

# House Bill 3028

Sponsored by Representative SMITH WARNER

## 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 private alternative education programs, including laws that are applicable to programs.

Identifies circumstances under which school district must provide notice related to availability of alternative education programs. Clarifies funding provisions for alternative education programs. Requires alternative education programs to employ only licensed teachers and administrators. Requires all nonlicensed employees of alternative education programs who have direct, unsupervised contact with school children to undergo criminal records check.

Prescribes requirements for alternative education programs related to special education and 504 Plans.

Prescribes reporting requirements related to alternative education programs, and requires site visits of registered private alternative education programs.

Declares emergency, effective July 1, 2021.

## A BILL FOR AN ACT

1  
2 Relating to alternative education programs; creating new provisions; amending ORS 336.615, 336.631,  
3 336.635, 336.655 and 339.250; repealing ORS 336.625, 336.637 and 336.645; and declaring an  
4 emergency.

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

6 **SECTION 1.** ORS 336.615 is amended to read:

7 336.615. As used in ORS 336.615 to 336.665[, *“alternative education program” means a school or*  
8 *separate class group designed to best serve students’ educational needs and interests and assist stu-*  
9 *dents in achieving the academic standards of the school district and the state.】:*

10 (1) **“Alternative education program” means a separate school or class group designed to**  
11 **assist students in achieving the academic standards of this state by:**

12 (a) **Meeting the educational and the mental and behavioral health needs of the students;**  
13 **and**

14 (b) **Providing learning situations that are flexible with regard to environment, time,**  
15 **structure or pedagogy.**

16 (2) **“Public alternative education program” means an alternative education program that**  
17 **is provided by a school district, an education service district or a community college.**

18 (3) **“Registered private alternative education program” means an alternative education**  
19 **program that is:**

20 (a) **Provided under contract with a school district, an education service district or a**  
21 **community college; and**

22 (b) **Registered with the Department of Education.**

23 (4) **“Severe conduct violation” means a violation of a student handbook, code of conduct**  
24 **or other document that, under the terms of the school district policy adopted as provided**  
25 **by ORS 339.250, is cause for suspension or expulsion.**

**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.

**SECTION 2.** ORS 336.631 is amended to read:

336.631. *[(1) Prior to contracting with or distributing any public funds to a private alternative education program, a district school board shall:]*

*[(a) Annually approve the private alternative education program;]*

*[(b) Determine that the private alternative education program is registered with the Department of Education; and]*

**(1) A school district, an education service district or a community college may contract with, and distribute public funds to, a private alternative education program only if the school district, education service district or community college:**

**(a) Determines that the private alternative education program is registered with the Department of Education;**

**(b) Conducts an annual evaluation, as described in ORS 336.655; and**

**(c) *[Determine]* Determines that the private alternative education program complies with the requirements of subsection (2) of this section and *[ORS 336.625 (3)(c)] rules adopted by the State Board of Education as provided by this section.***

**(2) The following laws apply to **registered** private alternative education programs *[that are registered with the Department of Education under ORS 336.635]* in the same manner as the laws apply to school districts and public schools:**

**(a) Federal law;**

**(b) ORS 326.565, 326.575 and 326.580 (student records);**

*[(b)] (c) ORS 181A.195, 326.603, 326.607 and 342.223 (criminal records checks);*

**(d) ORS 329.045 (academic content standards and instruction);**

**(e) ORS 329.451 (high school diploma, modified diploma, extended diploma and alternative certificate);**

**(f) ORS 329.485 (2) (statewide assessment system developed by the Department of Education for mathematics, science and English);**

*[(c)] (g) ORS 329.496 (physical education);*

**(h) ORS 336.840 (use of personal electronic devices);**

*[(d)] (i) ORS 337.150, **339.119**, 339.141, 339.147 and 339.155 (textbooks, consideration for educational services and tuition and fees);*

**(j) ORS 339.122 (advertisement requirements);**

**(k) ORS 339.326 (notice concerning students subject to juvenile court petitions);**

**(L) ORS 339.370 to 339.400 (reporting of suspected abuse and suspected sexual conduct);**

*[(e)] (m) ORS 659.850, 659.855 and 659.860 (discrimination);*

*[(f) ORS 339.122 (advertisement requirements);]*

*[(g)] (n) Health and safety statutes and rules; and*

*[(h)] (o) Any statute, rule or *[school district]* policy that **expressly applies to alternative education programs or that** is specified in a contract between the *[school district board]* **governing body of the school district, education service district or community college** and the **registered private alternative education program.***

