

# Senate Bill 1100

Sponsored by Senator SMITH DB, Representative RESCHKE; Senator WEBER, Representatives BOICE, EDWARDS, OSBORNE

## 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: Makes many changes to school law. Changes involve tampons and pads, neutral teaching, gender in sports, school safety, CTE teachers, vaccines, notice to parents and course information. Gives tax credits for rural teachers and for private and home school costs. (Flesch Readability Score: 64.2).

Allows a public education provider to identify which locations to make tampons and sanitary pads available to students.

Creates an income tax credit for teachers in rural schools.

Requires public schools, community colleges and public universities to provide instruction in a neutral manner. Prohibits the State Board of Education from adopting rules that promote a stance or otherwise show support for or against a political movement or group.

Requires school districts to designate athletic competitions and extracurricular sports according to biological sex. Prohibits biological males from participating in athletic competitions or extracurricular sports designated for biological females.

Directs district school boards to adopt a policy to provide for the safety of the students of the school district. Authorizes the Department of Education to distribute moneys from the State School Fund for the purpose of paying for related costs.

Directs the Teacher Standards and Practices Commission to encourage licensure for career and technical education teachers who live in rural areas.

Prohibits the Oregon Health Authority from adopting rules to require certain immunizations as a condition of school attendance.

Directs a school district to provide notice to the parent or legal guardian when a student has been subjected to an act of harassment, intimidation or bullying, an act of cyberbullying, a disciplinary action, a visit to a school health professional or a school-based health center or has had a discussion of self-identity issues.

Directs district school boards to ensure that the curriculum of each course of study is made available on the school district's website. Directs school districts to ensure that a student's grades are posted on a website that is accessible by the parent or guardian of the student.

Creates an income tax credit for attendance by a taxpayer dependent of a private school or home school.

Takes effect on the 91st day following adjournment sine die.

## A BILL FOR AN ACT

Relating to education; creating new provisions; amending ORS 326.051, 326.545, 327.008, 336.035, 336.067, 339.250, 339.312, 339.356, 344.062 and 352.189; and prescribing an effective date.

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

## THE PROVISION OF MENSTRUAL PRODUCTS TO STUDENTS

**SECTION 1.** ORS 326.545 is amended to read:

326.545. (1) As used in this section:

(a) "Public education provider" means:

(A) A school district;

(B) A public charter school;

(C) An education service district;

**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 (D) A community college; or

2 (E) A public university listed in ORS 352.002.

3 (b) “Public school building” means a building **that, as identified by a public education pro-**  
 4 **vider, is** used by [a] **the** public education provider to **regularly** provide educational services to  
 5 students.

6 [(c) “Student bathroom” means a bathroom that is accessible by students in kindergarten or above,  
 7 including a gender-neutral bathroom, a bathroom designated for females and a bathroom designated for  
 8 males.]

9 (2) Each public education provider shall **identify at least one location in each public school**  
 10 **building where the public education provider will** ensure that both tampons and sanitary pads  
 11 are available at no cost to students through dispensers [*located in every student bathroom of every*  
 12 *public school building*].

13 (3) A public education provider, and any employee of a public education provider, is not liable  
 14 in a criminal action or for civil damages as a result of a student’s use of a tampon or sanitary pad  
 15 made available under this section.

16 (4) The State Board of Education and the Higher Education Coordinating Commission shall  
 17 adopt any rules necessary for the administration of this section. Rules adopted by the board and  
 18 commission shall provide for:

19 [(a) *The number of dispensers required in each student bathroom;*]

20 [(b)] (a) The types of products available in each [*student bathroom*] **location identified by the**  
 21 **public education provider;**

22 [(c)] (b) The provision of tampons and sanitary pads in an alternate location when the public  
 23 education provider does not have control of [*the student bathrooms used by*] **a suitable location to**  
 24 **make tampons and sanitary pads accessible to** the students of the public education provider;

25 [(d)] (c) Modifications to or exemptions from the requirements of this section [*for student*  
 26 *bathrooms that are not located*] **if there are no suitable locations** in commonly accessible areas of  
 27 the public school buildings of a community college or a public university; and

28 [(e)] (d) Payments to public education providers for costs incurred under this section, including:

29 (A) For school districts, public charter schools and education service districts and subject to  
 30 subparagraph (B) of this paragraph, distributions from amounts available under ORS 327.008 (17) to  
 31 be made based on the average daily membership, as defined in ORS 327.006, of the district or school;

32 (B) For education service districts, distributions to be made as provided by subparagraph (A)  
 33 of this paragraph may not exceed 7.5 percent of the amounts available for distribution under ORS  
 34 327.008 (17);

35 (C) For community colleges, distributions from the Community College Support Fund to be made  
 36 based on the full-time equivalent student enrollment of the community college; and

37 (D) For public universities, distributions from a public university support fund established by the  
 38 commission by rule.

39  
 40 **TAX CREDIT FOR RURAL TEACHERS**

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 42 **SECTION 2. Section 3 of this 2025 Act is added to and made a part of ORS chapter 315.**

43 **SECTION 3. (1) As used in this section:**

44 (a) **“Qualified metropolitan statistical area” means only those counties of a metropolitan**  
 45 **statistical area that are located in Oregon if the largest city within the metropolitan statis-**

1 tical area is located in Oregon.

