

Senate Bill 649

Sponsored by Senator KRUSE

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**.

Provides that new State Board of Education established under Oregon Constitution shall consist of 11 members appointed by Governor to represent kindergarten through grade 12, community colleges and public universities.

Directs State Board of Education to appoint Superintendent of Public Instruction. Directs existing State Board of Education to convene work group on seamless educational system transition. Requires work group to file report.

Takes effect only if Senate Joint Resolution 37 (2017) is approved by people at next regular general election.

Takes effect July 1, 2019.

A BILL FOR AN ACT

1
2 Relating to the State Board of Education; creating new provisions; amending ORS 171.735, 240.205,
3 244.050, 326.011, 326.031, 326.041, 326.051, 329.085, 357.021 and 458.558; repealing ORS 326.021
4 and 326.300; and prescribing an effective date.

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

STATE BOARD OF EDUCATION

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9 **SECTION 1.** (1) **The State Board of Education shall consist of 11 members.**

10 (2) **The members of the board shall be appointed by the Governor from among the resi-**
11 **dents of this state as follows:**

12 (a) **Five members representing kindergarten through grade 12, one from each of the five**
13 **congressional districts. When selecting the members, the Governor shall consider a list of**
14 **persons that is jointly submitted by an organization representing school employees, an or-**
15 **ganization representing school administrators and an organization representing school dis-**
16 **trict boards. The list shall consist of a total of 15 persons and shall provide the names of**
17 **three persons from each congressional district.**

18 (b) **Three members representing public universities listed in ORS 352.002. When selecting**
19 **the members, the Governor shall consider a list of persons that is submitted by an organ-**
20 **ization representing public universities. The list shall consist of a total of five persons.**

21 (c) **Three members representing community colleges. When selecting the members, the**
22 **Governor shall consider a list of persons that is submitted by an organization representing**
23 **community colleges. The list shall consist of a total of five persons.**

24 (3) **A member of the board shall serve for a term of four years and may not serve more**
25 **than two consecutive full terms. Appointments are subject to confirmation by the Senate**
26 **in the manner provided in ORS 171.562 and 171.565.**

27 (4) **Before the expiration of the term of a member, the Governor shall appoint a succes-**

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 sor whose term begins on the following July 1.

2 (5) The Governor may remove a member of the board for cause at any time after notice
 3 and public hearing. A vacancy occurring in a position shall be filled as provided in ORS
 4 326.031.

5 (6) The members of the board shall be nonpartisan.

6 (7) A member of the board may not engage in teaching or participate in the adminis-
 7 tration or operation of any school, community college or public university listed in ORS
 8 352.002 while serving on the board.

9 **SECTION 2.** Notwithstanding section 1 of this 2017 Act, the members first appointed to
 10 the State Board of Education as provided by section 1 of this 2017 Act shall determine by lot
 11 the length of their terms such that:

12 (1) Five shall serve a term expiring on July 1, 2021; and

13 (2) Six shall serve a term expiring on July 1, 2023.

14 **SECTION 3.** (1) On June 30, 2019, the terms of office of the current members of the State
 15 Board of Education expire.

16 (2) Notwithstanding the prohibition under section 1 of this 2017 Act against a person
 17 serving more than two consecutive full terms as a board member, a member is eligible for
 18 reappointment to the board if the member's term of office is terminated pursuant to this
 19 section.

