

Senate Bill 595

Sponsored by Senator TAYLOR (Presession filed.)

SUMMARY

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

Requires Department of Education to transfer from State School Fund to Talented and Gifted Education Account amount that equals one percent of total amount available to school districts as general purpose grants.

Establishes Talented and Gifted Education Account. Prescribes distribution of account.

Declares emergency, effective July 1, 2023.

A BILL FOR AN ACT

1
2 Relating to funding for talented and gifted educational programs; creating new provisions; amending
3 ORS 326.545, 327.008, 343.399, 343.401 and 343.404; and declaring an emergency.

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

5 **SECTION 1.** ORS 327.008 is amended to read:

6 327.008. (1)(a) There is established a State School Fund in the General Fund.

7 (b) The Department of Education, on behalf of the State of Oregon, may solicit and accept gifts,
8 grants, donations and other moneys from public and private sources for the State School
9 Fund. Moneys received as provided in this paragraph shall be deposited into the State School Fund.

10 (c) The State School Fund shall consist of moneys appropriated by the Legislative Assembly,
11 moneys transferred from the Fund for Student Success, moneys transferred from the Education Sta-
12 bility Fund and the Oregon Marijuana Account and moneys received as provided in paragraph (b)
13 of this subsection.

14 (d) The State School Fund is continuously appropriated to the Department of Education for the
15 purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125, 327.137, 327.348, 327.356 to
16 327.359, 336.575, 336.580, 336.635, 343.243, 343.533, 343.941 and 343.961.

17 (2) There shall be apportioned from the State School Fund to each school district a State School
18 Fund grant, consisting of the positive amount equal to a general purpose grant and a facility grant
19 and a transportation grant and a high cost disabilities grant minus local revenue, computed as pro-
20 vided in ORS 327.011 and 327.013.

21 (3) For the first school year after a public charter school ceases to operate because of dissol-
22 ution or closure or because of termination or nonrenewal of a charter, there shall be apportioned
23 from the State School Fund to each school district that had sponsored a public charter school that
24 ceased to operate an amount equal to the school district's general purpose grant per extended
25 ADMw multiplied by five percent of the ADM of the public charter school for the previous school
26 year.

27 (4) There shall be apportioned from the State School Fund to each education service district a
28 State School Fund grant as calculated under ORS 327.019.

29 (5) All figures used in the determination of the distribution of the State School Fund shall be
30 estimates for the same year as the distribution occurs, unless otherwise specified.

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 (6) Numbers of students in average daily membership used in the distribution formula shall be
2 the numbers as of June of the year of distribution.

3 (7) A school district may not use the portion of the State School Fund grant that is attributable
4 to the facility grant for capital construction costs.

5 (8) The total amount of the State School Fund that is distributed as facility grants may not ex-
6 ceed \$3 million in any biennium. If the total amount to be distributed as facility grants exceeds this
7 limitation, the Department of Education shall prorate the amount of funds available for facility
8 grants among those school districts that qualified for a facility grant. If the total amount to be dis-
9 tributed as facility grants does not exceed this limitation, any remaining amounts shall be expended
10 for expenses incurred by the Office of School Facilities as provided in ORS 326.125 (1).

11 (9) Each biennium, the Department of Education may expend from the State School Fund no
12 more than \$10 million for expenses incurred by the Office of School Facilities under ORS 326.125 (2)
13 to (7).

14 (10) Each fiscal year, the Department of Education shall transfer to the Pediatric Nursing Fa-
15 cility Account established in ORS 327.022 the amount necessary to pay the costs of educational
16 services provided to students admitted to pediatric nursing facilities as provided in ORS 343.941.

17 (11) Each fiscal year, the Department of Education shall transfer the amount of \$55 million from
18 the State School Fund to the High Cost Disabilities Account established in ORS 327.348.

19 (12)(a) Each biennium, the Department of Education shall transfer \$39.5 million from the State
20 School Fund to the Educator Advancement Fund established under ORS 342.953.

21 (b) For the purpose of making the transfer under this subsection:

22 (A) The total amount available for all distributions from the State School Fund shall be reduced
23 by \$6 million;

24 (B) The amount distributed to school districts from the State School Fund under this section and
25 ORS 327.013 shall be reduced by \$16.75 million; and

26 (C) The amount distributed to education service districts from the State School Fund under this
27 section and ORS 327.019 shall be reduced by \$16.75 million.

28 (c) For each biennium, the amounts identified in this subsection shall be adjusted by the same
29 percentage by which the instructions furnished to state agencies by the Governor under ORS 291.204
30 direct the state agencies to adjust their agency budget requests for special payments under ORS
31 291.216 (6)(a)(C).

32 (13) Each biennium, the Department of Education shall transfer \$12.5 million from the State
33 School Fund to the Statewide English Language Learner Program Account established under ORS
34 327.344.

