

Requested by SENATE COMMITTEE ON EDUCATION

**PROPOSED AMENDMENTS TO
SENATE BILL 225**

1 In line 2 of the printed bill, after the semicolon insert “creating new
2 provisions; amending ORS 332.075, 336.615, 336.631, 336.635, 336.655 and
3 339.250; repealing ORS 336.625, 336.637 and 336.645;”.

4 Delete lines 4 through 11 and insert:
5

6 **“ALTERNATIVE EDUCATION PROGRAMS**
7

8 **“SECTION 1.** ORS 336.615 is amended to read:

9 “336.615. As used in ORS 336.615 to 336.665[, *‘alternative education pro-*
10 *gram’ means a school or separate class group designed to best serve students’*
11 *educational needs and interests and assist students in achieving the academic*
12 *standards of the school district and the state.*];

13 **“(1) ‘Alternative education program’ means a separate school or**
14 **class group designed to assist students in achieving the academic**
15 **standards of this state by:**

16 **“(a) Meeting the educational and the mental and behavioral health**
17 **needs of the students; and**

18 **“(b) Providing learning situations that are flexible with regard to**
19 **environment, time, structure or pedagogy.**

20 **“(2) ‘Public alternative education program’ means an alternative**
21 **education program that is provided by a school district, an education**

1 service district or a community college.

2 “(3) ‘Registered private alternative education program’ means an
3 alternative education program that is:

4 “(a) Provided under contract with a school district, an education
5 service district or a community college; and

6 “(b) Registered with the Department of Education.

7 “(4) ‘Severe conduct violation’ means a violation of a student
8 handbook, code of conduct or other document that, under the terms
9 of the school district policy adopted as provided by ORS 339.250, is
10 cause for suspension or expulsion.

11 **“SECTION 2.** ORS 336.631 is amended to read:

12 “336.631. *[(1) Prior to contracting with or distributing any public funds to*
13 *a private alternative education program, a district school board shall:]*

14 “[*(a) Annually approve the private alternative education program;*]

15 “[*(b) Determine that the private alternative education program is registered*
16 *with the Department of Education; and]*

17 “(1) A school district, an education service district or a community
18 college may contract with, and distribute public funds to, a private
19 alternative education program only if the school district, education
20 service district or community college:

21 “(a) Determines that the private alternative education program is
22 registered with the Department of Education;

23 “(b) Conducts an annual evaluation, as described in ORS 336.655;
24 and

25 “(c) [*Determine*] **Determines** that the private alternative education pro-
26 gram complies with the requirements of subsection (2) of this section and
27 [*ORS 336.625 (3)(c)*] **rules adopted by the State Board of Education as**
28 **provided by this section.**

29 “(2) The following laws apply to **registered** private alternative education
30 programs [*that are registered with the Department of Education under ORS*

1 336.635] in the same manner as the laws apply to school districts and public
2 schools:

3 “(a) Federal law;

4 “(b) **ORS 326.565, 326.575 and 326.580 (student records);**

5 “[*b*] (c) ORS 181A.195, 326.603, 326.607 and 342.223 (criminal records
6 checks);

7 “(d) **ORS 329.045 (academic content standards and instruction);**

8 “(e) **ORS 329.451 (high school diploma, modified diploma, extended
9 diploma and alternative certificate);**

10 “(f) **ORS 329.485 (2) (statewide assessment system developed by the
11 Department of Education for mathematics, science and English);**

12 “[*c*] (g) ORS 329.496 (physical education);

13 “(h) **ORS 336.840 (use of personal electronic devices);**

14 “[*d*] (i) ORS 337.150, **339.119**, 339.141, 339.147 and 339.155 (**textbooks,
15 consideration for educational services and tuition and fees);**

16 “(j) **ORS 339.122 (advertisement requirements);**

17 “(k) **ORS 339.326 (notice concerning students subject to juvenile
18 court petitions);**

19 “(L) **ORS 339.370 to 339.400 (reporting of suspected abuse and sus-
20 pected sexual conduct);**

21 “[*e*] (m) ORS 659.850, 659.855 and 659.860 (discrimination);

22 “[*f*] *ORS 339.122 (advertisement requirements);*]

23 “[*g*] (n) Health and safety statutes and rules; and

24 “[*h*] (o) Any statute, rule or [*school district*] policy that **expressly ap-
25 plies to alternative education programs or that** is specified in a contract
26 between the [*school district board*] **governing body of the school district,
27 education service district or community college** and the **registered pri-
28 vate alternative education program.**

29 “(3) Prior to placement of a student in a **registered** private alternative
30 education program, the resident **school** district shall determine whether the

1 proposed placement best [*serves the student’s educational needs and*
2 *interests*] **meets the educational and the mental and behavioral health**
3 **needs of the student** and assists the student in achieving [*the district*
4 *and*] state academic standards.

