

House Bill 2359

Sponsored by Representative MCLAIN, Senator FREDERICK (at the request of Multnomah Youth Commission)
(Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Requires high schools to start no earlier than 8:30 a.m. (Flesch Readability Score: 61.3).
Requires school districts and public charter schools to implement a schedule for high schools that does not start regular instructional hours before 8:30 a.m.

Directs the Department of Education to provide technical assistance and to award grants related to the implementation of the school starting time requirement.

A BILL FOR AN ACT

1
2 Relating to school starting times; creating new provisions; and amending ORS 332.075, 336.680,
3 338.025 and 338.115.

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

5 **SECTION 1.** ORS 332.075 is amended to read:

6 332.075. (1) Any district school board may:

7 (a) Fix the days of the year and the hours of the day when schools shall be in session[,], **except**
8 **that a school with any grade from 9 through 12 may not start regular instructional hours**
9 **at any time before 8:30 a.m. unless the school is a rural school, as defined by the State Board**
10 **of Education by rule.**

11 (b) Adopt textbooks and other instructional materials as provided in ORS 337.120 and 337.141
12 and courses of study for the use of such schools as provided in ORS 336.035.

13 (c) Authorize the use of the schools for purposes of training students of an approved educator
14 preparation provider, as defined in ORS 342.120, and for such purposes may enter into contracts
15 with the approved educator preparation provider on such terms as may be agreed upon. Such con-
16 tracts as they relate to student teachers shall have the same effect and be subject to the same
17 regulations as a contract between a licensed teacher and a district school board.

18 (d) Develop and operate with other school districts or community college districts secondary
19 career and technical education programs for pupils of more than one district and fix by agreement
20 the duration of the district's obligation to continue such activity, subject to the availability of funds
21 therefor.

22 (e) Authorize the school district to be a member of and pay fees, if any, to any voluntary or-
23 ganization that administers interscholastic activities or that facilitates the scheduling and pro-
24 gramming of interscholastic activities only if the organization:

25 (A) Implements equity focused policies that:

26 (i) Address the use of derogatory or inappropriate names, insults, verbal assaults, profanity or
27 ridicule that occurs at an interscholastic activity, including by spectators of the interscholastic ac-
28 tivity;

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 (ii) Prohibit discrimination as defined in ORS 659.850;

2 (iii) Permit a student to wear religious clothing in accordance with the student's sincerely held
3 religious belief and consistent with any safety and health requirements; and

4 (iv) Balance the health, safety and reasonable accommodation needs of participants on an
5 activity-by-activity basis;

6 (B) Maintains a transparent complaint process that:

7 (i) Has a reporting system to allow participants of interscholastic activities or members of the
8 public to make complaints about student, coach or spectator behavior;

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

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

13 (C) Develops and implements a system of sanctions against schools, students, coaches and spec-
14 tators if a complaint made under subparagraph (B) of this paragraph is verified; and

15 (D) Performs an annual survey of students and their parents to understand and respond to po-
16 tential violations of equity focused policies adopted under subparagraph (A) of this paragraph or
17 violations of ORS 659.850.

18 (f) Accept money or property donated for the use or benefit of the school district and, consistent
19 with the laws of this state, use such money or property for the purpose for which it was donated.

20 (g) Enter into an approved written agreement with the governing body of a federally recognized
21 Native American tribe in Oregon to allow the use of a mascot that represents, is associated with
22 or is significant to the Native American tribe entering into the agreement. An agreement entered
23 into under this paragraph must:

24 (A) Describe the acceptable uses of the mascot;

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

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

28 (ii) Prescribe the requirements for approval; and

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

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

34 (3) Notwithstanding subsection (2) of this section, a district school board may, by resolution or
35 policy, authorize its superintendent or the superintendent's designee to enter into and approve pay-
36 ment on contracts for products, materials, supplies, capital outlay, equipment and services that are
37 within appropriations made by the district school board pursuant to ORS 294.456. A district school
38 board may not authorize its superintendent or the superintendent's designee under this subsection
39 to enter into and approve payment on contracts that are collective bargaining agreements or service
40 contracts that include the provision of labor performed by employees of the school district.