2 (b) "Rural area" has the meaning given that term in ORS 285C.350.

3 (2) A credit against the taxes otherwise due under ORS chapter 316 shall be allowed to  
4 a resident or nonresident individual who is:

5 (a) Employed, for at least 600 hours during the tax year, as a teacher at a school located  
6 in a rural area; and

7 (b) Licensed under ORS 342.125.

8 (3) The amount of the credit allowed shall be based on the distance of the school at which  
9 the taxpayer is employed from the largest city within a qualified metropolitan statistical  
10 area:

11 (a) If at least 10 miles but fewer than 20 miles, \$3,000.

12 (b) If at least 20 miles but fewer than 50 miles, \$4,000.

13 (c) If 50 or more miles, \$5,000.

14 (4) A nonresident shall be allowed the credit under this section. The credit shall be  
15 computed in the same manner and be subject to the same limitations as the credit granted  
16 to a resident. However, the credit shall be prorated using the proportion provided in ORS  
17 316.117.

18 (5) If a change in the taxable year of the taxpayer occurs as described in ORS 314.085,  
19 or if the Department of Revenue terminates the taxpayer's taxable year under ORS 314.440,  
20 the credit allowed by this section shall be prorated or computed in a manner consistent with  
21 ORS 314.085.

22 (6) If a change in the status of a taxpayer from resident to nonresident or from nonres-  
23 ident to resident occurs, the credit allowed by this section shall be determined in a manner  
24 consistent with ORS 316.117.

25 **SECTION 4.** Section 3 of this 2025 Act applies to tax years beginning on or after January  
26 1, 2026, and before January 1, 2032.

27  
28 **POLITICALLY NEUTRAL EDUCATION**

29  
30 **SECTION 5.** ORS 336.067 is amended to read:

31 336.067. (1) In public schools, special emphasis shall be given to instruction in:

32 (a) Honesty, morality, courtesy, obedience to law, respect for the national flag, the Constitution  
33 of the United States and the Constitution of the State of Oregon, respect for parents and the home,  
34 the dignity and necessity of honest labor and other lessons that tend to promote and develop an  
35 upright and desirable citizenry.

36 (b) Respect for all humans, regardless of race, color, creed, national origin, religion, age, sex or  
37 disability.

38 (c) Acknowledgment of the dignity and worth of individuals and groups and their participative  
39 roles in society.

40 (d) Humane treatment of animals.

41 (e) The effects of tobacco, alcohol, drugs and controlled substances upon the human system.

42 (2) **In public schools, special care shall be given to ensure that instruction is provided in  
43 a neutral manner that focuses on academic subject matter and does not advocate the per-  
44 sonal views of an educator in relation to a political movement or group that is attempting  
45 to change government policy or social values.**

1        [(2)] (3) The Superintendent of Public Instruction shall prepare an outline with suggestions that  
 2 will best accomplish the purpose of this section, and shall incorporate the outline in the courses of  
 3 study for all public schools.

4        **SECTION 6.** ORS 326.051 is amended to read:

5        326.051. Subject to ORS 417.300 and 417.305:

6        (1) In addition to such other duties as are prescribed by law and pursuant to the requirement  
 7 of ORS chapter 183, the State Board of Education shall:

8        (a) Establish state standards for public kindergartens and public elementary and secondary  
 9 schools consistent with the policies stated in ORS 326.011.

10        (b) Adopt rules for the general governance of public kindergartens and public elementary and  
 11 secondary schools.

12        (c) Prescribe required or minimum courses of study.

13        (d) Adopt rules for public kindergartens and public elementary and secondary schools consistent  
 14 with the policy stated in ORS 342.437.

15        (e) Adopt rules regarding school and interscholastic activities.

16        (f) Adopt rules that provide that no public elementary or secondary school shall discriminate in  
 17 determining participation in interscholastic activities. As used in this paragraph, "discrimination"  
 18 has the meaning given that term in ORS 659.850.

19        (g) Adopt rules that will eliminate the use and purchase of elemental mercury, mercury com-  
 20 pounds and mercury-added instructional materials by public elementary and secondary schools.

21        (2) The State Board of Education may:

22        (a) Consistent with the laws of this state, accept money or property not otherwise provided for  
 23 under paragraph (b) of this subsection, which is donated for the use or benefit of the public  
 24 kindergartens and public elementary and secondary schools and use such money or property for the  
 25 purpose for which it was donated. Until it is used, the board shall deposit any money received under  
 26 this paragraph in a special fund with the State Treasurer as provided in ORS 293.265 to 293.275.

