

House Bill 2192

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Health Care for Students for a Healthy Oregon)

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**.

Directs school districts and public charter schools to require every student in grades 6 through 12 to undergo mental health wellness check once each school year. Prescribes requirements for mental health wellness checks.

A BILL FOR AN ACT

1
2 Relating to mental health wellness checks for public school students; creating new provisions; and
3 amending ORS 338.025 and 338.115.

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

SECTION 1. (1) As used in this section:

5
6 (a) **“Adult student” means a student of a public school or a public charter school who is**
7 **18 years of age or older or who is emancipated pursuant to ORS 419B.550 to 419B.558.**

8 (b) **“Parent” means a parent, legal guardian or person in parental relationship, as defined**
9 **in ORS 339.133, of a student of a public school or a public charter school.**

10 (2) **Each school district and public charter school shall require every student in grades**
11 **6 through 12 to undergo a mental health wellness check once each school year.**

12 (3)(a) **For the mental health wellness checks required under this section, the Department**
13 **of Education shall adopt:**

14 (A) **An evidence-based, accessible screening tool that helps to identify a student’s exist-**
15 **ing, or risk of, mental health issues; and**

16 (B) **A script to be used during mental health wellness checks to encourage honesty and**
17 **reduce stigma around mental health issues.**

18 (b) **Mental health wellness checks required under this section must be conducted:**

19 (A) **Using the screening tool and script adopted as provided by paragraph (a) of this**
20 **subsection;**

21 (B) **By persons trained to use the screening tool and script adopted as provided by para-**
22 **graph (a) of this subsection; and**

23 (C) **In a supportive, safe environment that maximizes student privacy.**

24 (c) **The screening results of a mental health wellness check conducted under paragraph**
25 **(b) of this subsection must be evaluated by a qualified counselor or mental health profes-**
26 **sional.**

27 (4)(a) **A parent or adult student may choose to excuse a student from undergoing a**
28 **mental health wellness check required by this section by:**

29 (A) **Completing a form established by the department as provided by paragraph (b) of this**
30 **subsection each year that the student is excused; and**

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 **(B) Submitting the completed form to the school that the student attends.**

2 **(b) The department shall establish a form to excuse a student from undergoing a mental**
 3 **health wellness check.**

4 **(5) Each school district or public charter school shall develop a plan to refer students to**
 5 **appropriate services based on the results of a mental health wellness check conducted as**
 6 **provided by subsection (3) of this section. The plan must account for access to services for**
 7 **all students, regardless of their ability to pay.**

8 **SECTION 2.** ORS 338.115 is amended to read:

9 338.115. (1) Statutes and rules that apply only to school district boards, school districts or other
 10 public schools do not apply to public charter schools. However, the following laws do apply to public
 11 charter schools:

12 (a) Federal law;

13 (b) ORS 30.260 to 30.300 (tort claims);

14 (c) ORS 192.311 to 192.478 (public records law);

15 (d) ORS 192.610 to 192.690 (public meetings law);

16 (e) ORS chapters 279A, 279B and 279C (Public Contracting Code);

17 (f) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);

18 (g) ORS 326.565, 326.575 and 326.580 (student records);

19 (h) ORS 181A.195, 326.603, 326.607 and 342.223 (criminal records checks);

20 (i) ORS 329.045 (academic content standards and instruction);

21 (j) ORS 329.451 (high school diploma, modified diploma, extended diploma and alternative cer-
 22 tificate);

23 (k) ORS 329.496 (physical education);

24 (L) The statewide assessment system developed by the Department of Education for mathemat-
 25 ics, science and English under ORS 329.485 (2);

26 **(m) Section 1 of this 2019 Act (mental health wellness checks);**

27 [(m)] **(n)** ORS 336.840 (use of personal electronic devices);

28 [(n)] **(o)** ORS 337.150 (textbooks);

29 [(o)] **(p)** ORS 339.119 (consideration for educational services);

30 [(p)] **(q)** ORS 339.141, 339.147 and 339.155 (tuition and fees);

31 [(q)] **(r)** ORS 339.250 (9) (prohibition on infliction of corporal punishment);

32 [(r)] **(s)** ORS 339.326 (notice concerning students subject to juvenile court petitions);

33 [(s)] **(t)** ORS 339.370, 339.372, 339.388 and 339.400 (reporting of abuse and sexual conduct and
 34 training on prevention and identification of abuse and sexual conduct);

35 [(t)] **(u)** ORS 342.856 (core teaching standards);

36 [(u)] **(v)** ORS chapter 657 (Employment Department Law);

37 [(v)] **(w)** ORS 659.850, 659.855 and 659.860 (discrimination);

38 [(w)] **(x)** Any statute or rule that establishes requirements for instructional time provided by a
 39 school during each day or during a year;

40 [(x)] **(y)** Statutes and rules that expressly apply to public charter schools;

41 [(y)] **(z)** Statutes and rules that apply to a special government body, as defined in ORS 174.117,
 42 or a public body, as defined in ORS 174.109;

43 [(z)] **(aa)** Health and safety statutes and rules;

44 [(aa)] **(bb)** Any statute or rule that is listed in the charter; and

45 [(bb)] **(cc)** This chapter.

