

Enrolled Senate Bill 800

Sponsored by Senator BONAMICI, Representative WINGARD; Senators BURDICK, DEVLIN, EDWARDS, GEORGE, GIROD, HASS, JOHNSON, KRUSE, MONNES ANDERSON, MORSE, SHIELDS, STARR, VERGER, Representatives BERGER, BUCKLEY, CANNON, DEMBROW, DOHERTY, GARRETT, GREENLICK, HOLVEY, HUFFMAN, HUNT, KOMP, READ, SPRENGER, WHISNANT (at the request of Department of Education, Oregon Education Association, Oregon School Boards Association, Oregon Association of Education Service Districts, Confederation of Oregon School Administrators, Oregon School Employees Association, American Federation of Teachers—Oregon)

CHAPTER

AN ACT

Relating to education; creating new provisions; amending ORS 326.051, 326.320, 326.575, 327.023, 327.297, 329.105, 329.115, 329.451, 330.095, 330.113, 332.075, 332.172, 336.479, 337.030, 337.060, 337.110, 338.095, 339.250, 339.270, 339.315, 342.664 and 342.726; and repealing ORS 329.159, 329.228, 329.875, 330.425, 330.430, 330.435, 332.593, 335.105, 335.515, 336.088, 336.116, 336.135, 336.176, 336.177, 336.181, 336.245, 336.375, 336.390, 336.400, 336.410, 336.420, 336.668, 336.670, 336.673, 336.675, 337.100, 337.285, 337.288, 338.185, 339.260, 339.430 and 340.085 and section 4, chapter 846, Oregon Laws 2007.

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

SECTION 1. ORS 326.320 is amended to read:

326.320. *[The Superintendent of Public Instruction shall:]*

[(1) Prepare and distribute to the various school officers materials necessary for the administration of the school laws and cause to be printed materials necessary for the information of school officers and teachers.]

[(2) Annotate and compile all school laws ordered published by the State Board of Education.]

[(3) (1) Except as otherwise provided by law or by rules of the State Board of Education, the Superintendent of Public Instruction shall establish and collect fees for supplies and publications compiled and furnished by the Department of Education and distributed or sold to other persons or groups. [Such charges shall] The fees may not exceed costs of production plus mailing and other distribution costs.

[(4) (2) The superintendent shall deposit all moneys received under subsection [(3)] (1) of this section in the [State Treasury. Such moneys shall be credited to the Education Cash Account of the Department of Education and are continuously appropriated] Education Cash Account established by ORS 327.485. The Department of Education shall keep a record of all moneys deposited in [such] the account. The record shall indicate by separate cumulative accounts the source from which the moneys are derived and the individual activity against which each withdrawal is charged.

SECTION 2. ORS 326.575 is amended to read:

326.575. (1) Within 10 days of a student's seeking initial enrollment in a public or private school or when a student is placed in a state institution, other than an institution of post-secondary edu-

cation, or a private agency, detention facility or youth care center, the school, institution, agency, facility or center shall notify the public or private school or the institution, agency, facility or center in which the student was formerly enrolled and shall request the student's education records.

(2) [Subject to ORS 339.260,] Any public or private school, state institution, private agency, detention facility or youth care center receiving the request described in subsection (1) of this section shall transfer all student education records relating to the particular student to the requesting school, institution, agency, facility or center no later than 10 days after the receipt of the request. The education records shall include any education records relating to the particular student retained by an education service district.

(3) Notwithstanding subsections (1) and (2) of this section, for students who are in substitute care programs:

(a) A school, institution, agency, facility or center shall notify the school, institution, agency, facility or center in which the student was formerly enrolled and shall request the student's education records within five days of the student seeking initial enrollment; and

(b) Any school, institution, agency, facility or center receiving a request for a student's education records shall transfer all student education records relating to the particular student to the requesting school, institution, agency, facility or center no later than five days after the receipt of the request.

(4) Each educational institution that has custody of the student's education records shall annually notify parents and eligible students of their right to review and propose amendments to the records. The State Board of Education shall specify by rule the procedure for reviewing and proposing amendments to a student's education records. If a parent's or eligible student's proposed amendments to a student's education records are rejected by the educational institution, the parent or eligible student shall receive a hearing on the matter. The State Board of Education shall specify by rule the procedure for the hearing.

(5) As used in this section:

(a) "Detention facility" has the meaning given that term in ORS 419A.004.

(b) "Educational institution" means a public or private school, education service district, state institution, private agency or youth care center.

(c) "Private agency" means an agency with which the Department of Education contracts under ORS 343.961.

(d) "Substitute care program" has the meaning given that term in ORS 339.133.

(e) "Youth care center" means a center as defined in ORS 420.855.

SECTION 3. ORS 327.023 is amended to read:

327.023. In addition to those moneys distributed through the State School Fund, the Department of Education shall provide from state funds appropriated therefor, grants in aid or support for special and compensatory education programs including:

(1) The Oregon School for the Deaf.

(2) Medicaid match for administration efforts to secure Medicaid funds for services provided to children with disabilities.

(3) Hospital programs for education services to children who are hospitalized for extended periods of time or who require hospitalization due to severe disabilities as described in ORS 343.261.

