

Requested by SENATE COMMITTEE ON EDUCATION

**PROPOSED AMENDMENTS TO
SENATE BILL 225**

1 In line 2 of the printed bill, after the semicolon insert “creating new
2 provisions; amending ORS 327.254, 332.075, 336.615, 336.631, 336.635, 336.655
3 and 339.250; repealing ORS 336.625, 336.637 and 336.645;”.

4 Delete lines 4 through 11 and insert:

5 **“SECTION 1.** ORS 336.615 is amended to read:

6 “336.615. As used in ORS 336.615 to 336.665[, *‘alternative education pro-*
7 *gram’ means a school or separate class group designed to best serve students’*
8 *educational needs and interests and assist students in achieving the academic*
9 *standards of the school district and the state.*];

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

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

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

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

20 **“(3) ‘Registered private alternative education program’ means an**
21 **alternative education program that is:**

1 “(a) **Provided under contract with a school district, an education**
2 **service district or a community college; and**

3 “(b) **Registered with the Department of Education.**

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

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

9 “336.631. *[(1) Prior to contracting with or distributing any public funds to*
10 *a private alternative education program, a district school board shall:]*

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

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

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

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

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

22 “(c) *[Determine]* **Determines** that the private alternative education pro-
23 gram complies with the requirements of subsection (2) of this section and
24 *[ORS 336.625 (3)(c)]* **rules adopted by the State Board of Education as**
25 **provided by this section.**

26 “(2) The following laws apply to **registered** private alternative education
27 programs *[that are registered with the Department of Education under ORS*
28 *336.635]* in the same manner as the laws apply to school districts and public
29 schools:

30 “(a) Federal law;

1 “(b) ORS 326.565, 326.575 and 326.580 (student records);
2 “[(b)] (c) ORS 181A.195, 326.603, 326.607 and 342.223 (criminal records
3 checks);
4 “(d) ORS 329.045 (academic content standards and instruction);
5 “(e) ORS 329.451 (high school diploma, modified diploma, extended
6 diploma and alternative certificate);
7 “(f) ORS 329.485 (2) (statewide assessment system developed by the
8 Department of Education for mathematics, science and English);
9 “[(c)] (g) ORS 329.496 (physical education);
10 “(h) ORS 336.840 (use of personal electronic devices);
11 “[(d)] (i) ORS 337.150, 339.119, 339.141, 339.147 and 339.155 (textbooks,
12 consideration for educational services and tuition and fees);
13 “(j) ORS 339.122 (advertisement requirements);
14 “(k) ORS 339.326 (notice concerning students subject to juvenile
15 court petitions);
16 “(L) ORS 339.370 to 339.400 (reporting of suspected abuse and sus-
17 pected sexual conduct);
18 “[(e)] (m) ORS 659.850, 659.855 and 659.860 (discrimination);
19 “[(f) ORS 339.122 (advertisement requirements);]
20 “[(g)] (n) Health and safety statutes and rules; and
21 “[(h)] (o) Any statute, rule or [school district] policy that **expressly ap-**
22 **plies to alternative education programs or that** is specified in a contract
23 between the [school district board] **governing body of the school district,**
24 **education service district or community college** and the **registered pri-**
25 **ivate alternative education program.**
26 “(3) Prior to placement of a student in a **registered** private alternative
27 education program, the resident **school** district shall determine whether the
28 proposed placement best [*serves the student’s educational needs and*
29 *interests*] **meets the educational and the mental and behavioral health**
30 **needs of the student** and assists the student in achieving [*the district*

1 *and]* state academic standards.

