

Requested by Senator GELSER BLOUIN

**PROPOSED AMENDMENTS TO
SENATE BILL 1578**

1 On page 1 of the printed bill, delete lines 5 through 27 and delete pages
2 2 and 3.

3 On page 4, delete lines 1 through 7 and insert:

4 **“SECTION 1. (1) The State Board of Education shall adopt by rule**
5 **procedures for the Department of Education to investigate and resolve**
6 **allegations of violations of state or federal law, as specified under**
7 **subsection (2) of this section, regardless of how the department be-**
8 **comes aware of the alleged violations.**

9 **“(2)(a) Rules adopted by the board under this section shall allow the**
10 **department to immediately investigate allegations that a school dis-**
11 **trict or an education service district has violated a state or federal law**
12 **if the department has reasonable cause to believe that failure to im-**
13 **mediately correct the violation may:**

14 **“(A) Result in physical harm to a student, employee or volunteer**
15 **of the school district or education service district;**

16 **“(B) Cause a student to be denied five or more full or partial in-**
17 **structional days, whether provided in person or virtually or any com-**
18 **bination thereof, as compared to the majority of other students who**
19 **are in the same grade within the student’s resident school district;**

20 **“(C) Cause a student to be denied 10 or more full or partial in-**
21 **structional days that are provided in person, as compared to the ma-**

1 jority of other students who are in the same grade within the student’s
2 resident school district; or

3 “(D) Cause risk of significant harm or substantial interference with
4 a student’s ability to safely access public education because the vio-
5 lation subjects a person to discrimination, as defined in ORS 659.850.

6 “(b) For the purpose of paragraph (a) of this subsection, calcu-
7 lations of denied instructional days:

8 “(A) Shall include any full or partial instructional days denied be-
9 fore an investigation is commenced or completed.

10 “(B) May not include any instructional time that is reduced or de-
11 nied in compliance with:

12 “(i) ORS 339.250;

13 “(ii) ORS 433.235 to 433.284 or 433.441 to 433.452;

14 “(iii) A court order; or

15 “(iv) A written treatment plan from the student’s licensed health
16 care professional.

17 “(3)(a) When the department commences an investigation as pro-
18 vided by this section, the department must:

19 “(A) Make any reports required under ORS 339.370 to 339.400 or
20 419B.005 to 419B.050;

21 “(B) Provide written notification of the investigation to the school
22 district or education service district that is the subject of the investi-
23 gation; and

24 “(C) Instruct the school district or education service district to:

25 “(i) Cease actions that may result in physical harm to a student,
26 employee or volunteer; or

27 “(ii) Restore, within five school days, access to instructional time
28 in a manner that is consistent with the majority of other students who
29 are in the same grade within the student’s resident school district.
30 Instructional time must be provided in person unless providing in-

1 **struction virtually is consistent with the majority of other students**
2 **who are in the same grade within the student’s resident school dis-**
3 **trict.**

4 **“(b) Notwithstanding paragraph (a)(C)(ii) of this subsection, a**
5 **school district or education service district may request the Super-**
6 **intendent of Public Instruction to waive the requirement to restore**
7 **access to instructional time if, within three school days of receiving**
8 **the written notification described in this subsection, the school district**
9 **or education service district provides documentation that:**

10 **“(A) The reduced instructional time should not be calculated as**
11 **provided by subsection (2)(b)(B) of this section; or**

12 **“(B) The school district or education service district complied with**
13 **all of the following:**

14 **“(i) Giving the written notice described in ORS 343.159 prior to the**
15 **initiation of the reduction of instructional time or restriction of access**
16 **to in-person learning as compared to the majority of other students**
17 **who are in the same grade within the student’s resident school dis-**
18 **trict;**

19 **“(ii) Satisfying the requirements of ORS 343.161 (3)(a) prior to the**
20 **reduction of instructional time or restriction of access to in-person**
21 **learning as compared to the majority of other students who are in the**
22 **same grade within the student’s resident school district;**