(4) Private agency programs for education services to children who are placed by the state in long term care or treatment facilities as described in ORS 343.961.

(5) Regional services provided to children with low-incidence disabling conditions as described in ORS 343.236.

(6) Early childhood special education provided to preschool children with disabilities from age three until age of eligibility for kindergarten as described in ORS 339.185, 343.035, 343.041, 343.055, 343.065, 343.157 and 343.455 to 343.534.

(7) Early intervention services for preschool children from birth until age three as described in ORS 339.185, 343.035, 343.041, 343.055, 343.065, 343.157 and 343.455 to 343.534.

(8) Evaluation services for children with disabilities to determine program eligibility and needs as described in ORS 343.146.

(9) Education services to children residing at state hospitals.

(10) Disadvantaged children program under ORS 343.680.

(11) Early childhood education under ORS [329.228 and] 329.235.

(12) Child development specialist program under ORS 329.255.

(13) Youth care centers under ORS 420.885.

(14) Staff development and mentoring.

(15) Career and technical education grants.

(16) Special science education programs.

(17) Talented and Gifted children program under ORS 343.391 to 343.413.

SECTION 4. ORS 327.297 is amended to read:

327.297. (1) In addition to those moneys distributed through the State School Fund, the Department of Education shall award grants to school districts, education service districts, the Youth Corrections Education Program and the Juvenile Detention Education Program for activities that relate to increases in student achievement, including:

(a) Early childhood support including establishing, maintaining or expanding quality prekindergarten programs and full-day kindergarten programs;

(b) Class size reduction with an emphasis on the reduction of kindergarten through grade three class sizes;

(c) Increases in instructional time including summer programs and before- and after-school programs;

(d) Mentoring, teacher retention and professional development;

(e) Remediation, alternative learning and student retention;

(f) Services to at-risk youth;

(g) Programs to improve a student achievement gap between student groups identified by culture, poverty, language and race and other student groups;

(h) Vocational education programs;

(i) Literacy programs;

(j) School library programs; and

(k) Other research-based student improvement strategies approved by the State Board of Education.

(2)(a) Each school district, each education service district, the Youth Corrections Education Program and the Juvenile Detention Education Program may apply to the Department of Education for a grant.

(b) The department shall review and approve applications based on criteria established by the State Board of Education. In establishing the criteria, the State Board of Education shall consider the recommendations of the Quality Education Commission established under ORS 327.500.

(c) The applications shall include the activities to be funded and the goals of the district or program for increases in student performance. The applications shall become part of the local district continuous improvement plan described in ORS 329.095.

[(3) The Department of Education shall evaluate the annual progress of each recipient of grant funds under this section toward the performance targets established by the Quality Education Commission. The evaluation shall become part of the requirements of the department for assessing the effectiveness of the district under ORS 329.085, 329.095 and 329.105. The department shall ensure district and program accountability by providing appropriate assistance, intervening and establishing consequences in order to support progress toward the performance targets.]

[(4) Each biennium the Department of Education shall issue a report to the Legislative Assembly on the grant program and the results of the grant program.]

[(5)(a)] **(3)(a)** Notwithstanding ORS 338.155 (9), the Department of Education may not award a grant under this section directly to a public charter school.

(b) A school district that receives a grant under this section may transfer a portion of the grant to a public charter school based on the charter of the school or any other agreement between the school district and the public charter school.

(c) A public charter school that receives grant funds under this subsection shall use those funds for the activities specified in subsection (1) of this section.

[(6)(a)] **(4)(a)** The amount of each grant for a program or school district = the program's or school district's ADMw × (the total amount available for distribution to programs and school districts as grants in each fiscal year ÷ the total ADMw of all programs and school districts that receive a grant).

(b) The amount of each grant for an education service district = the education service district's ADMw × (the total amount available for distribution to education service districts as grants in each fiscal year ÷ the total ADMw of all education service districts that receive a grant).

(c) As used in this subsection, "ADMw" means:

(A) For a school district, the extended weighted average daily membership as calculated under ORS 327.013, 338.155 (1) and 338.165 (3);

(B) For the Youth Corrections Education Program, the average daily membership as defined in ORS 327.006 multiplied by 2.0;

(C) For the Juvenile Detention Education Program, the average daily membership as defined in ORS 327.006 multiplied by 1.5; and

(D) For an education service district, the sum of the ADMw of the component school districts of the education service district.

[(7)] **(5)** Each district or program shall deposit the grant amounts it receives under this section in a separate account, and shall apply amounts in that account to pay for activities described in the district's or program's application.

[(8)] **(6)** The State Board of Education may adopt any rules necessary for the administration of the grant program.

SECTION 5. ORS 329.105 is amended to read:

329.105. (1) The Superintendent of Public Instruction shall collect data and produce annual school district and school performance reports [*containing information on student performance, student behavior and school characteristics. The purpose of the performance reports is*] to provide information to parents and to improve schools [*through greater parental involvement*].