41 **SECTION 2.** ORS 338.115 is amended to read:

42 338.115. (1) Statutes and rules that apply only to school district boards, school districts or other
43 public schools do not apply to public charter schools. However, the following laws do apply to public
44 charter schools:

45 (a) Federal law;

- 1 (b) ORS 30.260 to 30.300 (tort claims);
- 2 (c) ORS 192.311 to 192.478 (public records law);
- 3 (d) ORS 192.610 to 192.705 (public meetings law);
- 4 (e) ORS chapters 279A, 279B and 279C (Public Contracting Code);
- 5 (f) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);
- 6 (g) ORS 326.565, 326.575 and 326.580 (student records);
- 7 (h) ORS 181A.195, 326.603, 326.607 and 342.223 (criminal records checks);
- 8 (i) ORS 329.045 (academic content standards and instruction);
- 9 (j) ORS 329.451 (high school diploma, modified diploma, extended diploma and certificate of at-
- 10 tendance);
- 11 (k) ORS 329.496 (physical education);
- 12 (L) The statewide assessment system developed by the Department of Education for mathemat-
- 13 ics, science and language arts under ORS 329.485 (2);
- 14 **(m) 332.075 (1)(a) (school starting times);**
- 15 [(m)] **(n)** ORS 336.840 (use of personal electronic devices);
- 16 [(n)] **(o)** ORS 337.150 (textbooks);
- 17 [(o)] **(p)** ORS 339.119 (consideration for educational services);
- 18 [(p)] **(q)** ORS 339.141, 339.147 and 339.155 (tuition and fees);
- 19 [(q)] **(r)** ORS 339.250 (9) (prohibition on infliction of corporal punishment);
- 20 [(r)] **(s)** ORS 339.326 (notice concerning students subject to juvenile court petitions);
- 21 [(s)] **(t)** ORS 339.370 to 339.400 (reporting of suspected abuse and suspected sexual conduct);
- 22 [(t)] **(u)** ORS 342.856 (core teaching standards);
- 23 [(u)] **(v)** ORS chapter 657 (Employment Department Law);
- 24 [(v)] **(w)** ORS 332.505 (2), 659.850, 659.855 and 659.860 (discrimination);
- 25 [(w)] **(x)** Any statute or rule that establishes requirements for instructional time provided by a
- 26 school during each day or during a year;
- 27 [(x)] **(y)** Statutes and rules that expressly apply to public charter schools;
- 28 [(y)] **(z)** Statutes and rules that apply to a special government body, as defined in ORS 174.117,
- 29 or a public body, as defined in ORS 174.109;
- 30 [(z)] **(aa)** Health and safety statutes and rules;
- 31 [(aa)] **(bb)** Any statute or rule that is listed in the charter; and
- 32 [(bb)] **(cc)** This chapter.
- 33 (2) Notwithstanding subsection (1) of this section, a charter may specify that statutes and rules
- 34 that apply only to school district boards, school districts and other public schools may apply to a
- 35 public charter school.
- 36 (3) If a statute or rule applies to a public charter school, then the terms “school district” and
- 37 “public school” include public charter school as those terms are used in that statute or rule.
- 38 (4) A public charter school may not violate the Establishment Clause of the First Amendment
- 39 to the United States Constitution or Article I, section 5, of the Oregon Constitution, or be religion
- 40 based.
- 41 (5)(a) A public charter school shall maintain an active enrollment of at least 25 students.
- 42 (b) For a public charter school that provides educational services under a cooperative agree-
- 43 ment described in ORS 338.080, the public charter school is in compliance with the requirements of
- 44 this subsection if the public charter school provides educational services under the cooperative
- 45 agreement to at least 25 students, without regard to the school districts in which the students are

1 residents.

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

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

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

10 (9) A public charter school may not levy taxes or issue bonds under which the public incurs li-
11 ability.

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

14 (11) The school district in which the public charter school is located shall offer high school di-
15 plomas, modified diplomas, extended diplomas and certificates of attendance to any public charter
16 school students who meet the district’s and state’s standards for a high school diploma, a modified
17 diploma, an extended diploma or a certificate of attendance.

18 (12) A high school diploma, a modified diploma or an extended diploma issued by a public
19 charter school grants to the holder the same rights and privileges as a high school diploma, a
20 modified diploma or an extended diploma issued by a nonchartered public school. A certificate of
21 attendance issued by a public charter school shall have the same restrictions as a certificate of at-
22 tendance issued by a nonchartered public school.

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

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

28 **SECTION 3.** ORS 338.025 is amended to read:

29 338.025. (1) The State Board of Education may adopt any rules necessary for the implementation
30 of this chapter. The rules shall follow the intent of this chapter.

