

HB 2935-6
(LC 877)
4/9/21 (JAS/ps)

Requested by HOUSE COMMITTEE ON JUDICIARY (at the request of Representative Janelle Bynum)

**PROPOSED AMENDMENTS TO
HOUSE BILL 2935**

1 On page 1 of the printed bill, delete lines 4 through 28.

2 On page 2, delete lines 1 through 35 and insert:

3 **“SECTION 1.** ORS 659A.001 is amended to read:

4 “659A.001. As used in this chapter:

5 “(1) ‘Bureau’ means the Bureau of Labor and Industries.

6 “(2) ‘Commissioner’ means the Commissioner of the Bureau of Labor and
7 Industries.

8 “(3) ‘Employee’ does not include any individual employed by the
9 individual’s parents, spouse or child or in the domestic service of any person.

10 “(4)(a) ‘Employer’ means any person who in this state, directly or through
11 an agent, engages or uses the personal service of one or more employees,
12 reserving the right to control the means by which such service is or will be
13 performed.

14 “(b) For the purposes of employee protections described in ORS 659A.350,
15 ‘employer’ means any person who, in this state, is in an employment re-
16 lationship with an intern as described in ORS 659A.350.

17 “(5) ‘Employment agency’ includes any person undertaking to procure
18 employees or opportunities to work.

19 “(6)(a) ‘Familial status’ means the relationship between one or more in-
20 dividuals who have not attained 18 years of age and who are domiciled with:

21 “(A) A parent or another person having legal custody of the individual;

1 or

2 “(B) The designee of the parent or other person having such custody, with
3 the written permission of the parent or other person.

4 “(b) ‘Familial status’ includes any individual, regardless of age or
5 domicile, who is pregnant or is in the process of securing legal custody of
6 an individual who has not attained 18 years of age.

7 “(7) ‘Labor organization’ includes any organization which is constituted
8 for the purpose, in whole or in part, of collective bargaining or in dealing
9 with employers concerning grievances, terms or conditions of employment
10 or of other mutual aid or protection in connection with employees.

11 “(8) ‘National origin’ includes ancestry.

12 “(9) ‘Person’ includes:

13 “(a) One or more individuals, partnerships, associations, labor organiza-
14 tions, limited liability companies, joint stock companies, corporations, legal
15 representatives, trustees, trustees in bankruptcy or receivers.

16 “(b) A public body as defined in ORS 30.260.

17 “(c) For purposes of ORS 659A.145 and 659A.421 and the application of
18 any federal housing law, a fiduciary, mutual company, trust or unincor-
19 porated organization.

20 “(10) **‘Protective hairstyle’ means a hairstyle, hair color or manner**
21 **of wearing hair that includes, but is not limited to, braids, regardless**
22 **of whether the braids are created with extensions or styled with**
23 **adornments, locs and twists.**

24 “(11) **‘Race’ includes physical characteristics that are historically**
25 **associated with race, including but not limited to natural hair, hair**
26 **texture, hair type and protective hairstyles.**

27 “[~~(10)~~] (12) ‘Respondent’ means any person against whom a complaint or
28 charge of an unlawful practice is filed with the commissioner or whose name
29 has been added to such complaint or charge pursuant to ORS 659A.835.

30 “[~~(11)~~] (13) ‘Unlawful employment practice’ means a practice specifically

1 denominated as an unlawful employment practice in this chapter. ‘Unlawful
2 employment practice’ includes a practice that is specifically denominated in
3 another statute of this state as an unlawful employment practice and that
4 is specifically made subject to enforcement under this chapter.

5 “[~~(12)~~] (14) ‘Unlawful practice’ means any unlawful employment practice
6 or any other practice specifically denominated as an unlawful practice in
7 this chapter. ‘Unlawful practice’ includes a practice that is specifically de-
8 nominated in another statute of this state as an unlawful practice and that
9 is specifically made subject to enforcement under this chapter, or a practice
10 that violates a rule adopted by the commissioner for the enforcement of the
11 provisions of this chapter.

12 **“SECTION 2.** ORS 332.075 is amended to read:

13 “332.075. (1) Any district school board may:

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

16 “(b) Adopt textbooks and other instructional materials as provided in ORS
17 337.120 and 337.141 and courses of study for the use of such schools as pro-
18 vided in ORS 336.035.

19 “(c) Authorize the use of the schools for purposes of training students of
20 an approved educator preparation provider, as defined in ORS 342.120, and
21 for such purposes may enter into contracts with the approved educator
22 preparation provider on such terms as may be agreed upon. Such contracts
23 as they relate to student teachers shall have the same effect and be subject
24 to the same regulations as a contract between a licensed teacher and a dis-
25 trict school board.

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

1 “(e) Authorize the school district to be a member of and pay fees, if any,
2 to any voluntary organization that administers interscholastic activities or
3 that facilitates the scheduling and programming of interscholastic activities
4 only if the organization:

5 “(A) Implements **equity focused** policies that:

6 “(i) Address the use of derogatory or inappropriate names, insults, verbal
7 assaults, profanity or ridicule that occurs at an interscholastic activity, in-
8 cluding by spectators of the interscholastic activity;

9 “(ii) **Prohibit discrimination as defined in ORS 659.850;**

10 “(iii) **Permit a student to wear religious clothing in accordance with**
11 **the student’s sincerely held religious belief and consistent with any**
12 **safety and health requirements; and**

13 “(iv) **Balance the health, safety and reasonable accommodation**
14 **needs of participants on an activity-by-activity basis.**

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

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

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

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

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

26 “(D) Performs an annual survey of students and their parents to under-
27 stand and respond to potential violations of **equity focused** policies adopted
28 under subparagraph (A) of this paragraph or violations of ORS 659.850.

29 “(f) Accept money or property donated for the use or benefit of the school
30 district and, consistent with the laws of this state, use such money or prop-

1 erty for the purpose for which it was donated.

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

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

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

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

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

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

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

19 “(3) Notwithstanding subsection (2) of this section, a district school board
20 may, by resolution or policy, authorize its superintendent or the
21 superintendent’s designee to enter into and approve payment on contracts for
22 products, materials, supplies, capital outlay, equipment and services that are
23 within appropriations made by the district school board pursuant to ORS
24 294.456. A district school board may not authorize its superintendent or the
25 superintendent’s designee under this subsection to enter into and approve
26 payment on contracts that are collective bargaining agreements or service
27 contracts that include the provision of labor performed by employees of the
28 school district.”.

29 In line 36, delete “2” and insert “3”.

30 On page 3, delete lines 12 through 45.

1 On page 4, delete lines 1 through 15.

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