[(2)(a)] *In consultation with representatives of parents, teachers, school district boards and school administrators, the State Board of Education shall adopt, by rule, criteria for identifying outstanding schools, satisfactory schools and schools in need of improvement. Such criteria shall take into account student performance, improvement in student performance, the participation rate of students on the statewide assessments, student attendance rates and graduation rates. The Superintendent of Public Instruction, based on the criteria adopted by the State Board of Education, shall assign a rating to each school that identifies the school as outstanding, satisfactory or in need of improvement.*]

[(b)] *The ratings received by a school shall be included in the school district and school performance reports.*]

[(c)] *If a school is designated as in need of improvement, the school shall file a school improvement plan with the Superintendent of Public Instruction and with the school district board.*]

[(d)] *The Department of Education shall work with stakeholders to design and implement an accountability system of progressive interventions for and provide technical assistance to schools and school districts that do not demonstrate improvement.*]

[(3)] *The Superintendent of Public Instruction shall include in the school performance reports data for the following areas, for each school, that are available to the Department of Education from the most recent school year:*]

[(a)] *Enrollment in English as a second language courses under ORS 336.079;*]

[(b)] *Attendance rates;*]

[(c)] *School safety, such as expulsions involving weapons in the school;*]

[(d) Disaggregated data on students who met or exceeded the academic content standards established by the board;]

[(e) Dropout rates and the number of students who dropped out of school;]

[(f) Parent and community involvement such as volunteer hours;]

[(g) The percentage of classes taught by a teacher identified as highly qualified under rules adopted by the United States Department of Education; and]

[(h) School staff, identified by category.]

[(4) The Superintendent of Public Instruction shall include in the school district performance reports data for the following areas, for each school district, that are available to the Department of Education from the most recent school year:]

[(a) Resident students who attend a public school in another school district;]

[(b) Facilities used for distance learning;]

[(c) Election results of any bond levy proposed to the electors of the district;]

[(d) Expenditures;]

[(e) Level of support from the education service district;]

[(f) Administrators not assigned to a specific school;]

[(g) School district staff, identified by category; and]

[(h) Students who are eligible for special education.]

[(5) The Superintendent of Public Instruction shall notify the public and the media by January 30 of each year that school district and school performance reports are available at schools and school districts and at the Department of Education website and offices. The superintendent shall also include notice that copies of school improvement plans and district continuous improvement plans can be obtained from school and school district offices. Each school district shall send a copy of the school district and applicable school performance reports to each parent of a child enrolled in a public school in the school district.]

(2) The superintendent shall include in the school district and school performance reports data for the following areas, for each school or district, that are available to the Department of Education from the most recent school year:

(a) Data required by the federal No Child Left Behind Act of 2001 (P.L. 107-110, 115 Stat. 1425); and

(b) Any other data identified by the Department of Education as required by federal law to be in the reports.

(3) In addition to the data required by subsection (2) of this section, the superintendent may include other data on the school district and school performance reports.

(4) The department shall work with stakeholders to:

(a) Design and implement an accountability system of progressive interventions for schools and school districts that do not demonstrate improvement; and

(b) Provide technical assistance to schools and school districts that do not demonstrate improvement.

SECTION 6. ORS 329.115 is amended to read:

329.115. (1) Prior to December 1 of each year, the Superintendent of Public Instruction shall issue an Oregon Report Card on the state of the public schools **of this state**. *[and progress toward achieving the goals contained in ORS 329.025. The purpose of the Oregon Report Card is to monitor trends among school districts and Oregon's progress toward achieving the goals stated in this chapter and the Department of Education key performance measures established by the Oregon Progress Board.]*

[(2) The Oregon Report Card shall include information on the following:]

[(a) Student performance on Oregon state assessments and national assessments;]

[(b) Data required by the federal No Child Left Behind Act of 2001 (P.L. 107-110, 115 Stat. 1425);]

[(c) Public school funding, expenditures and employee salary information;]

[(d) Instructional hours;]

- [(e) School staff information;]*
- [(f) District size, student demographics and student enrollment;]*
- [(g) Dropout rates;]*
- [(h) Alternative education programs;]*
- [(i) Public charter schools;]*
- [(j) Early childhood education and Oregon prekindergarten; and]*
- [(k) Programs for students with special needs.]*

(2) The Oregon Report Card shall include information on the following:

(a) Data required by the federal No Child Left Behind Act of 2001 (P.L. 107-110, 115 Stat. 1425); and

(b) Any other data identified by the Department of Education as required by federal law.

(3) In addition to the information required under subsection (2) of this section, the superintendent may include other information in the Oregon Report Card.

SECTION 7. ORS 329.451 is amended to read:

329.451. (1)(a) At or before grade 12, a school district or public charter school shall award a high school diploma to a student who completes the requirements established by subsection (2) of this section.

(b) A school district or public charter school shall award a modified diploma to a student who satisfies the requirements established by subsection (7) of this section, an extended diploma to a student who satisfies the requirements established by subsection (8) of this section or an alternative certificate to a student who satisfies the requirements established by subsection (9) of this section.

(c) A school district or public charter school may not deny a student who has the documented history described in subsection (7)(b) or (8)(b) and (c) of this section the opportunity to pursue a diploma with more stringent requirements than a modified diploma or an extended diploma for the sole reason that the student has the documented history.

(d) A school district or public charter school may award a modified diploma or extended diploma to a student only upon the consent of the parent or guardian of the student.

