

House Bill 3423

Sponsored by COMMITTEE ON EDUCATION

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**.

Modifies requirements for English language learners.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to English language learners; creating new provisions; amending ORS 327.013, 327.345,
3 329.157, 336.079, 342.950 and 344.257; and declaring an emergency.

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

5 **SECTION 1.** ORS 336.079 is amended to read:

6 336.079. (1) **As used in this section, "English language learner" means a student who:**

7 (a) **Has limited English language proficiency because English is not the native language**
8 **of the student or the student comes from an environment where a language other than**
9 **English has had a significant impact on the student's level of English language proficiency;**
10 **and**

11 (b) **Meets any other criteria established by the State Board of Education by rule.**

12 (2) Specific courses to teach speaking, reading and writing of the English language shall be
13 provided at kindergarten and each grade level to [*those children*] **students** who are unable to
14 [*profit*] **benefit** from classes taught in English. [*Such*] **The** courses shall be taught [*to such a level*
15 *in school as may be required until children are able to profit*] **at school until the students are able**
16 **to benefit** from classes conducted in English.

17 (3)(a) **Each school district shall develop and submit a local plan to the Department of**
18 **Education that describes the school district's English language learner program.**

19 (b) **Each plan must describe:**

20 (A) **The method for the teachers of the school district to select an assessment as de-**
21 **scribed in subsection (4) of this section.**

22 (B) **The process and content requirements for student response plans, which must be**
23 **individually developed for each English language learner, be based on the skills and needs of**
24 **the student and the resources of the school district, and, if practicable and appropriate, ad-**
25 **dress transitions into post-secondary education or employment. The plans must be developed**
26 **by a student services team under the following circumstances:**

27 (i) **An English language learner has been eligible for and enrolled in an English language**
28 **learner program for six or more years;**

29 (ii) **An English language learner is designated as a student with an interrupted formal**
30 **education according to rules adopted by the State Board of Education; or**

31 (iii) **The English language learner begins grade six or any subsequent grade without**

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 proficiency in numbers or any language, as determined by a placement assessment adminis-
 2 tered by the school district.

3 (C) The methods by which the school district will deliver to parents essential notifica-
 4 tions related to English language learner programs and whether the school district will allow
 5 parents to identify at least two preferred methods of communication.

6 (D) Any assistance provided to English language learners during nonschool hours, in-
 7 cluding homework assistance centers in schools that are staffed by teachers, instructional
 8 assistants or trained volunteers.

9 (E) The methods by which the school district will identify students who are eligible to
 10 be enrolled in an English language learner program, including any identification methods
 11 that occur before a student enrolls in kindergarten.

12 (F) Any support or referral programs provided by the school district to the families of
 13 English language learners, including programs that assist parents in improving their profi-
 14 ciency in English language.

15 (G) Any programs or resources available to English language learners to support the
 16 improvement of their proficiency in English language even after they have gained sufficient
 17 proficiency to no longer be eligible for an English language learner program.

18 (c) The State Board of Education shall prescribe the form and timelines for the sub-
 19 mission of plans.

20 (4) English language learners shall be assessed using an assessment selected from a list
 21 of assessments approved by the Department of Education. The assessment shall be chosen
 22 by the teacher of the English language learner, based on the educational and developmental
 23 needs of the English language learner and based on the local plan developed as provided by
 24 subsection (3) of this section.

25 (5) The State Board of Education shall adopt rules for English learner programs that:

26 (a) Take into consideration requirements and standards prescribed by federal law; and

27 (b) Provide budget transparency by prescribing uniform budget coding by school districts,
 28 including comprehensive descriptions of costs incurred in relation to the program and com-
 29 prehensive identifications of revenue sources for the program.

30 **SECTION 2.** (1) The amendments to ORS 336.079 by section 1 of this 2015 Act become
 31 operative on July 1, 2016.

32 (2) The amendments to ORS 336.079 by section 1 of this 2015 Act first apply to the
 33 2016-2017 school year.

34 **SECTION 3.** (1) The Task Force on English Language Learners is established.

35 (2) The Task Force shall consist of seven members appointed as follows:

36 (a) The President of the Senate shall appoint one member from among members of the
 37 Senate.

38 (b) The Speaker of the House of Representatives shall appoint one member from among
 39 members of the House of Representatives.