31 (2) Upon application by a public charter school, the State Board of Education may grant a
32 waiver of any provision of this chapter if the waiver promotes the development of programs by
33 providers, enhances the equitable access by underserved families to the public education of their
34 choice, extends the equitable access to public support by all students or permits high quality pro-
35 grams of unusual cost. The State Board of Education may not waive any appeal provision in this
36 chapter or any provision under ORS 338.115 (1)(a) to [(aa)] **(bb)**, 338.120, 338.125 (5), 338.135 (2)(b)
37 or 339.122.

38 **SECTION 4.** ORS 336.680, as amended by section 45, chapter 95, Oregon Laws 2024, is amended
39 to read:

40 336.680. (1) As used in this section, “approved recovery school” means a school that is under
41 an agreement with the Department of Education to provide students enrolled in the school with a
42 holistic approach to:

43 (a) Educational services for grades 9 through 12; and

44 (b) Health care services related to recovery from substance use disorders.

45 (2) The department shall provide or cause to be provided appropriate education for students

1 enrolled in an approved recovery school. For the purpose of paying the costs of providing education
 2 to students enrolled in an approved recovery school, the Superintendent of Public Instruction shall
 3 make the following:

4 (a) Payments from amounts available from the State School Fund under ORS 327.029.

5 (b) Payments from the Statewide Education Initiatives Account, as provided by rule adopted by
 6 the State Board of Education in collaboration with the advisory committee convened under ORS
 7 336.685. The rules adopted as provided by this paragraph may include a minimum amount, a maxi-
 8 mum amount or both for approved recovery schools.

9 (3) The Superintendent of Public Instruction may contract with a school district, an education
 10 service district or a public charter school to provide or cause to be provided appropriate education
 11 to students enrolled in an approved recovery school. Unless otherwise specified, any educational
 12 services provided under a contract entered into under this subsection shall be paid as described in
 13 this section and not by any other state moneys distributed based on average daily membership that
 14 are available to the school district, education service district or public charter school for the pur-
 15 pose of providing educational services.

16 (4) The State Board of Education shall adopt by rule the standards for a recovery school to
 17 become and operate as an approved recovery school. The standards must provide that:

18 (a) The recovery school must align, to the extent identified by the board, with standards for
 19 accreditation established by a nonprofit accrediting organization composed of representatives of re-
 20 recovery schools and individuals who support the growth of recovery schools. The standards must in-
 21 clude requirements that:

22 (A) The recovery school, in compliance with timelines established by the department, be ac-
 23 credited by a nonprofit accrediting organization that establishes standards for recovery schools.
 24 Nothing in this subparagraph requires the recovery school to be accredited at the time the super-
 25 intendent first enters into a contract with the recovery school.

26 (B) Student enrollment in the recovery school is voluntary. No school district or state or local
 27 agency may compel or otherwise require a student to enroll in a recovery school. Students enrolled
 28 in an approved recovery school may not be counted in determining the number of pupils in average
 29 daily membership for purposes of ORS 334.175 (5).

30 (C) All students who reside in this state and who meet the eligibility criteria established under
 31 subsection (8) of this section may enroll in an approved recovery school if space is available. If
 32 space is not available, the approved recovery school may prioritize for enrollment student groups
 33 identified in ORS 327.180 (2)(b).

34 (D) The school district, education service district or public charter school with which the de-
 35 partment has entered into a contract for a recovery school must agree to award high school diplo-
 36 mas, modified diplomas, extended diplomas and alternative certificates as provided by ORS 329.451
 37 and 339.877. An entity that awards high school diplomas as provided by this subparagraph:

38 (i) May not impose requirements for a high school diploma that are in addition to the require-
 39 ments prescribed by ORS 329.451 (2)(a) or by rule of the State Board of Education; and

40 (ii) Must accept any credits previously earned by students in another school or educational
 41 program in this state and apply those credits toward the requirements prescribed by ORS 329.451
 42 (2)(a) or by rule of the State Board of Education.

43 (E) Except as provided by subparagraphs (F) and (G) of this paragraph, the recovery school must
 44 satisfy the same laws that apply to public charter schools under ORS 338.115.

45 (F) All administrators and teachers at the recovery school must be licensed by the Teacher

1 Standards and Practices Commission.

2 (G) An approved recovery school is not required to comply with the enrollment requirements
3 prescribed by ORS 338.115 [(1)(bb)] (1)(cc) or (5).

4 (H) An approved recovery school must comply with the requirements of the uniform budget and
5 accounting system adopted by rule of the State Board of Education under ORS 327.511.

6 (b) Recovery schools will be approved, to the greatest extent practicable, in a manner that:

7 (A) Represents a geographic distribution across this state; and

8 (B) Takes into consideration the needs for services by the community in which the recovery
9 school would be located.