(2) In order to receive a high school diploma from a school district or public charter school, a student must satisfy the requirements established by the State Board of Education and the school district or public charter school and, while in grades 9 through 12, must complete at least:

- (a) Twenty-four total credits;
- (b) Three credits of mathematics; and
- (c) Four credits of English.

(3) Notwithstanding subsection (2) of this section, a school district or public charter school may award a high school diploma to a student who does not satisfy the requirements of subsection (2)(b) or (c) of this section if the student:

- (a) Has met or exceeded the academic content standards for mathematics or English established by the board, as demonstrated on Oregon state assessments; or
- (b) Displays proficiency in mathematics or English at a level established by the board.

(4) A student may satisfy the requirements of subsection (2) of this section in less than four years. If a student satisfies the requirements of subsection (2) of this section and a school district or public charter school has the consent of the student's parent or guardian, the school district or public charter school shall award a high school diploma to the student upon request from the student.

(5) If a school district or public charter school has the consent of a student's parent or guardian, the school district or public charter school may advance the student to the next grade level if the student has satisfied the requirements for the student's current grade level.

(6) The requirement for obtaining the consent of a student's parent or guardian under subsections (4) and (5) of this section does not apply to a student who is:

- (a) Emancipated pursuant to ORS 419B.550 to 419B.558; or
- (b) 18 years of age or older.

(7) A school district or public charter school shall award a modified diploma only to students who have demonstrated the inability to meet the full set of academic content standards for a high school diploma with reasonable modifications and accommodations. To be eligible for a modified diploma, a student must:

(a) Satisfy the requirements for a modified diploma established by the State Board of Education; and

(b) Have a documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers or have a documented history of a medical condition that creates a barrier to achievement.

(8) A school district or public charter school shall award an extended diploma only to students who have demonstrated the inability to meet the full set of academic content standards for a high school diploma with reasonable modifications and accommodations. To be eligible for an extended diploma, a student must:

(a) While in grade nine through completion of high school, complete 12 credits, which may not include more than six credits earned in a self-contained special education classroom and shall include:

(A) Two credits of mathematics;

(B) Two credits of English;

(C) Two credits of science;

(D) Three credits of history, geography, economics or civics;

(E) One credit of health;

(F) One credit of physical education; and

(G) One credit of the arts or a second language;

(b) Have a documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers or have a documented history of a medical condition that creates a barrier to achievement; and

(c)(A) Participate in an alternate assessment beginning no later than grade six and lasting for two or more assessment cycles; or

(B) Have a serious illness or injury that occurs after grade eight, that changes the student's ability to participate in grade level activities and that results in the student participating in alternate assessments.

(9) A school district or public charter school shall award an alternative certificate to a student who does not satisfy the requirements for a high school diploma, a modified diploma or an extended diploma if the student meets requirements established by the board of the school district or public charter school.

(10) A student who receives a modified diploma, an extended diploma or an alternative certificate shall have the option of participating in a high school graduation ceremony with the class of the student.

(11) A school district or public charter school shall:

(a) Ensure that students have access to the appropriate resources to achieve a high school diploma, a modified diploma, an extended diploma or an alternative certificate at each high school in the school district or at the public charter school.

(b) Provide literacy instruction to all students until graduation.

(c) Beginning in grade five, annually provide information to the parents or guardians of a student taking an alternate assessment of the availability of a modified diploma, an extended diploma and an alternative certificate and the requirements for the diplomas and certificate.

[(12) The State Board of Education shall submit for review by the legislative committees on education or the interim legislative committees on education, as appropriate, any proposed rules to implement requirements for a high school diploma, a modified diploma, an extended diploma or an alternative certificate prior to the adoption of those rules by the board.]

SECTION 8. ORS 330.095 is amended to read:

330.095. (1) Subject to ORS 332.118, the request or petition for proposed change or merger in school districts shall:

(a) Be directed to the district boundary board of the county or counties having jurisdiction over the affected school districts;

(b) Contain the names and numbers of districts affected by the change;

(c) Contain a concise statement of the type of change requested and, if only a portion of the school district is involved, contain a legal description thereof; and

(d) If a petition of electors from affected districts is involved, contain the signatures and residence addresses or mailing addresses of the petitioners and the names of the school districts in which they reside.

(2) If a merger is requested or petitioned, the request or petition shall also contain proposals for distribution of debt.

(3) When any proposed boundary change or merger affects school districts under the jurisdiction of different district boundary boards, the proposed change or merger shall first be acted upon by the district boundary board of the county in which lies the most populous district, and must be submitted to the district boundary board of the other affected county or counties.

(4) Any proposed merger may contain a recommendation that the new district retain the same name and number as the most populous school district in the merger or a recommendation for a new name for the district[, a request for the formation of school committees as described in ORS 330.425] and a request that the number of members of the district school board be increased to seven members.

SECTION 9. ORS 330.113 is amended to read:

330.113. (1) When two or more school districts are merged as provided by law, the affected districts shall be considered merged into the most populous district and:

(a) Unless the district school boards or the petitioners requesting the merger recommend that the enlarged school district retain the same name and number which was previously assigned to the most populous district included in the merger, the district boundary board shall give the enlarged district the new name recommended under ORS 330.095, and the county assessor shall assign a new number that has not previously been used. However, if the boundaries of the enlarged school district are the same as the boundaries of the county, the official name of the enlarged school district shall be _____ (name of county) County School District.

