

House Bill 3060

Sponsored by Representative HANNA

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits imposition of sanctions on public school as result of school's discriminatory acts unless court has taken certain actions or conciliation agreement specifies sanctions.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to discrimination by public schools; creating new provisions; amending ORS 659.855; and
3 declaring an emergency.

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

5 **SECTION 1.** ORS 659.855 is amended to read:

6 659.855. *[(1) Any public elementary or secondary school determined by the Superintendent of Public*
7 *Instruction or any community college determined by the Commissioner for Community College Services*
8 *to be in noncompliance with provisions of ORS 659.850 and this section shall be subject to appropriate*
9 *sanctions, which may include withholding of all or part of state funding, as established by rule of the*
10 *State Board of Education.]*

11 **(1) Except as provided in subsection (2) of this section:**

12 **(a) Any public elementary or secondary school determined by the Superintendent of**
13 **Public Instruction to be in noncompliance with the provisions of ORS 659.850 and this section**
14 **shall be subject to appropriate sanctions, which may include withholding of all or part of**
15 **state funding, as established by rule of the State Board of Education.**

16 **(b) Any community college determined by the Commissioner for Community College**
17 **Services to be in noncompliance with the provisions of ORS 659.850 and this section shall be**
18 **subject to appropriate sanctions, which may include withholding of all or part of state fund-**
19 **ing, as established by rule of the State Board of Education.**

20 *[(2)]* **(c) Any public university listed in ORS 352.002 determined by the Chancellor of the Oregon**
21 **University System to be in noncompliance with the provisions of ORS 659.850 and this section shall**
22 **be subject to appropriate sanctions, which may include withholding of all or part of state funding,**
23 **as established by rule of the State Board of Higher Education.**

24 *[(3)]* **(d) Any public charter school determined by the sponsor of the school or the superintendent**
25 **to be in noncompliance with the provisions of ORS 659.850 and this section shall be subject to ap-**
26 **propriate sanctions, which may include the withholding of all or part of state funding by the sponsor**
27 **or superintendent, as established by rule of the State Board of Education.**

28 **(2) The superintendent, commissioner, chancellor or sponsor may impose sanctions under**
29 **this section only if:**

30 **(a) A court first awards damages or orders other relief under ORS 659.860 that:**

31 **(A) Is in relation to the noncompliance; and**

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

1 **(B) Is not temporary or preliminary injunctive relief; or**
2 **(b) A conciliation agreement or similar agreement with the person filing the grievance**
3 **related to the noncompliance specifies sanctions that may be imposed.**

4 **SECTION 2. The amendments to ORS 659.855 by section 1 of this 2013 Act apply to**
5 **sanctions imposed on or after the effective date of this 2013 Act.**

6 **SECTION 3. This 2013 Act being necessary for the immediate preservation of the public**
7 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
8 **on its passage.**

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