House Bill 2369

Sponsored by Representative HUDSON; Representative SALINAS (Presession filed.)

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.

Directs Department of Education to develop statewide mental and behavioral health care plan for students. Sunsets December 31, 2026.

Directs recipients of grants from Fund for Student Success to provide trauma-informed mental health care when meeting students’ mental and behavioral health needs.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to student mental health; creating new provisions; amending ORS 327.180, 327.185 and 329.095; and declaring an emergency.

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

SECTION 1. (1) The Department of Education shall develop a statewide mental and behavioral health care plan for students.

(2) The plan developed under this section shall provide for the coordination of mental and behavioral health care services to the children of this state through the schools of this state.

The plan must address:

(a) The scarcity of mental and behavioral health care providers who serve students, both in rural and urban areas;

(b) The difficulty of retaining mental and behavioral health care providers who can provide culturally relevant and linguistically appropriate services for students;

(c) Methods for integrating the provision of mental and behavioral health care services to students into existing health plan networks, coordinated care organizations and other school-based efforts aimed at improving mental and behavioral health resources; and

(d) Ongoing efforts by the department to:

(A) Encourage education providers to form partnerships with federal, state and community entities for the provision of mental and behavioral health care services to students; and

(B) Ensure that all public schools, public charter schools and private schools have developed trauma-informed mental health care plans no later than July 1, 2026.

(3) The department shall coordinate with the Oregon Health Authority for the purpose of developing the plan described in this section.

(4) The department shall report on the progress of the development of the plan, and make any recommendations for legislation, to an interim committee of the Legislative Assembly related to education on an annual basis.

SECTION 2. Section 1 of this 2021 Act is repealed on December 31, 2026.

SECTION 3. ORS 327.180 is amended to read:

327.180. (1) In addition to those moneys distributed through the State School Fund, the Department of Education shall award grants from the Student Investment Account. Grants shall be dis-
tributed as provided under ORS 327.195.

(2) The purposes of grants distributed under ORS 327.195 shall be to:

(a) Meet students’ mental or behavioral health needs, including the provision of trauma-informed mental health care; and

(b) Increase academic achievement for students, including reducing academic disparities for:
   (A) Economically disadvantaged students, as determined based on eligibility for free or reduced price lunches under the United States Department of Agriculture’s current Income Eligibility Guidelines;
   (B) Students from racial or ethnic groups that have historically experienced academic disparities, as determined under rules adopted by the State Board of Education;
   (C) Students with disabilities;
   (D) Students who are English language learners;
   (E) Students who are foster children, as defined in ORS 30.297;
   (F) Students who are homeless, as determined under rules adopted by the State Board of Education; and
   (G) Any other student groups that have historically experienced academic disparities, as determined by the State Board of Education by rule.

(3) Grant monies received under ORS 327.195 may be used by a grant recipient only for:

(a) Increasing instructional time, which may include:
   (A) More hours or days of instructional time;
   (B) Summer programs;
   (C) Before-school or after-school programs; or
   (D) Technological investments that minimize class time used for assessments administered to students.

(b) Addressing students’ health or safety needs, which may include:
   (A) Social-emotional learning and development;
   (B) Student mental and behavioral health;
   (C) Improvements to teaching and learning practices or organizational structures that lead to better interpersonal relationships at the school;
   (D) Student health and wellness;
   (E) Trauma-informed practices;
   (F) School health professionals and assistants; or
   (G) Facility improvements directly related to improving student health or safety.

(c) Reducing class sizes, which may include increasing the use of instructional assistants, by using evidence-based criteria to ensure appropriate student-teacher ratios or staff caseloads.

(d) Expanding availability of and student participation in well-rounded learning experiences, which may include:
   (A) Developmentally appropriate and culturally responsive early literacy practices and programs in prekindergarten through third grade;
   (B) Culturally responsive practices and programs in grades six through eight, including learning, counseling and student support that is connected to colleges and careers;
   (C) Broadened curricular options at all grade levels, including access to:
      (i) Art, music and physical education classes;
      (ii) Science, technology, engineering and mathematics education;
      (iii) Career and technical education, including career and technical student organization pro-
grams;
(iv) Electives that are engaging to students;
(v) Accelerated college credit programs, including dual credit programs, International
Baccalaureate programs and advanced placement programs;
(vi) Dropout prevention programs and transition supports;
(vii) Life skills classes; or
(viii) Talented and gifted programs; or
(D) Access to licensed educators with a library media endorsement.