40 (c) The Superintendent of Public Instruction shall appoint five members as follows:

41 (A) Three members who are teachers of English language learners, as defined in ORS
 42 336.079, and who are selected following consultation with professional organizations repre-
 43 senting English language learner teachers.

44 (B) One member who is an expert in compliance with Title III of the federal Elementary
 45 and Secondary Education Act of 1965.

1 (C) One member from the Department of Education who is an expert in assessments.

2 (3) Members of the Legislative Assembly appointed to the task force are nonvoting
3 members of the task force and may act in an advisory capacity only.

4 (4) The task force shall:

5 (a) Develop appropriate accommodations for assessments of English language learners;
6 and

7 (b) Identify a list of assessments for English language learners to be approved by the
8 Department of Education as described in ORS 336.079 (4).

9 (5) A majority of the voting members of the task force constitutes a quorum for the
10 transaction of business.

11 (6) Official action by the task force requires the approval of a majority of the voting
12 members of the task force.

13 (7) The task force shall elect one of its members to serve as chairperson.

14 (8) If there is a vacancy for any cause, the appointing authority shall make an appoint-
15 ment to become immediately effective.

16 (9) The task force shall meet at times and places specified by the call of the chairperson
17 or of a majority of the voting members of the task force.

18 (10) The task force may adopt rules necessary for the operation of the task force.

19 (11) The task force shall submit a report in the manner provided by ORS 192.245, and
20 may include recommendations for legislation, to the interim legislative committees on edu-
21 cation no later than June 1, 2016.

22 (12) The Department of Education shall provide staff support to the task force.

23 (13) Members of the task force who are not members of the Legislative Assembly are not
24 entitled to compensation, but may be reimbursed for actual and necessary travel and other
25 expenses incurred by them in the performance of their official duties in the manner and
26 amounts provided for in ORS 292.495. Claims for expenses incurred in performing functions
27 of the task force shall be paid out of funds appropriated to Department of Education for
28 purposes of the task force.

29 (14) All agencies of state government, as defined in ORS 174.111, are directed to assist
30 the task force in the performance of its duties and, to the extent permitted by laws relating
31 to confidentiality, to furnish such information and advice as the members of the task force
32 consider necessary to perform their duties.

33 SECTION 4. Section 3 of this 2015 Act is repealed on December 31, 2016.

34 SECTION 5. (1) In addition to distributing moneys through the State School Fund, the
35 Department of Education may award grants to school districts for the costs associated with
36 purchasing and distributing to students library books that are printed in languages other
37 than English.

38 (2) Books purchased as provided by this section must be used in a manner that complies
39 with the requirements of ORS 336.074.

40 (3) The grants must be available to any school district that can demonstrate a need for
41 assistance in purchasing books after exhausting resources for donated books and library
42 lending programs.

43 (4) The department may seek and accept gifts, grants and donations from any source,
44 public or private, for the purpose of carrying out the grant program under this section.

45 (5) The State Board of Education may adopt any rules necessary for the administration

1 **of the grant program. The rules adopted by the board must include a method for determining**
 2 **the grant amount that a school district may receive under this section.**

3 **SECTION 6.** ORS 327.013 is amended to read:

4 327.013. The State School Fund distributions for school districts include the following grants:

5 (1) General Purpose Grant = Funding Percentage × Target Grant × District extended ADMw.

6 For the purpose of the calculation made under this subsection:

7 (a) The funding percentage shall be calculated by the Superintendent of Public Instruction to
 8 distribute as nearly as practicable the total sum of money available for distribution.

9 (b) Target Grant = Statewide Target per ADMw Grant + Teacher Experience Factor. For the
 10 purpose of the calculation made under this paragraph:

11 (A) Statewide Target per ADMw Grant = \$4,500.

12 (B) Teacher Experience Factor = \$25 × {District average teacher experience – statewide av-
 13 erage teacher experience}. As used in this subparagraph, “average teacher experience” means the
 14 average, in years, of teaching experience of licensed teachers as reported to the Department of Ed-
 15 ucation.

16 (c) District extended ADMw = ADMw or ADMw of the prior year, whichever is greater. The
 17 calculation of the district extended ADMw must be made as provided by ORS 338.155 (1)(b) if a
 18 public charter school is located in the school district. For the purpose of this paragraph:

19 (A) Weighted average daily membership or ADMw = average daily membership + an additional
 20 amount computed as follows:

21 (i) 1.0 for each student in average daily membership eligible for special education as a child with
 22 a disability under ORS 343.035, which may not exceed 11 percent of the district’s ADM without re-
 23 view and approval by the Department of Education. Children with disabilities eligible for special
 24 education in adult local correctional facilities, as defined in ORS 169.005, or adult regional
 25 correctional facilities, as defined in ORS 169.620, may not be included in the calculation made under
 26 this sub-subparagraph.

