

House Bill 3198

Sponsored by Representative KROPF, Senator DEMBROW, Representatives NGUYEN H, BOWMAN, RUIZ, Senator SOLLMAN; Representatives EVANS, HUDSON, LEVY B, MCINTIRE, Senators MEEK, PATTERSON, WEBER

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**.

Establishes Early Literacy Success Initiative. Prescribes purposes and requirements under initiative.

Authorizes Department of Education to use moneys from Statewide Education Initiatives Account for Early Literacy Success Initiative.

Repeals Oregon Early Reading Program and Early Success Reading Initiative.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to early literacy; creating new provisions; amending ORS 327.254 and 327.800; repealing
3 ORS 327.810 and 329.834; and declaring an emergency.

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

5 **SECTION 1. As used in sections 1 to 7 of this 2023 Act:**

6 (1) **“Elementary school” means a public charter school, or a school of a school district,**
7 **with students in any grade from prekindergarten through grade three.**

8 (2) **“High-dosage tutoring” means one-on-one tutoring or tutoring in small groups, as**
9 **determined by rule of the State Board of Education, that:**

10 (a) **Is provided two or more times each week over at least a 10-week period; and**

11 (b) **Uses a research-supported tutoring model that is administered in a culturally re-**
12 **sponsive manner and that is combined with the training necessary for tutors to implement**
13 **the model effectively.**

14 (3) **“Prekindergarten” means a district-sponsored prekindergarten program.**

15 (4) **“Science of reading and writing” means:**

16 (a) **The convergence of findings from research on reading and writing processes, devel-**
17 **opment and instruction; and**

18 (b) **The teaching of children of phonemic awareness, phonics, fluency, vocabulary and**
19 **comprehension through explicit and systematic instruction that can be differentiated to meet**
20 **the needs of individual learners.**

21 (5) **“Student groups that have historically experienced academic disparities” means:**

22 (a) **Economically disadvantaged students, as determined under on rules adopted by the**
23 **State Board of Education;**

24 (b) **Students from racial or ethnic groups that have historically experienced academic**
25 **disparities, as determined under rules adopted by the State Board of Education;**

26 (c) **Students with disabilities;**

27 (d) **Students who are English language learners;**

28 (e) **Students who are foster children, as defined in ORS 30.297;**

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 (f) Students who are homeless, as determined under rules adopted by the State Board
2 of Education;

3 (g) Students who attend an elementary school that:

4 (A) Is identified for comprehensive support and improvement or for targeted support and
5 improvement under the federal Every Student Succeeds Act (P.L. 114-95, 129 Stat. 1802); or

6 (B) Qualifies for assistance under Title I of the federal Elementary and Secondary Edu-
7 cation Act of 1965; and

8 (h) Any other student groups that have historically experienced academic disparities, as
9 determined by the State Board of Education by rule.

10 **SECTION 2.** (1) The Early Literacy Success Initiative is established.

11 (2) The purposes of the initiative are to:

12 (a) Increase early literacy for students in prekindergarten through grade three so that
13 students achieve reading proficiency by the end of the third grade or, for students who are
14 English language learners, by the end of the fourth grade;

15 (b) Reduce early literacy academic disparities for student groups that have historically
16 experienced academic disparities; and

17 (c) Build on the momentum of gains made by increasing early literacy to:

18 (A) Reduce graduation rate disparities for student groups that have historically experi-
19 enced academic disparities; and

20 (B) Increase graduation rates for all students of this state.

21 (3) Under the initiative, the Department of Education shall award annual grants to school
22 districts and to public charter schools that are elementary schools to implement the follow-
23 ing strategies:

24 (a) Providing coaching to teachers of students in prekindergarten through grade three,
25 and administrators of those teachers, to improve instruction related to early literacy.
26 Coaching must be provided in a manner that is job embedded and research based and must
27 include research-based content that is based on the science of reading and writing and in-
28 cludes culturally sustaining pedagogy and teaching strategies for diverse learners.

