

A-Engrossed
House Bill 3595

Ordered by the House April 10
Including House Amendments dated April 10

Sponsored by Representative MCLAIN; Representative HUDSON

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.

Establishes factors to be considered when Superintendent of Public Instruction enters into contract with education service district or school district to provide educational services to youths in Youth Corrections Education Program or Juvenile Detention Education Program.

Establishes Juvenile Justice Education Fund for purpose of paying for educational services provided to youths in Youth Corrections Education Program and Juvenile Detention Education Program. Directs Department of Education to establish target funding level for purpose of programs.

Authorizes Department of Education to transfer moneys from Statewide Education Initiatives Account into Juvenile Justice Education Fund for purpose of meeting target funding level.

Declares emergency, effective July 1, 2023.

A BILL FOR AN ACT

1
2 Relating to youth education programs; creating new provisions; amending ORS 326.695, 327.026 and
3 327.254; repealing ORS 326.700 and 326.712; and declaring an emergency.

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

5 **SECTION 1.** ORS 326.695 is amended to read:

6 326.695. **(1)** As used in [*ORS 326.700 and 326.712*] **this section:**

7 [*(1)*] **(a)** "Juvenile Detention Education Program" means the provision of educational services
8 to:

9 [*(a)*] **(A)** Youths placed in a youth care center, as defined in ORS 420.855, that is within a de-
10 tention facility, as defined in ORS 419A.004; and

11 [*(b)*] **(B)** Youths lodged overnight who receive educational services on consecutive days within
12 a detention facility, as defined in ORS 419A.004.

13 [*(2)*] **(b)** "Youth Corrections Education Program" means the provision of educational services to
14 youths in youth correction facilities, as defined in ORS 420.005.

15 **(2) The Department of Education shall administer the Youth Corrections Education**
16 **Program and the Juvenile Detention Education Program in a manner that provides youths**
17 **in those programs with a quality education.**

18 **(3)(a) The Superintendent of Public Instruction may contract with an education service**
19 **district or a school district to provide teachers, counselors or other personnel for the Youth**
20 **Corrections Education Program and the Juvenile Detention Education Program.**

21 **(b) When a contract is entered into with an education service district, the Youth Cor-**
22 **rections Education Program and the Juvenile Detention Education Program are not consid-**
23 **ered a component district of the education service district and the youths enrolled in the**
24 **programs may not be counted when determining the number of pupils in average daily**

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 membership for purposes of ORS 334.175 (5).

2 (4) When determining the amount to be paid under a contract entered into as provided
3 by subsection (3) of this section, the following shall be taken into consideration:

4 (a) The number of youths to be provided educational services;

5 (b) The characteristics of the facility where the educational services will be provided,
6 including the number of classrooms required to provide educational services;

7 (c) The diversity of the population of youths to be provided educational services, includ-
8 ing the number and percentage of youths who are from historically underserved populations;

9 (d) The number and percentage of youths to be provided educational services who qualify
10 for special education and related services; and

11 (e) The level of transition supports provided to the youths.

12 (5) The Department of Education shall use moneys in the Juvenile Justice Education
13 Fund established under section 3 of this 2023 Act for the purpose of paying contracts entered
14 into under this section.

15 (6) The State Board of Education shall adopt rules necessary for the administration of
16 this section, including establishing a process by which an education service district or a
17 school district may appeal the amount received under a contract entered into under this
18 section. When adopting the rules, the board shall consult with:

19 (a) The Oregon Youth Authority;

20 (b) School districts and education service districts under contract with the Department
21 of Education to provide educational services to students enrolled in the Youth Corrections
22 Education Program or the Juvenile Detention Education Program; and

23 (c) County juvenile departments.

24 **SECTION 2.** Sections 3 and 4 of this 2023 Act are added to and made a part of ORS
25 chapter 327.

26 **SECTION 3.** (1) The Juvenile Justice Education Fund is established in the State Treasury,
27 separate and distinct from the General Fund.

