

A-Engrossed
House Bill 2057

Ordered by the House March 25
Including House Amendments dated March 25

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Department of 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.

Directs Department of Education to disburse and expend moneys in manner consistent with intended purposes for which moneys were appropriated or allocated.

Authorizes department [*of Education*] to disburse or expend moneys appropriated or allocated to department based on determination of department of intended purposes of moneys **if provisions for intended disbursement or expenditure are not provided.**

Declares emergency, effective July 1, 2021.

A BILL FOR AN ACT

1
2 Relating to moneys received by the Department of Education; creating new provisions; amending
3 ORS 326.051; and declaring an emergency.

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

5 **SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS chapter 327.**

6 **SECTION 2. (1) The Department of Education shall disburse and expend moneys in a
7 manner that is consistent with the intended purposes for which the moneys were appropri-
8 ated or allocated to the department.**

9 **(2) If moneys are appropriated or allocated to the department and provisions for the in-
10 tended disbursement or expenditure of the moneys are not provided in statute, in agreement
11 or by any other means related to the appropriation or allocation, the department may dis-
12 burse or expend the moneys in the manner the department determines is most consistent
13 with the intended purposes for which the moneys were appropriated or allocated, including
14 by:**

15 **(a) Awarding a grant;**

16 **(b) Entering into a contract, intergovernmental agreement or other legal agreement; or**

17 **(c) Passing through moneys based on state or federal law or legal agreement.**

18 **(3) This section applies to funds received from the federal government or its agencies,
19 funds appropriated by the Legislative Assembly or any other funds appropriated or allocated
20 to the department.**

21 **SECTION 3. ORS 326.051 is amended to read:**

22 **326.051. Subject to ORS 417.300 and 417.305:**

23 **(1) In addition to such other duties as are prescribed by law and pursuant to the requirement
24 of ORS chapter 183, the State Board of Education shall:**

25 **(a) Establish state standards for public kindergartens and public elementary and secondary**

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 schools consistent with the policies stated in ORS 326.011.

2 (b) Adopt rules for the general governance of public kindergartens and public elementary and
3 secondary schools.

4 (c) Prescribe required or minimum courses of study.

5 (d) Adopt rules regarding school and interscholastic activities.

6 (e) Adopt rules that provide that no public elementary or secondary school shall discriminate
7 in determining participation in interscholastic activities. As used in this paragraph,
8 “discrimination” has the meaning given that term in ORS 659.850.

9 (f) Adopt rules that will eliminate the use and purchase of elemental mercury, mercury com-
10 pounds and mercury-added instructional materials by public elementary and secondary schools.

11 (2) The State Board of Education may:

12 (a) Consistent with the laws of this state, accept money or property not otherwise provided for
13 under paragraph (b) of this subsection, which is donated for the use or benefit of the public
14 kindergartens and public elementary and secondary schools and use such money or property for the
15 purpose for which it was donated. Until it is used, the board shall deposit any money received under
16 this paragraph in a special fund with the State Treasurer as provided in ORS 293.265 to 293.275.

17 (b) Apply for federal funds, [and] accept and enter into any contracts or agreements on behalf
18 of the state for the receipt of [such] funds from the federal government or its agencies **and disburse**
19 **or expend the federal funds as provided by section 2 of this 2021 Act. This paragraph applies**
20 **to federal funds to be used for:**

21 (A) Educational purposes, including but not limited to any funds available for the school lunch
22 program;

23 (B) Career and technical education programs in public elementary and secondary schools; and

24 (C) Any grants available to the state or its political subdivisions for general federal aid for
25 public kindergartens, public elementary schools and public secondary schools and their auxiliary
26 services, improvement of teacher preparation, teacher salaries, construction of school buildings, ad-
27 ministration of the Department of Education and any other educational activities under the juris-
28 diction of the State Board of Education.

29 (c) Adopt rules to administer the United States Department of Agriculture’s National School
30 Lunch Program and School Breakfast Program for public and private prekindergarten through grade
31 12 schools and residential child care facilities.

32 **SECTION 4. This 2021 Act being necessary for the immediate preservation of the public**
33 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**
34 **July 1, 2021.**