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

5 “(4) **A registered private alternative education program shall be**
6 **accountable for determining the progress of its students toward**
7 **achieving academic content standards. The registered private alterna-**
8 **tive education program shall report, at least annually, each student’s**
9 **academic progress, including the results of the state assessment, to**
10 **students, parents and the school district in which the registered pri-**
11 **vate alternative education program is located.**

12 “(5) **An assessment of the effectiveness of a registered private al-**
13 **ternative education program shall be included in the assessment of the**
14 **school district in which the registered private alternative education**
15 **program is located for purposes of ORS 329.085.**

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

17 “(a) **Adopt a process for registering private alternative education**
18 **programs.**

19 “(b) **Establish standards for registered private alternative education**
20 **programs to ensure a safe educational environment and an instruc-**
21 **tional program that provides students with the opportunity to make**
22 **progress toward achieving state academic standards.**

23 “**SECTION 3. (1) The amendments to ORS 336.631 by section 2 of this**
24 **2021 Act first apply to the 2021-2022 school year.**

25 “(2) **Notwithstanding the applicability provisions of subsection (1)**
26 **of this section, a registered private alternative education program is**
27 **not required to comply with the requirements of ORS 336.631 (2), as**
28 **amended by section 2 of this 2021 Act, until the 2022-2023 school year.**
29 **Nothing in this subsection prohibits a registered private alternative**
30 **education program from complying with the provisions of ORS 336.631**

1 (2), as amended by section 2 of this 2021 Act, prior to the 2022-2023
2 school year.

3 **“SECTION 4.** ORS 336.635 is amended to read:

4 “336.635. *[(1) The parent or guardian of a student may enroll the student*
5 *in one of the proposed public alternative education programs or private alter-*
6 *native education programs of instruction or instruction combined with coun-*
7 *seling if:]*

8 **“(1) A school district shall provide notice to the parent or guardian**
9 **of a student of the availability of alternative education programs, and**
10 **propose that the student enroll in an alternative education program,**
11 **when:**

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

14 **“(b) The student has committed a severe conduct violation that is**
15 **cause for suspension and the student had committed one or more**
16 **separate severe conduct violations within the previous three-year pe-**
17 **riod.**

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

20 **“(d) A parent or legal guardian applies for the student’s exemption**
21 **from compulsory attendance on a semiannual basis as provided in ORS**
22 **339.030 (2).**

23 **“(2)(a) A school district may not propose that a student enroll in**
24 **an alternative education program unless the school district determines**
25 **that:**

26 **“[(a)] (A) The enrollment is necessary to meet the student’s educational**
27 **needs and [interests] mental and behavioral health needs, and that other**
28 **interventions offered by the school district have not been able to meet**
29 **those needs.**

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

1 “(b) A school district is not required to provide a public alternative
2 education program if the student can be referred to a public alterna-
3 tive education program or a registered private alternative education
4 program that is appropriate for and accessible to the student.

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

7 “(a) The parent or guardian of the student consents to the enroll-
8 ment.

9 “[(c)] (b) For [a program] an alternative education program located
10 in a school district in which the student is a resident, the resident school
11 district approves the enrollment.

12 “[(d)] (c) For [a program] an alternative education program located
13 in a school district in which the student is not a resident, the resident school
14 district and the attending school district approve the enrollment.

15 “[(e)] (d) For a private alternative education program, the program is
16 [registered with the Department of Education] a registered private alter-
17 native education program.

18 “[(2)] (4) If the student is eligible for special education under ORS 343.221
19 to 343.236 and 343.261 to 343.295 or for an education plan developed in
20 accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C.
21 794, the alternative education program must:

22 “(a) Be approved by the Department of Education prior to the placement
23 of the student in the program.

24 “(b) Ensure the student receives special education services or any
25 services required under a 504 Plan.

26 “(c) Provide the student with an eye examination, as defined in ORS
27 336.211.