28 (2) Moneys in the Juvenile Justice Education Fund are continuously appropriated to the
29 Department of Education for distribution to the Youth Corrections Education Program and
30 the Juvenile Detention Education Program, as those terms are defined in ORS 326.695, to
31 provide educational services to youths in those programs under contracts entered into as
32 provided by ORS 326.695.

33 (3) The Juvenile Justice Education Fund shall consist of:

34 (a) Moneys allocated from the State School Fund for students enrolled in the Youth
35 Corrections Education Program and the Juvenile Detention Education Program under ORS
36 327.026;

37 (b) Moneys made available for the Youth Corrections Education Program and the Juve-
38 nile Detention Education Program from the Statewide Education Initiatives Account under
39 ORS 327.254;

40 (c) Moneys appropriated or otherwise transferred to the fund by the Legislative Assem-
41 bly; and

42 (d) Other amounts deposited into the Juvenile Justice Education Fund from any source.

43 **SECTION 4.** (1) Each even-numbered year, the Department of Education shall prepare a
44 target funding level for the Juvenile Justice Education Fund for the following biennium.
45 Moneys in the Juvenile Justice Education Fund shall be distributed as provided by ORS

1 **326.695 to the Youth Corrections Education Program and the Juvenile Detention Education**
2 **Program, as those terms are defined in ORS 326.695.**

3 **(2)(a) The target funding level of the Juvenile Justice Education Fund shall be calculated**
4 **by multiplying:**

5 **(A) The average funding level per classroom, as calculated based on all classrooms op-**
6 **erated under the Youth Corrections Education Program and the Juvenile Detention Educa-**
7 **tion Program; and**

8 **(B) The total number of classrooms the Department of Education expects to be operated**
9 **under the Youth Corrections Education Program and the Juvenile Detention Education**
10 **Program for the following biennium.**

11 **(b) For the purpose of determining the average funding level per classroom under para-**
12 **graph (a) of this subsection, the department shall:**

13 **(A) Determine the average funding level per classroom for the 2024-2025 school year; and**

14 **(B) Adjust the amount determined under subparagraph (A) of this paragraph based on**
15 **the same percentage by which the amount appropriated to the State School Fund increased**
16 **for the biennium in which the calculation is being made as compared with the amount ap-**
17 **propriated for the 2021-2023 school year.**

18 **(3) The department shall estimate the expected difference between the target funding**
19 **level calculated under subsection (2) of this section and the amount anticipated to be made**
20 **available to the Juvenile Justice Education Fund under section 3 (3)(a) and (d) of this 2023**
21 **Act. If, after all funding available under section 3 (3)(a), (c) and (d) of this 2023 Act has been**
22 **accounted for, the department determines that the amount required for the target funding**
23 **level for the fund has not been met, the department may transfer from the Statewide Edu-**
24 **cation Initiatives Account to the fund any needed amounts.**

25 **(4) If, at any time during the biennium, the amount available in the Juvenile Justice**
26 **Education Fund and from other sources is not sufficient to pay for costs incurred in relation**
27 **to the Youth Corrections Education Program or the Juvenile Detention Education Program,**
28 **the department shall inform the Legislative Assembly or the Emergency Board of the lack**
29 **of funding and shall provide an accounting of the amount needed to pay those costs.**

30 **(5) No later than August 31 of each even-numbered year, the department shall submit to**
31 **the Legislative Assembly and the Office of the Governor a report that explains the target**
32 **funding level calculated under this section. When applicable, the report shall include any**
33 **determinations by the department that the amounts available for the Youth Corrections**
34 **Education Program and the Juvenile Detention Education Program will not be adequate to**
35 **pay the costs of the programs.**

36 **SECTION 5.** ORS 327.026 is amended to read:

37 *327.026. [(1) In order to accomplish the purpose described in ORS 326.700, the State Board of*
38 *Education shall adopt by rule definitions and procedures to be applied to the computation of the State*
39 *School Fund allocations where necessary to make students enrolled in the Youth Corrections Education*
40 *Program, as defined in ORS 326.695, and the Juvenile Detention Education Program, as defined in*
41 *ORS 326.695, equivalent to students enrolled in common and union high school districts for purposes*
42 *of distribution of the fund.]*

