

Enrolled
House Bill 2281

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Department of Education)

CHAPTER

AN ACT

Relating to school civil rights coordinators; amending ORS 332.505, 338.115 and 659.855.

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

SECTION 1. ORS 332.505, as amended by section 1, chapter 36, Oregon Laws 2022, is amended to read:

332.505. [(1) As used in this section:]

[(a) "Instructional assistant" has the meaning given that term in ORS 342.120.]

[(b) "Intern teacher" means a regularly enrolled candidate of an approved educator preparation provider, as defined in ORS 342.120, who teaches under the supervision of the staff of the provider and of the employing district in order to acquire practical experience in teaching and for which the candidate receives both academic credit from the provider and financial compensation from the school district or education service district.]

[(2)] (1) A district school board may:

(a) Employ a superintendent of schools and necessary assistant superintendents for the district and fix the terms and conditions of employment and the compensation. The district school board shall not contract with a superintendent for more than a period of three years at a time. The contract shall automatically expire at the end of its term. Nothing in this paragraph prevents a district school board from:

(A) Electing to issue a subsequent contract for an additional three years at any time.

(B) Including in the contract provisions that provide for the termination of employment of the superintendent prior to the expiration of the contract. If the superintendent and the district school board mutually agree to include a termination-without-cause provision in the contract, the district school board may terminate the superintendent's employment, without cause, at any time during the contract period only if the district school board provides the superintendent with at least 12 months' notice of the termination. Nothing in this subparagraph authorizes the district school board to make a wrongful termination or a termination for any reason described in subsection (3)(a) of this section.

(b) Employ personnel, including teachers and administrators, necessary to carry out the duties and powers of the board and fix the duties, terms and conditions of employment and the compensation.

(c) Compensate district employees in any form which may include, but shall not be limited to, insurance, tuition reimbursement and salaries.

(d) Employ instructional assistants and intern teachers subject to the rules of the State Board of Education. **As used in this paragraph:**

(A) "**Instructional assistant**" has the meaning given that term in ORS 342.120.

(B) “Intern teacher” means a regularly enrolled candidate of an approved educator preparation provider, as defined in ORS 342.120, who teaches under the supervision of the staff of the provider and of the employing district in order to acquire practical experience in teaching and for which the candidate receives both academic credit from the provider and financial compensation from the school district or education service district.

(2)(a) A district school board shall designate one or more civil rights coordinators for the school district. A civil rights coordinator may be an employee of the school district or the school district may enter into a contract with an education service district for the services of a civil rights coordinator. A civil rights coordinator, at a minimum, shall:

(A) Monitor, coordinate and oversee school district compliance with state and federal laws prohibiting discrimination in public education;

(B) Oversee investigations of complaints alleging discrimination in public education and ensure that the investigations are resolved;

(C) Provide guidance to school and school district personnel on civil rights issues in the school district, respond to questions and concerns about civil rights in the school district and coordinate efforts to prevent civil rights violations from occurring in the school district;

(D) Satisfy any training requirements prescribed by the State Board of Education by rule; and

(E) Comply with any rules adopted by the State Board of Education for the purpose of implementing this paragraph.

(b) As used in this subsection, “discrimination” has the meaning given that term in ORS 659.850 when used in relation to state law.

(c) For the purpose of this subsection, the Department of Education shall annually make available training for civil rights coordinators and the State Board of Education may adopt any necessary rules.

(3)(a) A district school board may not:

(A) Direct a superintendent to take any action that conflicts with a local, state or federal law that applies to school districts or education service districts;

(B) Take an adverse employment action against a superintendent for complying with a local, state or federal law that applies to school districts or education service districts; or

(C) Employ a superintendent pursuant to a contract that purports to waive, or conflicts with, any provision or requirement of subparagraph (A) or (B) of this paragraph.

(b) As used in this subsection:

(A) “Local, state or federal law” means a local, state or federal directive having the force of law, including an ordinance, a city or county resolution, a statute, a court decision, an administrative rule or regulation, an order issued in compliance with ORS chapter 183, an executive order or any other directive, declaration or statement that is issued in compliance with the law as having the force of law and that is issued by a local government as defined in ORS 174.116, the state government as defined in ORS 174.111 or the federal government.

(B) “Superintendent” includes an interim superintendent.

(4) The district school board shall maintain written personnel policies and make the policies available for inspection by any school employee or member of the public.

(5) The superintendent of the school district shall cause each employee to be specifically informed of the existence and availability of the personnel policies.