35 (14) Each fiscal year, the Department of Education may expend up to \$550,000 from the State
36 School Fund for the contract described in ORS 329.488. The amount distributed to education service
37 districts from the State School Fund under this section and ORS 327.019 shall be reduced by the
38 amount expended by the department under this subsection.

39 (15) Each biennium, the Department of Education may expend up to \$350,000 from the State
40 School Fund to provide administration of and support for the development of talented and gifted
41 education under ORS 343.404.

42 **(16) Each fiscal year, the Department of Education shall transfer from the State School**
43 **Fund to the Talented and Gifted Education Account established by section 4 of this 2023 Act**
44 **an amount that equals one percent of the total amount available for distribution to school**
45 **districts as general purpose grants.**

1 [(16)] (17) Each biennium, the Department of Education may expend up to \$150,000 from the
 2 State School Fund for the administration of a program to increase the number of speech-language
 3 pathologists and speech-language pathology assistants under ORS 348.394 to 348.406.

4 [(17)] (18) Each biennium, the Department of Education shall transfer \$2 million from the State
 5 School Fund for deposit to the Healthy School Facilities Fund established under ORS
 6 332.337. Notwithstanding ORS 332.337, the department may expend moneys received in the Healthy
 7 School Facilities Fund under this subsection only as grants for costs associated with testing for el-
 8 evated levels of lead in water used for drinking or food preparation.

9 [(18)] (19) Each biennium, the Department of Education shall transfer an amount not to exceed
 10 \$5,595,000 for the purpose of making tampons and sanitary pads available as provided by ORS
 11 326.545.

12 [(19)] (20) Each fiscal year, the Department of Education shall transfer the amount of \$2.5
 13 million from the State School Fund to the Small School District Supplement Fund established in ORS
 14 327.359.

15 **SECTION 2. The amendments to ORS 327.008 by section 1 of this 2023 Act apply to State**
 16 **School Fund distributions commencing with the 2023-2024 distributions.**

17 **SECTION 3. Section 4 of this 2023 Act is added to and made a part of ORS chapter 327.**

18 **SECTION 4. (1) The Talented and Gifted Education Account is established in the State**
 19 **Treasury, separate and distinct from the General Fund. Interest earned by the Talented and**
 20 **Gifted Education Account shall be credited to the State School Fund.**

21 **(2) Moneys in the Talented and Gifted Education Account are continuously appropriated**
 22 **to the Department of Education for distribution each fiscal year as follows:**

23 **(a) 50 percent for distribution to school districts as described in ORS 343.399.**

24 **(b) 25 percent to the Department of Education to provide technical support and grants**
 25 **related to talented and gifted education, as provided by rule of the State Board of Education.**

26 **(c) 25 percent to education service districts that serve rural and small school districts,**
 27 **as identified by rule of the State Board of Education, to provide rural and small school dis-**
 28 **tricts with technical support, identification and assessment services and professional devel-**
 29 **opment related to talented and gifted education.**

30 **(3) The Department of Education, on behalf of the State of Oregon, may solicit and ac-**
 31 **cept gifts, grants or donations from public and private sources for talented and gifted edu-**
 32 **cation. Moneys received under this subsection shall be deposited into the Talented and Gifted**
 33 **Education Account.**

34 **SECTION 5. ORS 343.399 is amended to read:**

35 343.399. (1) Any school district may apply for state funds for special programs and services for
 36 talented and gifted children identified in the district, **including funds from the Talented and**
 37 **Gifted Education Account established by section 4 of this 2023 Act.** A school district may apply
 38 for state funds by submitting an application to the Superintendent of Public Instruction.

39 (2) The superintendent shall annually establish a date after which no further applications for
 40 state funds may be submitted under this section.

41 (3) The superintendent may approve only applications that comply with ORS 343.391 to 343.413
 42 and rules adopted by the State Board of Education. Any criteria used by the superintendent to
 43 evaluate applications shall include, but need not be limited to:

44 (a) A statement of the school district's present level of special educational programs and ser-
 45 vices for talented and gifted children and how the special educational programs and services con-

1 tained in the application conform with the school district's written plan for instruction for talented
 2 and gifted children described in ORS 343.397.

3 (b) Identification procedures that comply with rules adopted by the board.

4 (c) A detailed budget for the program expenditures.

5 (d) A description of the individual student assessment and evaluative procedures and tools.

6 (e) A justification of special educational services and programs for talented and gifted children
 7 identified in the school district in terms of the student assessment and evaluation.

8 (f) An evaluation design that meets standards set forth by the Department of Education.

