

Enrolled House Bill 3144

Sponsored by Representative NGUYEN H, Senators DEMBROW, JAMA, Representative NERON;
Representatives BOWMAN, DEXTER, PHAM H, PHAM K, RUIZ, TRAN, Senators CAMPOS,
FREDERICK

CHAPTER

AN ACT

Relating to statewide education plans; creating new provisions; amending ORS 327.254, 329.841, 329.843, 329.845 and 329.847 and sections 64 and 68, chapter 631, Oregon Laws 2021; and declaring an emergency.

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

SECTION 1. (1) As used in this section, “plan student” means a student enrolled in early childhood through post-secondary education who:

(a) Is Native Hawaiian or Pacific Islander; 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 individuals who:

(A) Have lived experiences with, or a demonstrated understanding of, issues facing Native Hawaiian or Pacific Islander communities, including students who have those experiences or understandings;

(B) Represent community-based organizations serving Native Hawaiian or Pacific Islander youth and families; and

(C) Represent education stakeholders, including representatives of the Early Learning Division, the Youth Development Division and the Higher Education Coordinating Commission.

(c) The advisory group formed as provided in paragraph (b) of this subsection shall advise the department regarding:

(A) Development and implementation of the plan;

(B) Eligibility criteria, applicant selection processes 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 must address:

(a) The disparities experienced by plan students in every indicator of academic success, as documented by the statewide report card and other relevant reports related to plan students;

(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 as determined 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 involving 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 education 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 school 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;

(j) Increase attendance of plan students in four-year post-secondary institutions of education; and

(k) Align the plan with statewide education plans developed and implemented under ORS 329.841, 329.843, 329.845 and 329.847.

(5) The department shall submit a biennial report concerning the progress of the plan developed and implemented under this section to a committee of the Legislative Assembly related to education at each even-numbered year regular session of the Legislative Assembly.

(6) The department, in consultation with the advisory group, shall award grants to Early Learning Hubs, providers of early learning services, school districts, education service districts, post-secondary institutions of education, tribal governments, community-based organizations or a consortium of these entities to implement the strategies provided 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.

SECTION 2. Section 1 of this 2023 Act is amended to read:

Sec. 1. (1) As used in this section, “plan student” means a student enrolled in early childhood through post-secondary education who:

(a) Is Native Hawaiian or Pacific Islander; 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 of Education shall form an advisory group consisting of individuals who:

(A) Have lived experiences with, or a demonstrated understanding of, issues facing Native Hawaiian or Pacific Islander communities, including students who have those experiences or understandings;

(B) Represent community-based organizations serving Native Hawaiian or Pacific Islander youth and families; and

(C) Represent education stakeholders, including representatives of the [Early Learning Division] Department of Early Learning and Care, the Youth Development Division and the Higher Education Coordinating Commission.

(c) The advisory group formed as provided in paragraph (b) of this subsection shall advise the Department of Education regarding:

(A) Development and implementation of the plan;

(B) Eligibility criteria, applicant selection processes 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 must address:

(a) The disparities experienced by plan students in every indicator of academic success, as documented by the statewide report card and other relevant reports related to plan students;

(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 as determined 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 involving 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 education 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 school 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;

(j) Increase attendance of plan students in four-year post-secondary institutions of education; and

(k) Align the plan with statewide education plans developed and implemented under ORS 329.841, 329.843, 329.845 and 329.847.

(5) The Department of Education shall submit a biennial report concerning the progress of the plan developed and implemented under this section to a committee of the Legislative Assembly related to education at each even-numbered year regular session of the Legislative Assembly.

(6) The Department of Education, in consultation with the advisory group, shall award grants to Early Learning Hubs, providers of early learning services, school districts, education service districts, post-secondary institutions of education, tribal governments, community-based organizations or a consortium of these entities to implement the strategies provided 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.

SECTION 3. Section 64, chapter 631, Oregon Laws 2021, as amended by section 1, chapter 27, Oregon Laws 2022, is amended to read:

Sec. 64. (1) ORS 326.432 and 329A.750, the amendments to ORS 131A.360, 131A.365, 183.459, 279A.050, 326.425, 326.430, 326.435, 327.269, 327.274, 329.155, 329.156, 329.165, 329.170, 329.172, 329.175, 329.181, 329.183, 329.185, 329.195, 329.200, 329.219, 329.841, 329.843, 329.845, 329A.010, 329A.120, 329A.135, 329A.250, 329A.261, 329A.712, 336.101, 336.104, 343.465, 343.475, 343.499, 417.781, 417.782, 417.784, 417.788, 417.790, 417.793, 417.795, 417.796, 417.827, 417.829, 419B.005, 433.301,

609.652, 805.205 and 805.207 by sections 11 and 14 to 62, chapter 631, Oregon Laws 2021, **the amendments to ORS 329.847 by section 13 of this 2023 Act, the amendments to section 1 of this 2023 Act by section 2 of this 2023 Act** and the repeal of ORS 329.145, 329.150, 329.190, 329A.490 and 329A.493 by section 63, chapter 631, Oregon Laws 2021, become operative on July 1, 2023.