23 **“(iii) Satisfying the requirement of a signed acknowledgment, as**
24 **described in ORS 343.161 (4)(b), that is current and was executed prior**
25 **to the reduction of instructional time or restriction of access to in-**
26 **person learning as compared to the majority of other students who are**
27 **in the same grade within the student’s resident school district;**

28 **“(iv) Satisfying the requirement for a written statement under ORS**
29 **343.161 (4)(c) prior to the reduction of instructional time or restriction**
30 **of access to in-person learning as compared to the majority of other**

1 students who are in the same grade within the student’s resident
2 school district; and

3 “(v) For a student who is a foster youth, satisfying the require-
4 ments of ORS 343.161 (3)(b) in a timely manner and prior to the re-
5 duction of instructional time or restriction of access to in-person
6 learning as compared to the majority of other students who are in the
7 same grade within the student’s resident school district.

8 “(4)(a) If a school district or an education service district is found
9 in violation of a state or federal law as specified under subsection (2)
10 of this section, the department may:

11 “(A) Issue technical guidance;

12 “(B) Issue a corrective action plan;

13 “(C) Issue a penalty authorized under law in relation to the vio-
14 lation; or

15 “(D) Make any other advisory actions or take any other similar
16 actions prescribed by the board by rule.

17 “(b) Notwithstanding ORS 327.103 or 334.217 and in addition to any
18 action taken under paragraph (a) of this subsection, the superinten-
19 dent may immediately withhold State School Fund moneys if the
20 school district or education service district is found to be in violation
21 of a state or federal law as specified under subsection (2) of this sec-
22 tion and:

23 “(A) The school district or education service district does not com-
24 ply with the technical guidance, corrective action plan or other action
25 prescribed by the board under paragraph (a)(D) of this subsection by
26 the timeline identified by the department; or

27 “(B) The school district or education service district has been
28 found, within the previous two years, to have violated the same state
29 or federal law and the current violation:

30 “(i) Resulted in physical harm to a student, employee or volunteer

1 **of the school district or education service district;**

2 **“(ii) Caused one or more students to be denied five or more full or**
3 **partial instructional days, whether provided in person or virtually or**
4 **any combination thereof, as compared to the majority of other stu-**
5 **dents who are in the same grade within the student’s resident school**
6 **district; or**

7 **“(iii) Caused one or more students to be denied 10 or more full or**
8 **partial instructional day that are provided in person, as compared to**
9 **the majority of other students who are in the same grade within the**
10 **student’s resident school district.**

11 **“(c) Nothing in this subsection prohibits the superintendent from**
12 **taking any action authorized by ORS 327.103 or 334.217.**

13 **“SECTION 2. ORS 327.102 is amended to read:**

14 **“327.102. (1) The State Board of Education shall adopt by rule require-**
15 **ments for the process that a school district must use when the district re-**
16 **ceives a complaint pertaining to whether a school in the district is a**
17 **standard school as defined in ORS 327.006.**

18 **“(2) The rules adopted by the board shall require school districts to es-**
19 **tablish and implement a process for the prompt resolution of a complaint and**
20 **shall require the [process] school district to:**

21 **“(a) Identify the information required to be submitted when a per-**
22 **son makes a complaint, except that a person may not be required to**
23 **refer to specific statutes or regulations;**

24 **“(b) Require a person to make a complaint in writing, except that**
25 **a person may not be required to submit the complaint on a specific**
26 **form or in a specific format;**

27 **“(c) Accept complaints submitted in any language;**

28 **“(d) Accept complaints made by, or on behalf of, any resident of**
29 **this state when the complaint is in writing and includes the informa-**
30 **tion required under paragraph (a) of this subsection;**

1 “(e) Prescribe the process for accepting and responding to a com-
2 plaint, including:

3 “(A) Notifying a person making a complaint when a complaint is
4 incomplete based on the information required under paragraph (a) of
5 this subsection, specifying the information that is necessary for the
6 specific complaint to be considered complete and allowing a completed
7 complaint to be resubmitted;

8 “(B) Requiring an administrator or other school official to identify
9 when a written communication with the administrator or official is a
10 formal complaint and, when the written communication is a formal
11 complaint, to provide information about the requirements of this
12 subsection;

13 “(C) Providing written acknowledgement of the receipt of a com-
14 plaint to the person who made the complaint;

15 “(D) Providing to the person making the complaint information
16 about:

17 “(i) The timelines for completion of the investigation and resolution
18 process;

19 “(ii) The process for appealing any decisions; and

20 “(iii) The services provided by student and family advocates as de-
21 scribed in section 6 of this 2022 Act; and

22 “(E) Providing to the person making the complaint a written re-
23 sponse to the complaint at the conclusion of the investigation, in-
24 cluding any actions that may be taken in response to the complaint;

25 “[(a)] (f) Have specific timelines for the completion of the **investigation**
26 **and resolution** process by both the district and the person making the
27 complaint;

28 “[(b)] (g) Have a specific time period within which the district must make
29 a final decision on a complaint, after which the final decision on the com-
30 plaint may be appealed to the Superintendent of Public Instruction; and

1 “[~~(c)~~] (h) Recognize that if a district does not provide a written decision
2 within the specific time period, failure to provide such a decision will be
3 regarded as the district’s final decision.

4 **“(3) Nothing in this section prevents the investigation of allegations
5 as described in section 1 of this 2022 Act.**

6 **“SECTION 3.** ORS 334.217 is amended to read:

7 “334.217. (1) The State Board of Education by rule shall establish stan-
8 dards to determine the adequacy of services and facilities provided by the
9 education service districts. In establishing such standards, the [*state*] board
10 shall consider the most economic method of providing services and facilities,
11 the quality of the services and facilities according to the best educational
12 standards, and the needs of the students.

13 **“(2)(a) The board shall adopt by rule requirements for the process
14 that an education service district must use when the district receives
15 a complaint pertaining to whether the district meets the standards
16 established under subsection (1) of this section. The rules adopted by
17 the board shall require education service districts to establish and
18 implement a process for the prompt resolution of a complaint and
19 shall require the education service district to:**

20 **“(A) Identify the information required to be submitted when a per-
21 son makes a complaint, except that a person may not be required to
22 refer to specific statutes or regulations;**

23 **“(B) Require a person to make a complaint in writing, except that
24 a person may not be required to submit the complaint on a specific
25 form or in a specific format;**

26 **“(C) Accept complaints submitted in any language;**

27 **“(D) Accept complaints made by, or on behalf of, any resident of
28 this state when the complaint is in writing and includes the informa-
29 tion required under subparagraph (A) of this paragraph;**

30 **“(E) Prescribe the process for accepting and responding to a com-**

1 **plaint, including:**

2 **“(i) Notifying a person making a complaint when a complaint is**
3 **incomplete based on the information required under subparagraph (a)**
4 **of this paragraph, specifying the information that is necessary for the**
5 **specific complaint to be considered complete and allowing a completed**
6 **complaint to be resubmitted;**

7 **“(ii) Requiring an administrator or other school official to identify**
8 **when a written communication with the administrator or official is a**
9 **formal complaint and, when the written communication is a formal**
10 **complaint, to provide information about the requirements of this**
11 **subsection;**

12 **“(iii) Providing written acknowledgement of the receipt of a com-**
13 **plaint to the person who made the complaint;**

14 **“(iv) Providing to the person making the complaint information**
15 **about:**

16 **“(I) The timelines for completion of the investigation and resolution**
17 **process;**

18 **“(II) The process for appealing any decisions; and**

19 **“(III) The services provided by student and family advocates as de-**
20 **scribed in section 6 of this 2022 Act; and**

