of private schools under ORS 345.505 to
42 345.575.

43 (2) Must accept scholarship students on a random and nonreligious basis without regard
44 to the student's past academic history. However, the private school may give preference in
45 accepting applications to siblings of students who have already been accepted on a random

1 **and religious-neutral basis.**

2 **(3) Must accept as full tuition and fees the amount of the scholarship for each student.**

3 **(4) May not compel any student attending the school with a scholarship to profess a**
 4 **specific ideological belief, to pray or to worship.**

5 **SECTION 8. (1) A student participating in the scholarship program under sections 1 to**
 6 **8 of this 2011 Act must remain in attendance at the private school throughout the school**
 7 **year, unless excused by the school for illness or other good cause, and must comply fully**
 8 **with the school's code of conduct.**

9 **(2) The parent of each student participating in the scholarship program must comply**
 10 **with the private school's parental involvement requirements, if any, unless excused by the**
 11 **school for illness or other good cause.**

12 **SECTION 9.** ORS 329.105 is amended to read:

13 329.105. (1) The Superintendent of Public Instruction shall collect data and produce annual
 14 school district and school performance reports containing information on student performance, stu-
 15 dent behavior and school characteristics. The purpose of the performance reports is to provide in-
 16 formation to parents and to improve schools through greater parental involvement.

17 (2)(a) In consultation with representatives of parents, teachers, school district boards and school
 18 administrators, the State Board of Education shall adopt, by rule, criteria for [*identifying outstanding*
 19 *schools, satisfactory schools and schools in need of improvement. Such criteria shall take into account*
 20 *student performance, improvement in student performance, the participation rate of students on the*
 21 *statewide assessments, student attendance rates and graduation rates. The Superintendent of Public*
 22 *Instruction, based on the criteria adopted by the State Board of Education, shall assign a rating to*
 23 *each school that identifies the school as outstanding, satisfactory or in need of improvement.*] **grading**
 24 **schools. The criteria shall:**

25 **(A) Be based on the following factors:**

26 **(i) For 50 percent of the school's grade, scores on assessments administered under ORS**
 27 **329.485 and 329.488;**

28 **(ii) For 25 percent of the school's grade, improvements over the previous year in student**
 29 **achievement scores on assessments administered under ORS 329.485 and 329.488; and**

30 **(iii) For 25 percent of the school's grade, improvements over the previous year in student**
 31 **achievement scores for the lowest 25th percentile of students in the school on mathematics**
 32 **and English assessments administered under ORS 329.485 and 329.488.**

33 **(B) Allow the Superintendent of Public Instruction to assign a letter grade to each school**
 34 **so that:**

35 **(i) "A" means that a school is making excellent progress.**

36 **(ii) "B" means that a school is making above average progress.**

37 **(iii) "C" means that a school is making satisfactory progress.**

38 **(iv) "D" means that a school is making less than satisfactory progress.**

39 **(v) "F" means that a school is failing to make progress.**

40 (b) The [*ratings*] **grade** received by a school shall be included in the school district and school
 41 performance reports.

42 **(c) A school shall not receive a letter grade if the number of the school's students as-**
 43 **essed is fewer than the minimum sample size necessary, based on accepted professional**
 44 **practice, for statistical viability.**

45 [*c*] **(d) If a school [*is designated as in need of improvement*] receives a "D" or "F" grade, the**

1 school shall file a school improvement plan with the Superintendent of Public Instruction and with
 2 the school district board.

3 [(d)] (e) The Department of Education shall work with stakeholders to design and implement an
 4 accountability system of progressive interventions for and provide technical assistance to schools
 5 and school districts that do not demonstrate improvement.

6 (f) **The Superintendent of Public Instruction shall also publish annually an aggregated**
 7 **school district grade for all elementary schools, middle schools, high schools and charter**
 8 **schools within the district, based upon aggregation of information for each school within the**
 9 **district.**

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

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

14 (b) Attendance rates;

15 (c) School safety, such as expulsions involving weapons in the school;

16 (d) Disaggregated data on students who met or exceeded the academic content standards estab-
 17 lished by the board;

18 (e) Dropout rates and the number of students who dropped out of school;

19 (f) Parent and community involvement such as volunteer hours;

20 (g) The percentage of classes taught by a teacher identified as highly qualified under rules
 21 adopted by the United States Department of Education; and

22 (h) School staff, identified by category.

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

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

27 (b) Facilities used for distance learning;

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

29 (d) Expenditures;

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

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

32 (g) School district staff, identified by category; [and]

33 (h) Students who are eligible for special education[.]; **and**

34 (i) **A comparison of the school's letter grade to changes in school funding over the same**
 35 **period.**

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

43 **SECTION 10. Sections 1 to 8 of this 2011 Act become operative on January 1, 2014.**