(2) Notwithstanding the operative date set forth in subsection (1) of this section, the Early Learning Division and the Department of Education may take any action before the operative date set forth in subsection (1) of this section that is necessary for the Department of Early Learning and Care to exercise, on and after the operative date set forth in subsection (1) of this section, all of the duties, functions and powers conferred on the Department of Early Learning and Care by ORS 326.432 and 329A.750 and the amendments to ORS 131A.360, 131A.365, 183.459, 279A.050, 326.425, 326.430, 326.435, 327.269, 327.274, 329.155, 329.156, 329.165, 329.170, 329.172, 329.175, 329.181, 329.183, 329.185, 329.195, 329.200, 329.219, 329.841, 329.843, 329.845, 329A.010, 329A.120, 329A.135, 329A.250, 329A.261, 329A.712, 336.101, 336.104, 343.465, 343.475, 343.499, 417.781, 417.782, 417.784, 417.788, 417.790, 417.793, 417.795, 417.796, 417.827, 417.829, 419B.005, 433.301, 609.652, 805.205 and 805.207 by sections 11 and 14 to 62, chapter 631, Oregon Laws 2021.

(3) For the purpose of ensuring that the Department of Early Learning and Care may exercise, on and after the operative date set forth in subsection (1) of this section, all of the duties, functions and powers conferred on the Department of Early Learning and Care by ORS 326.432 and 329A.750 and the amendments to ORS 131A.360, 131A.365, 183.459, 279A.050, 326.425, 326.430, 326.435, 327.269, 327.274, 329.155, 329.156, 329.165, 329.170, 329.172, 329.175, 329.181, 329.183, 329.185, 329.195, 329.200, 329.219, 329.841, 329.843, 329.845, 329A.010, 329A.120, 329A.135, 329A.250, 329A.261, 329A.712, 336.101, 336.104, 343.465, 343.475, 343.499, 417.781, 417.782, 417.784, 417.788, 417.790, 417.793, 417.795, 417.796, 417.827, 417.829, 419B.005, 433.301, 609.652, 805.205 and 805.207 by sections 11 and 14 to 62, chapter 631, Oregon Laws 2021, the Early Learning Division and the Department of Education shall develop and implement a plan that provides for a seamless transfer of duties, functions and powers.

(4) The Governor shall resolve any disputes related to the plan developed and implemented under subsection (3) of this section, and the Governor's decision is final.

SECTION 4. Section 68, chapter 631, Oregon Laws 2021, is amended to read:

Sec. 68. (1) Nothing in [sections 12 and 13 of this 2021 Act] **ORS 326.432 and 329A.750**, the amendments to ORS 131A.360, 131A.365, 183.459, 279A.050, 326.425, 326.430, 326.435, 327.269, 327.274, 329.155, 329.156, 329.165, 329.170, 329.172, 329.175, 329.181, 329.183, 329.185, 329.195, 329.200, 329.219, 329.841, 329.843, 329.845, 329A.010, 329A.120, 329A.135, 329A.250, 329A.261, 329A.712, 336.101, 336.104, 343.465, 343.475, 343.499, 417.781, 417.782, 417.784, 417.788, 417.790, 417.793, 417.795, 417.796, 417.827, 417.829, 419B.005, 433.301, 609.652, 805.205 and 805.207 by sections 11 and 14 to 62 [of this 2021 Act], **chapter 631, Oregon Laws 2021, the amendments to ORS 329.847 by section 13 of this 2023 Act and the amendments to section 1 of this 2023 Act by section 2 of this 2023 Act**, or the repeal of ORS 329.145, 329.150, 329.190, 329A.490 and 329A.493 by section 63 [of this 2021 Act], **chapter 631, Oregon Laws 2021**, relieves a person of a liability, duty or obligation accruing under or with respect to the duties, functions and powers transferred by the amendments to ORS 326.430 by section 11 [of this 2021 Act], **chapter 631, Oregon Laws 2021**. The Department of Early Learning and Care may undertake the collection or enforcement of any such liability, duty or obligation.