27        (b) Apply for federal funds, accept and enter into any contracts or agreements on behalf of the  
 28 state for the receipt of funds from the federal government or its agencies and disburse or expend  
 29 the federal funds as provided by ORS 327.128. This paragraph applies to federal funds to be used for:

30        (A) Educational purposes, including but not limited to any funds available for the school lunch  
 31 program;

32        (B) Career and technical education programs in public elementary and secondary schools; and

33        (C) Any grants available to the state or its political subdivisions for general federal aid for  
 34 public kindergartens, public elementary schools and public secondary schools and their auxiliary  
 35 services, improvement of teacher preparation, teacher salaries, construction of school buildings, ad-  
 36 ministration of the Department of Education and any other educational activities under the juris-  
 37 diction of the State Board of Education.

38        (c) Adopt rules to administer the United States Department of Agriculture's National School  
 39 Lunch Program and School Breakfast Program for public and private prekindergarten through grade  
 40 12 schools and residential child care facilities.

41        **(3) The State Board of Education may not adopt rules that promote a stance or otherwise**  
 42 **show support for or against a political movement or group that is attempting to change**  
 43 **government policy or social values.**

44        **SECTION 7.** Section 8 of this 2025 Act is added to and made a part of ORS chapter 341.

45        **SECTION 8.** Faculty and other employees at a community college who provide instruction

1 to students shall ensure that instruction is provided in a neutral manner that focuses on  
 2 academic subject matter and does not promote a stance or otherwise show support for or  
 3 against a political movement or group that is attempting to change government policy or  
 4 social values.

5 **SECTION 9.** ORS 352.189 is amended to read:

6 352.189. (1) A political or sectarian test may not be allowed or applied in the appointment of  
 7 faculty and other employees of a public university listed in ORS 352.002.

8 (2) Faculty and other employees at a public university listed in ORS 352.002 who provide  
 9 instruction to students shall ensure that instruction is provided in a neutral manner that  
 10 focuses on academic subject matter and does not promote a stance or otherwise show sup-  
 11 port for or against a political movement or group that is attempting to change government  
 12 policy or social values.

### 13 14 **BIOLOGICAL SEX IN SCHOOL SPORTS**

15  
16 **SECTION 10.** (1) Each school district shall require that every athletic competition or  
 17 extracurricular sport is expressly designated by the biological sex of the students who par-  
 18 ticipate in the competition or sport as follows:

- 19 (a) "Males," "Men" or "Boys";  
 20 (b) "Females," "Women" or "Girls"; or  
 21 (c) "Coed."

22 (2) Students of the biologically male sex may not participate in any athletic competition  
 23 or extracurricular sport that is designated as "Females," "Women" or "Girls" under sub-  
 24 section (1) of this section.

25 (3) Nothing in subsection (2) of this section restricts or prohibits any student from par-  
 26 ticipating in any athletic competition or extracurricular sport that is designated as  
 27 "Males," "Men," "Boys" or "Coed."

28 (4) A public body, as defined in ORS 174.109, any licensing or accrediting organization or  
 29 any voluntary organization that administers interscholastic activities or that facilitates the  
 30 scheduling and programming of interscholastic activities may not entertain a complaint,  
 31 open an investigation or take any other adverse action against a school district for main-  
 32 taining separate athletic competitions or extracurricular sports in accordance with sub-  
 33 section (2) of this section.

34 (5) A student who is deprived of an opportunity or suffers a direct or indirect harm as  
 35 a result of a school district knowingly violating this section may bring a claim against the  
 36 school district for injunctive relief, damages and any other relief available under law.

37 (6) A student who is subject to retaliation or any other adverse action by a school district  
 38 or athletic association or organization as a result of reporting a violation of this section to  
 39 an employee of the school district or the athletic association or organization, or to any public  
 40 body with oversight of school districts in this state, may bring a claim against the school  
 41 district or athletic association or organization for injunctive relief, damages and any other  
 42 relief available under law.

43 (7) A school district that suffers a direct or indirect harm as a result of a violation of  
 44 this section may bring a claim against the public body, licensing or accrediting organization  
 45 or athletic association or organization for injunctive relief, damages and any other relief

1 available under law.

2 (8) A civil action brought under this section must be initiated not more than two years  
 3 after the alleged direct or indirect harm or the retaliation or other adverse action  
 4 occurred. A student or school district that prevails on a claim brought under this section is  
 5 entitled to monetary damages, including damages for any psychological, emotional or phys-  
 6 ical harm suffered, attorney fees and costs and any other appropriate relief.

7 **SECTION 11.** (1) Section 10 of this 2025 Act becomes operative on July 1, 2026.

8 (2) Section 10 of this 2025 Act first applies to the 2026-2027 school year.

9  
 10 **SCHOOL SAFETY**

11  
 12 **SECTION 12.** ORS 339.312 is amended to read:

13 339.312. (1) As used in this section:

14 (a) “Peace officer” has the meaning given that term in ORS 133.005.

15 (b) “School resource officer” means a peace officer who is assigned to a school.

16 (2) Each district school board shall adopt a policy to provide for the safety of the stu-  
 17 dents of the school district when students are expected to be in the schools of the school  
 18 district. The policy shall prescribe:

19 (a) The assignment of a school resource officer or the provision of other law enforcement  
 20 coverage for each school of the school district; and

21 (b) The training or other qualifications required for any school resource officer who is  
 22 assigned to, or any law enforcement entity that provides coverage at, a school of the school  
 23 district.

