

Enrolled House Bill 3409

Sponsored by Representatives BYNUM, KOTEK, SMITH WARNER; Representatives FAHEY,
MCKEOWN, WILLIAMSON, Senator WAGNER

CHAPTER

AN ACT

Relating to behavior related to interscholastic activities; amending ORS 332.075; and declaring an emergency.

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

SECTION 1. 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 educator preparation provider, as defined in ORS 342.120, and for such purposes may enter into contracts with the approved educator preparation provider 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 that administers interscholastic activities or that facilitates the scheduling and programming of interscholastic activities[.] **only if the organization:**

(A) Implements policies that address the use of derogatory or inappropriate names, insults, verbal assaults, profanity or ridicule that occurs at an interscholastic activity, including by spectators of the interscholastic activity;

(B) Maintains a transparent complaint process that:

- (i) Has a reporting system to allow participants of interscholastic activities or members of the public to make complaints about student, coach or spectator behavior;**
- (ii) Responds to a complaint made under sub-subparagraph (i) of this subparagraph within 48 hours of the complaint being received; and**
- (iii) Strives to resolve a complaint received under sub-subparagraph (i) of this subparagraph within 30 days of the complaint being received;**

(C) Develops and implements a system of sanctions against schools, students, coaches and spectators if a complaint made under subparagraph (B) of this paragraph is verified; and

(D) Performs an annual survey of students and their parents to understand and respond to potential violations of policies adopted under subparagraph (A) of this paragraph or violations of ORS 659.850.

(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.

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

(A) Describe the acceptable uses of the mascot;

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

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

(ii) Prescribe the requirements for approval; and

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

(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 294.456. 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 2. This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect September 1, 2019.

Passed by House April 11, 2019

Received by Governor:

Repassed by House June 6, 2019

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Approved:

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Timothy G. Sekerak, Chief Clerk of House

.....M.,....., 2019

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Tina Kotek, Speaker of House

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Kate Brown, Governor

Passed by Senate May 23, 2019

Filed in Office of Secretary of State:

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Peter Courtney, President of Senate

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Bev Clarno, Secretary of State