27 (ii) 0.5 for each student in average daily membership eligible for and enrolled in an English [*as*
 28 *a second*] language **learner** program under ORS 336.079.

29 (iii) 0.2 for each student in average daily membership enrolled in a union high school district
 30 or in an area of a unified school district where the district is only responsible for educating students
 31 in grades 9 through 12 in that area.

32 (iv) –0.1 for each student in average daily membership enrolled in an elementary district oper-
 33 ating kindergarten through grade six or kindergarten through grade eight or in an area of a unified
 34 school district where the district is only responsible for educating students in kindergarten through
 35 grade eight.

36 (v) 0.25 times the sum of the following:

37 (I) The number of students who are in average daily membership and who are also in poverty
 38 families, as determined by the Department of Education based on rules adopted by the State Board
 39 of Education that incorporate poverty data published by the United States Census Bureau, student
 40 data provided by school districts and other data identified by the board;

41 (II) The number of children in foster homes in the district as determined by the report of the
 42 Department of Human Services to the United States Department of Education, “Annual Statistical
 43 Report on Children in Foster Homes and Children in Families Receiving AFDC Payments in Excess
 44 of the Poverty Income Level,” or its successor, for October 31 of the year prior to the year of dis-
 45 tribution; and

1 (III) The number of children in the district in state-recognized facilities for neglected and de-
 2 linquent children, based on information from the Department of Human Services for October 31 of
 3 the year prior to the year of distribution.

4 (vi) The amount determined under ORS 327.077 for each remote small elementary school and for
 5 each small high school in the district.

6 (B) All numbers of children used for the computation in this paragraph must reflect any district
 7 consolidations that have occurred since the numbers were compiled.

8 (C) The total additional weight that shall be assigned to any student in average daily member-
 9 ship in a district, exclusive of students described in subparagraph (A)(v) and (vi) of this paragraph,
 10 may not exceed 2.0.

11 (2) High cost disabilities grant = the total amount received by a school district under ORS
 12 327.348 for providing special education and related services to resident pupils with disabilities.

13 (3)(a) Transportation grant equals:

14 (A) 70 percent of approved transportation costs for those school districts ranked below the 80th
 15 percentile under paragraph (b) of this subsection.

16 (B) 80 percent of approved transportation costs for those school districts ranked in or above the
 17 80th percentile but below the 90th percentile under paragraph (b) of this subsection.

18 (C) 90 percent of approved transportation costs for those school districts ranked in or above the
 19 90th percentile under paragraph (b) of this subsection.

20 (b) Each fiscal year, the Department of Education shall rank school districts based on the ap-
 21 proved transportation costs per ADM of each school district, ranking the school district with the
 22 highest approved transportation costs per ADM at the top of the order.

23 (4)(a) Facility Grant = 8 percent of total construction costs of new school buildings.

24 (b) A school district shall receive a Facility Grant in the distribution year that a new school
 25 building is first used.

26 (c) As used in this subsection:

27 (A) "New school building" includes new school buildings, structures added onto existing school
 28 buildings and premanufactured structures added to a school district if those buildings or structures
 29 are to be used for instructing students.

30 (B) "Construction costs" does not include costs for land acquisition.

31 **SECTION 7.** ORS 327.345 is amended to read:

32 327.345. (1) As used in this section, ["*ESL student*"] "**ELL student**" means a student who is el-
 33 igible for and enrolled in an English [*as a second*] language **learner** program under ORS 336.079.

34 (2) In addition to distributing moneys through the State School Fund, the Department of Edu-
 35 cation may award grants to school districts for the costs of training English [*as a second*] language
 36 **learner** teachers.

37 (3) The grants shall be available to any school district:

38 (a) In which three percent or more of the students enrolled are [*ESL*] **ELL** students;

39 (b) That serves [*ESL*] **ELL** students or bilingual students within a large geographic area in the
 40 district;

41 (c) That has a high growth, as defined by rule of the State Board of Education, of [*ESL*] **ELL**
 42 students or bilingual students in any school year; or

43 (d) That can demonstrate extraordinary need, as defined by rule of the board, for English [*as a*
 44 *second*] language **learner** teachers or training for English [*as a second*] language **learner** teachers.