(2) The rights and obligations of the Early Learning Division or the Department of Education on behalf of the Early Learning Division legally incurred under contracts, leases and business transactions executed, entered into or begun before the operative date of the amendments to ORS 326.430 by section 11 [of this 2021 Act], **chapter 631, Oregon Laws 2021**, are transferred to the Department of Early Learning and Care. For the purpose of succession to these rights and obligations, the Department of Early Learning and Care is a continuation of the Early Learning Division and not a new authority.

SECTION 5. ORS 327.254 is amended to read:

327.254. (1) The Department of Education shall use moneys in the Statewide Education Initiatives Account to provide funding for statewide education initiatives, including:

(a) Funding the High School Graduation and College and Career Readiness Act at the levels prescribed by ORS 327.856;

(b) Expanding school breakfast and lunch programs;

(c) Operating youth reengagement programs or providing youth reengagement services;

(d) Establishing and maintaining the Statewide School Safety and Prevention System under ORS 339.341;

(e) Developing and providing statewide equity initiatives, including [*the Black or African-American education plan developed under ORS 329.841, the American Indian or Alaska Native education plan developed under ORS 329.843, the Latino or Hispanic education plan developed under ORS 329.845 or any similar*] **any statewide** education plan [*identified*] **developed and implemented** by the department;

(f) Providing summer learning programs at schools that are considered high poverty under Title I of the federal Elementary and Secondary Education Act of 1965;

(g) Funding early warning systems to assist students in graduating from high school, as described in ORS 327.367;

(h) Developing and implementing professional development programs and training programs, including programs that increase educator diversity and retain diverse educators;

(i) Planning for increased transparency and accountability in the public education system of this state;

(j) Providing additional funding to school districts participating in the intensive program under ORS 327.222;

(k) Providing technical assistance, including costs incurred for:

(A) The coaching program described in ORS 327.214; and

(B) The intensive program described in ORS 327.222, including costs for student success teams;

(L) Funding public charter schools, as described in ORS 327.362;

(m) Funding education service districts, as described in subsection (2) of this section; and

(n) Funding costs incurred by the department in implementing this section and ORS 327.175 to 327.235 and 327.274.

(2)(a) The amount of a distribution to an education service district under this section shall be made as provided by paragraph (b) of this subsection after calculating the following for each education service district:

(A) One percent of the total amount available for distribution to education service districts in each biennium.

(B) The education service district's $ADMw \times$ (the total amount available for distribution to education service districts in each biennium \div the total $ADMw$ of all education service districts that receive a distribution).

(b) The amount of the distribution to an education service district shall be the greater of the amounts calculated under paragraph (a) of this subsection, except that, for distributions made as provided by paragraph (a)(B) of this subsection, the total amount available for distribution to education service districts shall be the amount remaining after any distributions required under paragraph (a)(A) of this subsection have been made.

(c) For purposes of this subsection, $ADMw$ equals the $ADMw$ as calculated under ORS 327.013, except that the additional amount allowed for students who are in poverty families, as determined under ORS 327.013 (1)(c)(A)(v)(I), shall be 0.5.

(d) An education service district shall use moneys received under this section as provided by a plan developed by the school districts located within the education service district. A school district that declines to participate in the development of the plan or that has withdrawn from an education service district as provided by ORS 334.015 is not entitled to any moneys distributed to the education service district under this subsection.

(e) A plan developed under this subsection must:

(A) Align with and support school districts in meeting the performance growth targets of the school districts developing the plan;

(B) Include the provision of technical assistance to school districts in developing, implementing and reviewing a plan for receiving a grant from the Student Investment Account;

(C) Provide for coordination with the department in administering and providing technical assistance to school districts, including coordinating any coaching programs established under ORS 327.214; and

(D) Be adopted and amended as provided for local service plans under ORS 334.175 and approved by the department.

(f) Each education service district must submit an annual report to the department that:

(A) Describes how the education service district spent moneys received under this subsection; and

(B) Includes an evaluation of the education service district's compliance with the plan from the superintendent of each school district that participated in the development of the plan.

(3) The State Board of Education shall adopt rules necessary for the distribution of moneys under this section.

SECTION 6. ORS 329.841 is amended to read:

329.841. (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; 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[.];
and

(k) Align the plan with similar statewide education plans developed and implemented by the department.