5 “*[(4) Contracts between a school district and a private alternative education*
6 *program shall be included in the assessment of effectiveness provided for in*
7 *ORS 329.085.]*

8 “(4) **A registered private alternative education program shall be**
9 **accountable for determining the progress of its students toward**
10 **achieving academic content standards. The registered private alterna-**
11 **tive education program shall report, at least annually, each student’s**
12 **academic progress, including the results of the state assessment, to**
13 **students, parents and the school district in which the registered pri-**
14 **vate alternative education program is located.**

15 “(5) **An assessment of the effectiveness of a registered private al-**
16 **ternative education program shall be included in the assessment of the**
17 **school district in which the registered private alternative education**
18 **program is located for purposes of ORS 329.085.**

19 “(6) **The State Board of Education by rule shall:**

20 “(a) **Adopt a process for registering private alternative education**
21 **programs.**

22 “(b) **Establish standards for registered private alternative education**
23 **programs to ensure a safe educational environment and an instruc-**
24 **tional program that provides students with the opportunity to make**
25 **progress toward achieving state academic standards.**

26 “**SECTION 3. (1) The amendments to ORS 336.631 by section 2 of this**
27 **2021 Act first apply to the 2021-2022 school year.**

28 “(2) **Notwithstanding the applicability provisions of subsection (1)**
29 **of this section, a registered private alternative education program is**
30 **not required to comply with the requirements of ORS 336.631 (2), as**

1 amended by section 2 of this 2021 Act, until the 2022-2023 school year.
2 Nothing in this subsection prohibits a registered private alternative
3 education program from complying with the provisions of ORS 336.631
4 (2), as amended by section 2 of this 2021 Act, prior to the 2022-2023
5 school year.

6 **“SECTION 4.** ORS 336.635 is amended to read:

7 *“336.635. [(1) The parent or guardian of a student may enroll the student*
8 *in one of the proposed public alternative education programs or private alter-*
9 *native education programs of instruction or instruction combined with coun-*
10 *seling if:]*

11 **“(1) A school district shall provide notice to the parent or guardian**
12 **of a student of the availability of alternative education programs, and**
13 **propose that the student enroll in an alternative education program,**
14 **when:**

15 **“(a) The student has committed a severe conduct violation that is**
16 **cause for expulsion.**

17 **“(b) The student has committed a severe conduct violation that is**
18 **cause for suspension and the student had committed one or more**
19 **separate severe conduct violations within the previous three-year pe-**
20 **riod.**

21 **“(c) The student is not attending school in a manner that allows**
22 **the student to benefit from the educational program.**

23 **“(d) A parent or legal guardian applies for the student’s exemption**
24 **from compulsory attendance on a semiannual basis as provided in ORS**
25 **339.030 (2).**

26 **“(2)(a) A school district may not propose that a student enroll in**
27 **an alternative education program unless the school district determines**
28 **that:**

29 **“[(a)] (A) The enrollment is necessary to meet the student’s educational**
30 **needs and [interests] mental and behavioral health needs, and that other**

1 **interventions offered by the school district have not been able to meet**
2 **those needs.**

3 “[*b*] **(B)** The program is appropriate and accessible to the student.

4 **“(b) A school district is not required to provide a public alternative**
5 **education program if the student can be referred to a public alterna-**
6 **tive education program or a registered private alternative education**
7 **program that is appropriate for and accessible to the student.**

8 **“(3) A student may not be enrolled in an alternative education**
9 **program unless:**

10 **“(a) The parent or guardian of the student consents to the enroll-**
11 **ment.**

12 “[*c*] **(b)** For [*a program*] **an alternative education program located**
13 **in a school district in which the student is a resident, the resident school**
14 **district approves the enrollment.**

15 “[*d*] **(c)** For [*a program*] **an alternative education program located**
16 **in a school district in which the student is not a resident, the resident school**
17 **district and the attending school district approve the enrollment.**

18 “[*e*] **(d)** For a private alternative education program, the program is
19 [*registered with the Department of Education*] **a registered private alter-**
20 **native education program.**

21 “[*2*] **(4)** If the student is eligible for special education under ORS 343.221
22 **to 343.236 and 343.261 to 343.295 or for an education plan developed in**
23 **accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C.**
24 **794, the alternative education program must:**

25 **“(a)** Be approved by the Department of Education prior to the placement
26 of the student in the program.