24 (3) As part of the policy adopted under subsection (2) of this section, school districts are  
 25 encouraged to form a safe school alliance composed of schools, law enforcement agencies, juvenile  
 26 justice agencies and district attorneys. [*The purpose of a safe school alliance is to provide the safest*  
 27 *school environment possible.*]

28 **SECTION 13.** ORS 327.008 is amended to read:

29 327.008. (1)(a) There is established a State School Fund in the General Fund.

30 (b) The Department of Education, on behalf of the State of Oregon, may solicit and accept gifts,  
 31 grants, donations and other moneys from public and private sources for the State School Fund.  
 32 Moneys received as provided in this paragraph shall be deposited into the State School Fund.

33 (c) The State School Fund shall consist of moneys appropriated by the Legislative Assembly,  
 34 moneys transferred from the Fund for Student Success, moneys transferred from the Education Sta-  
 35 bility Fund and the Oregon Marijuana Account and moneys received as provided in paragraph (b)  
 36 of this subsection.

37 (d) The State School Fund is continuously appropriated to the Department of Education for the  
 38 purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125, 327.137, 327.348, 327.356 to  
 39 327.359, 336.575, 336.580, 336.635, 343.243, 343.533, 343.941 and 343.961.

40 (2) There shall be apportioned from the State School Fund to each school district a State School  
 41 Fund grant, consisting of the positive amount equal to a general purpose grant and a transportation  
 42 grant and a high cost disabilities grant minus local revenue, computed as provided in ORS 327.011  
 43 and 327.013.

44 (3) For the first school year after a public charter school ceases to operate because of dissol-  
 45 ution or closure or because of termination or nonrenewal of a charter, there shall be apportioned

1 from the State School Fund to each school district that had sponsored a public charter school that  
2 ceased to operate an amount equal to the school district's general purpose grant per extended  
3 ADMw multiplied by five percent of the ADM of the public charter school for the previous school  
4 year.

5 (4) There shall be apportioned from the State School Fund to each education service district a  
6 State School Fund grant as calculated under ORS 327.019.

7 (5) All figures used in the determination of the distribution of the State School Fund shall be  
8 estimates for the same year as the distribution occurs, unless otherwise specified.

9 (6) Numbers of students in average daily membership used in the distribution formula shall be  
10 the numbers as of June of the year of distribution.

11 (7) Each biennium, the Department of Education may expend from the State School Fund no  
12 more than \$3 million for expenses incurred by the department in providing support to school dis-  
13 tricts, education service districts and public charter schools at any time before, during or after a  
14 threat or hazard that may affect a school district, an education service district or a public charter  
15 school and for the purpose of helping to improve the safety and security of students and staff.

16 (8) Each biennium, the Department of Education may expend from the State School Fund no  
17 more than \$10 million for expenses incurred by the Office of School Facilities under ORS 326.125  
18 (1)(b) to (g).

19 (9) Each fiscal year, the Department of Education shall transfer to the Pediatric Nursing Facil-  
20 ity Account established in ORS 327.022 the amount necessary to pay the costs of educational ser-  
21 vices provided to students admitted to pediatric nursing facilities as provided in ORS 343.941.

22 (10) Each fiscal year, the Department of Education shall transfer the amount of \$55 million from  
23 the State School Fund to the High Cost Disabilities Account established in ORS 327.348.

24 (11)(a) Each biennium, the Department of Education shall transfer \$39.5 million from the State  
25 School Fund to the Educator Advancement Fund established under ORS 342.953.

26 (b) For the purpose of making the transfer under this subsection:

27 (A) The total amount available for all distributions from the State School Fund shall be reduced  
28 by \$6 million;

29 (B) The amount distributed to school districts from the State School Fund under this section and  
30 ORS 327.013 shall be reduced by \$16.75 million; and

31 (C) The amount distributed to education service districts from the State School Fund under this  
32 section and ORS 327.019 shall be reduced by \$16.75 million.

33 (c) For each biennium, the amounts identified in this subsection shall be adjusted by the same  
34 percentage by which the instructions furnished to state agencies by the Governor under ORS 291.204  
35 direct the state agencies to adjust their agency budget requests for special payments under ORS  
36 291.216 (6)(a)(C).

37 (12) Each biennium, the Department of Education shall transfer \$12.5 million from the State  
38 School Fund to the Statewide English Language Learner Program Account established under ORS  
39 327.344.

40 (13) Each fiscal year, the Department of Education may expend up to \$550,000 from the State  
41 School Fund for the contract described in ORS 329.488. The amount distributed to education service  
42 districts from the State School Fund under this section and ORS 327.019 shall be reduced by the  
43 amount expended by the department under this subsection.

44 (14) Each biennium, the Department of Education may expend up to \$350,000 from the State  
45 School Fund to provide administration of and support for the development of talented and gifted

1 education under ORS 343.404.

2 (15) Each biennium, the Department of Education may expend up to \$150,000 from the State  
 3 School Fund for the administration of a program to increase the number of licensed speech-language  
 4 pathologists and certified speech-language pathology assistants under ORS 348.398.