29 (b) Providing early literacy summer programs that are culturally responsive, aligned with
30 research-based standards determined by the State Board of Education by rule and made
31 available to students by providers who are trained in culturally sustaining strategies and
32 research-aligned early literacy instructional practices. The summer programs must include:

33 (A) A home-based summer reading program for students who need additional support and
34 enrichment; and

35 (B) An intensive summer school program for students who need the most additional
36 support and who, in addition to the home-based summer reading program described in sub-
37 paragraph (A) of this paragraph, receive at least 15 days of literacy-focused summer learn-
38 ing.

39 (c) Providing high-dosage tutoring in early literacy for students who need more instruc-
40 tion time and intensive academic supports. High-dosage tutoring must align with research-
41 based standards determined by the State Board of Education by rule.

42 (d) Adopting and implementing an early literacy curriculum that is aligned with the sci-
43 ence of reading and writing. Implementation may include:

44 (A) The purchase of culturally relevant education materials.

45 (B) The provision of professional development, assessments and time for teachers to en-

1 gage in an analysis of student work and assessment data. Professional development may be
 2 related to the curriculum, multilingual instruction, culturally sustaining pedagogy or the
 3 alignment of the science of reading and writing with instructional strategies.

4 (4) For summer programs and high-dosage tutoring described in subsection (3)(b) and (c)
 5 of this section, school districts and public charter schools may enter into partnerships with
 6 culturally specific community-based organizations that have demonstrated achievement of
 7 positive outcomes for student groups that have historically experienced academic disparities.

8 (5) The State Board of Education may adopt any rules necessary for the administration
 9 of the initiative under sections 1 to 7 of this 2023 Act.

10 **SECTION 3.** (1) Any school district or public charter school that is an elementary school
 11 may apply for a grant under the Early Literacy Success Initiative as provided by sections 1
 12 to 7 of this 2023 Act.

13 (2) Grants awarded under section 4 of this 2023 Act are not competitive, but a school
 14 district or public charter school must comply with the requirements prescribed by sections
 15 1 to 7 of this 2023 Act and by rules adopted by the State Board of Education under sections
 16 1 to 7 of this 2023 Act.

17 (3) To be eligible for a grant under section 4 of this 2023 Act, a school district or public
 18 charter school must develop a biennial plan. The biennial plan must establish goals for the
 19 school district or public charter school to achieve for the purpose of making progress in
 20 satisfying the purposes of the initiative, as described in section 2 (2) of this 2023 Act. The
 21 biennial plan must include:

22 (a) A literacy needs assessment of each elementary school of the school district or of the
 23 public charter school, using a continuum established by the Department of Education; and

24 (b) A plan for implementing literacy progress for:

25 (A) All students in prekindergarten through grade three of the school district or public
 26 charter school;

27 (B) Student groups that have historically experienced academic disparities; and

28 (C) Students enrolled in elementary schools that have the lowest reading scores of the
 29 school district or, for a public charter school or for a school district that does not have
 30 multiple elementary schools, students who have the lowest reading scores of the public
 31 charter school or school district.

32 (4) To the greatest extent practicable, a school district or public charter school shall
 33 align a biennial plan developed under this section with the plan developed for distributions
 34 from the Student Investment Account as provided by ORS 327.185 (7).

35 (5) The department shall evaluate biennial plans before awarding grant funds and shall
 36 provide technical assistance to school districts and public charter schools in developing and
 37 implementing biennial plans.

38 **SECTION 4.** (1) Each annual grant awarded under sections 1 to 7 of this 2023 Act shall
 39 be calculated and used as provided by this section.

40 (2)(a) The amount of a grant awarded under sections 1 to 7 of this 2023 Act shall equal
 41 the greater of:

42 (A) The school district's or public charter school's weighted average daily membership,
 43 as calculated under ORS 327.013 (1)(c)(A), for students in prekindergarten through grade
 44 three \times \$820; or

45 (B) \$_____.