27 **“(b) Ensure the student receives special education services or any**
28 **services required under a 504 Plan.**

29 **“(c) Provide the student with an eye examination, as defined in ORS**
30 **336.211.**

1 “[3] A student enrolled pursuant to this section is considered enrolled in
2 the schools of the district offering the program for purposes of the distribution
3 of the State School Fund.]

4 “[4] An alternative education program that is offered to a student who is
5 not a resident of the school district may bill tuition to the school district where
6 the student is a resident. The billing may be made annually or at the end of
7 each term or semester of the alternative education program. For each full-time
8 equivalent student enrolled in the alternative education program, the resident
9 school district shall pay the actual cost of the program or an amount at least
10 equivalent to 80 percent of the district’s estimated current year’s average per
11 student net operating expenditure, whichever is less, in accordance with rules
12 adopted by the State Board of Education. The alternative education program
13 is accountable for the expenditures of all State School Fund moneys and other
14 local school support moneys and shall provide the resident school district with
15 an annual statement of the expenditures.]

16 **“(5)(a) Payment for students enrolled in an alternative education
17 program shall be made from the State School Fund. All amounts to
18 be distributed from the State School Fund for alternative education
19 programs shall first be distributed to the school district in which the
20 alternative education program is located. The alternative education
21 program shall be accountable for the expenditures of all State School
22 Fund moneys and other local school support moneys and shall provide
23 an annual statement of the expenditures to the school district in
24 which the alternative education program is located.**

25 **“(b) Students enrolled in an alternative education program shall be
26 considered to be residents of the school district in which the alterna-
27 tive education program is located for purposes of distributions of the
28 State School Fund.**

29 **“(6) A school district shall contractually establish, with any alter-
30 native education program that is located within the school district,**

1 payment for provision of educational services to the alternative edu-
2 cation program’s students. The payment shall be, for each full-time
3 equivalent student enrolled in the alternative education program, the
4 lesser of:

5 “(a) The actual cost of the program; or

6 “(b) Ninety-five percent of the school district’s estimated current
7 year’s average per student net operating expenditure.

8 “(7) A school district and an alternative education program may
9 negotiate to establish a payment for the provision of educational ser-
10 vices to the alternative education program’s students that is more
11 than the minimum amount specified in subsection (6) of this section.

12 “(8) The average per student net operating expenditure of a school
13 district shall be determined each year in accordance with rules adopted
14 by the State Board of Education.

15 “(9) A school district shall send payment to an alternative educa-
16 tion program based on a contract negotiated under this section within
17 10 days after receiving payments from the State School Fund pursuant
18 to ORS 327.095.

19 “[5] (10)(a) [*private*] An alternative education program [*that is regis-*
20 *tered with the department is not required to employ only licensed teachers or*
21 *administrators.*] must ensure that at least 50 percent of the program’s
22 teachers and administrators are licensed by the Teacher Standards and
23 Practices Commission.

24 “(b) All nonlicensed employees of an alternative education program
25 who have direct, unsupervised contact with school children must un-
26 dergo a criminal records check under ORS 326.603.

27 “(c) Teachers and administrators in [*private*] registered private alter-
28 native education programs are not considered employees of any school dis-
29 trict for purposes of ORS 342.173.

30 “[6] A school district is not required to provide a public alternative edu-

1 *ation program if the student can be referred to public or approved private*
2 *alternative education programs that are appropriate for and accessible to the*
3 *student.]*

4 “[~~(7)~~] **(d)** Any preliminary teaching license, professional teaching license
5 or distinguished teacher leader license issued by the Teacher Standards and
6 Practices Commission is valid for teaching all subjects and grade levels in
7 [~~an~~] **a public** alternative education program [*operated by a school district or*
8 *education service district*].