(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, education service 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.

SECTION 7. ORS 329.841, as amended by section 34, chapter 631, Oregon Laws 2021, is amended to read:

329.841. (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; 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 of Education shall form an advisory group consisting of community members, education stakeholders and representatives of the Department of Early Learning and Care, the Youth Development Division and the Higher Education Coordinating Commission to advise the Department of Education 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 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[.];
and

(k) Align the plan with similar statewide education plans developed and implemented by the Department of Education.

(5) The Department of Education 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 of Education, in consultation with the advisory group, shall award grants to Early Learning Hubs, providers of early learning services, school districts, education service 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.

SECTION 8. ORS 329.843 is amended to read:

329.843. (1) As used in this section, “plan student” means a student enrolled in early childhood through post-secondary education who:

(a) Is an American Indian or Alaska Native; 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) When developing the plan, the department shall consult with representatives from tribal governments and from executive branch agencies who have formed government-to-government relations to focus on education. Additionally, the department may receive input from 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.

(c) The department shall be responsible for:

(A) Implementing the plan developed under this subsection;

(B) Developing eligibility criteria, the applicant selection process and expectations for recipients of grant awards described in this section; and

(C) Advising the State Board of Education on the adoption of rules under this section.

(3) The plan developed under this section must address:

(a) The disparities experienced by plan students in every indicator of academic success, as documented by the department’s statewide report card and other relevant reports related to plan students;

(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 as determined 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 involving plan students as 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 education 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 school 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 early childhood programs through post-secondary and professional certification programs; *[and]*
- (j) Increase attendance of plan students in four-year post-secondary institutions of education[.];

and

(k) Align the plan with similar statewide education plans developed and implemented by the department.

(5) The department shall submit a biennial report concerning the progress of the plan developed and implemented under this section to a committee of the Legislative Assembly related to education at each even-numbered year regular session of the Legislative Assembly.

(6) The department, in consultation with the advisory group, shall award grants to Early Learning Hubs, providers of early learning services, school districts, education service districts, post-secondary institutions of education, tribal governments and community-based organizations to implement the strategies provided in the plan developed and implemented under this section.

(7) To qualify for and receive grants described in this section, an applicant must identify and demonstrate that the applicant meets the eligibility criteria adopted by the State Board of Education by rule.

SECTION 9. ORS 329.843, as amended by section 35, chapter 631, Oregon Laws 2021, is amended to read:

329.843. (1) As used in this section, “plan student” means a student enrolled in early childhood through post-secondary education who:

- (a) Is an American Indian or Alaska Native; 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) When developing the plan, the Department of Education shall consult with representatives from tribal governments and from executive branch agencies who have formed government-to-government relations to focus on education. Additionally, the Department of Education may receive input from an advisory group consisting of community members, education stakeholders and representatives of the Department of Early Learning and Care, the Youth Development Division and the Higher Education Coordinating Commission.

- (c) The Department of Education shall be responsible for:
 - (A) Implementing the plan developed under this subsection;
 - (B) Developing eligibility criteria, the applicant selection process and expectations for recipients of grant awards described in this section; and
 - (C) Advising the State Board of Education on the adoption of rules under this section.

- (3) The plan developed under this section must address:
 - (a) The disparities experienced by plan students in every indicator of academic success, as documented by the statewide report card and other relevant reports related to plan students;
 - (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 as determined 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 involving plan students as 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 education 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 school 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 early childhood programs through post-secondary and professional certification programs; *and*

(j) Increase attendance of plan students in four-year post-secondary institutions of education[.];

and

(k) Align the plan with similar statewide education plans developed and implemented by the Department of Education.

(5) The Department of Education shall submit a biennial report concerning the progress of the plan developed and implemented under this section to a committee of the Legislative Assembly related to education at each even-numbered year regular session of the Legislative Assembly.

(6) The Department of Education, in consultation with the advisory group, shall award grants to Early Learning Hubs, providers of early learning services, school districts, education service districts, post-secondary institutions of education, tribal governments and community-based organizations to implement the strategies provided in the plan developed and implemented under this section.

(7) To qualify for and receive grants described in this section, an applicant must identify and demonstrate that the applicant meets the eligibility criteria adopted by the State Board of Education by rule.