(b) The school districts included in the merger shall become identified with the newly named district or the most populous district.

(c) The employees of the component districts shall be considered to be employees of the enlarged district, which shall succeed the other districts in such merger as a party to their respective contracts of employment.

(d) No school district employee shall be deprived of seniority or accumulated sick leave solely because the duties of the employee have been assumed or acquired by another school district as a result of a merger or boundary change.

(2) The board of directors of the most populous district shall constitute the board of directors of the enlarged district and the terms of all other directors of component districts shall expire on the effective date of the merger except that the number of directors may be increased to seven members [*and school committees may be authorized pursuant to ORS 330.425*].

(3) All real and personal property belonging to the districts within the enlarged district shall become the property of the enlarged district.

(4) When a petition or request for a merger of school districts contains proposals for distribution of debt as provided in ORS 330.095 and the district boundary board in the manner provided in ORS 330.101 declares such merger effective, the district school board of the enlarged district is authorized to levy taxes in conformity with such proposals.

(5) Notwithstanding ORS 328.555, school districts requesting a boundary change in response to chapter 393, Oregon Laws 1991, shall, as part of the boundary change request under ORS 330.092, provide for the distribution of existing debt, if any.

SECTION 10. ORS 332.172 is amended to read:

332.172. (1) [*Subject to ORS 330.430,*] The district school board may permit the use of school buildings and grounds for civic and recreational purposes, including use for:

(a) Supervised recreational activities;

(b) Meeting places for discussion of all subjects and questions which in the judgment of the residents may relate to the educational, political, economic, artistic and moral interests of the residents, giving equal rights and privileges to all religious denominations and political parties; and

(c) Such other proper purposes as may be determined by the board.

(2) The district school board may appoint a special supervising officer to have charge of the buildings and grounds, preserve order, protect school property and do all things necessary in the capacity of a peace officer to carry out the provisions of this section.

(3) The district school board may establish a schedule of fees and collect fees pursuant to the schedule for use of school buildings and grounds and other facilities, including but not limited to gymnasium equipment, swimming pools, athletic fields and tennis courts.

(4) Expenses for light, heat, janitor services and services of the special supervising officer provided in connection with use of buildings and grounds under this section which are not covered by the fees charged under subsection (3) of this section shall be paid out of the county or special school funds of the district in the same manner that other similar services are paid.

(5) The district school board shall make rules governing the use of school buildings and grounds under this section.

SECTION 11. ORS 337.030 is amended to read:

337.030. The Superintendent of Public Instruction [*shall*], under the direction of the State Board of Education, [*mail a copy of a circular to all the leading school textbook publishers in the United States. The circular shall contain:*] **shall provide annual notice to school textbook and instructional materials publishers in the United States about the textbook and instructional materials review and selection process. The superintendent may satisfy the requirement of this section by publishing the notice on the website of the Department of Education. The notice shall contain:**

[(1) *The name and post-office address of the State Board of Education.*]

[(2)] (1) The time and place of meeting of the board to review and adopt textbooks **and instructional materials.**

[(3)] (2) The general form of the proposal to be followed by publishers in submitting textbooks **and instructional materials** for review and adoption.

[(4)] (3) The general form of contract to be entered into between the board and a publisher whose textbooks **or instructional materials** may be adopted.

[(5)] (4) The [*branches of study*] **subject areas** for which textbooks **or instructional materials** are to be adopted.

[(6)] (5) The statutory provisions relating to the review and adoption of textbooks **and instructional materials.**

[(7)] (6) Such additional information as may be considered useful.

SECTION 12. ORS 337.060 is amended to read:

337.060. (1) The proposals of each publisher shall be submitted to the Department of Education in writing and shall be responsive to the requirements of ORS 337.030 [(3) and (4)] **(2) and (3)**, and such other information relating to the terms and conditions under which the publisher proposes to furnish textbooks **or instructional materials** as the State Board of Education may require.

(2) In addition to the material required under subsection (1) of this section, the proposal shall include documentation and analysis on each textbook **or instructional material** showing how it conforms to the guidelines and criteria adopted by the State Board of Education for the review and adoption of textbooks **and instructional materials.**

SECTION 13. ORS 337.110 is amended to read:

337.110. If at any time during the period for which a textbook or other instructional material is on the approved list adopted under ORS 337.050, it becomes necessary for the State Board of

Education to adopt any textbook or other instructional material instead of those regularly adopted, the chairperson of the board may call a special session of the board. It may, upon convening, adopt such textbook or other instructional material in the same manner as other textbooks or other instructional materials are required to be adopted[; *except the Superintendent of Public Instruction need not in such case cause circulars described in ORS 337.030 to be sent to publishers*].

SECTION 14. ORS 338.095 is amended to read:

338.095. (1) A public charter school shall report to the sponsor and the [State Board] **Department** of Education at least annually on the performance of the school and its students. A public charter school shall disclose in its report information necessary to make a determination of compliance with the requirements of this chapter. The sponsor or the sponsor's designee at least annually shall visit the public charter school site and review the public charter school's compliance with the terms and provisions of the charter.