9 **“(11) A school district may not waive the right to implement an**
10 **alternative education program in a collective bargaining agreement.**

11 **“(12) The State Board of Education by rule shall:**

12 **“(a) Determine the accountable activities and allowable credit for**
13 **these activities in alternative education programs.**

14 **“(b) Establish the requirements for notifications made to the par-**
15 **ents and guardians of students under this section, including the rele-**
16 **vant provisions of ORS 336.615 to 336.665, and the procedures for**
17 **requesting school district boards to establish alternative education**
18 **programs.**

19 **“SECTION 5. Notwithstanding ORS 336.635 (10)(a), as amended by**
20 **section 4 of this 2021 Act, a registered private alternative education**
21 **program is not required to ensure that at least 50 percent of the**
22 **program’s teachers and administrators are licensed by the Teacher**
23 **Standards and Practices Commission until July 1, 2023.**

24 **“SECTION 6. ORS 336.655 is amended to read:**

25 **“336.655. (1) Each school district operating, participating in or contract-**
26 **ing for [*a public or private*] **an** alternative education program shall evaluate**
27 **the program at least annually. **The evaluation must include a review of****
28 **expenditures of moneys received from the State School Fund and other**
29 **local school support sources, as required under ORS 336.635 (5). The**
30 **school** district shall provide the [*public or private*] alternative education

1 program with a copy of the written evaluation.

2 “(2) For **registered** private alternative education programs, the evalu-
3 ation [*shall include, but is not limited to:*] **required under subsection (1)**
4 **of this section shall also include:**

5 “[*(a) A review of the private alternative education program’s annual state-*
6 *ment of expenditures as required by ORS 336.635 (4);*]

7 “(a) **An annual site visit;**

8 “(b) A determination that the **registered** private alternative education
9 program is in compliance with ORS [*336.625 (3)(c) and 336.631 (2)*] **336.631**
10 **and rules adopted by the State Board of Education;**

11 “(c) The approval of any contract between the **school** district and the
12 **registered** private alternative education program; and

13 “(d) A review to ensure that the **registered** private alternative education
14 program enhances the ability of the **school** district and its students to
15 achieve [*district and*] state **academic** standards.

16 “**SECTION 7.** ORS 339.250 is amended to read:

17 “339.250. (1) Public school students shall comply with rules for the gov-
18 ernment of such schools, pursue the prescribed course of study, use the pre-
19 scribed textbooks and submit to the teachers’ authority.

20 “(2) Each district school board shall adopt written policies for the disci-
21 pline, suspension or expulsion of any refractory student. The policies:

22 “(a) May allow discipline, suspension or expulsion for conduct that in-
23 cludes, but is not limited to:

24 “(A) Willful disobedience;

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

26 “(C) Possession or distribution of tobacco, alcohol, drugs or other con-
27 trolled substances;

28 “(D) Use or display of profane or obscene language;

29 “(E) Willful damage or injury to school property;

30 “(F) Use of threats, intimidation, harassment or coercion against a stu-

1 dent or a school employee;

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

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

5 “(b) Must require consideration of the age of a student and the past pat-
6 tern of behavior of a student prior to imposing the suspension or expulsion
7 of a student.

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

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

11 “(B) When other strategies to change student conduct have been ineffec-
12 tive, except that expulsion may not be used to address truancy; or

13 “(C) When the expulsion is required by law.

14 “(d) In addition to any limitations imposed by paragraph (c) of this sub-
15 section, for a student who is in fifth grade or lower, must limit the use of
16 out-of-school suspension or of expulsion to the following circumstances:

17 “(A) For nonaccidental conduct causing serious physical harm to a stu-
18 dent or school employee;

19 “(B) When a school administrator determines, based upon the
20 administrator’s observation or upon a report from a school employee, that
21 the student’s conduct poses a direct threat to the health or safety of students
22 or school employees; or

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

24 “(e) When an out-of-school suspension is imposed as provided under par-
25 agraph (d) of this subsection, must require the school district to take steps
26 to prevent the recurrence of the behavior that led to the out-of-school sus-
27 pension and return the student to a classroom setting so that the disruption
28 of the student’s academic instruction is minimized.

29 “(f) Must be limited so that:

30 “(A) The duration of an expulsion may not be more than one calendar

1 year.

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

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

6 “(3) Pursuant to the policies adopted as provided by subsection (2) of this
7 section, each school district shall develop a student handbook, code of con-
8 duct or other document that:

9 “(a) Defines and helps create a learning environment that students re-
10 spect;

11 “(b) Defines acceptable norms of behavior for students and the types of
12 behavior that are subject to discipline;

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

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

17 “(e) Makes the system of consequences known to the school community
18 through the dissemination of information to students, parents, legal guardi-
19 ans and school district employees.

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

24 “(a) Staff reporting methods.

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

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

30 “(B) Placing the student in a setting where the behavior will receive im-

1 mediate attention, including, but not limited to, the office of the school
2 principal, vice principal, assistant principal, counselor or a school psychol-
3 ogist licensed by the Teacher Standards and Practices Commission or the
4 office of any licensed mental health professional.