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

1 “[4) *An alternative education program that is offered to a student who is*
2 *not a resident of the school district may bill tuition to the school district where*
3 *the student is a resident. The billing may be made annually or at the end of*
4 *each term or semester of the alternative education program. For each full-time*
5 *equivalent student enrolled in the alternative education program, the resident*
6 *school district shall pay the actual cost of the program or an amount at least*
7 *equivalent to 80 percent of the district’s estimated current year’s average per*
8 *student net operating expenditure, whichever is less, in accordance with rules*
9 *adopted by the State Board of Education. The alternative education program*
10 *is accountable for the expenditures of all State School Fund moneys and other*
11 *local school support moneys and shall provide the resident school district with*
12 *an annual statement of the expenditures.]*

13 **“(5)(a) Payment for students enrolled in an alternative education**
14 **program shall be made from the State School Fund. All amounts to**
15 **be distributed from the State School Fund for alternative education**
16 **programs shall first be distributed to the school district in which the**
17 **alternative education program is located. The alternative education**
18 **program shall be accountable for the expenditures of all State School**
19 **Fund moneys and other local school support moneys and shall provide**
20 **an annual statement of the expenditures to the school district in**
21 **which the alternative education program is located.**

22 **“(b) Students enrolled in an alternative education program shall be**
23 **considered to be residents of the school district in which the alterna-**
24 **tive education program is located for purposes of distributions of the**
25 **State School Fund. For purposes of determining the amounts to be**
26 **distributed to a school district from the State School Fund for an al-**
27 **ternative education program, the district extended ADMw described in**
28 **ORS 327.013 shall be calculated as though the students enrolled at an**
29 **alternative education program are students enrolled at the public**
30 **schools of the school district in which the alternative education pro-**

1 **gram is located.**

2 **“(6) A school district shall contractually establish, with any alter-**
3 **native education program that is located within the school district,**
4 **payment for provision of educational services to the alternative edu-**
5 **cation program’s students. The payment shall equal an amount per**
6 **weighted average daily membership (ADMw) of the alternative educa-**
7 **tion program that is at least equal to:**

8 **“(a) Eighty percent of the amount of the school district’s General**
9 **Purpose Grant per ADMw as calculated under ORS 327.013 for students**
10 **who are enrolled in kindergarten through grade eight; and**

11 **“(b) Ninety-five percent of the amount of the school district’s Gen-**
12 **eral Purpose Grant per ADMw as calculated under ORS 327.013 for**
13 **students who are enrolled in grades 9 through 12.**

14 **“(7) A school district and an alternative education program may**
15 **negotiate to establish a payment for the provision of educational ser-**
16 **vices to the alternative education program’s students that is more**
17 **than the minimum amounts specified in subsection (6) of this section.**

18 **“(8) The estimated amount of each school district’s General Purpose**
19 **Grant per ADMw shall be determined each year by the Department of**
20 **Education and made available to all school districts.**

21 **“(9) A school district shall send payment to an alternative educa-**
22 **tion program based on a contract negotiated under this section within**
23 **10 days after receiving payments from the State School Fund pursuant**
24 **to ORS 327.095.**

25 **“[(5)] (10)(a) [A private] An alternative education program [that is regis-**
26 **tered with the department is not required to] may employ only licensed**
27 **teachers or administrators.**

28 **“(b) All nonlicensed employees of an alternative education program**
29 **who have direct, unsupervised contact with school children must un-**
30 **dergo a criminal records check under ORS 326.603.**

1 “(c) Teachers and administrators in [*private*] **registered private alter-**
2 **native education** programs are not considered employees of any school dis-
3 trict for purposes of ORS 342.173.

4 “[(6) *A school district is not required to provide a public alternative edu-*
5 *cation program if the student can be referred to public or approved private*
6 *alternative education programs that are appropriate for and accessible to the*
7 *student.*]

8 “[(7)] (d) Any preliminary teaching license, professional teaching license
9 or distinguished teacher leader license issued by the Teacher Standards and
10 Practices Commission is valid for teaching all subjects and grade levels in
11 [*an*] **a public** alternative education program [*operated by a school district or*
12 *education service district*].