9 (4) The superintendent may not approve an application unless the school district agrees to ex-
 10 pend district funds for special educational programs for talented and gifted children in an amount
 11 **that:**

12 (a) **For moneys distributed from the Talented and Gifted Education Amount, is equal to**
 13 **or greater than the amount the district expended for special educational programs for tal-**
 14 **ented and gifted children in the school year immediately preceding the first school year for**
 15 **which moneys are distributed from the Talented and Gifted Education Account; and**

16 (b) **For state moneys not distributed from the Talented and Gifted Education Account,**
 17 **is equal to or greater than the amount of state funds approved by the superintendent.**

18 (5) **Moneys distributed to school districts from the Talented and Gifted Education Ac-**
 19 **count must be distributed based on the weighted average daily membership of the school**
 20 **district, as calculated under ORS 327.013.**

21 **SECTION 6.** ORS 343.401 is amended to read:

22 343.401. (1) Except as provided in ORS 343.404, the funds specifically appropriated for the pro-
 23 gram under ORS 343.391 to 343.413 shall be distributed only to school districts whose applications
 24 submitted to the Superintendent of Public Instruction pursuant to ORS 343.399 have been approved.

25 (2) **Funds from the Talented and Gifted Education Account shall be distributed as pro-**
 26 **vided by ORS 343.399 (5).** State funds **other than funds from the Talented and Gifted Education**
 27 **Account** shall be allocated on an approved program cost basis, the amount of which shall be es-
 28 tablished annually by the State Board of Education.

29 (3) School districts shall account for the state funds expended for talented and gifted children
 30 identified in the districts on a form acceptable to the Department of Education, as described in rules
 31 adopted by the board.

32 **SECTION 7.** ORS 343.404 is amended to read:

33 343.404. (1) The Superintendent of Public Instruction may annually expend funds appropriated
 34 for the talented and gifted program **from sources other than the Talented and Gifted Education**
 35 **Account** to provide administration of and support for the development of talented and gifted edu-
 36 cation statewide.

37 (2) These services may include:

38 (a) Teacher training programs and workshops;

39 (b) Consultant and technical assistance to districts;

40 (c) Small grants to and contracts with school districts, education service districts, colleges and
 41 universities and private contractors to produce and disseminate curriculum and instruction materi-
 42 als to other school districts;

43 (d) Training and assistance for parents of the talented and gifted children in meeting the edu-
 44 cational needs of their children; and

45 (e) Contracting for the creation and administration of regional talented and gifted centers to

1 provide services related to talented and gifted programs.

2 **SECTION 8.** ORS 326.545, as amended by section 12, chapter 81, Oregon Laws 2022, is amended
3 to read:

4 326.545. (1) As used in this section:

5 (a) "Public education provider" means:

6 (A) A school district;

7 (B) A public charter school;

8 (C) An education service district;

9 (D) A community college; or

10 (E) A public university listed in ORS 352.002.

11 (b) "Public school building" means a building used by a public education provider to provide
12 educational services to students.

13 (c) "Student bathroom" means a bathroom that is accessible by students in kindergarten or
14 above, including a gender-neutral bathroom, a bathroom designated for females and a bathroom
15 designated for males.

16 (2) Each public education provider shall ensure that both tampons and sanitary pads are avail-
17 able at no cost to students through dispensers located in every student bathroom of every public
18 school building.

19 (3) A public education provider, and any employee of a public education provider, is not liable
20 in a criminal action or for civil damages as a result of a student's use of a tampon or sanitary pad
21 made available under this section.

22 (4) The State Board of Education and the Higher Education Coordinating Commission shall
23 adopt any rules necessary for the administration of this section. Rules adopted by the board and
24 commission shall provide for:

25 (a) The number of dispensers required in each student bathroom;

26 (b) The types of products available in each student bathroom;

27 (c) The provision of tampons and sanitary pads in an alternate location when the public educa-
28 tion provider does not have control of the student bathrooms used by the students of the public
29 education provider;

30 (d) Modifications to or exemptions from the requirements of this section for student bathrooms
31 that are not located in commonly accessible areas of the public school buildings of a community
32 college or a public university; and

33 (e) Payments to public education providers for costs incurred under this section, including:

34 (A) For school districts, public charter schools and education service districts and subject to
35 subparagraph (B) of this paragraph, distributions from amounts available under ORS 327.008 [(18)]
36 (19) to be made based on the average daily membership, as defined in ORS 327.006, of the district
37 or school;

38 (B) For education service districts, distributions to be made as provided by subparagraph (A)
39 of this paragraph may not exceed 7.5 percent of the amounts available for distribution under ORS
40 327.008 [(18)] (19);

41 (C) For community colleges, distributions from the Community College Support Fund to be made
42 based on the full-time equivalent student enrollment of the community college; and

43 (D) For public universities, distributions from a public university support fund established by the
44 commission by rule.

45 **SECTION 9.** This 2023 Act being necessary for the immediate preservation of the public

1 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**
2 **July 1, 2023.**
3 _____