5 “(C) Requiring that a school obtain an evaluation of a student by a li-
6 censed mental health professional before allowing the student to return to
7 the classroom setting. A student who is removed from the classroom setting
8 for an evaluation may not be removed for more than 10 school days unless
9 the administrator is able to show good cause that an evaluation could not
10 be completed in that time period. The policy must describe the circumstances
11 under which the district school board may enter into contracts with licensed
12 mental health professionals to perform any evaluations required under this
13 subparagraph.

14 “(c) The requirement that an administrator provide to the parent or legal
15 guardian of the student notification that describes the student’s behavior and
16 the school’s response.

17 “(d) A provision for the allocation of any funds necessary for the school
18 district to implement the policies described in this subsection.

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

21 “(a) Protect students and school employees from harm;

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

23 “(c) Foster positive learning communities;

24 “(d) Keep students in school and attending class;

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

27 “(f) Implement a graduated set of age-appropriate responses to misconduct
28 that are fair, nondiscriminatory and proportionate in relation to each
29 student’s individual conduct;

30 “(g) Employ a range of strategies for prevention, intervention and disci-

1 pline that take into account a student’s developmental capacities and that
2 are proportionate to the degree and severity of the student’s misbehavior;

3 “[*h*] Propose, prior to a student’s expulsion or leaving school, alternative
4 programs of instruction or instruction combined with counseling for the stu-
5 dent that are appropriate and accessible to the student in the following cir-
6 cumstances:]

7 “[*A*] Following a second or subsequent occurrence within any three-year
8 period of a severe disciplinary problem with the student; or]

9 “[*B*] When a parent or legal guardian applies for the student’s exemption
10 from compulsory attendance on a semiannual basis as provided in ORS 339.030
11 (2);]

12 **“(h) Provide notice about alternative education programs, and pro-
13 pose enrollment in an alternative education program, when required
14 under ORS 336.635;**

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

18 “(j) Ensure that school conduct and discipline codes comply with all state
19 and federal laws concerning the education of students with disabilities.

20 “(6) Except for policies adopted under subsection (7) of this section, any
21 policies adopted under this section must provide for the dissemination of
22 information about [*alternative programs of instruction or instruction combined
23 with counseling*] **alternative education programs**, as described in sub-
24 section (5)(h) of this section, in writing to the student and the parent, legal
25 guardian or person in parental relationship with the student at least once
26 every six months, unless the information has changed because of the avail-
27 ability of new programs.

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

30 “(a) Require expulsion from school for a period of not less than one year

1 of any student who is determined to have:

2 “(A) Brought a firearm to a school, to school property under the juris-
3 diction of the school district or to an activity under the jurisdiction of the
4 school district;

5 “(B) Possessed, concealed or used a firearm in a school, on school prop-
6 erty under the jurisdiction of the school district or at an activity under the
7 jurisdiction of the school district; or

8 “(C) Brought to or possessed, concealed or used a firearm at an inter-
9 scholastic activity administered by a voluntary organization.

10 “(b) Allow exceptions:

11 “(A) For courses, programs and activities approved by the school district
12 that are conducted on school property, including, but not limited to, hunter
13 safety courses, Reserve Officer Training Corps programs, firearm-related
14 sports or firearm-related vocational courses; and

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

16 “(c) Allow a superintendent of a school district to:

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

19 “(B) Propose alternative **education** programs [*of instruction or instruction*
20 *combined with counseling*], **as defined in ORS 336.615**, for a student that
21 are appropriate and accessible to the student. If alternative **education** pro-
22 grams are appropriate for a student, the superintendent shall ensure that
23 information about **the** programs [*of instruction or instruction combined with*
24 *counseling*] is provided in writing to the student and the parent, legal
25 guardian or person in parental relationship with the student at least once
26 every six months, or at any time the information changes because of the
27 availability of new programs.

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

30 “(e) Require an annual reporting to the Department of Education of the

1 name of each school that had an expulsion under this subsection and the
2 number of students expelled from each school.

3 “(8) Each district school board shall adopt and disseminate written poli-
4 cies for the use of physical force upon a student. The policies must allow an
5 individual who is a teacher, administrator, school employee or school vol-
6 unteer to use reasonable physical force upon a student when and to the ex-
7 tent the application of force is consistent with ORS 339.285 to 339.303.