13 “(11) **A school district may not waive the right to implement an**
14 **alternative education program in a collective bargaining agreement.**

15 “(12) **The State Board of Education by rule shall:**

16 “(a) **Determine the accountable activities and allowable credit for**
17 **these activities in alternative education programs.**

18 “(b) **Establish the requirements for notifications made to the par-**
19 **ents and guardians of students under this section, including the rele-**
20 **vant provisions of ORS 336.615 to 336.665, and the procedures for**
21 **requesting school district boards to establish alternative education**
22 **programs.**

23 “**SECTION 5. Notwithstanding ORS 336.635 (10)(a), as amended by**
24 **section 4 of this 2021 Act, a registered private alternative education**
25 **program may seek a waiver from the Department of Education of the**
26 **requirement that all teachers and administrators must be licensed.**
27 **The department may grant a waiver, but all waivers granted under**
28 **this section expire no later than July 1, 2023.**

29 “**SECTION 6. ORS 336.655 is amended to read:**

30 “336.655. (1) Each school district operating, participating in or contract-

1 ing for *[a public or private]* **an** alternative education program shall evaluate
2 the program at least annually. **The evaluation must include a review of**
3 **expenditures of moneys received from the State School Fund and other**
4 **local school support sources, as required under ORS 336.635 (5).** The
5 **school** district shall provide the *[public or private]* alternative education
6 program with a copy of the written evaluation.

7 “(2) For **registered** private alternative education programs, the evalu-
8 ation *[shall include, but is not limited to:]* **required under subsection (1)**
9 **of this section shall also include:**

10 “[*a*] *A review of the private alternative education program’s annual state-*
11 *ment of expenditures as required by ORS 336.635 (4);]*

12 “(a) **An annual site visit;**

13 “(b) A determination that the **registered** private alternative education
14 program is in compliance with ORS *[336.625 (3)(c) and 336.631 (2)]* **336.631**
15 **and rules adopted by the State Board of Education;**

16 “(c) The approval of any contract between the **school** district and the
17 **registered** private alternative education program; and

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

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

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

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

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

27 “(b) **The alternative education program shall submit the report**
28 **prepared under this subsection to the school district in which the**
29 **program is located and to the Department of Education.**

30 “(c) **The State Board of Education shall adopt rules related to the**

1 **preparation and submission of reports under this subsection.**

2 **“(4) The State Board of Education shall adopt by rule the require-**
3 **ments for an alternative education program to submit reports to the**
4 **Department of Education as necessary to enable the department to**
5 **gather information on alternative education programs for inclusion in**
6 **the Oregon Report Card issued pursuant to ORS 329.115.**

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

8 “339.250. (1) Public school students shall comply with rules for the gov-
9 ernment of such schools, pursue the prescribed course of study, use the pre-
10 scribed textbooks and submit to the teachers’ authority.

11 “(2) Each district school board shall adopt written policies for the disci-
12 pline, suspension or expulsion of any refractory student. The policies:

13 “(a) May allow discipline, suspension or expulsion for conduct that in-
14 cludes, but is not limited to:

15 “(A) Willful disobedience;

16 “(B) Open defiance of the authority of a school employee;

17 “(C) Possession or distribution of tobacco, alcohol, drugs or other con-
18 trolled substances;

19 “(D) Use or display of profane or obscene language;

20 “(E) Willful damage or injury to school property;

21 “(F) Use of threats, intimidation, harassment or coercion against a stu-
22 dent or a school employee;

23 “(G) Assault of a school employee or another student; or

24 “(H) Intentional attempts, by word or conduct, to place a school employee
25 or another student in fear of imminent serious physical injury.

26 “(b) Must require consideration of the age of a student and the past pat-
27 tern of behavior of a student prior to imposing the suspension or expulsion
28 of a student.

29 “(c) Must limit the use of expulsion to the following circumstances:

30 “(A) For conduct that poses a threat to the health or safety of students

1 or school employees;

2 “(B) When other strategies to change student conduct have been ineffec-
3 tive, except that expulsion may not be used to address truancy; or

4 “(C) When the expulsion is required by law.