**(3) Prior to placement of a student in a **registered** private alternative education program, the resident **school** district shall determine whether the proposed placement best *[serves the student's educational needs and interests]* **meets the educational and the mental and behavioral health needs of the student** and assists the student in achieving *[the district and]* state academic standards.**

1        [(4) *Contracts between a school district and a private alternative education program shall be in-*  
 2 *cluded in the assessment of effectiveness provided for in ORS 329.085.*]

3        **(4) A registered private alternative education program shall be accountable for deter-**  
 4 **mining the progress of its students toward achieving academic content standards. The reg-**  
 5 **istered private alternative education program shall report, at least annually, each student's**  
 6 **academic progress, including the results of the state assessment, to students, parents and**  
 7 **the school district in which the registered private alternative education program is located.**

8        **(5) An assessment of the effectiveness of a registered private alternative education pro-**  
 9 **gram shall be included in the assessment of the school district in which the registered pri-**  
 10 **vate alternative education program is located for purposes of ORS 329.085.**

11        **(6) The State Board of Education by rule shall:**

12        **(a) Adopt a process for registering private alternative education programs.**

13        **(b) Establish standards for registered private alternative education programs to ensure**  
 14 **a safe educational environment and an instructional program that provides students with the**  
 15 **opportunity to make progress toward achieving state academic standards.**

16        **SECTION 3. (1) The amendments to ORS 336.631 by section 2 of this 2021 Act first apply**  
 17 **to the 2021-2022 school year.**

18        **(2) Notwithstanding the applicability provisions of subsection (1) of this section, a regis-**  
 19 **tered private alternative education program is not required to comply with the requirements**  
 20 **of ORS 336.631 (2), as amended by section 2 of this 2021 Act, until the 2022-2023 school year.**  
 21 **Nothing in this subsection prohibits a registered private alternative education program from**  
 22 **complying with the provisions of ORS 336.631 (2), as amended by section 2 of this 2021 Act,**  
 23 **prior to the 2022-2023 school year.**

24        **SECTION 4. ORS 336.635 is amended to read:**

25        336.635. [(1) *The parent or guardian of a student may enroll the student in one of the proposed*  
 26 *public alternative education programs or private alternative education programs of instruction or in-*  
 27 *struction combined with counseling if:]*

28        **(1) A school district shall provide notice to the parent or guardian of a student of the**  
 29 **availability of alternative education programs, and propose that the student enroll in an al-**  
 30 **ternative education program, when:**

31        **(a) The student has committed a severe conduct violation that is cause for expulsion.**

32        **(b) The student has committed a severe conduct violation that is cause for suspension**  
 33 **and the student had committed one or more separate severe conduct violations within the**  
 34 **previous three-year period.**

35        **(c) The student is not attending school in a manner that allows the student to benefit**  
 36 **from the educational program.**

37        **(d) A parent or legal guardian applies for the student's exemption from compulsory at-**  
 38 **tendance on a semiannual basis as provided in ORS 339.030 (2).**

39        **(2)(a) A school district may not propose that a student enroll in an alternative education**  
 40 **program unless the school district determines that:**

41        [(a)] **(A) The enrollment is necessary to meet the student's educational needs and [interests]**  
 42 **mental and behavioral health needs, and that other interventions offered by the school dis-**  
 43 **trict have not been able to meet those needs.**

44        [(b)] **(B) The program is appropriate and accessible to the student.**

45        **(b) A school district is not required to provide a public alternative education program if**

1 **the student can be referred to a public alternative education program or a registered private**  
 2 **alternative education program that is appropriate for and accessible to the student.**

3 **(3) A student may not be enrolled in an alternative education program unless:**

4 **(a) The parent or guardian of the student consents to the enrollment.**

5 [(c)] **(b) For [a program] an alternative education program located** in a school district in  
 6 which the student is a resident, the resident school district approves the enrollment.

7 [(d)] **(c) For [a program] an alternative education program located** in a school district in  
 8 which the student is not a resident, the resident school district and the attending school district  
 9 approve the enrollment.