8 “(9)(a) The authority to discipline a student does not authorize the in-
9 fliction of corporal punishment. Every resolution, bylaw, rule, ordinance or
10 other act of a district school board, a public charter school or the Depart-
11 ment of Education that permits or authorizes the infliction of corporal pun-
12 ishment upon a student is void and unenforceable.

13 “(b) As used in this subsection:

14 “(A) ‘Corporal punishment’ means the willful infliction of, or willfully
15 causing the infliction of, physical pain on a student.

16 “(B) ‘Corporal punishment’ does not include:

17 “(i) The use of physical force authorized by ORS 161.205 for the reasons
18 specified therein; or

19 “(ii) Physical pain or discomfort resulting from or caused by participation
20 in athletic competition or other such recreational activity, voluntarily en-
21 gaged in by a student.

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

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

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

28 **“SECTION 8. ORS 336.625, 336.637 and 336.645 are repealed.**

29

30 **“CONTRACTS FOR LAW ENFORCEMENT AGENCIES**

1 **“SECTION 9.** ORS 332.075 is amended to read:

2 “332.075. (1) Any district school board may:

3 “(a) Fix the days of the year and the hours of the day when schools shall
4 be in session.

5 “(b) Adopt textbooks and other instructional materials as provided in ORS
6 337.120 and 337.141 and courses of study for the use of such schools as pro-
7 vided in ORS 336.035.

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

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

20 “(e) Authorize the school district to be a member of and pay fees, if any,
21 to any voluntary organization that administers interscholastic activities or
22 that facilitates the scheduling and programming of interscholastic activities
23 only if the organization:

24 “(A) Implements policies that address the use of derogatory or inappro-
25 priate names, insults, verbal assaults, profanity or ridicule that occurs at an
26 interscholastic activity, including by spectators of the interscholastic activ-
27 ity;

28 “(B) Maintains a transparent complaint process that:

29 “(i) Has a reporting system to allow participants of interscholastic activ-
30 ities or members of the public to make complaints about student, coach or

1 spectator behavior;

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

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

6 “(C) Develops and implements a system of sanctions against schools, stu-
7 dents, coaches and spectators if a complaint made under subparagraph (B)
8 of this paragraph is verified; and

9 “(D) Performs an annual survey of students and their parents to under-
10 stand and respond to potential violations of policies adopted under subpara-
11 graph (A) of this paragraph or violations of ORS 659.850.

12 “(f) Accept money or property donated for the use or benefit of the school
13 district and, consistent with the laws of this state, use such money or prop-
14 erty for the purpose for which it was donated.

15 “(g) Enter into an approved written agreement with the governing body
16 of a federally recognized Native American tribe in Oregon to allow the use
17 of a mascot that represents, is associated with or is significant to the Native
18 American tribe entering into the agreement. An agreement entered into un-
19 der this paragraph must:

20 “(A) Describe the acceptable uses of the mascot;

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

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

24 “(ii) Prescribe the requirements for approval; and

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

28 “(2) All contracts of the school district must be approved by the district
29 school board before an order can be drawn for payment. If a contract is made
30 without the authority of the district school board, the individual making

1 such contract shall be personally liable.

2 “(3)(a) Notwithstanding subsection (2) of this section **and subject to**
3 **paragraph (b) of this subsection**, a district school board may, by resolution
4 or policy, authorize its superintendent or the superintendent’s designee to
5 enter into and approve payment on contracts for products, materials, sup-
6 plies, capital outlay, equipment and services that are within appropriations
7 made by the district school board pursuant to ORS 294.456.

8 “(b) A district school board may not authorize its superintendent or the
9 superintendent’s designee under this subsection to enter into and approve
10 payment on contracts that:

11 “(A) Are collective bargaining agreements or service contracts that in-
12 clude the provision of labor performed by employees of the school
13 district[.]; or

14 “(B) Provide for members of a law enforcement agency to be as-
15 signed to the schools of the school district.

16 “SECTION 10. The amendments to ORS 332.075 by section 9 of this
17 2021 Act become operative on January 1, 2022.

18

19 “CAPTIONS

20

21 “SECTION 11. The unit captions used in this 2021 Act are provided
22 only for the convenience of the reader and do not become part of the
23 statutory law of this state or express any legislative intent in the
24 enactment of this 2021 Act.

25

26 “EFFECTIVE DATE

27

28 “SECTION 12. This 2021 Act being necessary for the immediate
29 preservation of the public peace, health and safety, an emergency is
30 declared to exist, and this 2021 Act takes effect July 1, 2021.”.