5 (16) Each biennium, the Department of Education shall transfer \$2 million from the State School  
 6 Fund for deposit to the Healthy School Facilities Fund established under ORS 332.337.  
 7 Notwithstanding ORS 332.337, the department may expend moneys received in the Healthy School  
 8 Facilities Fund under this subsection only as grants for costs associated with testing for elevated  
 9 levels of lead in water used for drinking or food preparation.

10 (17) Each biennium, the Department of Education shall transfer an amount not to exceed  
 11 \$5,595,000 for the purpose of making tampons and sanitary pads available as provided by ORS  
 12 326.545.

13 (18) Each fiscal year, the Department of Education shall transfer the amount of \$2.5 million from  
 14 the State School Fund to the Small School District Supplement Fund established in ORS 327.359.

15 (19) Each biennium, the Department of Education shall transfer to the Oregon Military Depart-  
 16 ment the amount necessary to pay the costs of educational services provided to students admitted  
 17 to programs operated by the military department for at-risk youth, as described in ORS 396.360, that  
 18 are outstanding after any General Fund appropriations and the calculation of available federal funds  
 19 for the programs.

20 **(20) Each fiscal year, the Department of Education may expend up to \_\_\_\_\_ from the**  
 21 **State School Fund to distribute to school districts the amounts necessary to pay for the**  
 22 **costs of school resource officers or other appropriate law enforcement coverage for each**  
 23 **school of the school district, including the costs of any related training, as required under**  
 24 **ORS 339.312.**

25 **SECTION 14. (1) The amendments to ORS 327.008 and 339.312 by sections 12 and 13 of this**  
 26 **2025 Act become operative on July 1, 2026.**

27 **(2) The amendments to ORS 327.008 by section 13 of this 2025 Act first apply to the**  
 28 **2026-2027 school year.**

29  
 30 **CAREER AND TECHNICAL EDUCATION TEACHERS**

31  
 32 **SECTION 15.** ORS 344.062 is amended to read:

33 344.062. The Teacher Standards and Practices Commission shall advance the policy on career  
 34 and technical education described in ORS 344.055 by:

35 (1) Establishing and regularly updating the requirements for [*a teacher*] **an educator** preparation  
 36 program for prospective career and technical education teachers with trade or industry experience.  
 37 The requirements must:

- 38 (a) Identify a minimum number of required credit hours for a program; and
- 39 (b) Be established and regularly updated based on consultations with relevant trade or industry  
 40 stakeholders, the Department of Education and the Higher Education Coordinating Commission.

41 **(2) Ensuring that nontraditional pathways to licensure are available for prospective ca-**  
 42 **reer and technical education teachers with trade or industry experience.**

43 **(3) Providing accommodations or otherwise reducing licensure requirements for licensed**  
 44 **career and technical education teachers, or prospective career and technical education**  
 45 **teachers, who live in rural areas, as identified by the Teacher Standards and Practices**



1 **Commission by rule.**

2 [(2)] (4) Collaborating with the Department of Education to:

3 (a) Enable experts in trade or industry to become teachers of career and technical education,  
4 which may be accomplished through a limited license or alternative requirements for licensure;

5 (b) Coordinate communications about career and technical education, as described in ORS  
6 344.059 (3)(b); and

7 (c) Review statutes and rules for necessary changes and to review and recommend alternative  
8 methods to increase available funding options.

9  
10 **IMMUNIZATION REQUIREMENTS**

11  
12 **SECTION 16. Section 17 of this 2025 Act is added to and made a part of ORS 433.235 to**  
13 **433.284.**

14 **SECTION 17. The Oregon Health Authority may not adopt rules to require an individual**  
15 **to be immunized against COVID-19, or against any other disease if the immunization uses**  
16 **messenger RNA, as a condition of the individual’s attendance in any school, children’s facil-**  
17 **ity or post-secondary institution of education, as that term is defined in ORS 433.281.**

18 **SECTION 18. Section 17 of this 2025 Act applies to individuals attending an education**  
19 **facility, as described in section 17 of this 2025 Act, before, on and after the effective date of**  
20 **this 2025 Act.**

21  
22 **PARENTAL NOTIFICATIONS**

23  
24 **SECTION 19. ORS 339.356 is amended to read:**

25 339.356. (1) Each school district shall adopt a policy prohibiting harassment, intimidation or  
26 bullying and prohibiting cyberbullying. School districts shall develop the policy after consultation  
27 with parents, guardians, school employees, volunteers, students, administrators and community rep-  
28 resentatives.

29 (2) School districts must include in the policy:

30 (a) A statement prohibiting harassment, intimidation or bullying and prohibiting cyberbullying.

31 (b) Definitions of “harassment,” “intimidation” or “bullying” and of “cyberbullying” that are  
32 consistent with ORS 339.351.

33 (c) Definitions of “protected class” that are consistent with ORS 174.100 and 339.351.

34 (d) A statement of the scope of the policy, including a notice that the policy applies to behavior  
35 at school-sponsored activities, on school-provided transportation and at any official school bus stop.

36 (e) A description of the type of behavior expected from each student.