10 [(e)] **(d) For a private alternative education program, the program is [registered with the De-**  
 11 **partment of Education] a registered private alternative education program.**

12 [(2)] **(4) If the student is eligible for special education under ORS 343.221 to 343.236 and 343.261**  
 13 **to 343.295 or for an education plan developed in accordance with section 504 of the Rehabili-**  
 14 **tation Act of 1973, 29 U.S.C. 794, the alternative education program must:**

15 **(a) Be approved by the Department of Education prior to the placement of the student in the**  
 16 **program.**

17 **(b) Ensure the student receives special education services or any services required under**  
 18 **a 504 Plan.**

19 **(c) Provide the student with an eye examination, as defined in ORS 336.211.**

20 [(3) *A student enrolled pursuant to this section is considered enrolled in the schools of the district*  
 21 *offering the program for purposes of the distribution of the State School Fund.*]

22 [(4) *An alternative education program that is offered to a student who is not a resident of the*  
 23 *school district may bill tuition to the school district where the student is a resident. The billing may*  
 24 *be made annually or at the end of each term or semester of the alternative education program. For each*  
 25 *full-time equivalent student enrolled in the alternative education program, the resident school district*  
 26 *shall pay the actual cost of the program or an amount at least equivalent to 80 percent of the district's*  
 27 *estimated current year's average per student net operating expenditure, whichever is less, in accordance*  
 28 *with rules adopted by the State Board of Education. The alternative education program is accountable*  
 29 *for the expenditures of all State School Fund moneys and other local school support moneys and shall*  
 30 *provide the resident school district with an annual statement of the expenditures.*]

31 **(5)(a) Payment for students enrolled in an alternative education program shall be made**  
 32 **from the State School Fund. All amounts to be distributed from the State School Fund for**  
 33 **alternative education programs shall first be distributed to the school district in which the**  
 34 **alternative education program is located. The alternative education program shall be ac-**  
 35 **countable for the expenditures of all State School Fund moneys and other local school sup-**  
 36 **port moneys and shall provide an annual statement of the expenditures to the school district**  
 37 **in which the alternative education program is located.**

38 **(b) Students enrolled in an alternative education program shall be considered to be resi-**  
 39 **dents of the school district in which the alternative education program is located for pur-**  
 40 **poses of distributions of the State School Fund. For purposes of determining the amounts**  
 41 **to be distributed to a school district from the State School Fund for an alternative education**  
 42 **program, the district extended ADMw described in ORS 327.013 shall be calculated as though**  
 43 **the students enrolled at an alternative education program are students enrolled at the public**  
 44 **schools of the school district in which the alternative education program is located.**

45 **(6) A school district shall contractually establish, with any alternative education program**

1 that is located within the school district, payment for provision of educational services to the  
 2 alternative education program's students. The payment shall equal an amount per weighted  
 3 average daily membership (ADMw) of the alternative education program that is at least  
 4 equal to:

5 (a) Eighty percent of the amount of the school district's General Purpose Grant per  
 6 ADMw as calculated under ORS 327.013 for students who are enrolled in kindergarten  
 7 through grade eight; and

8 (b) Ninety-five percent of the amount of the school district's General Purpose Grant per  
 9 ADMw as calculated under ORS 327.013 for students who are enrolled in grades 9 through  
 10 12.

11 (7) A school district and an alternative education program may negotiate to establish a  
 12 payment for the provision of educational services to the alternative education program's  
 13 students that is more than the minimum amounts specified in subsection (6) of this section.

14 (8) The estimated amount of each school district's General Purpose Grant per ADMw  
 15 shall be determined each year by the Department of Education and made available to all  
 16 school districts.

17 (9) A school district shall send payment to an alternative education program based on a  
 18 contract negotiated under this section within 10 days after receiving payments from the  
 19 State School Fund pursuant to ORS 327.095.

20 [(5)] (10)(a) [A private] An alternative education program [that is registered with the department  
 21 is not required to] may employ only licensed teachers or administrators.

22 (b) All nonlicensed employees of an alternative education program who have direct, un-  
 23 supervised contact with school children must undergo a criminal records check under ORS  
 24 326.603.

25 (c) Teachers and administrators in [private] registered private alternative education pro-  
 26 grams are not considered employees of any school district for purposes of ORS 342.173.

27 [(6) A school district is not required to provide a public alternative education program if the stu-  
 28 dent can be referred to public or approved private alternative education programs that are appropriate  
 29 for and accessible to the student.]

30 [(7)] (d) Any preliminary teaching license, professional teaching license or distinguished teacher  
 31 leader license issued by the Teacher Standards and Practices Commission is valid for teaching all  
 32 subjects and grade levels in [an] a public alternative education program [operated by a school dis-  
 33 trict or education service district].

34 (11) A school district may not waive the right to implement an alternative education  
 35 program in a collective bargaining agreement.