43 **(1) The State Board of Education shall adopt by rule definitions and procedures to be**
44 **applied to the computation of State School Fund allocations for students enrolled in the**
45 **Youth Corrections Education Program and the Juvenile Detention Education Program, as**

1 **those terms are defined in ORS 326.695. The computations shall be equivalent to students**
2 **enrolled in common and union high school districts.**

3 (2)(a) The Youth Corrections Education Program shall receive from the State School Fund for
4 each school year a special State School Fund grant, consisting of a general purpose grant that is
5 equal to the Youth Corrections Education Program extended ADMw multiplied by Funding Per-
6 centage and further multiplied by Statewide Target per ADMw Grant. For the purpose of the cal-
7 culation made under this paragraph:

8 (A) ADMw equals ADM multiplied by 2.0 multiplied by the additional per student weight, as
9 calculated in ORS 327.013 (1)(c)(A)(i).

10 (B) Extended ADMw equals ADMw or ADMw of the prior year, whichever is greater.

11 (b) Notwithstanding paragraph (a) of this subsection, the Youth Corrections Education Program
12 may not receive moneys under this section from the State School Fund for any youth in the program
13 who:

14 (A) Has received a high school diploma; or

15 (B) Is 21 years of age or older.

16 (3) The Juvenile Detention Education Program shall receive from the State School Fund for each
17 school year a special State School Fund grant, consisting of a general purpose grant that is equal
18 to the Juvenile Detention Education Program extended ADMw multiplied by Funding Percentage
19 and further multiplied by Statewide Target per ADMw Grant. For the purpose of the calculation
20 made under this subsection:

21 (a) ADMw equals ADM multiplied by 1.5.

22 (b) Extended ADMw equals ADMw or ADMw of the prior year, whichever is greater.

23 (4) Funds allocated to the Youth Corrections Education Program and the Juvenile Detention
24 Education Program from the State School Fund shall [*remain with the Department of Education*
25 *and*] **be deposited in the Juvenile Justice Education Fund. The amount of funds to be allo-**
26 **cated** shall be adjusted in the year following the distribution to reflect the actual ADMw of students
27 in the Youth Corrections Education Program and the Juvenile Detention Education Program in the
28 same manner as for the school districts under ORS 327.101.

29 **SECTION 6.** ORS 327.254 is amended to read:

30 327.254. (1) The Department of Education shall use moneys in the Statewide Education Initi-
31 atives Account to provide funding for statewide education initiatives, including:

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

34 (b) Expanding school breakfast and lunch programs;

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

36 (d) Establishing and maintaining the Statewide School Safety and Prevention System under ORS
37 339.341;

38 (e) Developing and providing statewide equity initiatives, including the Black or African-
39 American education plan developed under ORS 329.841, the American Indian or Alaska Native edu-
40 cation plan developed under ORS 329.843, the Latino or Hispanic education plan developed under
41 ORS 329.845 or any similar education plan identified by the department;

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

44 (g) Funding early warning systems to assist students in graduating from high school, as de-
45 scribed in ORS 327.367;

1 (h) Developing and implementing professional development programs and training programs, in-
2 cluding programs that increase educator diversity and retain diverse educators;

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

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

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

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

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

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

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

12 **(n) Funding the Youth Corrections Education Program and the Juvenile Detention Edu-**
13 **cation Program through the Juvenile Justice Education Fund established under section 3 of**
14 **this 2023 Act, when necessary as provided by section 4 of this 2023 Act; and**

15 *[(n)]* (o) Funding costs incurred by the department in implementing this section and ORS 327.175
16 to 327.235 and 327.274.

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

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

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

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

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

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

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

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

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

43 (C) Provide for coordination with the department in administering and providing technical as-
44 sistance to school districts, including coordinating any coaching programs established under ORS
45 327.214; and

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

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

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

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

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

10 **SECTION 7. ORS 326.700 and 326.712 are repealed.**

11 **SECTION 8. 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 July 1, 2023.**

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