

DRAFT

SUMMARY

Removes restriction on distribution of Student Investment Account moneys to virtual public charter schools.

A BILL FOR AN ACT

Relating to moneys available to virtual public charter schools; amending ORS 327.185 and 327.195.

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

SECTION 1. ORS 327.185 is amended to read:

327.185. (1) As used in this section, “eligible applicant” means any of the following entities:

(a) Common school districts and union high school districts.

(b) The Youth Corrections Education Program or the Juvenile Detention Education Program.

(c) Public charter schools [*that are not virtual public charter schools, as defined in ORS 338.005, and*] that have a student population of which:

(A) At least 35 percent of the student population is composed of students from the following student groups:

(i) Economically disadvantaged, as described in ORS 327.180 (2)(b)(A);

(ii) Racial or ethnic groups that have historically experienced academic disparities, as described in ORS 327.180 (2)(b)(B); or

(iii) Students with disabilities, as described in ORS 327.180 (2)(b)(C); and

(B) The percentage of the students from student groups identified under subparagraph (A) of this paragraph is greater than:

(i) The percentage of all students in the school district who are econom-

1 ically disadvantaged, if eligibility is determined based on the percentage of
2 students who are economically disadvantaged;

3 (ii) The percentage of all students in the school district who are from
4 racial or ethnic groups that have historically experienced academic dispari-
5 ties, if eligibility is determined based on the percentage of students who are
6 from those racial or ethnic groups; or

7 (iii) The percentage of all students in the school district who are disabled,
8 if eligibility is determined based on the percentage of students who are dis-
9 abled.

10 (2)(a) Eligible applicants may apply for a grant from the Student Invest-
11 ment Account to receive a distribution under ORS 327.190.

12 (b) Notwithstanding ORS 338.155 (9), a public charter school that is not
13 an eligible applicant may not apply for a grant under this section.

14 (3) Prior to preparing a grant application, an eligible applicant must:

15 (a) If the eligible applicant is a school district, determine whether the
16 school district will allow public charter schools sponsored by, or located
17 within, the school district to participate in the grant application and the
18 grant agreement.

19 (b) If the eligible applicant is a public charter school, determine whether
20 the public charter school intends to apply for a grant and provide notice of
21 that intent to the school district in which the public charter school is lo-
22 cated and to the Department of Education.

23 (4)(a) If an eligible applicant is a school district and decides to include
24 public charter schools in the grant application and grant agreement, the
25 school district must provide all public charter schools sponsored by, or lo-
26 cated within, the school district the opportunity to participate in the grant
27 application and grant agreement.

28 (b)(A) A public charter school is not required to participate in the grant
29 application and grant agreement of a school district.

30 (B) If a public charter school does not participate in a grant application
31 and grant agreement under this subsection:

1 (i) The ADMw of the public charter school may not be used in the cal-
2 culation of the school district ADMw for grants distributed under ORS
3 327.195; and

4 (ii) The public charter school is not entitled to any grant moneys dis-
5 tributed under ORS 327.195.

6 (C) If a public charter school participates in a grant application and grant
7 agreement under this subsection:

8 (i) The public charter school and school district shall enter into an
9 agreement for the distribution of moneys or the provision of services, in-
10 cluding any accountability measures required of the public charter school
11 by the school district;

12 (ii) The ADMw of the public charter school shall be used in the calcu-
13 lation of the school district ADMw for grants distributed under ORS 327.195;
14 and

15 (iii) The public charter school is entitled to any grant moneys or services
16 provided for in the agreement entered into under this subparagraph.

17 (5)(a) For the purpose of preparing a grant application, an eligible appli-
18 cant must determine:

19 (A) Which of the allowed uses identified in ORS 327.180 (3) the eligible
20 applicant will fund with grant moneys; and

21 (B) Which of the eligible uses identified under subparagraph (A) of this
22 paragraph the eligible applicant will designate to meeting student mental
23 and behavioral health needs.

24 (b) An eligible applicant shall make the determinations required under
25 paragraph (a) of this subsection by:

26 (A) Engaging in strategic planning; and

27 (B) Considering the recommendations of the Quality Education Commis-
28 sion established under ORS 327.500.

29 (6)(a) The strategic planning required under subsection (5) of this section
30 must include:

31 (A) A completed needs assessment, as described in ORS 329.095;

1 (B) An analysis of the potential academic impact, both for the students
2 of the eligible applicant and for student groups identified in ORS 327.180
3 (2)(b), from the allowed uses that would be funded by grant moneys; and

4 (C) The creation of budgets for the allowed uses that would be funded by
5 grant moneys.