20 **SECTION 4.** ORS 326.031 is amended to read:

21 326.031. *[Appointments made to fill vacancies of the State Board of Education occurring prior to*
 22 *expiration of a term of an appointed member shall be for the remainder of the unexpired term. When*
 23 *a vacancy occurs in an appointment made from a congressional district, the successor shall be ap-*
 24 *pointed from the congressional district for which the vacancy exists.]* **A vacancy occurring in a po-**
 25 **sition on the State Board of Education before the expiration of the term of the position shall**
 26 **be filled by appointment by the Governor, subject to confirmation by the Senate in the**
 27 **manner provided in ORS 171.562 and 171.565. An appointee for a vacancy must comply with**
 28 **the membership requirements of section 1 (2) of this 2017 Act. The term of an appointee for**
 29 **a vacancy under this section expires at the end of the unexpired term.**

30 **SECTION 5.** ORS 326.041 is amended to read:

31 326.041. (1) The State Board of Education shall meet at least six times each year on dates de-
 32 termined by the board, and at such other times as may be designated by the chairperson [*agreeable*
 33 *to*] **that are agreed to by** a majority of the board, or at the call of a majority of the board members.

34 (2) The board shall elect one of its members to serve as chairperson of the board for **a term**
 35 **of** one year [*commencing July 1*]. In case the office of chairperson of the board is permanently va-
 36 cated for any reason, the board may elect a new chairperson to serve [*until the June 30 next fol-*
 37 *lowing*] **for the remainder of the term.**

38 (3) A member is entitled to compensation and expenses as provided in ORS 292.495.

39 **SECTION 6.** ORS 326.021 is repealed.

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 41 **APPOINTMENT OF SUPERINTENDENT OF PUBLIC INSTRUCTION**

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 43 **SECTION 7.** ORS 326.051 is amended to read:

44 326.051. Subject to ORS 417.300 and 417.305:

45 (1) In addition to such other duties as are prescribed by law and pursuant to the requirement

1 of ORS chapter 183, the State Board of Education shall:

2 (a) **Appoint the Superintendent of Public Instruction.**

3 (b) **Establish policies that allow for a seamless educational system transition between**
 4 **public kindergarten and public elementary and secondary schools.**

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

7 [(b)] (d) Adopt rules for the general governance of public kindergartens and public elementary
 8 and secondary schools.

9 [(c)] (e) Prescribe required or minimum courses of study.

10 [(d)] (f) Adopt rules regarding school and interscholastic activities.

11 [(e)] (g) Adopt rules that provide that [no] a public elementary or secondary school [*shall dis-*
 12 *criminate*] **may not engage in an act of discrimination** in determining participation in interscho-
 13 lastic activities. As used in this paragraph, “discrimination” has the meaning given that term in ORS
 14 659.850.

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

17 (2) The State Board of Education may:

18 (a) Consistent with the laws of this state[,]:

19 (A) Accept money or property not otherwise provided for under [*paragraph (b) of this subsection,*
 20 *which*] **subparagraph (B) of this paragraph that** is donated for the use or benefit of the public
 21 kindergartens and public elementary and secondary schools; and

22 (B) Use such money or property for the purpose for which [*it*] **the money or property** was
 23 donated[. *Until it is used, the board shall*] **and** deposit any money received [*under this paragraph*] in
 24 a special fund with the State Treasurer, as provided in ORS 293.265 to 293.275, **until the money**
 25 **is used.**

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 in public elementary and secondary schools; and

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

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

39 **SECTION 8. Until the State Board of Education appoints a Superintendent of Public In-**
 40 **struction as provided by ORS 326.051 (1)(a), the Governor shall continue to serve as the Su-**
 41 **perintendent of Public Instruction.**

42 **SECTION 9.** ORS 329.085 is amended to read:

43 329.085. (1) To facilitate the attainment and successful implementation of educational standards
 44 under ORS 326.051 [(1)(a)] (1)(c) and 329.025, the State Board of Education or its designee shall as-
 45 sess the effectiveness of each public school, public charter school and school district. The findings

1 of the assessment shall be reported to the school or school district within six months.

2 (2) The board shall establish the standards, including standards of accessibility to educational
3 opportunities, upon which the assessment is based.

4 (3) On a periodic basis, the board shall review school and school district standards and credit
5 and performance requirements. The board shall seek public input in this process.