(2) The public charter school shall have an annual audit of the accounts of the public charter school prepared in accordance with the Municipal Audit Law, ORS 297.405 to 297.555 and 297.990.

The school shall forward a copy of the annual audit to the Department of Education.

(3) After an audit, the following shall be forwarded to the sponsor: [, *the State Board of Education and the Department of Education:*]

(a) A copy of the annual audit;

(b) Any statements from the public charter school that show the results of all operations and transactions affecting the financial status of the public charter school during the preceding annual audit period for the school; and

(c) A balance sheet containing a summary of the assets and liabilities of the public charter school as of the closing date of the preceding annual audit period for the school.

(3) The State Board of Education may require public charter schools to file reports with the Department of Education as necessary to enable the department to gather information on public charter schools for inclusion in the Oregon Report Card issued pursuant to ORS 329.115.

SECTION 15. ORS 339.270 is amended to read:

339.270. (1) If a school district finds that a student is responsible for damaging school district property, the school district [*shall*] **may** determine the reasonable cost of repairing or replacing the school district property. If the cost is \$50 or more, the school district [*shall*] **may** notify the student and the parent or guardian of the student about the cost and [*shall*] **may** charge the student or the parent or guardian of the student for the cost of repairing or replacing the school district property. If the amount is not paid by the student or the parent or guardian of the student, or if other arrangements have not been made, within 10 days of receiving the notice under this subsection, the amount shall become a debt owed by the student or the parent or guardian of the student. [, *and the school district shall withhold the grade reports, diploma and records of the student pursuant to ORS 339.260.*]

[*(2) If the cost of repairing or replacing school district property is less than \$50, the school district may proceed under this section to collect the debt.*]

[*(3)*] (2) If the debt owed to the school district is not paid as demanded, the school district board, in addition to any other remedy provided by law, may bring an action under this section against the student or parent or guardian of the student in a court of competent jurisdiction for the amount owed to the school district plus costs and reasonable attorney fees.

SECTION 16. ORS 342.664 is amended to read:

342.664. (1) The State Board of Education shall establish by rule the ratio of the number of pupils to the number of staff members who must hold current, recognized first aid cards in each school.

(2) In order to attain or maintain the ratio set under subsection (1) of this section, the district may require any staff member as a condition of employment to hold a current, recognized first aid card. The staff member shall have 90 days from the date on which the district imposes the requirement to obtain the first aid card.

(3) The district may waive the requirement of subsection (2) of this section for any staff member who is unable by reason of disability to obtain a recognized first aid card.

[*(4) The district shall certify annually to the Department of Education that it complies with the ratio requirement set under subsection (1) of this section.*]

SECTION 17. ORS 326.051 is amended to read:

326.051. Subject to ORS 417.300 and 417.305:

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

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

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

(c) Prescribe required or minimum courses of study.

(d) Adopt rules regarding school and interscholastic activities [*in accordance with standards established pursuant to paragraph (f) of this subsection*].

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

[*(f) Adopt standards applicable to voluntary organizations that administer interscholastic activities as provided in ORS 339.430.*]

[*(g)*] **(f)** Adopt rules that will eliminate the use and purchase of elemental mercury, mercury compounds and mercury-added instructional materials by public elementary and secondary schools.

(2) The State Board of Education may:

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

(b) Apply for federal funds and accept and enter into any contracts or agreements on behalf of the state for the receipt of such funds from the federal government or its agencies for:

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

(B) Career and technical education programs;

(C) Adult education programs;

(D) Workforce training programs; and

(E) Any grants available to the state or its political subdivisions for general federal aid for public kindergartens, public elementary schools, public secondary schools and public community colleges and their auxiliary services, improvement of teacher preparation, teacher salaries, construction of school buildings, administration of the Department of Education and any other educational activities under the jurisdiction of the State Board of Education.

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

(3) The State Board of Education shall provide a separate, identifiable place on its agenda six times a year for community college issues. The state board may also consider matters affecting community colleges at any regular or special meeting.

SECTION 18. ORS 332.075 is amended to read:

332.075. (1) Any district school board may:

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

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

(c) Authorize the use of the schools for purposes of training students of an approved teacher education institution, as defined in ORS 342.120, and for such purposes may enter into contracts

with the approved teacher education institutions on such terms as may be agreed upon. Such contracts as they relate to student teachers shall have the same effect and be subject to the same regulations as a contract between a licensed teacher and a district school board.

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

(e) Authorize the school district to be a member of and pay fees, if any, to any voluntary organization[, *approved under ORS 339.430,*] that administers interscholastic activities or that facilitates the scheduling and programming of interscholastic activities.

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

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

(3) Notwithstanding subsection (2) of this section, a district school board may, by resolution or policy, authorize its superintendent or the superintendent's designee to enter into and approve payment on contracts for products, materials, supplies, capital outlay, equipment and services that are within appropriations made by the district school board pursuant to ORS 294.435. A district school board may not authorize its superintendent or the superintendent's designee under this subsection to enter into and approve payment on contracts that are collective bargaining agreements or service contracts that include the provision of labor performed by employees of the school district.