36 (12) The State Board of Education by rule shall:

37 (a) Determine the accountable activities and allowable credit for these activities in al-  
 38 ternative education programs.

39 (b) Establish the requirements for notifications made to the parents and guardians of  
 40 students under this section, including the relevant provisions of ORS 336.615 to 336.665, and  
 41 the procedures for requesting school district boards to establish alternative education pro-  
 42 grams.

43 **SECTION 5.** Notwithstanding ORS 336.635 (10)(a), as amended by section 4 of this 2021  
 44 Act, a registered private alternative education program may seek a waiver from the De-  
 45 partment of Education of the requirement that all teachers and administrators must be li-

1 censed. The department may grant a waiver, but all waivers granted under this section  
 2 expire no later than July 1, 2023.

3 **SECTION 6.** ORS 336.655 is amended to read:

4 336.655. (1) Each school district operating, participating in or contracting for [*a public or*  
 5 *private*] **an** alternative education program shall evaluate the program at least annually. **The evalu-**  
 6 **ation must include a review of expenditures of moneys received from the State School Fund**  
 7 **and other local school support sources, as required under ORS 336.635 (5).** The school district  
 8 shall provide the [*public or private*] alternative education program with a copy of the written eval-  
 9 uation.

10 (2) For **registered** private alternative education programs, the evaluation [*shall include, but is*  
 11 *not limited to:*] **required under subsection (1) of this section shall also include:**

12 [(a) *A review of the private alternative education program's annual statement of expenditures as*  
 13 *required by ORS 336.635 (4);*]

14 (a) **An annual site visit;**

15 (b) A determination that the **registered** private alternative education program is in compliance  
 16 with ORS [*336.625 (3)(c) and 336.631 (2)*] **336.631 and rules adopted by the State Board of Edu-**  
 17 **cation;**

18 (c) The approval of any contract between the **school** district and the **registered** private alter-  
 19 native education program; and

20 (d) A review to ensure that the **registered** private alternative education program enhances the  
 21 ability of the **school** district and its students to achieve [*district and*] state **academic** standards.

22 (3)(a) **For each school year, each alternative education program shall prepare a report**  
 23 **that summarizes:**

24 (A) **The age, race and gender of students in the program.**

25 (B) **The percentage of students in the program who are eligible for free or reduced price**  
 26 **lunches.**

27 (C) **The reasons the students enrolled in the program, if known.**

28 (b) **The alternative education program shall submit the report prepared under this sub-**  
 29 **section to the school district in which the program is located and to the Department of Ed-**  
 30 **ucation.**

31 (c) **The State Board of Education shall adopt rules related to the preparation and sub-**  
 32 **mission of reports under this subsection.**

33 (4) **The State Board of Education shall adopt by rule the requirements for an alternative**  
 34 **education program to submit reports to the Department of Education as necessary to enable**  
 35 **the department to gather information on alternative education programs for inclusion in the**  
 36 **Oregon Report Card issued pursuant to ORS 329.115.**

37 **SECTION 7.** ORS 339.250 is amended to read:

38 339.250. (1) Public school students shall comply with rules for the government of such schools,  
 39 pursue the prescribed course of study, use the prescribed textbooks and submit to the teachers' au-  
 40 thority.

41 (2) Each district school board shall adopt written policies for the discipline, suspension or ex-  
 42 pulsion of any refractory student. The policies:

43 (a) May allow discipline, suspension or expulsion for conduct that includes, but is not limited  
 44 to:

45 (A) Willful disobedience;