45 (4) A school district that receives a grant under this section may use the grant to reimburse

1 teachers for tuition costs associated with completing an English [*as a second*] language **learner** or
 2 a bilingual teaching program.

3 (5) The department may seek and accept gifts, grants and donations from any source and federal
 4 funds for the purpose of carrying out the grant program under this section.

5 (6) The board may adopt any rules necessary for the administration of the grant program. The
 6 rules adopted by the board shall include a method for determining the grant amount that a qualified
 7 school district may receive under this section.

8 **SECTION 8.** ORS 329.157 is amended to read:

9 329.157. (1) Community learning centers shall promote identification and coordination of existing
 10 resources including, but not limited to, the following services and activities:

- 11 (a) Before-school and after-school enrichment activities linked with the school curriculum;
- 12 (b) Youth development and service learning activities;
- 13 (c) Child care programs;
- 14 (d) Mentoring and tutoring programs;
- 15 (e) Parent literacy and adult education programs;
- 16 (f) Prenatal and early childhood support programs;
- 17 (g) Parent education and support groups;
- 18 (h) Cultural activities and English [*as a second*] language **learner** programs;
- 19 (i) School-to-work and workforce development programs;
- 20 (j) Intergenerational activities connecting senior citizens with children;
- 21 (k) Referrals for health care and other social and educational services;
- 22 (L) Primary health care services, including immunizations, sports physicals and well-child
 23 checkups; and
- 24 (m) Counseling services.

25 (2) School districts that create community learning centers shall encourage existing family re-
 26 source centers to become involved in the development and implementation of the community learn-
 27 ing centers. An existing family resource center developed under ORS 417.725 may be designated as
 28 a community learning center if the family resource center meets the standards specified in this
 29 section and ORS 329.156.

30 (3) Community learning centers shall follow best practice standards to ensure their effectiveness.

31 **SECTION 9.** ORS 342.950 is amended to read:

32 342.950. (1) The Network of Quality Teaching and Learning is established. The network consists
 33 of the Oregon Education Investment Board, the Department of Education and public and private
 34 entities that receive funding as provided by this section to accomplish the purposes of the network
 35 described in subsection (2) of this section.

36 (2) The purposes of the network are the following:

- 37 (a) To enhance a culture of leadership and collaborative responsibility for advancing the pro-
 38 fession of teaching among providers of early learning services, teachers and administrators in
 39 kindergarten through grade 12, education service districts and teacher education institutions.
- 40 (b) To strengthen and enhance existing evidence-based practices that improve student achieve-
 41 ment, including practices advanced by or described in ORS 329.788 to 329.820, 329.822, 329.824,
 42 329.838, 342.433 to 342.449 and 342.805 to 342.937.
- 43 (c) To improve recruitment, preparation, induction, career advancement opportunities and sup-
 44 port of educators.

45 (3) To accomplish the purposes of the network described in subsection (2) of this section, the

1 Department of Education, subject to the direction and control of the Chief Education Officer, shall
2 distribute funding as follows:

3 (a) To school districts, schools, nonprofit organizations, post-secondary institutions and consor-
4 tiums that are any combination of those entities for the purpose of supporting the implementation
5 of common core state standards.

6 (b) To school districts and nonprofit organizations for the purposes of complying with the core
7 teaching standards adopted as provided by ORS 342.856 and complying with related standards pre-
8 scribed by federal law.

9 (c) To school districts and nonprofit organizations for the purpose of providing teachers with
10 opportunities for professional collaboration and professional development and for the pursuit of ca-
11 reer pathways in a manner that is consistent with the School District Collaboration Grant Program
12 described in ORS 329.838.

13 (d) To school districts and nonprofit organizations for the purpose of providing beginning
14 teachers and administrators with mentors in a manner that is consistent with the beginning teacher
15 and administrator mentorship program described in ORS 329.788 to 329.820.

16 (e) To school districts for the purposes of obtaining assessments and developing professional
17 development plans to meet school improvement objectives and educator needs.

18 (f) To school districts, nonprofit organizations and post-secondary institutions for the purpose
19 of closing achievement gaps by providing and improving the effectiveness of professional develop-
20 ment, implementing data-driven decision making, supporting practice communities and implementing
21 culturally competent practices.