5 “(d) In addition to any limitations imposed by paragraph (c) of this sub-
6 section, for a student who is in fifth grade or lower, must limit the use of
7 out-of-school suspension or of expulsion to the following circumstances:

8 “(A) For nonaccidental conduct causing serious physical harm to a stu-
9 dent or school employee;

10 “(B) When a school administrator determines, based upon the
11 administrator’s observation or upon a report from a school employee, that
12 the student’s conduct poses a direct threat to the health or safety of students
13 or school employees; or

14 “(C) When the suspension or expulsion is required by law.

15 “(e) When an out-of-school suspension is imposed as provided under par-
16 agraph (d) of this subsection, must require the school district to take steps
17 to prevent the recurrence of the behavior that led to the out-of-school sus-
18 pension and return the student to a classroom setting so that the disruption
19 of the student’s academic instruction is minimized.

20 “(f) Must be limited so that:

21 “(A) The duration of an expulsion may not be more than one calendar
22 year.

23 “(B) The duration of a suspension may not be more than 10 school days.

24 “(g) Notwithstanding ORS 336.010, may require a student to attend school
25 during nonschool hours as an alternative to suspension if the total number
26 of hours does not exceed the equivalent of 10 school days.

27 “(3) Pursuant to the policies adopted as provided by subsection (2) of this
28 section, each school district shall develop a student handbook, code of con-
29 duct or other document that:

30 “(a) Defines and helps create a learning environment that students re-

1 spect;

2 “(b) Defines acceptable norms of behavior for students and the types of
3 behavior that are subject to discipline;

4 “(c) Establishes procedures to address behavior or circumstances that
5 pose a threat to the safety of students or employees of the school;

6 “(d) Establishes a system of consequences that are designed to correct
7 student misconduct and promote behavior within acceptable norms; and

8 “(e) Makes the system of consequences known to the school community
9 through the dissemination of information to students, parents, legal guardi-
10 ans and school district employees.

11 “(4) Each district school board shall adopt written policies on managing
12 students who threaten violence or harm in public schools. The policies
13 adopted by a district school board under this section shall include all of the
14 following:

15 “(a) Staff reporting methods.

16 “(b) Provisions that allow an administrator to consider and implement
17 any of the following options:

18 “(A) Immediately removing from the classroom setting any student who
19 has threatened to injure another person or to severely damage school prop-
20 erty.

21 “(B) Placing the student in a setting where the behavior will receive im-
22 mediate attention, including, but not limited to, the office of the school
23 principal, vice principal, assistant principal, counselor or a school psychol-
24 ogist licensed by the Teacher Standards and Practices Commission or the
25 office of any licensed mental health professional.

26 “(C) Requiring that a school obtain an evaluation of a student by a li-
27 censed mental health professional before allowing the student to return to
28 the classroom setting. A student who is removed from the classroom setting
29 for an evaluation may not be removed for more than 10 school days unless
30 the administrator is able to show good cause that an evaluation could not

1 be completed in that time period. The policy must describe the circumstances
2 under which the district school board may enter into contracts with licensed
3 mental health professionals to perform any evaluations required under this
4 subparagraph.

5 “(c) The requirement that an administrator provide to the parent or legal
6 guardian of the student notification that describes the student’s behavior and
7 the school’s response.

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

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

12 “(a) Protect students and school employees from harm;

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

14 “(c) Foster positive learning communities;

15 “(d) Keep students in school and attending class;

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

18 “(f) Implement a graduated set of age-appropriate responses to misconduct
19 that are fair, nondiscriminatory and proportionate in relation to each
20 student’s individual conduct;

21 “(g) Employ a range of strategies for prevention, intervention and disci-
22 pline that take into account a student’s developmental capacities and that
23 are proportionate to the degree and severity of the student’s misbehavior;

24 “[*h*] Propose, prior to a student’s expulsion or leaving school, alternative
25 programs of instruction or instruction combined with counseling for the stu-
26 dent that are appropriate and accessible to the student in the following cir-
27 cumstances:]

28 “[*A*] Following a second or subsequent occurrence within any three-year
29 period of a severe disciplinary problem with the student; or]

30 “[*B*] When a parent or legal guardian applies for the student’s exemption

1 *from compulsory attendance on a semiannual basis as provided in ORS 339.030*
2 *(2);]*

3 **“(h) Provide notice about alternative education programs, and pro-**
4 **pose enrollment in an alternative education program, when required**
5 **under ORS 336.635;**

6 “(i) To the extent practicable, use approaches that are shown through
7 research to be effective in reducing student misbehavior and promoting safe
8 and productive social behavior; and

9 “(j) Ensure that school conduct and discipline codes comply with all state
10 and federal laws concerning the education of students with disabilities.