1 (2) Notwithstanding subsection (1) of this section, a charter may specify that statutes and rules
 2 that apply only to school district boards, school districts and other public schools may apply to a
 3 public charter school.

4 (3) If a statute or rule applies to a public charter school, then the terms “school district” and
 5 “public school” include public charter school as those terms are used in that statute or rule.

6 (4) A public charter school may not violate the Establishment Clause of the First Amendment
 7 to the United States Constitution or section 5, Article I of the Oregon Constitution, or be religion
 8 based.

9 (5)(a) A public charter school shall maintain an active enrollment of at least 25 students.

10 (b) For a public charter school that provides educational services under a cooperative agree-
 11 ment described in ORS 338.080, the public charter school is in compliance with the requirements of
 12 this subsection if the public charter school provides educational services under the cooperative
 13 agreement to at least 25 students, without regard to the school districts in which the students are
 14 residents.

15 (6) A public charter school may sue or be sued as a separate legal entity.

16 (7) The sponsor, members of the governing board of the sponsor acting in their official capacities
 17 and employees of a sponsor acting in their official capacities are immune from civil liability with
 18 respect to all activities related to a public charter school within the scope of their duties or em-
 19 ployment.

20 (8) A public charter school may enter into contracts and may lease facilities and services from
 21 a school district, education service district, public university listed in ORS 352.002, other govern-
 22 mental unit or any person or legal entity.

23 (9) A public charter school may not levy taxes or issue bonds under which the public incurs li-
 24 ability.

25 (10) A public charter school may receive and accept gifts, grants and donations from any source
 26 for expenditure to carry out the lawful functions of the school.

27 (11) The school district in which the public charter school is located shall offer a high school
 28 diploma, a modified diploma, an extended diploma or an alternative certificate to any public charter
 29 school student who meets the district’s and state’s standards for a high school diploma, a modified
 30 diploma, an extended diploma or an alternative certificate.

31 (12) A high school diploma, a modified diploma, an extended diploma or an alternative certificate
 32 issued by a public charter school grants to the holder the same rights and privileges as a high
 33 school diploma, a modified diploma, an extended diploma or an alternative certificate issued by a
 34 nonchartered public school.

35 (13) Prior to beginning operation, the public charter school shall show proof of insurance to the
 36 sponsor as specified in the charter.

37 (14) A public charter school may receive services from an education service district in the same
 38 manner as a nonchartered public school in the school district in which the public charter school is
 39 located.

40 **SECTION 3.** ORS 338.025 is amended to read:

41 338.025. (1) The State Board of Education may adopt any rules necessary for the implementation
 42 of this chapter. The rules shall follow the intent of this chapter.

43 (2) Upon application by a public charter school, the State Board of Education may grant a
 44 waiver of any provision of this chapter if the waiver promotes the development of programs by
 45 providers, enhances the equitable access by underserved families to the public education of their

1 choice, extends the equitable access to public support by all students or permits high quality pro-
2 grams of unusual cost. The State Board of Education may not waive any appeal provision in this
3 chapter or any provision under ORS 338.115 (1)(a) to [(aa)] **(bb)**, 338.120, 338.125 (4), 338.135 (2)(b)
4 or 339.122.

5 **SECTION 4. Section 1 of this 2019 Act and the amendments to ORS 338.025 and 338.115**
6 **by sections 2 and 3 of this 2019 Act first apply to the 2020-2021 school year.**

7 **SECTION 5. (1) Section 1 of this 2019 Act and the amendments to ORS 338.025 and 338.115**
8 **by sections 2 and 3 of this 2019 Act become operative on July 1, 2020.**

9 **(2) Notwithstanding the operative date set forth in subsection (1) of this section, the**
10 **Department of Education may take any action before the operative date set forth in sub-**
11 **section (1) of this section that is necessary for school districts and public charter schools to**
12 **require every student in grades 6 through 12 to undergo a mental health wellness check once**
13 **each school year.**

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