22 (g) To school districts and nonprofit organizations for the purposes of developing and engaging
23 in proficiency-based or student-centered learning practices and assessments.

24 (h) To school districts, nonprofit organizations and post-secondary institutions for the purposes
25 of strengthening educator preparation programs and supporting the development and sustainability
26 of partnerships between providers of early learning services, public schools with any grades from
27 kindergarten through grade 12 and post-secondary institutions.

28 (i) To providers of early learning services, nonprofit organizations and post-secondary insti-
29 tutions for the purposes of providing professional development and supporting providers of early
30 learning services with opportunities for professional collaboration and advancement.

31 (4) The Oregon Education Investment Board shall support the network by:

32 (a) Conducting and coordinating research to determine best practices and evidence-based mod-
33 els.

34 (b) Working with educator preparation programs to ensure ongoing collaboration with education
35 providers.

36 (c) Supporting programs that help to achieve the goal of the Minority Teacher Act of 1991 as
37 described in ORS 342.437.

38 (d) Creating and supporting a statewide plan for increasing the successful recruitment of high-
39 ability and culturally diverse candidates to work in high-need communities and fields.

40 (5) The Department of Education shall support the network by:

41 (a) Developing a system that ensures statewide dissemination of best practices and evidence-
42 based models.

43 (b) Supporting the development and implementation of standards-based curriculum, high-leverage
44 practices and assessments that promote student learning and improve outcomes for students [*learn-*
45 *ing English as a second language*] **who are English language learners** and for students with disa-

1 bilities.

2 (c) Administering the distribution of funding as described in subsection (3) of this section.

3 (6) The Oregon Education Investment Board shall develop processes to establish the network
4 and ensure the accountability of the network. The processes must ensure that the network:

5 (a) Gives preference to entities that have demonstrated success in improving student outcomes.

6 (b) Delivers services for the benefit of all regions of this state.

7 (c) Is accountable for improving education outcomes identified by the Oregon Education Invest-
8 ment Board, contained in achievement compacts or set forth in ORS 351.009.

9 (d) Includes and connects education providers and leaders from pre-kindergarten through post-
10 secondary education.

11 (7) No more than two percent of all moneys received for the purposes of this section may be
12 expended by the Oregon Education Investment Board or the Department of Education for adminis-
13 trative costs incurred under this section. For the purpose of this subsection, technical assistance
14 and direct program services provided to school districts and nonprofit organizations are not con-
15 sidered administrative costs.

16 (8) The State Board of Education may adopt any rules necessary for the Department of Educa-
17 tion to support the network and perform any duties assigned to the department under this section
18 or assigned to the department by the Oregon Education Investment Board. Any rules adopted by the
19 State Board of Education must be consistent with this section and with actions taken by the Oregon
20 Education Investment Board to implement this section.

21 **SECTION 10.** ORS 342.950, as amended by section 2, chapter 661, Oregon Laws 2013, is
22 amended to read:

23 342.950. (1) The Network of Quality Teaching and Learning is established. The network consists
24 of the Department of Education and public and private entities that receive funding as provided by
25 this section to accomplish the purposes of the network described in subsection (2) of this section.

26 (2) The purposes of the network are the following:

27 (a) To enhance a culture of leadership and collaborative responsibility for advancing the pro-
28 fession of teaching among providers of early learning services, teachers and administrators in
29 kindergarten through grade 12, education service districts and teacher education institutions.

30 (b) To strengthen and enhance existing evidence-based practices that improve student achieve-
31 ment, including practices advanced by or described in ORS 329.788 to 329.820, 329.822, 329.824,
32 329.838, 342.433 to 342.449 and 342.805 to 342.937.

33 (c) To improve recruitment, preparation, induction, career advancement opportunities and sup-
34 port of educators.

35 (3) To accomplish the purposes of the network described in subsection (2) of this section, the
36 Department of Education, subject to the direction and control of the Superintendent of Public In-
37 struction, shall distribute funding as follows:

38 (a) To school districts, schools, nonprofit organizations, post-secondary institutions and consor-
39 tiums that are any combination of those entities for the purpose of supporting the implementation
40 of common core state standards.

41 (b) To school districts and nonprofit organizations for the purposes of complying with the core
42 teaching standards adopted as provided by ORS 342.856 and complying with related standards pre-
43 scribed by federal law.

