

# Senate Bill 501

Sponsored by Senator CLOSE (at the request of Linn County Commissioner John Lindsey)

## 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 State Board of Education from adopting standards or rules that permit Superintendent of Public Instruction to find school district to be nonstandard or to withhold moneys or impose sanctions related to use of mascot by public school.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to school mascots; amending ORS 326.051; and declaring an emergency.

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

4 **SECTION 1.** ORS 326.051 is amended to read:

5 326.051. Subject to ORS 417.300 and 417.305:

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

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

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

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

13 (d) Adopt rules regarding school and interscholastic activities.

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

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

19 (2) The State Board of Education may:

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

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

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

30 (B) Career and technical education programs;

**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 (C) Adult education programs;

2 (D) Workforce training programs; and

3 (E) Any grants available to the state or its political subdivisions for general federal aid for  
4 public kindergartens, public elementary schools, public secondary schools and public community  
5 colleges and their auxiliary services, improvement of teacher preparation, teacher salaries, con-  
6 struction of school buildings, administration of the Department of Education and any other educa-  
7 tional activities under the jurisdiction of the State Board of Education.

8 (c) Adopt rules to administer the United States Department of Agriculture's National School  
9 Lunch Program and School Breakfast Program for public and private prekindergarten through grade  
10 12 schools and residential child care facilities.

11 **(3) The State Board of Education may not adopt any standards or rules that authorize**  
12 **the Superintendent of Public Instruction to:**

13 **(a) Find a school district to be nonstandard under ORS 327.103 based on the use of a**  
14 **mascot by a public school of this state; or**

15 **(b) Withhold moneys or impose sanctions based on the use of a mascot by a public school**  
16 **of this state if the withholding of moneys or imposition of sanctions is not required by fed-**  
17 **eral law.**

18 [(3)] (4) The State Board of Education shall provide a separate, identifiable place on its agenda  
19 six times a year for community college issues. The state board may also consider matters affecting  
20 community colleges at any regular or special meeting.

21 **SECTION 2. This 2013 Act being necessary for the immediate preservation of the public**  
22 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**  
23 **on its passage.**

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