21 **“(v) Providing to the person making the complaint a written re-**
22 **sponse to the complaint at the conclusion of the investigation, in-**
23 **cluding any actions that may be taken in response to the complaint;**

24 **“(F) Have specific timelines for the completion of the investigation**
25 **and resolution process by both the district and the person making the**
26 **complaint;**

27 **“(G) Have a specific time period within which the district must**
28 **make a final decision on a complaint, after which the final decision**
29 **on the complaint may be appealed to the Superintendent of Public**
30 **Instruction; and**

1 **“(H) Recognize that if a district does not provide a written decision**
2 **within the specific time period, failure to provide such a decision will**
3 **be regarded as the district’s final decision.**

4 **“(b) Nothing in this subsection prevents the investigation of**
5 **allegations as described in section 1 of this 2022 Act.**

6 “[(2)] (3) When the Superintendent of Public Instruction determines pur-
7 suant to rule that an education service district is nonstandard, the district
8 designated nonstandard shall file a plan to meet standards over a specified
9 period of time. The Superintendent of Public Instruction may accept, reject
10 or modify the plan and order the nonstandard district to comply with the
11 plan as approved by the superintendent. Once a plan is approved, the district
12 shall be conditionally standard until all deficiencies are corrected. If a dis-
13 trict corrects all deficiencies, the district shall be designated as standard.
14 The district shall have 180 days from the date the plan is accepted to make
15 all corrections. After that time, the Superintendent of Public Instruction may
16 impose sanctions on the district if the district has not made the necessary
17 corrections.

18 “[(3)] (4) The [state] board shall establish by rule appropriate sanctions
19 for noncompliance. The sanctions may include:

20 “(a) Mandatory merger of the nonstandard education service district with
21 a contiguous education service district that is standard;

22 “(b) The sanctions described in ORS 342.173, if applicable;

23 “(c) The withholding of funds from the State School Fund;

24 “(d) The removal of the superintendent of the education service district;

25 “(e) The temporary governance of the education service district by the
26 [state] board; or

27 “(f) Dissolution of the education service district.”.

28 In line 15, delete “or oral”.

29 In line 37, delete “and” and insert “, providing technical guidance or as-
30 sistance or”.

1 On page 5, after line 19, insert:

2 **“SECTION 6. (1) The Department of Education shall appoint at least**
3 **two individuals employed by the department to act as student and**
4 **family advocates.**

5 **“(2) A student and family advocate shall have the following duties:**

6 **“(a) Assist students and families seeking a resolution to disputes**
7 **with school districts and education service districts;**

8 **“(b) Assist students and families in determining the appropriate**
9 **processes for seeking redress for violations of state and federal law;**

10 **“(c) Assist students and families with communications with per-**
11 **sonnel in school districts and education service districts, including any**
12 **communications that may lead to early resolution of disputes;**

13 **“(d) Advise students and families about protections available under**
14 **state and federal law;**

15 **“(e) Make referrals to other organizations that offer advocacy and**
16 **support to students and families related to disputes with school dis-**
17 **tricts and education service districts;**

18 **“(f) Inform the Superintendent of Public Instruction when an ad-**
19 **vocate:**

20 **“(A) Learns of any violations of state or federal law that may re-**
21 **quire an investigation and resolution as prescribed by section 1 of this**
22 **2022 Act; and**

23 **“(B) Recognizes patterns of concern within a school district or an**
24 **education service district that may be addressed proactively with**
25 **technical assistance or guidance; and**

26 **“(g) Provide other services similar to those described under para-**
27 **graphs (a) to (f) of this subsection to students and families, as identi-**
28 **fied by the superintendent.**

29 **“(3) The State Board of Education may adopt any rules necessary**
30 **for the administration of this section.”.**

1 In line 20, delete “6” and insert “7”.

2