6 **SECTION 10.** ORS 171.735 is amended to read:

7 171.735. ORS 171.740 and 171.745 do not apply to the following persons:

8 (1) News media, or their employees or agents, that in the ordinary course of business directly
9 or indirectly urge legislative action but that engage in no other activities in connection with the
10 legislative action.

11 (2) Any legislative official acting in an official capacity.

12 (3) Any individual who does not receive compensation or reimbursement of expenses for lobby-
13 ing, who limits lobbying activities solely to formal appearances to give testimony before public ses-
14 sions of committees of the Legislative Assembly, or public hearings of state agencies, and who, when
15 testifying, registers an appearance in the records of the committees or agencies.

16 (4) A person who does not:

17 (a) Agree to provide personal services for money or any other consideration for the purpose of
18 lobbying;

19 (b) Spend more than an aggregate amount of 24 hours during any calendar quarter lobbying; and

20 (c) Spend an aggregate amount in excess of \$100 lobbying during any calendar quarter.

21 (5) The Governor, chief of staff for the Governor, deputy chief of staff for the Governor, legal
22 counsel to the Governor, deputy legal counsel to the Governor, Secretary of State, Deputy Secretary
23 of State appointed pursuant to ORS 177.040, State Treasurer, Deputy State Treasurer appointed
24 pursuant to ORS 178.060, chief of staff for the office of the State Treasurer, Attorney General,
25 Deputy Attorney General appointed pursuant to ORS 180.130, [Deputy] Superintendent of Public In-
26 struction appointed pursuant to ORS [326.300] **326.051**, Commissioner of the Bureau of Labor and
27 Industries, deputy commissioner of the Bureau of Labor and Industries appointed pursuant to ORS
28 651.060, members and staff of the Oregon Law Commission who conduct the law revision program
29 of the commission or any judge.

30 **SECTION 11.** ORS 240.205 is amended to read:

31 240.205. The unclassified service shall comprise:

32 (1) One executive officer and one secretary for each board or commission, the members of which
33 are elected officers or are appointed by the Governor.

34 (2) The director of each department of state government, each full-time salaried head of a state
35 agency required by law to be appointed by the Governor and each full-time salaried member of a
36 board or commission required by law to be appointed by the Governor.

37 (3) The administrator of each division within a department of state government required by law
38 to be appointed by the director of the department with the approval of the Governor.

39 (4) Principal assistants and deputies and one private secretary for each executive or adminis-
40 trative officer specified in ORS 240.200 (1) and in subsections (1) to (3) of this section. "Deputy"
41 means the deputy or deputies to an executive or administrative officer listed in subsections (1) to
42 (3) of this section who is authorized to exercise that officer's authority upon absence of the officer.
43 "Principal assistant" means a manager of a major agency organizational component who reports
44 directly to an executive or administrative officer listed in subsections (1) to (3) of this section or
45 deputy and who is designated as such by that executive or administrative officer with the approval

1 of the Director of the Oregon Department of Administrative Services.

2 (5) Employees in the Governor's office and the principal assistant and private secretary in the
3 Secretary of State's division.

4 (6) The director, principals, instructors and teachers in the school operated under ORS 346.010.

5 (7) Apprentice trainees only during the prescribed length of their course of training.

6 (8) Licensed physicians and dentists employed in their professional capacities and student
7 nurses, interns, and patient or inmate help in state institutions.

8 (9) Lawyers employed in their professional capacities.

9 (10) All members of the Oregon State Police appointed under ORS 181A.050.

10 (11) The [Deputy] Superintendent of Public Instruction appointed under ORS [326.300] **326.051**
11 and associate superintendents in the Department of Education.

12 (12) Temporary seasonal farm laborers engaged in single phases of agricultural production or
13 harvesting.

14 (13) Any individual employed and paid from federal funds received under a federal program in-
15 tended primarily to alleviate unemployment. However, persons employed under this subsection shall
16 be treated as classified employees for purposes of ORS 243.650 to 243.782.

17 (14) Managers, department heads, directors, producers and announcers of the state radio and
18 television network.