- 1 (B) Open defiance of the authority of a school employee;
- 2 (C) Possession or distribution of tobacco, alcohol, drugs or other controlled substances;
- 3 (D) Use or display of profane or obscene language;
- 4 (E) Willful damage or injury to school property;
- 5 (F) Use of threats, intimidation, harassment or coercion against a student or a school employee;
- 6 (G) Assault of a school employee or another student; or
- 7 (H) Intentional attempts, by word or conduct, to place a school employee or another student in
- 8 fear of imminent serious physical injury.
- 9 (b) Must require consideration of the age of a student and the past pattern of behavior of a
- 10 student prior to imposing the suspension or expulsion of a student.
- 11 (c) Must limit the use of expulsion to the following circumstances:
- 12 (A) For conduct that poses a threat to the health or safety of students or school employees;
- 13 (B) When other strategies to change student conduct have been ineffective, except that expul-
- 14 sion may not be used to address truancy; or
- 15 (C) When the expulsion is required by law.
- 16 (d) In addition to any limitations imposed by paragraph (c) of this subsection, for a student who
- 17 is in fifth grade or lower, must limit the use of out-of-school suspension or of expulsion to the fol-
- 18 lowing circumstances:
- 19 (A) For nonaccidental conduct causing serious physical harm to a student or school employee;
- 20 (B) When a school administrator determines, based upon the administrator's observation or upon
- 21 a report from a school employee, that the student's conduct poses a direct threat to the health or
- 22 safety of students or school employees; or
- 23 (C) When the suspension or expulsion is required by law.
- 24 (e) When an out-of-school suspension is imposed as provided under paragraph (d) of this sub-
- 25 section, must require the school district to take steps to prevent the recurrence of the behavior that
- 26 led to the out-of-school suspension and return the student to a classroom setting so that the dis-
- 27 ruption of the student's academic instruction is minimized.
- 28 (f) Must be limited so that:
- 29 (A) The duration of an expulsion may not be more than one calendar year.
- 30 (B) The duration of a suspension may not be more than 10 school days.
- 31 (g) Notwithstanding ORS 336.010, may require a student to attend school during nonschool hours
- 32 as an alternative to suspension if the total number of hours does not exceed the equivalent of 10
- 33 school days.
- 34 (3) Pursuant to the policies adopted as provided by subsection (2) of this section, each school
- 35 district shall develop a student handbook, code of conduct or other document that:
- 36 (a) Defines and helps create a learning environment that students respect;
- 37 (b) Defines acceptable norms of behavior for students and the types of behavior that are subject
- 38 to discipline;
- 39 (c) Establishes procedures to address behavior or circumstances that pose a threat to the safety
- 40 of students or employees of the school;
- 41 (d) Establishes a system of consequences that are designed to correct student misconduct and
- 42 promote behavior within acceptable norms; and
- 43 (e) Makes the system of consequences known to the school community through the dissemination
- 44 of information to students, parents, legal guardians and school district employees.
- 45 (4) Each district school board shall adopt written policies on managing students who threaten

1 violence or harm in public schools. The policies adopted by a district school board under this section  
2 shall include all of the following:

3 (a) Staff reporting methods.

4 (b) Provisions that allow an administrator to consider and implement any of the following  
5 options:

6 (A) Immediately removing from the classroom setting any student who has threatened to injure  
7 another person or to severely damage school property.

8 (B) Placing the student in a setting where the behavior will receive immediate attention, in-  
9 cluding, but not limited to, the office of the school principal, vice principal, assistant principal,  
10 counselor or a school psychologist licensed by the Teacher Standards and Practices Commission or  
11 the office of any licensed mental health professional.

12 (C) Requiring that a school obtain an evaluation of a student by a licensed mental health pro-  
13 fessional before allowing the student to return to the classroom setting. A student who is removed  
14 from the classroom setting for an evaluation may not be removed for more than 10 school days un-  
15 less the administrator is able to show good cause that an evaluation could not be completed in that  
16 time period. The policy must describe the circumstances under which the district school board may  
17 enter into contracts with licensed mental health professionals to perform any evaluations required  
18 under this subparagraph.

19 (c) The requirement that an administrator provide to the parent or legal guardian of the student  
20 notification that describes the student's behavior and the school's response.

21 (d) A provision for the allocation of any funds necessary for the school district to implement the  
22 policies described in this subsection.

23 (5) In establishing and enforcing discipline, suspension and expulsion policies, a district school  
24 board shall ensure that the policy is designed to:

25 (a) Protect students and school employees from harm;

26 (b) Provide opportunities for students to learn from their mistakes;

27 (c) Foster positive learning communities;

28 (d) Keep students in school and attending class;

29 (e) Impose disciplinary sanctions without bias against students from a protected class, as defined  
30 in ORS 339.351;

31 (f) Implement a graduated set of age-appropriate responses to misconduct that are fair,  
32 nondiscriminatory and proportionate in relation to each student's individual conduct;

33 (g) Employ a range of strategies for prevention, intervention and discipline that take into ac-  
34 count a student's developmental capacities and that are proportionate to the degree and severity  
35 of the student's misbehavior;

36 *[(h) Propose, prior to a student's expulsion or leaving school, alternative programs of instruction*  
37 *or instruction combined with counseling for the student that are appropriate and accessible to the stu-*  
38 *dent in the following circumstances:]*

39 *[(A) Following a second or subsequent occurrence within any three-year period of a severe disci-*  
40 *plinary problem with the student; or]*

41 *[(B) When a parent or legal guardian applies for the student's exemption from compulsory attend-*  
42 *ance on a semiannual basis as provided in ORS 339.030 (2);]*

43 **(h) Provide notice about alternative education programs, and propose enrollment in an**  
44 **alternative education program, when required under ORS 336.635;**

45 (i) To the extent practicable, use approaches that are shown through research to be effective in

1 reducing student misbehavior and promoting safe and productive social behavior; and

2 (j) Ensure that school conduct and discipline codes comply with all state and federal laws con-  
3 cerning the education of students with disabilities.