SECTION 2. ORS 338.115 is amended to read:

338.115. (1) Statutes and rules that apply only to school district boards, school districts or other public schools do not apply to public charter schools. However, the following laws do apply to public charter schools:

(a) Federal law;

(b) ORS 30.260 to 30.300 (tort claims);

(c) ORS 192.311 to 192.478 (public records law);

(d) ORS 192.610 to 192.690 (public meetings law);

- (e) ORS chapters 279A, 279B and 279C (Public Contracting Code);
- (f) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);
- (g) ORS 326.565, 326.575 and 326.580 (student records);
- (h) ORS 181A.195, 326.603, 326.607 and 342.223 (criminal records checks);
- (i) ORS 329.045 (academic content standards and instruction);
- (j) ORS 329.451 (high school diploma, modified diploma, extended diploma and alternative certificate);
- (k) ORS 329.496 (physical education);
- (L) The statewide assessment system developed by the Department of Education for mathematics, science and language arts under ORS 329.485 (2);
- (m) ORS 336.840 (use of personal electronic devices);
- (n) ORS 337.150 (textbooks);
- (o) ORS 339.119 (consideration for educational services);
- (p) ORS 339.141, 339.147 and 339.155 (tuition and fees);
- (q) ORS 339.250 (9) (prohibition on infliction of corporal punishment);
- (r) ORS 339.326 (notice concerning students subject to juvenile court petitions);
- (s) ORS 339.370 to 339.400 (reporting of suspected abuse and suspected sexual conduct);
- (t) ORS 342.856 (core teaching standards);
- (u) ORS chapter 657 (Employment Department Law);
- (v) ORS **332.505 (2)**, 659.850, 659.855 and 659.860 (discrimination);
- (w) Any statute or rule that establishes requirements for instructional time provided by a school during each day or during a year;
- (x) Statutes and rules that expressly apply to public charter schools;
- (y) Statutes and rules that apply to a special government body, as defined in ORS 174.117, or a public body, as defined in ORS 174.109;
- (z) Health and safety statutes and rules;
- (aa) Any statute or rule that is listed in the charter; and
- (bb) This chapter.

(2) Notwithstanding subsection (1) of this section, a charter may specify that statutes and rules that apply only to school district boards, school districts and other public schools may apply to a public charter school.

(3) If a statute or rule applies to a public charter school, then the terms “school district” and “public school” include public charter school as those terms are used in that statute or rule.

(4) A public charter school may not violate the Establishment Clause of the First Amendment to the United States Constitution or Article I, section 5, of the Oregon Constitution, or be religion based.

(5)(a) A public charter school shall maintain an active enrollment of at least 25 students.

(b) For a public charter school that provides educational services under a cooperative agreement described in ORS 338.080, the public charter school is in compliance with the requirements of this subsection if the public charter school provides educational services under the cooperative agreement to at least 25 students, without regard to the school districts in which the students are residents.

(6) A public charter school may sue or be sued as a separate legal entity.

(7) The sponsor, members of the governing board of the sponsor acting in their official capacities and employees of a sponsor acting in their official capacities are immune from civil liability with respect to all activities related to a public charter school within the scope of their duties or employment.

(8) A public charter school may enter into contracts and may lease facilities and services from a school district, education service district, public university listed in ORS 352.002, other governmental unit or any person or legal entity.

(9) A public charter school may not levy taxes or issue bonds under which the public incurs liability.

(10) A public charter school may receive and accept gifts, grants and donations from any source for expenditure to carry out the lawful functions of the school.

(11) The school district in which the public charter school is located shall offer a high school diploma, a modified diploma, an extended diploma or an alternative certificate to any public charter school student who meets the district's and state's standards for a high school diploma, a modified diploma, an extended diploma or an alternative certificate.

(12) A high school diploma, a modified diploma, an extended diploma or an alternative certificate issued by a public charter school grants to the holder the same rights and privileges as a high school diploma, a modified diploma, an extended diploma or an alternative certificate issued by a nonchartered public school.

(13) Prior to beginning operation, the public charter school shall show proof of insurance to the sponsor as specified in the charter.

(14) A public charter school may receive services from an education service district in the same manner as a nonchartered public school in the school district in which the public charter school is located.

SECTION 3. ORS 659.855 is amended to read:

659.855. (1) Any public elementary or secondary school or program determined by the Superintendent of Public Instruction to be in noncompliance with provisions of **this section and ORS 332.505 (2)**, 659.850 and 659.852 [*and this section*] shall be subject to appropriate sanctions, which may include withholding of all or part of state funding, as established by rule of the State Board of Education.

(2) Any public community college determined by the Higher Education Coordinating Commission to be in noncompliance with provisions of ORS 659.850 and 659.852 and this section shall be subject to appropriate sanctions, which may include withholding of all or part of state funding, as established by rule of the commission.

(3) Any public university listed in ORS 352.002 determined by the Higher Education Coordinating Commission to be in noncompliance with provisions of ORS 659.850 and 659.852 and this section shall be subject to appropriate sanctions, which may include withholding of all or part of state funding, as established by rule of the commission.

(4) Any public charter school determined by the sponsor of the school or the superintendent to be in noncompliance with the provisions of **this section and ORS 332.505 (2)**, 659.850 and 659.852 [*and this section*] shall be subject to appropriate sanctions, which may include the withholding of all or part of state funding by the sponsor or superintendent, as established by rule of the State Board of Education.

Passed by House April 10, 2023

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

Passed by Senate June 21, 2023

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Rob Wagner, President of Senate

Received by Governor:

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Approved:

.....M,....., 2023

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M,....., 2023

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Secretary of State