6 (b) The strategic planning required under subsection (5) of this section
7 must take into consideration:

8 (A) Input from the community of the eligible applicant, including school
9 employees, students from student groups identified in ORS 327.180 (2)(b) and
10 parents of those students; and

11 (B) Data collected by the eligible applicant to enable the eligible appli-
12 cant to make equity-based decisions.

13 (7) Based on the strategic planning described in subsection (6) of this
14 section, the eligible applicant shall develop a four-year plan for the use of
15 grant moneys. The plan must be updated every two years and must:

16 (a) Identify which allowed uses identified in ORS 327.180 (3) will be
17 funded with grant moneys and which of those uses will be designated to meet
18 student mental and behavioral health needs.

19 (b) Describe how the allowed uses identified under paragraph (a) of this
20 subsection will be used to:

21 (A) Meet students' mental and behavioral health needs;

22 (B) Increase academic achievement for students of the eligible applicant;
23 and

24 (C) Reduce academic disparities for student groups identified in ORS
25 327.180 (2)(b) who are served by the eligible applicant, and identify which
26 of those student groups will benefit from the allowed uses that are being
27 funded with grant moneys.

28 (c) Include the budgets for the allowed uses to be funded with grant
29 moneys.

30 (d) Be approved by the governing body of the eligible applicant at an open
31 meeting, following:

1 (A) Provision of the plan at the main office of the eligible applicant and
2 on the eligible applicant's website;

3 (B) Oral presentation of the plan by an administrator of the eligible ap-
4 plicant to the governing body of the eligible applicant; and

5 (C) Opportunity for the public to comment on the plan at an open meet-
6 ing.

7 (e) Be a part of the local district continuous improvement plan described
8 in ORS 329.095, if the eligible applicant is a school district.

9 (8) To apply for a grant, an eligible applicant must submit an application
10 every two years in a format and according to timelines prescribed by the
11 Department of Education. The application must include:

12 (a) A completed needs assessment, as described in ORS 329.095;

13 (b) The plan developed under subsection (7) of this section; and

14 (c) Budget estimates for each of the allowed uses identified in the plan
15 developed under subsection (7) of this section that will be funded by grant
16 moneys.

17 **SECTION 2.** ORS 327.195 is amended to read:

18 327.195. (1)(a) Except as provided by paragraph (d) of this subsection, the
19 amount of a grant awarded from the Student Investment Account = the
20 grant recipient's ADMw \times (the total amount available for distribution as
21 grants in each biennium \div the total ADMw of all grant recipients).

22 (b) For purposes of this subsection and except as provided by paragraph

23 (c) of this subsection, ADMw equals:

24 (A) For school districts, the ADMw as calculated under ORS 327.013, ex-
25 cept that the additional amount allowed for students who are in poverty
26 families, as determined under ORS 327.013 (1)(c)(A)(v)(I), shall be 0.5.

27 (B) For an educational program under the Youth Corrections Education
28 Program or the Juvenile Detention Education Program, as provided in ORS
29 327.026.

30 (c) When calculating ADMw for a school district, the Department of Ed-
31 ucation shall remove from the calculation any amounts that are attributable

1 to:

2 [(A) *A virtual public charter school, as defined in ORS 338.005;*]

3 [(B)] (A) A public charter school that provided notice of the public
4 charter school's intent to apply for a grant as an eligible applicant; and

5 [(C)] (B) A public charter school sponsored by, or located within, the
6 school district that did not participate in the grant application or grant
7 agreement.

8 (d) The amount of a grant distributed under this section may be adjusted
9 by the department to ensure that:

10 (A) A grant recipient does not receive any moneys for uses that are not
11 allowed uses under ORS 327.180 (3).

12 (B) A school district with an ADMw of 50 or less receives a minimum
13 grant amount.

14 (2) The State Board of Education shall adopt any rules necessary for the
15 distribution of grants under this section, including establishing:

16 (a) The minimum grant amounts under subsection (1)(d) of this section;
17 and

18 (b) Any percentages and timelines for installment payments and adjust-
19 ments of those installment payments.

20 (3) A grant recipient shall deposit the grant moneys the grant recipient
21 receives under this section into a separate account and shall apply amounts
22 in that account as provided by the grant agreement.

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