19 (15) Employees, including managers, of the foreign trade offices of the Oregon Business Devel-
20 opment Department located outside the country.

21 (16) Any other position designated by law as unclassified.

22 **SECTION 12.** ORS 244.050, as amended by section 10, chapter 88, Oregon Laws 2016, is
23 amended to read:

24 244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon
25 Government Ethics Commission a verified statement of economic interest as required under this
26 chapter:

27 (a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the
28 Bureau of Labor and Industries, district attorneys and members of the Legislative Assembly.

29 (b) Any judicial officer, including justices of the peace and municipal judges, except any pro tem
30 judicial officer who does not otherwise serve as a judicial officer.

31 (c) Any candidate for a public office designated in paragraph (a) or (b) of this subsection.

32 (d) The Deputy Attorney General.

33 (e) The Deputy Secretary of State.

34 (f) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the
35 Legislative Policy and Research Director, the Secretary of the Senate and the Chief Clerk of the
36 House of Representatives.

37 (g) The president and vice presidents, or their administrative equivalents, in each public uni-
38 versity listed in ORS 352.002.

39 (h) The following state officers:

40 (A) Adjutant General.

41 (B) Director of Agriculture.

42 (C) Manager of State Accident Insurance Fund Corporation.

43 (D) Water Resources Director.

44 (E) Director of Department of Environmental Quality.

45 (F) Director of Oregon Department of Administrative Services.

- 1 (G) State Fish and Wildlife Director.
 2 (H) State Forester.
 3 (I) State Geologist.
 4 (J) Director of Human Services.
 5 (K) Director of the Department of Consumer and Business Services.
 6 (L) Director of the Department of State Lands.
 7 (M) State Librarian.
 8 (N) Administrator of Oregon Liquor Control Commission.
 9 (O) Superintendent of State Police.
 10 (P) Director of the Public Employees Retirement System.
 11 (Q) Director of Department of Revenue.
 12 (R) Director of Transportation.
 13 (S) Public Utility Commissioner.
 14 (T) Director of Veterans' Affairs.
 15 (U) Executive director of Oregon Government Ethics Commission.
 16 (V) Director of the State Department of Energy.
 17 (W) Director and each assistant director of the Oregon State Lottery.
 18 (X) Director of the Department of Corrections.
 19 (Y) Director of the Oregon Department of Aviation.
 20 (Z) Executive director of the Oregon Criminal Justice Commission.
 21 (AA) Director of the Oregon Business Development Department.
 22 (BB) Director of the Office of Emergency Management.
 23 (CC) Director of the Employment Department.
 24 (DD) Chief of staff for the Governor.
 25 (EE) Administrator of the Office for Oregon Health Policy and Research.
 26 (FF) Director of the Housing and Community Services Department.
 27 (GG) State Court Administrator.
 28 (HH) Director of the Department of Land Conservation and Development.
 29 (II) Board chairperson of the Land Use Board of Appeals.
 30 (JJ) State Marine Director.
 31 (KK) Executive director of the Oregon Racing Commission.
 32 (LL) State Parks and Recreation Director.
 33 (MM) Public defense services executive director.
 34 (NN) Chairperson of the Public Employees' Benefit Board.
 35 (OO) Director of the Department of Public Safety Standards and Training.
 36 (PP) Executive director of the Higher Education Coordinating Commission.
 37 (QQ) Executive director of the Oregon Watershed Enhancement Board.
 38 (RR) Director of the Oregon Youth Authority.
 39 (SS) Director of the Oregon Health Authority.
 40 (TT) [*Deputy*] Superintendent of Public Instruction.
 41 (i) The First Partner, the legal counsel, the deputy legal counsel and all policy advisors within
 42 the Governor's office.
 43 (j) Every elected city or county official.
 44 (k) Every member of a city or county planning, zoning or development commission.
 45 (L) The chief executive officer of a city or county who performs the duties of manager or prin-

1 cipal administrator of the city or county.

