

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 must 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) Must 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 becomes aware of an alleged violation
18 of state or federal law and the department has reasonable cause to
19 believe that failure to immediately correct the violation may have the
20 result described in subsection (2)(a) of this section, the department
21 shall immediately:

22 “(A) Make any reports required under ORS 339.370 to 339.400 or
23 419B.005 to 419B.050;

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

27 “(C) Instruct the school district or education service district to do
28 the following for the duration of the investigation and resolution of
29 allegations:

30 “(i) Cease actions that may result in physical harm to a student,

1 **employee or volunteer; or**

2 **“(ii) Restore, within five school days, access to instructional time**
3 **in a manner that is consistent with the majority of other students who**
4 **are in the same grade within the student’s resident school district.**
5 **Instructional time must be provided in person unless providing in-**
6 **struction virtually is consistent with the majority of other students**
7 **who are in the same grade within the student’s resident school dis-**
8 **trict.**

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

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

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

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

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

28 **“(iii) Satisfying the requirement of a signed acknowledgment, as**
29 **described in ORS 343.161 (4)(b), that is current and was executed prior**
30 **to the reduction of instructional time or restriction of access to in-**

1 person learning as compared to the majority of other students who are
2 in the same grade within the student’s resident school district;

3 “(iv) Satisfying the requirement for a written statement under ORS
4 343.161 (4)(c) prior to the reduction of instructional time or restriction
5 of access to in-person learning as compared to the majority of other
6 students who are in the same grade within the student’s resident
7 school district; and

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

13 “(c) Nothing in this section requires the department to officially
14 commence an investigation before taking an action described in this
15 subsection.

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

19 “(A) Issue technical guidance;

20 “(B) Issue a corrective action plan;

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

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

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

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

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

8 **“(i) Resulted in physical harm to a student, employee or volunteer**
9 **of the school district or education service district;**

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

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

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

21 **“SECTION 2. (1) The State Board of Education shall adopt the rules**
22 **described in section 1 of this 2022 Act no later than June 1, 2022.**

23 **“(2) Notwithstanding subsection (1) of this section, the Department**
24 **of Education shall immediately take the actions described in section**
25 **1 (3) of this 2022 Act at any time from the effective date of this 2022**
26 **Act until rules are adopted under section 1 of this 2022 Act if the de-**
27 **partment:**

28 **“(a) Becomes aware of alleged violations of state or federal law; and**

29 **“(b) Has reasonable cause to believe that failure to immediately**
30 **correct the violation may have the result described in section 1**

1 (2)(a)(A), (B) or (C) of this 2022 Act.

2 **“SECTION 3. The Department of Education may enter into a con-**
3 **tract with a public or private entity for the purpose of carrying out**
4 **the duties, functions and powers described in section 1 of this 2022 Act.**
5 **A contract entered into as provided by this section is not subject to**
6 **the provisions of ORS chapter 279A or 279B.**

7 **“SECTION 4. Section 3 of this 2022 Act is repealed on October 1,**
8 **2022.**

9 **“SECTION 5. ORS 327.102 is amended to read:**

10 “327.102. (1) The State Board of Education shall adopt by rule require-
11 ments for the process that a school district must use when the district re-
12 ceives a complaint pertaining to whether a school in the district is a
13 standard school as defined in ORS 327.006.

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

17 “(a) Have specific timelines for the completion of the process by both the
18 district and the person making the complaint;

19 “(b) Have a specific time period within which the district must make a
20 final decision on a complaint, after which the final decision on the complaint
21 may be appealed to the Superintendent of Public Instruction; and

22 “(c) Recognize that if a district does not provide a written decision within
23 the specific time period, failure to provide such a decision will be regarded
24 as the district’s final decision.

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

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

28 “334.217. (1) The State Board of Education by rule shall establish stan-
29 dards to determine the adequacy of services and facilities provided by the
30 education service districts. In establishing such standards, the [*state*] board

1 shall consider the most economic method of providing services and facilities,
2 the quality of the services and facilities according to the best educational
3 standards, and the needs of the students.

4 **“(2)(a) The board shall adopt by rule requirements for the process**
5 **that an education service district must use when the district receives**
6 **a complaint pertaining to whether the district meets the standards**
7 **established under subsection (1) of this section. The rules adopted by**
8 **the board must require education service districts to establish and**
9 **implement a process for the prompt resolution of a complaint and**
10 **must require the education service district to:**

11 **“(A) Have specific timelines for the completion of the process by**
12 **both the district and the person making the complaint;**

13 **“(B) Have a specific time period within which the district must**
14 **make a final decision on a complaint, after which the final decision**
15 **on the complaint may be appealed to the Superintendent of Public**
16 **Instruction; and**

17 **“(C) Recognize that if a district does not provide a written decision**
18 **within the specific time period, failure to provide such a decision will**
19 **be regarded as the district’s final decision.**

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

22 **“(2) (3) When the Superintendent of Public Instruction determines pur-**
23 **suant to rule that an education service district is nonstandard, the district**
24 **designated nonstandard shall file a plan to meet standards over a specified**
25 **period of time. The Superintendent of Public Instruction may accept, reject**
26 **or modify the plan and order the nonstandard district to comply with the**
27 **plan as approved by the superintendent. Once a plan is approved, the district**
28 **shall be conditionally standard until all deficiencies are corrected. If a dis-**
29 **trict corrects all deficiencies, the district shall be designated as standard.**
30 **The district shall have 180 days from the date the plan is accepted to make**

1 all corrections. After that time, the Superintendent of Public Instruction may
2 impose sanctions on the district if the district has not made the necessary
3 corrections.

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

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

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

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

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

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

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

14 In line 8, delete “4” and insert “7”.

15 In line 15, delete “or oral”.

16 In line 23, delete “5” and insert “8”.

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

19 On page 5, after line 19, insert:

20 **“SECTION 9. (1) The Department of Education shall appoint at least
21 two individuals employed by the department to act as student and
22 family advocates.**

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

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

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

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

