

B-Engrossed
House Bill 3294

Ordered by the House June 23
Including House Amendments dated April 10 and June 23

Sponsored by Representatives RUIZ, GRAYBER, WILLIAMS, REYNOLDS, SALINAS, SCHOUTEN, Senator GORSEK; Representatives ALONSO LEON, BYNUM, CAMPOS, DEXTER, GOMBERG, HELM, HUDSON, KROPF, MARSH, MCLAIN, MEEK, NERON, NOSSE, PHAM, POWER, PRUSAK, REARDON, SANCHEZ, SOLLMAN, VALDERRAMA, WEBER, WILDE, Senators FREDERICK, LIEBER, PATTERSON

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.

Requires every public education provider to provide both tampons and sanitary pads at no cost to students. Phases in requirement. Provides funding for costs incurred by public education provider. Declares emergency, effective July 1, 2021.

A BILL FOR AN ACT

1
2 Relating to feminine hygiene products in public schools; creating new provisions; amending ORS
3 327.008; and declaring an emergency.

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

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

6 **(a) "Public education provider" means:**

7 **(A) A school district;**

8 **(B) A public charter school;**

9 **(C) An education service district;**

10 **(D) A community college; or**

11 **(E) A public university listed in ORS 352.002.**

12 **(b) "Public school building" means a building used by a public education provider to pro-**
13 **vide educational services to students.**

14 **(c) "Student bathroom" means a bathroom that is accessible by students, including a**
15 **gender-neutral bathroom, a bathroom designated for females and a bathroom designated for**
16 **males.**

17 **(2)(a) Each public education provider shall ensure that both tampons and sanitary pads**
18 **are available at no cost to students through dispensers located in at least two student**
19 **bathrooms of every public school building.**

20 **(b) Notwithstanding paragraph (a) of this subsection, if a public school building has only**
21 **one student bathroom, both tampons and sanitary pads must be available at no cost to stu-**
22 **dents through dispensers located in that bathroom.**

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

26 **(4) The State Board of Education and the Higher Education Coordinating Commission**

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 shall adopt any rules necessary for the administration of this section. Rules adopted by the
2 board and commission shall provide for:

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

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

5 (c) Payments to public education providers for costs incurred under this section, includ-
6 ing:

7 (A) For school districts, public charter schools and education service districts and sub-
8 ject to subparagraph (B) of this paragraph, distributions from amounts available under ORS
9 327.008 (18) to be made based on the average daily membership, as defined in ORS 327.006,
10 of the district or school;

11 (B) For education service districts, distributions to be made as provided by subparagraph
12 (A) of this paragraph may not exceed 7.5 percent of the amounts available for distribution
13 under ORS 327.008 (18);

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

16 (D) For public universities, distributions from a public university support fund estab-
17 lished by the commission by rule.

18 **SECTION 2.** Section 1 of this 2021 Act is amended to read:

19 **Sec. 1.** (1) As used in this section:

20 (a) “Public education provider” means:

21 (A) A school district;

22 (B) A public charter school;

23 (C) An education service district;

24 (D) A community college; or

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

26 (b) “Public school building” means a building used by a public education provider to provide
27 educational services to students.

28 (c) “Student bathroom” means a bathroom that is accessible by students, including a gender-
29 neutral bathroom, a bathroom designated for females and a bathroom designated for males.

30 [(2)(a)] (2) Each public education provider shall ensure that both tampons and sanitary pads are
31 available at no cost to students through dispensers located in [at least two] **every** student
32 [bathrooms] **bathroom** of every public school building.

33 [(b) Notwithstanding paragraph (a) of this subsection, if a public school building has only one
34 student bathroom, both tampons and sanitary pads must be available at no cost to students through
35 dispensers located in that bathroom.]

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

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

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

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

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

45 (A) For school districts, public charter schools and education service districts and subject to

1 subparagraph (B) of this paragraph, distributions from amounts available under ORS 327.008 (18) to
2 be made based on the average daily membership, as defined in ORS 327.006, of the district or school;

3 (B) For education service districts, distributions to be made as provided by subparagraph (A)
4 of this paragraph may not exceed 7.5 percent of the amounts available for distribution under ORS
5 327.008 (18);

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

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

10 **SECTION 3. The amendments to section 1 of this 2021 Act by section 2 of this 2021 Act**
11 **become operative on July 1, 2022.**

12 **SECTION 4.** ORS 327.008 is amended to read:

13 327.008. (1)(a) There is established a State School Fund in the General Fund.

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

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

21 (d) The State School Fund is continuously appropriated to the Department of Education for the
22 purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125, 327.137, 327.348, 336.575,
23 336.580, 336.635, 343.243, 343.533, 343.941 and 343.961.

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

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

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

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

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

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

42 (8) The total amount of the State School Fund that is distributed as facility grants may not ex-
43 ceed \$7 million in any biennium. If the total amount to be distributed as facility grants exceeds this
44 limitation, the Department of Education shall prorate the amount of funds available for facility
45 grants among those school districts that qualified for a facility grant. If the total amount to be dis-

1 tributed as facility grants does not exceed this limitation, any remaining amounts shall be expended
2 for expenses incurred by the Office of School Facilities as provided in ORS 326.125 (1).

3 (9) Each biennium, the Department of Education may expend from the State School Fund no
4 more than \$6 million for expenses incurred by the Office of School Facilities under ORS 326.125 (2)
5 to (6).

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

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

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

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

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

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

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

20 (c) For each biennium, the amounts identified in this subsection shall be adjusted by the same
21 percentage by which the instructions furnished to state agencies by the Governor under ORS 291.204
22 direct the state agencies to adjust their agency budget requests for special payments under ORS
23 291.216 (6)(a)(C).

24 (13) Each biennium, the Department of Education shall transfer \$12.5 million from the State
25 School Fund to the Statewide English Language Learner Program Account established under ORS
26 327.344.

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

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

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

37 (17) Each biennium, the Department of Education shall transfer \$2 million from the State School
38 Fund for deposit to the Healthy School Facilities Fund established under ORS 332.337.
39 Notwithstanding ORS 332.337, the department may expend moneys received in the Healthy School
40 Facilities Fund under this subsection only as grants for costs associated with testing for elevated
41 levels of lead in water used for drinking or food preparation.

42 (18) **Each biennium, the Department of Education shall transfer an amount not to exceed**
43 **\$5,595,000 for the purpose of making tampons and sanitary pads available as provided by**
44 **section 1 of this 2021 Act.**

45 **SECTION 5. The amendments to ORS 327.008 by section 4 of this 2021 Act apply to State**

1 **School Fund distributions commencing with the 2021-2022 distributions.**

2 **SECTION 6. In addition to and not in lieu of any other appropriation, there is appropri-**
3 **ated to the Department of Education, for the biennium beginning July 1, 2021, out of the**
4 **General Fund, the amount of \$137,483, for the purpose of section 1 of this 2021 Act.**

5 **SECTION 7. This 2021 Act being necessary for the immediate preservation of the public**
6 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**
7 **July 1, 2021.**

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