2 (m) Members of local government boundary commissions formed under ORS 199.410 to 199.519.

3 (n) Every member of a governing body of a metropolitan service district and the auditor and
4 executive officer thereof.

5 (o) Each member of the board of directors of the State Accident Insurance Fund Corporation.

6 (p) The chief administrative officer and the financial officer of each common and union high
7 school district, education service district and community college district.

8 (q) Every member of the following state boards and commissions:

9 (A) Board of Geologic and Mineral Industries.

10 (B) Oregon Business Development Commission.

11 (C) State Board of Education.

12 (D) Environmental Quality Commission.

13 (E) Fish and Wildlife Commission of the State of Oregon.

14 (F) State Board of Forestry.

15 (G) Oregon Government Ethics Commission.

16 (H) Oregon Health Policy Board.

17 (I) Oregon Investment Council.

18 (J) Land Conservation and Development Commission.

19 (K) Oregon Liquor Control Commission.

20 (L) Oregon Short Term Fund Board.

21 (M) State Marine Board.

22 (N) Mass transit district boards.

23 (O) Energy Facility Siting Council.

24 (P) Board of Commissioners of the Port of Portland.

25 (Q) Employment Relations Board.

26 (R) Public Employees Retirement Board.

27 (S) Oregon Racing Commission.

28 (T) Oregon Transportation Commission.

29 (U) Water Resources Commission.

30 (V) Workers' Compensation Board.

31 (W) Oregon Facilities Authority.

32 (X) Oregon State Lottery Commission.

33 (Y) Pacific Northwest Electric Power and Conservation Planning Council.

34 (Z) Columbia River Gorge Commission.

35 (AA) Oregon Health and Science University Board of Directors.

36 (BB) Capitol Planning Commission.

37 (CC) Higher Education Coordinating Commission.

38 (DD) Oregon Growth Board.

39 (EE) Early Learning Council.

40 (r) The following officers of the State Treasurer:

41 (A) Deputy State Treasurer.

42 (B) Chief of staff for the office of the State Treasurer.

43 (C) Director of the Investment Division.

44 (s) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725
45 or 777.915 to 777.953.

1 (t) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.

2 (u) Every member of a governing board of a public university listed in ORS 352.002.

3 (v) Every member of the board of directors of an authority created under ORS 465.600 to
4 465.621.

5 (2) By April 15 next after the date an appointment takes effect, every appointed public official
6 on a board or commission listed in subsection (1) of this section shall file with the Oregon Govern-
7 ment Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070
8 and 244.090.

9 (3) By April 15 next after the filing deadline for the primary election, each candidate described
10 in subsection (1) of this section shall file with the commission a statement of economic interest as
11 required under ORS 244.060, 244.070 and 244.090.

12 (4) Within 30 days after the filing deadline for the general election, each candidate described in
13 subsection (1) of this section who was not a candidate in the preceding primary election, or who
14 was nominated for public office described in subsection (1) of this section at the preceding primary
15 election by write-in votes, shall file with the commission a statement of economic interest as re-
16 quired under ORS 244.060, 244.070 and 244.090.

17 (5) Subsections (1) to (4) of this section apply only to persons who are incumbent, elected or
18 appointed public officials as of April 15 and to persons who are candidates on April 15. Subsections
19 (1) to (4) of this section also apply to persons who do not become candidates until 30 days after the
20 filing deadline for the statewide general election.

21 (6) If a statement required to be filed under this section has not been received by the commis-
22 sion within five days after the date the statement is due, the commission shall notify the public of-
23 ficial or candidate and give the public official or candidate not less than 15 days to comply with the
24 requirements of this section. If the public official or candidate fails to comply by the date set by the
25 commission, the commission may impose a civil penalty as provided in ORS 244.350.

26 **SECTION 13.** ORS 357.021 is amended to read:

27 357.021. (1) The State Library Board is established, consisting of nine voting members.