SECTION 10. ORS 329.845 is amended to read:

329.845. (1) As used in this section, "plan student" means a student enrolled in early childhood through post-secondary education who:

(a) Is Latino or Hispanic, including individuals of Mexican, Cuban, Puerto Rican, South American, Central American or Spanish descent; 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 individuals representing:

(A) Urban and rural communities;

(B) Indigenous and immigrant populations;

(C) English language learners;

(D) Individuals with disabilities;

(E) Parents and students;

(F) Youth who are lesbian, gay, bisexual, transgender, queer or another minority gender or sexual orientation;

(G) Community-based organizations serving Latino or Hispanic youth and families; and
(H) Education stakeholders, including representatives of the Early Learning Division, the Youth Development Division and the Higher Education Coordinating Commission.

(c) The advisory group formed as provided in paragraph (b) of this subsection shall advise the department regarding:

(A) Development and implementation of the plan;

(B) Eligibility criteria, applicant selection processes 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 must address:

(a) The disparities experienced by plan students in every indicator of academic success, as documented by the department's statewide report card and other relevant reports related to plan students;

(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 as determined 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 involving 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 education 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 school 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[.];
and

(k) Align the plan with similar statewide education plans developed and implemented by the department.

(5) The department shall submit a biennial report concerning the progress of the plan developed and implemented under this section to a committee of the Legislative Assembly related to education at each even-numbered year regular session of the Legislative Assembly.

(6) The department, in consultation with the advisory group, shall award grants to Early Learning Hubs, providers of early learning services, school districts, education service districts, post-secondary institutions of education, tribal governments and community-based organizations to implement the strategies provided 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.

SECTION 11. ORS 329.845, as amended by section 36, chapter 631, Oregon Laws 2021, is amended to read:

329.845. (1) As used in this section, "plan student" means a student enrolled in early childhood through post-secondary education who:

(a) Is Latino or Hispanic, including individuals of Mexican, Cuban, Puerto Rican, South American, Central American or Spanish descent; 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 of Education shall form an advisory group consisting of individuals representing:

(A) Urban and rural communities;

(B) Indigenous and immigrant populations;

(C) English language learners;

(D) Individuals with disabilities;

(E) Parents and students;

(F) Youth who are lesbian, gay, bisexual, transgender, queer or another minority gender or sexual orientation;

(G) Community-based organizations serving Latino or Hispanic youth and families; and

(H) Education stakeholders, including representatives of the Department of Early Learning and Care, the Youth Development Division and the Higher Education Coordinating Commission.

(c) The advisory group formed as provided in paragraph (b) of this subsection shall advise the Department of Education regarding:

(A) Development and implementation of the plan;

(B) Eligibility criteria, applicant selection processes 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 must address:

(a) The disparities experienced by plan students in every indicator of academic success, as documented by the statewide report card and other relevant reports related to plan students;

(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 as determined 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 involving 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 education 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 school 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[.]; **and**

(k) Align the plan with similar statewide education plans developed and implemented by the Department of Education.

(5) The Department of Education shall submit a biennial report concerning the progress of the plan developed and implemented under this section to a committee of the Legislative Assembly related to education at each even-numbered year regular session of the Legislative Assembly.

(6) The Department of Education, in consultation with the advisory group, shall award grants to Early Learning Hubs, providers of early learning services, school districts, education service districts, post-secondary institutions of education, tribal governments and community-based organizations to implement the strategies provided 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.

SECTION 12. ORS 329.847 is amended to read:

329.847. (1) As used in this section, “plan student” means a student enrolled in early childhood through post-secondary education who:

(a) May be lesbian, gay, bisexual, transgender, queer, two-spirit, intersex, asexual, nonbinary or another minority gender identity or sexual orientation; 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 to advise the department regarding the adoption and implementation of the plan. The advisory group must consist of:

(A) Individuals who identify as lesbian, gay, bisexual, transgender, queer, two-spirit, intersex, asexual, nonbinary or another minority gender identity or sexual orientation;

(B) Students who identify as lesbian, gay, bisexual, transgender, queer, two-spirit, intersex, asexual, nonbinary or another minority gender identity or sexual orientation;

(C) Representatives of community-based organizations that serve lesbian, gay, bisexual, transgender, queer, two-spirit, intersex, asexual, nonbinary or another minority gender identity or sexual orientation population; and

(D) Education stakeholders, including representatives of the Early Learning Division, the Youth Development Division and the Higher Education Coordinating Commission.