37 (f) A procedure that is uniform throughout the school district for reporting an act of harassment,  
38 intimidation or bullying or an act of cyberbullying. A procedure established under this paragraph  
39 shall:

40 (A) Identify by job title the school officials responsible for receiving such a report at a school.

41 (B) Require a school employee to report an act of harassment, intimidation or bullying or an act  
42 of cyberbullying to a person identified under subparagraph (A) of this paragraph.

43 (C) Require the school official identified under subparagraph (A) of this paragraph to notify the  
44 parents or guardians of a student who was subjected to an act of harassment, intimidation or  
45 bullying or an act of cyberbullying and the parents or guardians of a student who may have con-

1 ducted an act of harassment, intimidation or bullying or an act of cyberbullying. Notification must  
 2 occur with involvement and consideration of the needs and concerns of the student who was sub-  
 3 jected to an act of harassment, intimidation or bullying or an act of cyberbullying. For the purposes  
 4 of this subparagraph:

5 (i) Notification is not required under this subparagraph if the school official reasonably believes  
 6 notification could endanger the student who was subjected to an act of harassment, intimidation or  
 7 bullying or an act of cyberbullying or if all of the following occur:

8 (I) The student who was subjected to an act of harassment, intimidation or bullying or an act  
 9 of cyberbullying requests that notification not be provided to the student's parents or guardians;

10 (II) The school official determines that notification is not in the best interest of the student who  
 11 was subjected to an act of harassment, intimidation or bullying or an act of cyberbullying; and

12 (III) The school official informs the student that federal law may require the student's parents  
 13 or guardians to have access to the student's education record, including any requests made as pro-  
 14 vided by this sub-subparagraph.

15 (ii) If the school official does not make the determination described in sub-subparagraph (i)(II)  
 16 of this subparagraph, the school official must inform the student of that determination prior to pro-  
 17 viding notification.

18 (iii) When notification is provided under this subparagraph, the notification must occur:

19 (I) Within [*a reasonable period of time*] **24 hours after receiving a report under subparagraph**  
 20 **(B) of this paragraph**; or

21 (II) Promptly, for acts that caused physical harm to the student.

22 (D) Identify any remedial action that may be imposed on a school employee for failure to make  
 23 a report as required by subparagraph (B) of this paragraph.

24 (E) Allow a student or volunteer to report an act of harassment, intimidation or bullying or an  
 25 act of cyberbullying voluntarily and anonymously to a person identified under subparagraph (A) of  
 26 this paragraph. Nothing in this subparagraph may be construed to permit remedial action solely on  
 27 the basis of an anonymous report.

28 (g) A procedure that is uniform throughout the school district for prompt investigation of a re-  
 29 port of an act of harassment, intimidation or bullying or an act of cyberbullying. A procedure es-  
 30 tablished under this paragraph shall identify by job title the school officials responsible for  
 31 investigating such a report.

32 (h) A procedure by which a person may request a school district to review the actions of a  
 33 school in responding to a report of an act of harassment, intimidation or bullying or an act of  
 34 cyberbullying or investigating such a report.

35 (i) A statement of the manner in which a school and a school district will respond after an act  
 36 of harassment, intimidation or bullying or an act of cyberbullying is reported, investigated and, if  
 37 applicable, confirmed.

38 (j) A statement of the consequences and appropriate remedial action for a person found to have  
 39 committed an act of harassment, intimidation or bullying or an act of cyberbullying.

40 (k) A statement prohibiting reprisal or retaliation against any person who reports an act of  
 41 harassment, intimidation or bullying or an act of cyberbullying and stating the consequences and  
 42 appropriate remedial action for a person who engages in such reprisal or retaliation.

43 (L) A statement of the consequences and appropriate remedial action for a person found to have  
 44 falsely accused another of having committed an act of harassment, intimidation or bullying or an  
 45 act of cyberbullying as a means of reprisal or retaliation, as a means of harassment, intimidation

1 or bullying or as a means of cyberbullying.

2 (m) A statement of how the policy is to be publicized within the district. At a minimum, a school  
 3 district shall make the policy:

4 (A) Annually available to parents, guardians, school employees and students in a student or  
 5 employee handbook; and

6 (B) Readily available to parents, guardians, school employees, volunteers, students, administra-  
 7 tors and community representatives at each school office or at the school district office and, if  
 8 available, on the website for a school or the school district.

9 (n) The identification by job title of school officials and school district officials responsible for  
 10 ensuring that the policy is implemented.

11 (3) A school district that does not comply with the requirements of this section is considered  
 12 nonstandard under ORS 327.103.

13 **SECTION 20.** ORS 339.250 is amended to read:

14 339.250. (1) Public school students shall comply with rules for the government of such schools,  
 15 pursue the prescribed course of study, use the prescribed textbooks and submit to the teachers' au-  
 16 thority.