11 “(6) Except for policies adopted under subsection (7) of this section, any
12 policies adopted under this section must provide for the dissemination of
13 information about [*alternative programs of instruction or instruction combined*
14 *with counseling*] **alternative education programs**, as described in sub-
15 section (5)(h) of this section, in writing to the student and the parent, legal
16 guardian or person in parental relationship with the student at least once
17 every six months, unless the information has changed because of the avail-
18 ability of new programs.

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

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

23 “(A) Brought a firearm to a school, to school property under the juris-
24 diction of the school district or to an activity under the jurisdiction of the
25 school district;

26 “(B) Possessed, concealed or used a firearm in a school, on school prop-
27 erty under the jurisdiction of the school district or at an activity under the
28 jurisdiction of the school district; or

29 “(C) Brought to or possessed, concealed or used a firearm at an inter-
30 scholastic activity administered by a voluntary organization.

1 “(b) Allow exceptions:

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

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

7 “(c) Allow a superintendent of a school district to:

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

10 “(B) Propose alternative **education** programs [*of instruction or instruction*
11 *combined with counseling*], **as defined in ORS 336.615**, for a student that
12 are appropriate and accessible to the student. If alternative **education** pro-
13 grams are appropriate for a student, the superintendent shall ensure that
14 information about **the** programs [*of instruction or instruction combined with*
15 *counseling*] is provided in writing to the student and the parent, legal
16 guardian or person in parental relationship with the student at least once
17 every six months, or at any time the information changes because of the
18 availability of new programs.

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

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

24 “(8) Each district school board shall adopt and disseminate written poli-
25 cies for the use of physical force upon a student. The policies must allow an
26 individual who is a teacher, administrator, school employee or school vol-
27 unteer to use reasonable physical force upon a student when and to the ex-
28 tent the application of force is consistent with ORS 339.285 to 339.303.

29 “(9)(a) The authority to discipline a student does not authorize the in-
30 fliction of corporal punishment. Every resolution, bylaw, rule, ordinance or

1 other act of a district school board, a public charter school or the Depart-
2 ment of Education that permits or authorizes the infliction of corporal pun-
3 ishment upon a student is void and unenforceable.

4 “(b) As used in this subsection:

5 “(A) ‘Corporal punishment’ means the willful infliction of, or willfully
6 causing the infliction of, physical pain on a student.

7 “(B) ‘Corporal punishment’ does not include:

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

10 “(ii) Physical pain or discomfort resulting from or caused by participation
11 in athletic competition or other such recreational activity, voluntarily en-
12 gaged in by a student.

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

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

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

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

20 **“SECTION 9.** ORS 332.075 is amended to read:

21 “332.075. (1) Any district school board may:

22 “(a) Fix the days of the year and the hours of the day when schools shall
23 be in session.

24 “(b) Adopt textbooks and other instructional materials as provided in ORS
25 337.120 and 337.141 and courses of study for the use of such schools as pro-
26 vided in ORS 336.035.

27 “(c) Authorize the use of the schools for purposes of training students of
28 an approved educator preparation provider, as defined in ORS 342.120, and
29 for such purposes may enter into contracts with the approved educator
30 preparation provider on such terms as may be agreed upon. Such contracts

1 as they relate to student teachers shall have the same effect and be subject
2 to the same regulations as a contract between a licensed teacher and a dis-
3 trict school board.