1 (b) Each school year, the amount by which the school district's or public charter school's
 2 weighted average daily membership is multiplied under paragraph (a)(A) of this subsection
 3 and the minimum amount prescribed by paragraph (a)(B) of this subsection shall be in-
 4 creased by the percentage derived from the application of the process in Executive Order
 5 14-14 used to calculate the cost to maintain the current level of service.

6 (3) A grant received under this section must be used as follows:

7 (a) If a school district or public charter school receives less than \$120,000 for the school
 8 year, the school district or public charter school must use all of the moneys for the coaching
 9 of teachers and administrators as described in section 2 (3)(a) of this 2023 Act.

10 (b) If a school district or public charter school receives \$120,000 or more but less than
 11 \$350,000 for the school year, the school district or public charter school must use the moneys
 12 for the coaching of teachers and administrators as described in section 2 (3)(a) of this 2023
 13 Act and for one other strategy identified in section 2 (3)(b) to (d) of this 2023 Act.

14 (c) If a school district or public charter school receives \$350,000 or more for the school
 15 year, the school district or public charter school must use the moneys for each of the four
 16 strategies identified in section 2 (3)(a) to (d) of this 2023 Act.

17 (4)(a) Except as provided by paragraph (b) of this subsection, moneys received under this
 18 section must be used as additional moneys for improving early literacy outcomes.

19 (b) If, prior to the effective date of this 2023 Act, a school district or public charter
 20 school was implementing research-aligned strategies to improve early literacy outcomes, as
 21 verified by the Department of Education based on rules adopted by the State Board of Edu-
 22 cation, the school district or public charter school may use up to 30 percent of moneys re-
 23 ceived under this section to fund those strategies.

24 (5) The department may retain no more than one-half of one percent of moneys available
 25 for distribution under this section for purposes of administering sections 1 to 7 of this 2023
 26 Act.

27 **SECTION 5.** (1) Each recipient of a grant under section 4 of this 2023 Act must submit
 28 an annual report to the Department of Education. The report required under this subsection
 29 must include:

30 (a) The school district's or public charter school's progress toward achieving the goals
 31 established in the biennial plan, as described in section 3 (3) of this 2023 Act;

32 (b) The number and percentage of prekindergarten through grade three teachers receiv-
 33 ing coaching as described in section 2 (3)(a) of this 2023 Act;

34 (c) The number and percentage of students participating in early literacy summer pro-
 35 grams, as described in section 2 (3)(b) of this 2023 Act, and their outcomes based on demo-
 36 graphic categories;

37 (d) The number and percentage of students participating in high-dosage tutoring, as de-
 38 scribed in section 2 (3)(c) of this 2023 Act, and their outcomes based on demographic cate-
 39 gories; and

40 (e) The curriculum being used by the school district or public charter school.

41 (2) Prior to December 31 of each year, the department shall summarize the reports re-
 42 ceived under subsection (1) of this section and submit an annual report to the interim com-
 43 mittees of the Legislative Assembly related to education.

44 (3) Not less than every four years, the Secretary of State shall conduct an audit of the
 45 Early Literacy Success Initiative using the annual reports produced under subsections (1)

1 and (2) of this section to determine the effectiveness of the initiative in achieving the pur-
 2 poses of the initiative, as described in section 2 (2) of this 2023 Act.

3 **SECTION 6.** (1) Based on the reports submitted under section 5 of this 2023 Act, the
 4 Department of Education shall monitor a school district's or a public charter school's
 5 progress toward achieving the goals established in the biennial plan, as described in section
 6 3 (3) of this 2023 Act.

7 (2) The department shall intervene when a school district or public charter school does
 8 not meet the goals established in the biennial plan.

9 (3) When the department intervenes, as provided by subsection (2) of this section, the
 10 department shall assist the school district or the public charter school in developing a cor-
 11 rective action plan.

12 (4) An intervention and corrective action plan shall continue until the school district or
 13 public charter school makes sufficient and sustained progress toward achieving the goals
 14 established in the biennial plan. The department shall determine when sufficient and sus-
 15 tained progress has been achieved.