17 (2) Each district school board shall adopt written policies for the discipline, suspension or ex-  
 18 pulsion of any refractory student. The policies:

19 (a) May allow discipline, suspension or expulsion for conduct that includes, but is not limited  
 20 to:

21 (A) Willful disobedience;

22 (B) Open defiance of the authority of a school employee;

23 (C) Possession or distribution of tobacco, alcohol, drugs or other controlled substances;

24 (D) Use or display of profane or obscene language;

25 (E) Willful damage or injury to school property;

26 (F) Use of threats, intimidation, harassment or coercion against a student or a school employee;

27 (G) Assault of a school employee or another student; or

28 (H) Intentional attempts, by word or conduct, to place a school employee or another student in  
 29 fear of imminent serious physical injury.

30 (b) Must require consideration of the age of a student and the past pattern of behavior of a  
 31 student prior to imposing the suspension or expulsion of a student.

32 (c) Must limit the use of expulsion to the following circumstances:

33 (A) For conduct that poses a threat to the health or safety of students or school employees;

34 (B) When other strategies to change student conduct have been ineffective, except that expul-  
 35 sion may not be used to address truancy; or

36 (C) When the expulsion is required by law.

37 (d) In addition to any limitations imposed by paragraph (c) of this subsection, for a student who  
 38 is in fifth grade or lower, must limit the use of out-of-school suspension or of expulsion to the fol-  
 39 lowing circumstances:

40 (A) For nonaccidental conduct causing serious physical harm to a student or school employee;

41 (B) When a school administrator determines, based upon the administrator's observation or upon  
 42 a report from a school employee, that the student's conduct poses a direct threat to the health or  
 43 safety of students or school employees; or

44 (C) When the suspension or expulsion is required by law.

45 (e) When an out-of-school suspension is imposed as provided under paragraph (d) of this sub-

1 section, must require the school district to take steps to prevent the recurrence of the behavior that  
 2 led to the out-of-school suspension and return the student to a classroom setting so that the dis-  
 3 ruption of the student’s academic instruction is minimized.

4 (f) Must be limited so that:

5 (A) The duration of an expulsion may not be more than one calendar year.

6 (B) The duration of a suspension may not be more than 10 school days.

7 (g) Notwithstanding ORS 336.010, may require a student to attend school during nonschool hours  
 8 as an alternative to suspension if the total number of hours does not exceed the equivalent of 10  
 9 school days.

10 (3) Pursuant to the policies adopted as provided by subsection (2) of this section, each school  
 11 district shall develop a student handbook, code of conduct or other document that:

12 (a) Defines and helps create a learning environment that students respect;

13 (b) Defines acceptable norms of behavior for students and the types of behavior that are subject  
 14 to discipline;

15 (c) Establishes procedures to address behavior or circumstances that pose a threat to the safety  
 16 of students or employees of the school;

17 (d) Establishes a system of consequences that are designed to correct student misconduct and  
 18 promote behavior within acceptable norms; and

19 (e) Makes the system of consequences known to the school community through the dissemination  
 20 of information to students, parents, legal guardians and school district employees.

21 (4) Each district school board shall adopt written policies on managing students who threaten  
 22 violence or harm in public schools. The policies adopted by a district school board under this section  
 23 shall include all of the following:

24 (a) Staff reporting methods.

25 (b) Provisions that allow an administrator to consider and implement any of the following  
 26 options:

27 (A) Immediately removing from the classroom setting any student who has threatened to injure  
 28 another person or to severely damage school property.

29 (B) Placing the student in a setting where the behavior will receive immediate attention, in-  
 30 cluding, but not limited to, the office of the school principal, vice principal, assistant principal,  
 31 counselor or a school psychologist licensed by the Teacher Standards and Practices Commission or  
 32 the office of any licensed mental health professional.

33 (C) Requiring that a school obtain an evaluation of a student by a licensed mental health pro-  
 34 fessional before allowing the student to return to the classroom setting. A student who is removed  
 35 from the classroom setting for an evaluation may not be removed for more than 10 school days un-  
 36 less the administrator is able to show good cause that an evaluation could not be completed in that  
 37 time period. The policy must describe the circumstances under which the district school board may  
 38 enter into contracts with licensed mental health professionals to perform any evaluations required  
 39 under this subparagraph.

40 (c) The requirement that an administrator provide to the parent or legal guardian of the  
 41 student:

42 (A) Notification that describes the student’s behavior and **that is provided within 24 hours**  
 43 **of the administrator being informed of the behavior; and**

44 (B) **Notification that describes** the school’s response.

45 (d) A provision for the allocation of any funds necessary for the school district to implement the

1 policies described in this subsection.