SECTION 4. ORS 327.185 is amended to read:
327.185. (1) As used in this section, “eligible applicant” means:
(a) Common school districts and union high school districts; and
(b) Public charter schools that are not virtual public charter schools, as defined in ORS 338.005,
and that have a student population of which:
(A) At least 35 percent of the student population is composed of students from the following
student groups:
(i) Economically disadvantaged, as described in ORS 327.180 (2)(b)(A);
(ii) Racial or ethnic groups that have historically experienced academic disparities, as described
in ORS 327.180 (2)(b)(B); or
(iii) Students with disabilities, as described in ORS 327.180 (2)(b)(C); and
(B) The percentage of the students from student groups identified under subparagraph (A) of this
paragraph is greater than:
(i) The percentage of all students in the school district who are economically disadvantaged, if
eligibility is determined based on the percentage of students who are economically disadvantaged;
(ii) The percentage of all students in the school district who are from racial or ethnic groups
that have historically experienced academic disparities, if eligibility is determined based on the
percentage of students who are from those racial or ethnic groups; or
(iii) The percentage of all students in the school district who are disabled, if eligibility is de-
termined based on the percentage of students who are disabled.
(2) (a) Eligible applicants may apply for a grant from the Student Investment Account to receive
a distribution under ORS 327.190.
(b) Notwithstanding ORS 338.155 (9), a public charter school that is not an eligible applicant
may not apply for a grant under this section.
(3) Prior to preparing a grant application, an eligible applicant must:
(a) If the eligible applicant is a school district, determine whether the school district will allow
public charter schools sponsored by the school district to participate in the grant application and
the grant agreement.
(b) If the eligible applicant is a public charter school, determine whether the public charter
school intends to apply for a grant and provide notice of that intent to the school district that is
the sponsor of the public charter school and to the Department of Education.
(4)(a) If an eligible applicant is a school district and decides to include public charter schools
in the grant application and grant agreement, the school district must provide all public charter
schools sponsored by the school district the opportunity to participate in the grant application and
grant agreement.
(b)(A) A public charter school is not required to participate in the grant application and grant
agreement of a school district.
(B) If a public charter school does not participate in a grant application and grant agreement under this subsection:

(i) The ADMw of the public charter school may not be used in the calculation of the school district ADMw for grants distributed under ORS 327.195; and

(ii) The public charter school is not entitled to any grant moneys distributed under ORS 327.195.

(C) If a public charter school participates in a grant application and grant agreement under this subsection:

(i) The public charter school and school district shall enter into an agreement for the distribution of moneys or the provision of services, including any accountability measures required of the public charter school by the school district;

(ii) The ADMw of the public charter school shall be used in the calculation of the school district ADMw for grants distributed under ORS 327.195; and

(iii) The public charter school is entitled to any grant moneys or services provided for in the agreement entered into under this subparagraph.

(5)(a) For the purpose of preparing a grant application, an eligible applicant must determine:

(A) Which of the allowed uses identified in ORS 327.180 (3) the eligible applicant will fund with grant moneys; and

(B) Which of the eligible uses identified under subparagraph (A) of this paragraph the eligible applicant will designate to meeting student mental and behavioral health needs, including the provision of trauma-informed mental health care.

(b) An eligible applicant shall make the determinations required under paragraph (a) of this subsection by:

(A) Engaging in strategic planning; and

(B) Considering the recommendations of the Quality Education Commission established under ORS 327.500.

(6)(a) The strategic planning required under subsection (5) of this section must include:

(A) A completed needs assessment, as described in ORS 329.095;

(B) An analysis of the potential academic impact, both for the students of the eligible applicant and for student groups identified in ORS 327.180 (2)(b), from the allowed uses that would be funded by grant moneys; and

(C) The creation of budgets for the allowed uses that would be funded by grant moneys.

(b) The strategic planning required under subsection (5) of this section must take into consideration:

(A) Input from the community of the eligible applicant, including school employees, students from student groups identified in ORS 327.180 (2)(b) and parents of those students; and

(B) Data collected by the eligible applicant to enable the eligible applicant to make equity-based decisions.

(7) Based on the strategic planning described in subsection (6) of this section, the eligible applicant shall develop a four-year plan for the use of grant moneys. The plan must be updated every two years and must:

(a) Identify which allowed uses identified in ORS 327.180 (3) will be funded with grant moneys and which of those uses will be designated to meet student mental and behavioral health needs, including the provision of trauma-informed mental health care.