16 (5) If a school district or public charter school continues to fail to make progress toward
 17 achieving the goals established in the biennial plan, the department may take additional
 18 action, including not allowing for the distribution to the school district or public charter
 19 school of any additional moneys under sections 1 to 7 of this 2023 Act.

20 **SECTION 7.** (1) The Department of Education shall establish an early literacy coaching
 21 support program.

22 (2) Under the early literacy coaching program, training and support shall be provided to
 23 teachers and administrators as described in section 2 (3)(a) of this section.

24 (3) The department shall establish eight regions in this state and select a provider of
 25 coaching for each region. The department shall select providers based on a competitive pro-
 26 cess and by standards established by the State Board of Education by rule. A provider may
 27 be a school district, an education service district, an entity associated with a regional edu-
 28 cator network, an institution of post-secondary education or a nonprofit organization ap-
 29 proved by the Department of Education based on rules adopted by the State Board of
 30 Education.

31 (4) For the purpose of funding the early literacy coaching program, the department:

32 (a) May expend no more than \$10 million per biennium of the moneys authorized for ex-
 33 penditure from the Statewide Education Initiatives Account for the purposes of sections 1
 34 to 7 of this 2023 Act; and

35 (b) Must distribute moneys to providers of coaching based on the weighted average daily
 36 membership, as calculated under ORS 327.013 (1)(c), of the region served by the provider.

37 **SECTION 8.** Notwithstanding section 4 (2)(b) of this 2023 Act, the adjustments to the
 38 monetary amounts identified in section 4 (2)(a) of this 2023 Act first apply to the 2024-2025
 39 school year.

40 **SECTION 9.** ORS 327.254 is amended to read:

41 327.254. (1) The Department of Education shall use moneys in the Statewide Education Initi-
 42 atives Account to provide funding for statewide education initiatives, including:

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

45 (b) Expanding school breakfast and lunch programs;

- 1 (c) Operating youth reengagement programs or providing youth reengagement services;
- 2 (d) Establishing and maintaining the Statewide School Safety and Prevention System under ORS
- 3 339.341;
- 4 (e) Developing and providing statewide equity initiatives, including the Black or African-
- 5 American education plan developed under ORS 329.841, the American Indian or Alaska Native edu-
- 6 cation plan developed under ORS 329.843, the Latino or Hispanic education plan developed under
- 7 ORS 329.845 or any similar education plan identified by the department;
- 8 (f) Providing summer learning programs at schools that are considered high poverty under Title
- 9 I of the federal Elementary and Secondary Education Act of 1965;
- 10 (g) Funding early warning systems to assist students in graduating from high school, as de-
- 11 scribed in ORS 327.367;
- 12 **(h) Funding the Early Literacy Success Initiative established under sections 1 to 7 of this**
- 13 **2023 Act;**
- 14 [(h)] (i) Developing and implementing professional development programs and training programs,
- 15 including programs that increase educator diversity and retain diverse educators;
- 16 [(i)] (j) Planning for increased transparency and accountability in the public education system
- 17 of this state;
- 18 [(j)] (k) Providing additional funding to school districts participating in the intensive program
- 19 under ORS 327.222;
- 20 [(k)] (L) Providing technical assistance, including costs incurred for:
- 21 (A) The coaching program described in ORS 327.214; and
- 22 (B) The intensive program described in ORS 327.222, including costs for student success teams;
- 23 [(L)] (m) Funding public charter schools, as described in ORS 327.362;
- 24 [(m)] (n) Funding education service districts, as described in subsection (2) of this section; and
- 25 [(n)] (o) Funding costs incurred by the department in implementing this section and ORS 327.175
- 26 to 327.235 and 327.274.
- 27 (2)(a) The amount of a distribution to an education service district under this section shall be
- 28 made as provided by paragraph (b) of this subsection after calculating the following for each edu-
- 29 cation service district:
- 30 (A) One percent of the total amount available for distribution to education service districts in
- 31 each biennium.
- 32 (B) The education service district's ADMw \times (the total amount available for distribution to
- 33 education service districts in each biennium \div the total ADMw of all education service districts
- 34 that receive a distribution).
- 35 (b) The amount of the distribution to an education service district shall be the greater of the
- 36 amounts calculated under paragraph (a) of this subsection, except that, for distributions made as
- 37 provided by paragraph (a)(B) of this subsection, the total amount available for distribution to edu-
- 38 cation service districts shall be the amount remaining after any distributions required under para-
- 39 graph (a)(A) of this subsection have been made.
- 40 (c) For purposes of this subsection, ADMw equals the ADMw as calculated under ORS 327.013,
- 41 except that the additional amount allowed for students who are in poverty families, as determined
- 42 under ORS 327.013 (1)(c)(A)(v)(I), shall be 0.5.
- 43 (d) An education service district shall use moneys received under this section as provided by a
- 44 plan developed by the school districts located within the education service district. A school district
- 45 that declines to participate in the development of the plan or that has withdrawn from an education