2 (5) In establishing and enforcing discipline, suspension and expulsion policies, a district school  
3 board shall ensure that the policy is designed to:

4 (a) Protect students and school employees from harm;

5 (b) Provide opportunities for students to learn from their mistakes;

6 (c) Foster positive learning communities;

7 (d) Keep students in school and attending class;

8 (e) Impose disciplinary sanctions without bias against students from a protected class, as defined  
9 in ORS 339.351;

10 (f) Implement a graduated set of age-appropriate responses to misconduct that are fair,  
11 nondiscriminatory and proportionate in relation to each student's individual conduct;

12 (g) Employ a range of strategies for prevention, intervention and discipline that take into ac-  
13 count a student's developmental capacities and that are proportionate to the degree and severity  
14 of the student's misbehavior;

15 (h) Propose, prior to a student's expulsion or leaving school, alternative programs of instruction  
16 or instruction combined with counseling for the student that are appropriate and accessible to the  
17 student in the following circumstances:

18 (A) Following a second or subsequent occurrence within any three-year period of a severe dis-  
19 ciplinary problem with the student; or

20 (B) When a parent or legal guardian applies for the student's exemption from compulsory at-  
21 tendance on a semiannual basis as provided in ORS 339.030 (2);

22 (i) To the extent practicable, use approaches that are shown through research to be effective in  
23 reducing student misbehavior and promoting safe and productive social behavior; *and*

24 (j) Ensure that school conduct and discipline codes comply with all state and federal laws con-  
25 cerning the education of students with disabilities[.]; **and**

26 **(k) Inform parents or legal guardians, within 24 hours of the school learning of the be-**  
27 **havior, of any behavior that may lead to discipline, suspension or expulsion.**

28 (6) Except for policies adopted under subsection (7) of this section, any policies adopted under  
29 this section must provide for the dissemination of information about alternative programs of in-  
30 struction or instruction combined with counseling, as described in subsection (5)(h) of this section,  
31 in writing to the student and the parent, legal guardian or person in parental relationship with the  
32 student at least once every six months, unless the information has changed because of the avail-  
33 ability of new programs.

34 (7) Each district school board shall adopt a written policy involving firearms, as defined in 18  
35 U.S.C. 921. The policy shall:

36 (a) Require expulsion from school for a period of not less than one year of any student who is  
37 determined to have:

38 (A) Brought a firearm to a school, to school property under the jurisdiction of the school district  
39 or to an activity under the jurisdiction of the school district;

40 (B) Possessed, concealed or used a firearm in a school, on school property under the jurisdiction  
41 of the school district or at an activity under the jurisdiction of the school district; or

42 (C) Brought to or possessed, concealed or used a firearm at an interscholastic activity adminis-  
43 tered by a voluntary organization.

44 (b) Allow exceptions:

45 (A) For courses, programs and activities approved by the school district that are conducted on

1 school property, including, but not limited to, hunter safety courses, Reserve Officer Training Corps  
2 programs, firearm-related sports or firearm-related vocational courses; and

3 (B) Identified by and adopted by the State Board of Education by rule.

4 (c) Allow a superintendent of a school district to:

5 (A) Modify the expulsion requirement for a student on a case-by-case basis.

6 (B) Propose alternative programs of instruction or instruction combined with counseling for a  
7 student that are appropriate and accessible to the student. If alternative programs are appropriate  
8 for a student, the superintendent shall ensure that information about programs of instruction or in-  
9 struction combined with counseling is provided in writing to the student and the parent, legal  
10 guardian or person in parental relationship with the student at least once every six months, or at  
11 any time the information changes because of the availability of new programs.

12 (d) Require a referral to the appropriate law enforcement agency of any student who is expelled  
13 under this subsection.

14 (e) Require an annual reporting to the Department of Education of the name of each school that  
15 had an expulsion under this subsection and the number of students expelled from each school.

16 (8) Each district school board shall adopt and disseminate written policies for the use of physical  
17 force upon a student. The policies must allow an individual who is a teacher, administrator, school  
18 employee or school volunteer to use reasonable physical force upon a student when and to the ex-  
19 tent the application of force is consistent with ORS 339.285 to 339.303.

20 (9)(a) The authority to discipline a student does not authorize the infliction of corporal punish-  
21 ment. Every resolution, bylaw, rule, ordinance or other act of a district school board, a public  
22 charter school or the Department of Education that permits or authorizes the infliction of corporal  
23 punishment upon a student is void and unenforceable.

24 (b) As used in this subsection:

25 (A) "Corporal punishment" means the willful infliction of, or willfully causing the infliction of,  
26 physical pain on a student.

27 (B) "Corporal punishment" does not include:

28 (i) The use of physical force authorized by ORS 161.205 (2), (4) or (5) for the reasons specified  
29 therein; or

30 (ii) Physical pain or discomfort resulting from or caused by participation in athletic competition  
31 or other such recreational activity, voluntarily engaged in by a student.

32 (10) For purposes of this section, calculations of the number of school days that a student is  
33 removed from a classroom setting shall be as follows:

34 (a) As a half day if the student is out of school for half, or less than half, of the scheduled school  
35 day; and

36 (b) As a full day if the student is out of school for more than half of the scheduled school day.

37 **SECTION 21. Each school district board shall adopt a policy to ensure that:**

38 **(1) For any student under 18 years of age, the school district provides the parent or legal**  
39 **guardian of the student notification of:**

40 **(a) A visit by the student to the school nurse or a school-based health center;**

41 **(b) A visit by the student to a school counselor, school nurse or school-based health**  
42 **center when the student is displaying signs of mental fatigue or illness or signs of self-harm;**

43 **(c) A discussion by the student of self-identity issues with any school staff; or**

44 **(d) Any other interactions with school staff similar to the interactions described in par-**  
45 **agraphs (a) to (c) of this subsection.**