SECTION 19. ORS 336.479 is amended to read:

336.479. (1) As used in this section, "participation" means participation in sports practices and actual interscholastic sports competition.

(2) Each school district shall require students who participate in extracurricular sports in grades 7 through 12 in the schools of the district to have a physical examination prior to participation. A person conducting the physical examination shall use a form and protocol prescribed by rule of the State Board of Education pursuant to subsection (6) of this section.

(3) A school district shall require students who continue to participate in extracurricular sports in grades 7 through 12 to have a physical examination once every two years.

(4) Notwithstanding subsection (3) of this section, a school district shall require a student who is diagnosed with a significant illness or has had a major surgery to have a physical examination prior to further participation in extracurricular sports.

(5) Any physical examination required by this section shall be conducted by a:

(a) Physician possessing an unrestricted license to practice medicine;

(b) Licensed naturopathic physician;

(c) Licensed physician assistant;

(d) Certified nurse practitioner; or

(e) Licensed chiropractic physician who has clinical training and experience in detecting cardiopulmonary diseases and defects.

(6) The State Board of Education shall by rule prescribe the form and protocol to be used for physical examinations required by this section. [*The board shall consult with a voluntary organization approved by the State Board of Education under ORS 339.430 in adopting rules under this section.*]

SECTION 20. ORS 339.250 is amended to read:

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

(2) Pursuant to the written policies of a district school board, an individual who is a teacher, administrator, school employee or school volunteer may use reasonable physical force upon a student when and to the extent the individual reasonably believes it necessary to maintain order in the

school or classroom or at a school activity or event, whether or not it is held on school property. The district school board shall adopt written policies to implement this subsection and shall inform such individuals of the existence and content of these policies.

(3) The district school board may authorize the discipline, suspension or expulsion of any refractory student and may suspend or expel any student who assaults or menaces a school employee or another student. The age of a student and the past pattern of behavior of a student shall be considered prior to a suspension or expulsion of a student. As used in this subsection “menace” means by word or conduct the student intentionally attempts to place a school employee or another student in fear of imminent serious physical injury.

(4)(a) Willful disobedience, willful damage or injury to school property, use of threats, intimidation, harassment or coercion against any fellow student or school employee, open defiance of a teacher’s authority or use or display of profane or obscene language is sufficient cause for discipline, suspension or expulsion from school.

(b) District school boards shall develop policies on managing students who threaten violence or harm in public schools. The policies adopted by a school district shall include staff reporting methods and shall require an administrator to consider:

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

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

(C) Requiring the student to be evaluated by a licensed mental health professional before allowing the student to return to the classroom setting.

(c) The administrator shall notify the parent or legal guardian of the student’s behavior and the school’s response.

(d) District school boards may enter into contracts with licensed mental health professionals to perform the evaluations required under paragraph (b) of this subsection.

(e) District school boards shall allocate any funds necessary for school districts to implement the policies adopted under paragraph (b) of this subsection.

(5) Expulsion of a student shall not extend beyond one calendar year and suspension shall not extend beyond 10 school days.

(6)(a) Notwithstanding subsection (5) of this section, a school district shall have a policy that requires the expulsion from school for a period of not less than one year of any student who is determined to have:

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

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

(C) Brought to or possessed, concealed or used a weapon at an interscholastic activity administered by a voluntary organization [*approved by the State Board of Education under ORS 339.430*].

(b) The policy shall allow an exception for courses, programs and activities approved by the school district that are conducted on school property, including but not limited to hunter safety courses, Reserve Officer Training Corps programs, weapons-related sports or weapons-related vocational courses. In addition, the State Board of Education may adopt by rule additional exceptions to be included in school district policies.

(c) The policy shall allow a superintendent to modify the expulsion requirement for a student on a case-by-case basis.

(d) The policy shall require a referral to the appropriate law enforcement agency of any student who is expelled under this subsection.

(e) For purposes of this subsection, “weapon” includes a:

(A) “Firearm” as defined in 18 U.S.C. 921;

(B) "Dangerous weapon" as defined in ORS 161.015; or

(C) "Deadly weapon" as defined in ORS 161.015.

(7) The Department of Education shall collect data on any expulsions required pursuant to subsection (6) of this section including:

(a) The name of each school;

(b) The number of students expelled from each school; and

(c) The types of weapons involved.

(8) Notwithstanding ORS 336.010, a school district may require a student to attend school during nonschool hours as an alternative to suspension.

(9) Unless a student is under expulsion for an offense that constitutes a violation of a school district policy adopted pursuant to subsection (6) of this section, a school district board shall consider and propose to the student prior to expulsion or leaving school, and document to the parent, legal guardian or person in parental relationship, alternative programs of instruction or instruction combined with counseling for the student that are appropriate and accessible to the student in the following circumstances:

(a) When a student is expelled pursuant to subsection (4) of this section;

(b) Following a second or subsequent occurrence within any three-year period of a severe disciplinary problem with a student;

(c) When it has been determined that a student's attendance pattern is so erratic that the student is not benefiting from the educational program; or

(d) When a parent or legal guardian applies for a student's exemption from compulsory attendance on a semiannual basis as provided in ORS 339.030 (2).