(b) Describe how the allowed uses identified under paragraph (a) of this subsection will be used to:
(A) Meet students’ mental and behavioral health needs, including the provision of trauma-informed mental health care;

(B) Increase academic achievement for students of the eligible applicant; and

(C) Reduce academic disparities for student groups identified in ORS 327.180 (2)(b) who are served by the eligible applicant, and identify which of those student groups will benefit from the allowed uses that are being funded with grant moneys.

c) Include the budgets for the allowed uses to be funded with grant moneys.

d) Be approved by the governing body of the eligible applicant at an open meeting, following:

(A) Provision of the plan at the main office of the eligible applicant and on the eligible applicant’s website;

(B) Oral presentation of the plan by an administrator of the eligible applicant to the governing body of the eligible applicant; and

(C) Opportunity for the public to comment on the plan at an open meeting.

e) Be a part of the local district continuous improvement plan described in ORS 329.095, if the eligible applicant is a school district.

8) To apply for a grant, an eligible applicant must submit an application every two years in a format and according to timelines prescribed by the Department of Education. The application must include:

(a) A completed needs assessment, as described in ORS 329.095;

(b) The plan developed under subsection (7) of this section; and

(c) Budget estimates for each of the allowed uses identified in the plan developed under subsection (7) of this section that will be funded by grant moneys.

SECTION 5. ORS 329.095 is amended to read:

329.095. (1)(a) The Department of Education shall require school districts and schools to conduct self-evaluations and to periodically update their local district continuous improvement plans. Except as provided by paragraph (b)(C) of this subsection, the department may not require school districts or schools to conduct self-evaluations or to update their local district continuous improvement plans more frequently than biennially.

(b) The department may require a school district to:

(A) File, periodically, or at the department’s request, its local district continuous improvement plan with the department;

(B) Notify the department of any substantial changes, as defined by rule of the State Board of Education, to the school district; or

(C) Update its local district continuous improvement plan when there has been a substantial change, as defined by rule of the board, to the school district.

(c) The self-evaluation process conducted as provided by this subsection shall involve the public in the setting of local goals. The school districts shall ensure that representatives from the demographic groups of their school population are invited to participate in the development of local district continuous improvement plans to achieve the goals.

(2) As part of setting local goals, school districts shall undertake a communications process that involves parents, students, teachers, school employees and community representatives to explain and discuss the local goals and their relationship to programs under this chapter.

(3) At the request of the school district, department staff shall provide ongoing technical assistance in the development and implementation of the local district continuous improvement plan.

(4) The local district continuous improvement plan shall include:
(a) Goals to implement the following:
   (A) A rigorous curriculum aligned with state standards;
   (B) High-quality instructional programs;
   (C) Short-term and long-term professional development plans;
   (D) Programs and policies that achieve a safe educational environment;
   (E) A plan for family and community engagement;
   (F) Staff leadership development;
   (G) High-quality data systems;
   (H) Improvement planning that is data-driven;
   (I) Education service plans for students who have or have not exceeded all of the academic
       content standards; and
   (J) A strong school library program;
   (b) A review of demographics, student performance, staff characteristics and student access to,
       and use of, educational opportunities;
   (c) A description of district efforts to achieve local efficiencies and efforts to make better use
       of resources; and
   (d) A needs assessment, which shall:
       (A) Be conducted in a manner that is inclusive of school employees, students from student
           groups identified in ORS 327.180 (2)(b) and parents of those students.
       (B) Address the following priorities:
           (i) Reducing academic disparities for students from student groups identified in ORS 327.180
               (2)(b);
           (ii) Meeting students’ mental or behavioral health needs, including providing trauma-informed
               mental health care;
           (iii) Providing equitable access to academic courses across the school district or public charter
               school, with specific emphasis on access by students from student groups identified in ORS 327.180
               (2)(b);
           (iv) Allowing teachers and staff to have sufficient time to:
               (I) Collaborate with other teachers and staff;
               (II) Review data on students' grades, absences and discipline, based on school and on grade level
                   or course; and
               (III) Develop strategies to ensure that at-risk students stay on track to graduate; and
           (v) Possible partnerships with other organizations, federally recognized Indian tribes, school
               districts, education service districts, regional achievement collaboratives, post-secondary institutions
               of education, education partners or nonprofit programs and community-based programs that have
               demonstrated achievement of positive outcomes in work with students from student groups identified
               in ORS 327.180 (2)(b).
   SECTION 6. This 2021 Act being necessary for the immediate preservation of the public
   peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect
   on its passage.