28 (2) The Governor, after consultation with the Oregon Library Association, shall appoint seven
29 voting members as follows:

30 (a) Two members from two different state agencies;

31 (b) One member representing a public library in eastern Oregon;

32 (c) One member representing a public library in western Oregon;

33 (d) One public member from eastern Oregon;

34 (e) One public member from western Oregon; and

35 (f) One member representing a community college library or a public university library in this
36 state.

37 (3) The [*Deputy*] Superintendent of Public Instruction, or a designee of the [*deputy*] superinten-
38 dent, shall be a voting member of the board.

39 (4) The administrator of the Commission for the Blind, or a designee of the administrator, shall
40 be a voting member of the board.

41 (5) The State Librarian shall serve ex officio as a nonvoting member of the board.

42 (6) A board member described in subsection (2) of this section shall serve a four-year term, but
43 a member described in subsection (2) of this section serves at the pleasure of the Governor. Before
44 the expiration of the term of a member, the Governor shall appoint a successor whose term begins
45 on July 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause,

1 the Governor shall make an appointment to become immediately effective for the unexpired term.

2 (7) A board member described in subsection (2) of this section shall be eligible for reappointment
3 for only one additional term, but any person may be reappointed to the board after an interval of
4 one year.

5 (8) The appointment of a board member described in subsection (2) of this section is subject to
6 confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565.

7 (9) A member of the State Library Board is entitled to compensation and expenses as provided
8 in ORS 292.495.

9 **SECTION 14.** ORS 458.558 is amended to read:

10 458.558. (1) The members of the Oregon Volunteers Commission for Voluntary Action and Ser-
11 vice must be citizens of this state who have a proven commitment to community service and who
12 have a demonstrated interest in fostering and nurturing citizen involvement as a strategy for
13 strengthening communities and promoting the ethic of service in all sectors of this state.

14 (2) The Governor shall appoint as members of the commission at least one of each of the fol-
15 lowing:

16 (a) An individual with experience in educational, training and development needs of youth, par-
17 ticularly disadvantaged youth.

18 (b) An individual with experience in promoting involvement of older adults in service and
19 volunteerism.

20 (c) A representative of community-based agencies or organizations within this state.

21 (d) The [*Deputy*] Superintendent of Public Instruction or designee.

22 (e) A representative of local governments in this state.

23 (f) A representative of local labor unions in this state.

24 (g) A representative of business.

25 (h) A person at least 16, but not more than 25, years of age who is a participant or supervisor
26 in a national service program.

27 (i) A representative of a national service program described in 42 U.S.C. 12572(a).

28 (3) In addition to appointing members under subsection (2) of this section, the Governor may
29 appoint as members individuals from the following groups:

30 (a) Educators.

31 (b) Experts in the delivery of human, educational, environmental or public safety services to
32 communities and individuals.

33 (c) Members of Native American tribes.

34 (d) At-risk youths who are out of school.

35 (e) Entities that receive assistance under the Domestic Volunteer Service Act of 1973 (42 U.S.C.
36 4950 et seq.).

37 (f) A director or representative of a CASA Volunteer Program.

38 (g) A court appointed special advocate.

39 (4) In making appointments of members described in subsections (2) and (3) of this section, the
40 Governor shall ensure that:

41 (a) No more than 50 percent of the appointed members are from the same political party; and

42 (b) No more than 25 percent of the appointed members are state employees.

43 **SECTION 15.** ORS 326.300 is repealed.

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45

OVERSIGHT OF COMMUNITY COLLEGES AND

HIGHER EDUCATION

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3 **SECTION 16.** ORS 326.011 is amended to read:

4 326.011. In establishing policy for the administration and operation of the public elementary and
5 secondary schools [*in the State of Oregon*], **community colleges and public universities listed in**
6 **ORS 352.002** and in carrying out its duties as prescribed by law, the State Board of Education shall
7 consider the goals of modern education, the requirements of a sound, comprehensive curriculum best
8 suited to the needs of the students and the public and any other factors consistent with the main-
9 tenance of a modern and efficient elementary and secondary school system, **community college**
10 **program and university system.**

11 **SECTION 17.** ORS 326.051, as amended by section 7 of this 2017 Act, is amended to read:

12 326.051. Subject to ORS 417.300 and 417.305:

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

15 (a) Appoint the Superintendent of Public Instruction.