10 (5) Any school that provides the services of a recovery school may enter into a contract with
11 the superintendent to become an approved recovery school, including schools already providing the
12 services of a recovery school and schools that are proposing to provide the services of a recovery
13 school.

14 (6) An approved recovery school may enter into agreements with other entities, including
15 community-based organizations and federally recognized tribes of this state, for the purposes of
16 providing educational and health care services to students enrolled in the approved recovery school.

17 (7)(a) The department shall be responsible for:

18 (A) Identifying, locating and evaluating students enrolled in an approved recovery school who
19 may be in need of special education and related services; and

20 (B) Ensuring that eligible students receive special education and related services.

21 (b) For the purpose of this subsection, the department may enter into a contract with a school
22 district or an education service district.

23 (8) The department shall establish eligibility criteria for students to enroll in an approved re-
24 recovery school, based on input from the advisory committee convened under ORS 336.685 and based
25 on research from a nonprofit organization composed of representatives of recovery schools and in-
26 dividuals who support the growth of recovery schools and other relevant organizations.

27 (9) For the purposes of administering this section:

28 (a) The State Board of Education shall adopt any necessary rules.

29 (b) The department shall collaborate with the Oregon Health Authority, the Youth Development
30 Division, the Alcohol and Drug Policy Commission, the Oregon Youth Authority, the Department
31 of Human Services and local public health and mental health authorities or providers and shall co-
32 ordinate, to the greatest extent practicable, funding of services provided in relation to approved
33 recovery schools.

34 (10) Each biennium, the Department of Education shall prepare a report on the progress, suc-
35 cesses and challenges of approved recovery schools and submit that report to:

36 (a) The interim committees of the Legislative Assembly related to education; and

37 (b) The advisory committee convened under ORS 336.685.

38 **SECTION 5. (1) The amendments to ORS 332.075, 336.680, 338.025 and 338.115 by sections**
39 **1 to 4 of this 2025 Act become operative on July 1, 2027.**

40 **(2) The amendments to ORS 332.075, 336.680, 338.025 and 338.115 by sections 1 to 4 of this**
41 **2025 Act first apply to the 2027-2028 school year.**

42 **SECTION 6. (1) To assist school districts and public charter schools with implementation**
43 **of the instructional starting times requirement prescribed by ORS 332.075, as amended by**
44 **section 1 of this 2025 Act, the Department of Education shall:**

45 **(a) Provide technical assistance as described in subsection (2) of this section; and**

1 (b) Award grants as described in subsection (3) of this section.

2 (2) The technical assistance provided under this section must include:

3 (a) Guidance with finding local, evidence-based, cost-efficient strategies for implementa-
4 tion of the instructional starting times requirement;

5 (b) Assistance with changing transportation schedules and systems to accommodate the
6 implementation of the instructional starting times requirement; and

7 (c) Information on the department's website that addresses research on:

8 (A) The impact of sleep deprivation on adolescents and the benefits of developmentally
9 appropriate school start times; and

10 (B) The health, safety, academic and socioeconomic benefits of developmentally appro-
11 priate school start times.

12 (3)(a) The grants awarded under this section shall be awarded by the department based
13 on criteria established by the State Board of Education by rule. The criteria:

14 (A) Must allow a grant applicant to request moneys for one-time necessary and direct
15 costs incurred by the grant applicant due to the instructional starting times requirement.
16 Eligible costs include costs incurred for facility upgrades due to later instructional ending
17 times, costs incurred for communicating with persons affected by the instructional starting
18 time requirement and costs incurred for new school buses.

19 (B) May not allow a grant applicant to request moneys for ongoing costs incurred by the
20 grant applicant due to the instructional starting times requirement. Ineligible costs include
21 costs incurred for staff required to implement the instructional starting times requirement
22 or costs incurred for additional transportation staff needed for the instructional starting
23 times requirement.

24 (C) Must require the grant applicant to demonstrate that a no-cost alternative is not
25 available or is not feasible.

26 (b) The State Board of Education shall adopt by rule a method for prorating or prior-
27 itizing amounts awarded as grants under this subsection if sufficient funding is not available
28 for all amounts requested by all grant applicants.

29 (4) Each school district and public charter school shall:

30 (a) Directly inform parents, teachers, school administrators, athletic coaches and other
31 members of the community about the information described in subsection (2)(c) of this sec-
32 tion.

33 (b) Provide a link to the department's website for the information described in subsection
34 (2)(c) of this section.

35 SECTION 7. Section 6 of this 2025 Act is repealed on June 30, 2027.

36