44 (c) To school districts and nonprofit organizations for the purpose of providing teachers with
45 opportunities for professional collaboration and professional development and for the pursuit of ca-

1 reer pathways in a manner that is consistent with the School District Collaboration Grant Program
2 described in ORS 329.838.

3 (d) To school districts and nonprofit organizations for the purpose of providing beginning
4 teachers and administrators with mentors in a manner that is consistent with the beginning teacher
5 and administrator mentorship program described in ORS 329.788 to 329.820.

6 (e) To school districts for the purposes of obtaining assessments and developing professional
7 development plans to meet school improvement objectives and educator needs.

8 (f) To school districts, nonprofit organizations and post-secondary institutions for the purpose
9 of closing achievement gaps by providing and improving the effectiveness of professional develop-
10 ment, implementing data-driven decision making, supporting practice communities and implementing
11 culturally competent practices.

12 (g) To school districts and nonprofit organizations for the purposes of developing and engaging
13 in proficiency-based or student-centered learning practices and assessments.

14 (h) To school districts, nonprofit organizations and post-secondary institutions for the purposes
15 of strengthening educator preparation programs and supporting the development and sustainability
16 of partnerships between providers of early learning services, public schools with any grades from
17 kindergarten through grade 12 and post-secondary institutions.

18 (i) To providers of early learning services, nonprofit organizations and post-secondary insti-
19 tutions for the purposes of providing professional development and supporting providers of early
20 learning services with opportunities for professional collaboration and advancement.

21 (4) The Department of Education shall support the network by:

22 (a) Conducting and coordinating research to determine best practices and evidence-based mod-
23 els.

24 (b) Working with educator preparation programs to ensure ongoing collaboration with education
25 providers.

26 (c) Supporting programs that help to achieve the goal of the Minority Teacher Act of 1991 as
27 described in ORS 342.437.

28 (d) Creating and supporting a statewide plan for increasing the successful recruitment of high-
29 ability and culturally diverse candidates to work in high-need communities and fields.

30 (e) Developing a system that ensures statewide dissemination of best practices and evidence-
31 based models.

32 (f) Supporting the development and implementation of standards-based curriculum, high-leverage
33 practices and assessments that promote student learning and improve outcomes for students [*learn-*
34 *ing English as a second language*] **who are English language learners** and for students with disa-
35 bilities.

36 (g) Administering the distribution of funding as described in subsection (3) of this section.

37 (5) The State Board of Education shall develop processes to establish the network and ensure
38 the accountability of the network. The processes must ensure that the network:

39 (a) Gives preference to entities that have demonstrated success in improving student outcomes.

40 (b) Delivers services for the benefit of all regions of this state.

41 (c) Is accountable for improving education outcomes identified by the State Board of Education,
42 contained in achievement compacts or set forth in ORS 351.009.

43 (d) Includes and connects education providers and leaders from pre-kindergarten through post-
44 secondary education.

45 (6) No more than two percent of all moneys received for the purposes of this section may be

1 expended by the Department of Education for administrative costs incurred under this section. For
 2 the purpose of this subsection, technical assistance and direct program services provided to school
 3 districts and nonprofit organizations are not considered administrative costs.

4 (7) The State Board of Education may adopt any rules necessary for the Department of Educa-
 5 tion to support the network and perform any duties assigned to the department under this section.
 6 Any rules adopted by the State Board of Education must be consistent with this section.

7 **SECTION 11.** ORS 344.257 is amended to read:

8 344.257. (1) For the purposes of ORS 344.259, “continuing education” means organized instruc-
 9 tion to serve the needs of post-secondary students, including but not limited to:

10 (a) Courses as offered to the regular full-time resident post-secondary student consisting of pro-
 11 fessional preparatory courses and professional supplementary, technical, academic and professional
 12 courses;

13 (b) Developmental education, consisting of adult basic education, high school completion courses
 14 for a high school diploma, instruction to pass the General Educational Development (GED) tests,
 15 English [*as a second language instruction*] **language learner programs**, and remedial instruction;

16 (c) Educational activities, consisting of adult self-improvement courses and Federal Cooperative
 17 Extension Service; and

18 (d) Hobby and recreation activities.

19 (2) “Continuing education” for a community college is limited to instruction within district
 20 boundaries and instruction outside district boundaries offered under contract.

21 **SECTION 12. This 2015 Act being necessary for the immediate preservation of the public**
 22 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
 23 **on its passage.**