1 service district as provided by ORS 334.015 is not entitled to any moneys distributed to the educa-
 2 tion service district under this subsection.

3 (e) A plan developed under this subsection must:

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

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

8 (C) Provide for coordination with the department in administering and providing technical as-
 9 sistance to school districts, including coordinating any coaching programs established under ORS
 10 327.214; and

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

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

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

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

18 (3) The State Board of Education shall adopt rules necessary for the distribution of moneys un-
 19 der this section.

20 **SECTION 10.** ORS 327.800 is amended to read:

21 327.800. (1) The State Board of Education shall identify and make recommendations to the Leg-
 22 islative Assembly about programs that make strategic investments to:

23 (a) Advance the educational goals of this state, as described in ORS 350.014;

24 (b) Improve the employability of graduates from Oregon public schools;

25 (c) Close the achievement gap that exists between historically underserved student groups, as
 26 defined by the board by rule;

27 (d) Assist public education in all regions of this state;

28 (e) Promote collaboration and alignment among early childhood service providers, school dis-
 29 tricts, community colleges, public universities and employers;

30 (f) Leverage private, public and community resources;

31 (g) Engage parents and child care providers, support families and motivate students;

32 (h) Develop and disseminate evidence-based models and best practices that are likely to improve
 33 student outcomes;

34 (i) Collect data to monitor student progress; and

35 (j) Establish networks that allow for the replication of successful practices across this state.

36 (2) The Department of Education shall distribute any moneys received for strategic investments
 37 under this section. Distributions may be made to school districts, education service districts, post-
 38 secondary institutions of education, nonprofit organizations, providers of early childhood services,
 39 tribes of this state and other entities. Distributions of moneys must advance the purposes set forth
 40 in ORS [327.810,] 327.815 and 327.820 or other purposes that meet the goals specified in subsection
 41 (1) of this section.

42 (3) Any recipient of moneys distributed as a strategic investment must provide separate ac-
 43 counting for the moneys and may use the moneys only for the purpose for which the moneys are
 44 provided.

45 (4)(a) The State Board of Education shall establish requirements for the programs implemented

1 under this section that are consistent with this section and with ORS [327.810,] 327.815 and 327.820.

2 (b) The board shall develop timelines, performance measures and other requirements related to
3 the accumulation and evaluation of data collected in relation to a program that receives moneys as
4 a strategic investment. The performance measures shall include progress toward the goals estab-
5 lished in ORS 350.014 and other key student education outcomes established by the board.

6 (5) The State Board of Education and the Early Learning Council may adopt any rules necessary
7 for the agencies they oversee to perform any of the duties assigned to them under this section. Any
8 rules adopted by the Early Learning Council must be consistent with this section and actions taken
9 by the State Board of Education to implement this section.

10 **SECTION 11. ORS 327.810 and 329.834 are repealed.**

11 **SECTION 12. This 2023 Act being necessary for the immediate preservation of the public**
12 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**
13 **on its passage.**

14