(10) A school district board may consider and propose to a student who is under expulsion or to a student prior to expulsion for an offense that constitutes a violation of a school district policy adopted pursuant to subsection (6) of this section, and document to the parent, legal guardian or person in parental relationship, alternative programs of instruction or instruction combined with counseling for the student that are appropriate and accessible to the student.

(11) Information on alternative programs provided under subsections (9) and (10) of this section shall be in writing. The information need not be given to the student and the parent, guardian or person in parental relationship more often than once every six months unless the information has changed because of the availability of new programs.

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

(b) As used in this subsection, "corporal punishment" means the willful infliction of, or willfully causing the infliction of, physical pain on a student.

(c) As used in this subsection, "corporal punishment" does not mean:

(A) The use of physical force authorized by ORS 161.205 for the reasons specified therein; or

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

SECTION 21. ORS 339.315 is amended to read:

339.315. (1)(a) Any employee of a public school district, an education service district or a private school who has reasonable cause to believe that a person, while in a school, is or within the previous 120 days has been in possession of a firearm or destructive device in violation of ORS 166.250, 166.370 or 166.382 shall report the person's conduct immediately to a school administrator, school director, the administrator's or director's designee or law enforcement agency within the county. A school administrator, school director or the administrator's or director's designee, who has reasonable cause to believe that the person, while in a school, is or within the previous 120 days has been in possession of a firearm or destructive device in violation of ORS 166.250, 166.370 or 166.382, shall promptly report the person's conduct to a law enforcement agency within the county. If the school administrator, school director or employee has reasonable cause to believe that a person has

been in possession of a firearm or destructive device as described in this paragraph more than 120 days previously, the school administrator, school director or employee may report the person's conduct to a law enforcement agency within the county.

(b) Anyone participating in the making of a report under paragraph (a) of this subsection who has reasonable grounds for making the report is immune from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of the report. Any participant has the same immunity with respect to participating in any judicial proceeding resulting from the report.

(c) Except as required by ORS 135.805 to 135.873 and 419C.270 (5) or (6), the identity of a person participating in good faith in the making of a report under paragraph (a) of this subsection who has reasonable grounds for making the report is confidential and may not be disclosed by law enforcement agencies, the district attorney or any public or private school administrator, school director or employee.

(2) When a law enforcement agency receives a report under subsection (1) of this section, the law enforcement agency shall promptly conduct an investigation to determine whether there is probable cause to believe that the person, while in a school, did possess a firearm or destructive device in violation of ORS 166.250, 166.370 or 166.382.

(3) As used in this section, "school" means:

(a) A public or private institution of learning providing instruction at levels kindergarten through grade 12, or their equivalents, or any part thereof;

(b) The grounds adjacent to the institution; and

(c) Any site or premises that at the time is being used exclusively for a student program or activity that is sponsored or sanctioned by the institution, a public school district, an education service district or a voluntary organization [*approved by the State Board of Education under ORS 339.430*] and that is posted as such.

(4) For purposes of subsection (3)(c) of this section, a site or premises is posted as such when the sponsoring or sanctioning entity has posted a notice identifying the sponsoring or sanctioning entity and stating, in substance, that the program or activity is a school function and that the possession of firearms or dangerous weapons in or on the site or premises is prohibited under ORS 166.370.

SECTION 22. ORS 342.726 is amended to read:

342.726. (1) School districts shall include information on anabolic steroids and performance-enhancing substances, including prevention strategies, strength-building alternatives and the understanding of health food labels, in health and physical education curricula for kindergarten through grade 12 students.

(2) The Department of Education shall ensure that school districts are utilizing evidence-based programs such as the Oregon Health and Science University's Athletes Training and Learning to Avoid Steroids (ATLAS) and Athletes Targeting Healthy Exercise and Nutrition Alternatives (ATHENA), which have demonstrated effectiveness in reducing anabolic steroid and performance-enhancing substance use by high school athletes.

(3) The department shall work with voluntary organizations [*approved to*] **that** administer interscholastic activities [*under ORS 339.430*] to require school district employees who are coaches or athletic directors to receive training once every four years on identifying the components of anabolic steroid abuse and use and prevention strategies for the use of performance-enhancing substances.

SECTION 23. **The Early Childhood Education Trust Fund is abolished. Any moneys in the fund on the effective date of this 2011 Act shall be transferred to the Department of Education Account established by ORS 326.115.**

SECTION 24. **The term of office of any member of a local school committee, as described in ORS 330.425 and 335.515, terminates on the effective date of this 2011 Act.**

SECTION 25. **ORS 329.159, 329.228, 329.875, 330.425, 330.430, 330.435, 332.593, 335.105, 335.515, 336.088, 336.116, 336.135, 336.176, 336.177, 336.181, 336.245, 336.375, 336.390, 336.400,**

336.410, 336.420, 336.668, 336.670, 336.673, 336.675, 337.100, 337.285, 337.288, 338.185, 339.260, 339.430 and 340.085, and section 4, chapter 846, Oregon Laws 2007, are repealed.

Passed by Senate April 12, 2011

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 24, 2011

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Received by Governor:

.....M,....., 2011

Approved:

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2011

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Kate Brown, Secretary of State