4 “(d) Develop and operate with other school districts or community college
5 districts secondary career and technical education programs for pupils of
6 more than one district and fix by agreement the duration of the district’s
7 obligation to continue such activity, subject to the availability of funds
8 therefor.

9 “(e) Authorize the school district to be a member of and pay fees, if any,
10 to any voluntary organization that administers interscholastic activities or
11 that facilitates the scheduling and programming of interscholastic activities
12 only if the organization:

13 “(A) Implements policies that address the use of derogatory or inappro-
14 priate names, insults, verbal assaults, profanity or ridicule that occurs at an
15 interscholastic activity, including by spectators of the interscholastic activ-
16 ity;

17 “(B) Maintains a transparent complaint process that:

18 “(i) Has a reporting system to allow participants of interscholastic activ-
19 ities or members of the public to make complaints about student, coach or
20 spectator behavior;

21 “(ii) Responds to a complaint made under sub-subparagraph (i) of this
22 subparagraph within 48 hours of the complaint being received; and

23 “(iii) Strives to resolve a complaint received under sub-subparagraph (i)
24 of this subparagraph within 30 days of the complaint being received;

25 “(C) Develops and implements a system of sanctions against schools, stu-
26 dents, coaches and spectators if a complaint made under subparagraph (B)
27 of this paragraph is verified; and

28 “(D) Performs an annual survey of students and their parents to under-
29 stand and respond to potential violations of policies adopted under subpara-
30 graph (A) of this paragraph or violations of ORS 659.850.

1 “(f) Accept money or property donated for the use or benefit of the school
2 district and, consistent with the laws of this state, use such money or prop-
3 erty for the purpose for which it was donated.

4 “(g) Enter into an approved written agreement with the governing body
5 of a federally recognized Native American tribe in Oregon to allow the use
6 of a mascot that represents, is associated with or is significant to the Native
7 American tribe entering into the agreement. An agreement entered into un-
8 der this paragraph must:

9 “(A) Describe the acceptable uses of the mascot;

10 “(B) Comply with rules adopted by the State Board of Education that:

11 “(i) Are adopted after consultation with the federally recognized tribes in
12 Oregon pursuant to ORS 182.164 (3); and

13 “(ii) Prescribe the requirements for approval; and

14 “(C) Be approved by the State Board of Education, which the board must
15 provide if the agreement meets the requirements of this paragraph and the
16 rules adopted under this paragraph.

17 “(2) All contracts of the school district must be approved by the district
18 school board before an order can be drawn for payment. If a contract is made
19 without the authority of the district school board, the individual making
20 such contract shall be personally liable.

21 “(3)(a) Notwithstanding subsection (2) of this section **and subject to**
22 **paragraph (b) of this subsection**, a district school board may, by resolution
23 or policy, authorize its superintendent or the superintendent’s designee to
24 enter into and approve payment on contracts for products, materials, sup-
25 plies, capital outlay, equipment and services that are within appropriations
26 made by the district school board pursuant to ORS 294.456.

27 “(b) A district school board may not authorize its superintendent or the
28 superintendent’s designee under this subsection to enter into and approve
29 payment on contracts that:

30 “(A) Are collective bargaining agreements or service contracts that in-

1 clude the provision of labor performed by employees of the school
2 district[.]; or

3 **“(B) Provide for members of a law enforcement agency to be as-**
4 **signed to the schools of the school district.**

5 **“SECTION 10. The amendments to ORS 332.075 by section 9 of this**
6 **2021 Act become operative on January 1, 2022.**

7 **“SECTION 11. ORS 327.254 is amended to read:**

8 “327.254. (1) The Department of Education shall use moneys in the State-
9 wide Education Initiatives Account to provide funding for statewide educa-
10 tion initiatives, including:

11 “(a) Funding the High School Graduation and College and Career Read-
12 iness Act at the levels prescribed by ORS 327.856;

13 “(b) Expanding school breakfast and lunch programs;

14 “(c) Operating youth reengagement programs or providing youth reen-
15 gagement services;