16 (b) Establish policies that allow for a seamless educational system transition between public
17 kindergarten, [*and*] public elementary and secondary schools, **community colleges and public**
18 **universities listed in ORS 352.002.**

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

21 (d) Adopt rules for the general governance of public kindergartens, [*and*] public elementary and
22 secondary schools, **community colleges and public universities listed in ORS 352.002.**

23 (e) Prescribe required or minimum courses of study.

24 (f) Adopt rules regarding school and interscholastic activities.

25 (g) Adopt rules that provide that a public elementary or secondary school may not engage in
26 an act of discrimination in determining participation in interscholastic activities. As used in this
27 paragraph, "discrimination" has the meaning given that term in ORS 659.850.

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

30 (2) The State Board of Education may:

31 (a) Consistent with the laws of this state:

32 (A) Accept money or property not otherwise provided for under subparagraph (B) of this para-
33 graph that is donated for the use or benefit of the public kindergartens, [*and*] public elementary and
34 secondary schools, **community colleges and public universities listed in ORS 352.002**; and

35 (B) Use such money or property for the purpose for which the money or property was donated
36 and deposit any money received in a special fund with the State Treasurer, as provided in ORS
37 293.265 to 293.275, until the money is used.

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

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

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

43 (C) Any grants available to the state or its political subdivisions for general federal aid for
44 public kindergartens, public elementary schools and public secondary schools and their auxiliary
45 services, improvement of teacher preparation, teacher salaries, construction of school buildings, ad-

1 ministration of the Department of Education and any other educational activities under the juris-
2 diction of the State Board of Education.

3 (c) Adopt rules to administer the United States Department of Agriculture's National School
4 Lunch Program and School Breakfast Program for public and private prekindergarten through grade
5 12 schools and residential child care facilities.

6 **SECTION 18.** The amendments to ORS 326.011 and 326.051 by sections 16 and 17 of this
7 2017 Act become operative on July 1, 2020.

8 **SECTION 19.** (1) The State Board of Education shall convene a work group to prepare a
9 report that identifies the legislative changes necessary to provide for a seamless educational
10 system transition between public kindergartens, public elementary and secondary schools,
11 community colleges and public universities listed in ORS 352.002.

12 (2) For purposes of preparing the report described in subsection (1) of this section, the
13 work group shall consider:

14 (a) The status of the Higher Education Coordinating Commission, including whether to:

15 (A) Abolish the commission; or

16 (B) Retain the commission but transfer:

17 (i) Some of the functions of the commission to the board or the Department of Educa-
18 tion; or

19 (ii) The commission into the department and under the control of the board; and

20 (b) For any entity that oversees any aspect of the public education system that includes
21 early childhood services, public elementary and secondary schools, community colleges or
22 public universities listed in ORS 352.002, whether to transfer any functions of the entity or
23 to abolish the entity.

24 (3) The board shall file the report with recommended legislative changes to the interim
25 legislative committees on education no later than September 15, 2019.

26
27 MISCELLANEOUS

28
29 **SECTION 20.** The unit captions used in this 2017 Act are provided only for the conven-
30 ience of the reader and do not become part of the statutory law of this state or express any
31 legislative intent in the enactment of this 2017 Act.

32 **SECTION 21.** This 2017 Act does not take effect unless the amendment to the Oregon
33 Constitution proposed by Senate Joint Resolution 37 (2017) is approved by the people at the
34 next regular general election held throughout this state.

35 **SECTION 22.** This 2017 Act takes effect on July 1, 2019.
36