4 (6) Except for policies adopted under subsection (7) of this section, any policies adopted under  
5 this section must provide for the dissemination of information about [*alternative programs of in-*  
6 *struction or instruction combined with counseling*] **alternative education programs**, as described in  
7 subsection (5)(h) of this section, in writing to the student and the parent, legal guardian or person  
8 in parental relationship with the student at least once every six months, unless the information has  
9 changed because of the availability of new programs.

10 (7) Each district school board shall adopt a written policy involving firearms, as defined in 18  
11 U.S.C. 921. The policy shall:

12 (a) Require expulsion from school for a period of not less than one year of any student who is  
13 determined to have:

14 (A) Brought a firearm to a school, to school property under the jurisdiction of the school district  
15 or to an activity under the jurisdiction of the school district;

16 (B) Possessed, concealed or used a firearm in a school, on school property under the jurisdiction  
17 of the school district or at an activity under the jurisdiction of the school district; or

18 (C) Brought to or possessed, concealed or used a firearm at an interscholastic activity adminis-  
19 tered by a voluntary organization.

20 (b) Allow exceptions:

21 (A) For courses, programs and activities approved by the school district that are conducted on  
22 school property, including, but not limited to, hunter safety courses, Reserve Officer Training Corps  
23 programs, firearm-related sports or firearm-related vocational courses; and

24 (B) Identified by and adopted by the State Board of Education by rule.

25 (c) Allow a superintendent of a school district to:

26 (A) Modify the expulsion requirement for a student on a case-by-case basis.

27 (B) Propose alternative **education** programs [*of instruction or instruction combined with coun-*  
28 *seling*], **as defined in ORS 336.615**, for a student that are appropriate and accessible to the student.  
29 If alternative **education** programs are appropriate for a student, the superintendent shall ensure  
30 that information about **the** programs [*of instruction or instruction combined with counseling*] is pro-  
31 vided in writing to the student and the parent, legal guardian or person in parental relationship with  
32 the student at least once every six months, or at any time the information changes because of the  
33 availability of new programs.

34 (d) Require a referral to the appropriate law enforcement agency of any student who is expelled  
35 under this subsection.

36 (e) Require an annual reporting to the Department of Education of the name of each school that  
37 had an expulsion under this subsection and the number of students expelled from each school.

38 (8) Each district school board shall adopt and disseminate written policies for the use of physical  
39 force upon a student. The policies must allow an individual who is a teacher, administrator, school  
40 employee or school volunteer to use reasonable physical force upon a student when and to the ex-  
41 tent the application of force is consistent with ORS 339.285 to 339.303.

42 (9)(a) The authority to discipline a student does not authorize the infliction of corporal punish-  
43 ment. Every resolution, bylaw, rule, ordinance or other act of a district school board, a public  
44 charter school or the Department of Education that permits or authorizes the infliction of corporal  
45 punishment upon a student is void and unenforceable.

1 (b) As used in this subsection:

2 (A) "Corporal punishment" means the willful infliction of, or willfully causing the infliction of,  
3 physical pain on a student.

4 (B) "Corporal punishment" does not include:

5 (i) The use of physical force authorized by ORS 161.205 for the reasons specified therein; or

6 (ii) Physical pain or discomfort resulting from or caused by participation in athletic competition  
7 or other such recreational activity, voluntarily engaged in by a student.

8 (10) For purposes of this section, calculations of the number of school days that a student is  
9 removed from a classroom setting shall be as follows:

10 (a) As a half day if the student is out of school for half, or less than half, of the scheduled school  
11 day; and

12 (b) As a full day if the student is out of school for more than half of the scheduled school day.

13 **SECTION 8. ORS 336.625, 336.637 and 336.645 are repealed.**

14 **SECTION 9. This 2021 Act being necessary for the immediate preservation of the public  
15 peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect  
16 July 1, 2021.**

17