(c) When implementing the plan, the department shall consult with:

(A) The advisory group described in paragraph (b) of this subsection;

[(B) The advisory group described in ORS 329.841, related to students who are Black or African-American;]

[(C) The advisory group described in ORS 329.843, related to students who are American Indian or Alaska Native;]

[(D) The advisory group described in ORS 329.845, related to students who are Latino or Hispanic; and]

(B) Advisory groups formed by the department to develop and implement a statewide education plan for plan students; and

[(E)] (C) Any other advisory groups or education stakeholders identified by the department.

(d) The department shall be responsible for:

(A) Implementing the plan developed under this section;

(B) Developing eligibility criteria, the applicant selection process and expectations for recipients of grant awards described in this section; and

(C) Advising the State Board of Education on the adoption of rules under this section.

(3) The plan developed under this section must address:

(a) The disparities experienced by plan students in every indicator of academic success, as documented by the department’s statewide report card and other relevant reports related to plan students;

(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 as determined 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 involving plan students as 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 education 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 school 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 early childhood programs through post-secondary 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 to a committee of the Legislative Assembly related to education at each even-numbered year regular session of the Legislative Assembly.

(6) The department, in consultation with the advisory group, may award grants to Early Learning Hubs, providers of early learning services, school districts, education service districts, post-secondary institutions of education, tribal governments, community-based organizations or a consortium of these entities to implement the strategies provided 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.

SECTION 13. ORS 329.847, as amended by section 12 of this 2023 Act, is amended to read:

329.847. (1) As used in this section, “plan student” means a student enrolled in early childhood through post-secondary education who:

(a) May be lesbian, gay, bisexual, transgender, queer, two-spirit, intersex, asexual, nonbinary or another minority gender identity or sexual orientation; 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 to advise the department regarding the adoption and implementation of the plan. The advisory group must consist of:

(A) Individuals who identify as lesbian, gay, bisexual, transgender, queer, two-spirit, intersex, asexual, nonbinary or another minority gender identity or sexual orientation;

(B) Students who identify as lesbian, gay, bisexual, transgender, queer, two-spirit, intersex, asexual, nonbinary or another minority gender identity or sexual orientation;

(C) Representatives of community-based organizations that serve lesbian, gay, bisexual, transgender, queer, two-spirit, intersex, asexual, nonbinary or another minority gender identity or sexual orientation population; and

(D) Education stakeholders, including representatives of the [*Early Learning Division*] **Department of Early Learning and Care**, the Youth Development Division and the Higher Education Coordinating Commission.

(c) When implementing the plan, the Department of Education shall consult with:

(A) The advisory group described in paragraph (b) of this subsection;

(B) Advisory groups formed by the department to develop and implement a statewide education plan for plan students; and

(C) Any other advisory groups or education stakeholders identified by the department.

(d) The department shall be responsible for:

(A) Implementing the plan developed under this section;

(B) Developing eligibility criteria, the applicant selection process and expectations for recipients of grant awards described in this section; and

(C) Advising the State Board of Education on the adoption of rules under this section.

(3) The plan developed under this section must address:

(a) The disparities experienced by plan students in every indicator of academic success, as documented by the [*department's*] statewide report card and other relevant reports related to plan students;

(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 as determined 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 involving plan students as 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 education 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 school 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 early childhood programs through post-secondary 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 to a committee of the Legislative Assembly related to education at each even-numbered year regular session of the Legislative Assembly.

(6) The department, in consultation with the advisory group, may award grants to Early Learning Hubs, providers of early learning services, school districts, education service districts, post-secondary institutions of education, tribal governments, community-based organizations or a consortium of these entities to implement the strategies provided 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.

SECTION 14. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 14, chapter __, Oregon Laws 2023 (Enrolled House Bill

5014), for the biennium beginning July 1, 2023, as the maximum limit for payment of expenses by the Department of Education from the Statewide Education Initiatives Account established under ORS 327.250, for operations, is increased by \$82,586, for administrative costs associated with establishing the plan described in section 1 of this 2023 Act.

SECTION 15. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 13 (3), chapter __, Oregon Laws 2023 (Enrolled House Bill 5014), for the biennium beginning July 1, 2023, as the maximum limit for payment of expenses by the Department of Education from the Statewide Education Initiatives Account established under ORS 327.250, for all other grants, is increased by \$2,000,000, for grants made under the plan described in section 1 of this 2023 Act.

SECTION 16. This 2023 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect on its passage.

Passed by House June 14, 2023

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

Passed by Senate June 23, 2023

.....
Rob Wagner, President of Senate

Received by Governor:

.....M.,....., 2023

Approved:

.....M.,....., 2023

.....
Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2023

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Secretary of State