16 “(d) Establishing and maintaining the Statewide School Safety and Pre-
17 vention System under ORS 339.341;

18 “(e) Developing and providing statewide equity initiatives, including the
19 black or African-American education plan developed under ORS 329.841, the
20 American Indian or Alaskan Native education plan developed under ORS
21 329.843, the Latino or Hispanic education plan developed under ORS 329.845
22 or any similar education plan identified by the department;

23 “(f) Providing summer learning programs at schools that are considered
24 high poverty under Title I of the federal Elementary and Secondary Educa-
25 tion Act of 1965;

26 “(g) Funding early warning systems to assist students in graduating from
27 high school, as described in ORS 327.367;

28 “(h) Developing and implementing professional development programs and
29 training programs, including programs that increase educator diversity and
30 retain diverse educators;

1 “(i) Planning for increased transparency and accountability in the public
2 education system of this state;

3 “(j) Providing additional funding to school districts participating in the
4 intensive program under ORS 327.222;

5 “(k) Providing technical assistance, including costs incurred for:

6 “(A) The coaching program described in ORS 327.214; and

7 “(B) The intensive program described in ORS 327.222, including costs for
8 student success teams;

9 “(L) Funding education service districts, as described in subsection (2) of
10 this section; and

11 “(m) Funding costs incurred by the department in implementing this sec-
12 tion and ORS 327.175 to 327.235 and 327.274.

13 “(2)(a) The amount of a distribution to an education service district under
14 this section [=] **shall be made as provided by paragraph (b) of this**
15 **subsection after calculating the following for each education service**
16 **district:**

17 “(A) **One percent of the total amount available for distribution to**
18 **education service districts in each biennium.**

19 “(B) The education service district’s $ADMw \times$ (the total amount avail-
20 able for distribution to education service districts in each biennium \div the
21 total $ADMw$ of all education service districts that receive a distribution).

22 “(b) **The amount of the distribution to an education service district**
23 **shall be the greater of the amounts calculated under paragraph (a) of**
24 **this subsection, except that, for distributions made as provided by**
25 **paragraph (a)(B) of this subsection, the total amount available for**
26 **distribution to education service districts shall be the amount re-**
27 **maining after any distributions required under paragraph (a)(A) of this**
28 **subsection have been made.**

29 “[*b*] (c) For purposes of this subsection, $ADMw$ equals the $ADMw$ as
30 calculated under ORS 327.013, except that the additional amount allowed for

1 students who are in poverty families, as determined under ORS 327.013
2 (1)(c)(A)(v)(I), shall be 0.5.

3 “[c] (d) An education service district shall use moneys received under
4 this section as provided by a plan developed by the school districts located
5 within the education service district. A school district that declines to par-
6 ticipate in the development of the plan or that has withdrawn from an edu-
7 cation service district as provided by ORS 334.015 is not entitled to any
8 moneys distributed to the education service district under this subsection.

9 “[d] (e) A plan developed under this subsection must:

10 “(A) Align with and support school districts in meeting the performance
11 growth targets of the school districts developing the plan;

12 “(B) Include the provision of technical assistance to school districts in
13 developing, implementing and reviewing a plan for receiving a grant from the
14 Student Investment Account;

15 “(C) Provide for coordination with the department in administering and
16 providing technical assistance to school districts, including coordinating any
17 coaching programs established under ORS 327.214; and

18 “(D) Be adopted and amended as provided for local service plans under
19 ORS 334.175 and approved by the department.

20 “[e] (f) Each education service district must submit an annual report to
21 the department that:

22 “(A) Describes how the education service district spent moneys received
23 under this subsection; and

24 “(B) Includes an evaluation of the education service district’s compliance
25 with the plan from the superintendent of each school district that partic-
26 ipated in the development of the plan.

27 “(3) The State Board of Education shall adopt rules necessary for the
28 distribution of moneys under this section.

29 **“SECTION 12. The amendments to ORS 327.254 by section 11 of this**
30 **2021 Act apply to distributions made on or after July 1, 2021.**

