

HOUSE AMENDMENTS TO HOUSE BILL 2935

By COMMITTEE ON JUDICIARY

April 23

- 1 On page 1 of the printed bill, delete lines 4 through 28.
- 2 On page 2, delete lines 1 through 35 and insert:
- 3 **“SECTION 1.** ORS 659A.001 is amended to read:
- 4 “659A.001. As used in this chapter:
- 5 “(1) ‘Bureau’ means the Bureau of Labor and Industries.
- 6 “(2) ‘Commissioner’ means the Commissioner of the Bureau of Labor and Industries.
- 7 “(3) ‘Employee’ does not include any individual employed by the individual’s parents, spouse or
8 child or in the domestic service of any person.
- 9 “(4)(a) ‘Employer’ means any person who in this state, directly or through an agent, engages or
10 uses the personal service of one or more employees, reserving the right to control the means by
11 which such service is or will be performed.
- 12 “(b) For the purposes of employee protections described in ORS 659A.350, ‘employer’ means any
13 person who, in this state, is in an employment relationship with an intern as described in ORS
14 659A.350.
- 15 “(5) ‘Employment agency’ includes any person undertaking to procure employees or opportu-
16 nities to work.
- 17 “(6)(a) ‘Familial status’ means the relationship between one or more individuals who have not
18 attained 18 years of age and who are domiciled with:
- 19 “(A) A parent or another person having legal custody of the individual; or
- 20 “(B) The designee of the parent or other person having such custody, with the written permis-
21 sion of the parent or other person.
- 22 “(b) ‘Familial status’ includes any individual, regardless of age or domicile, who is pregnant or
23 is in the process of securing legal custody of an individual who has not attained 18 years of age.
- 24 “(7) ‘Labor organization’ includes any organization which is constituted for the purpose, in
25 whole or in part, of collective bargaining or in dealing with employers concerning grievances, terms
26 or conditions of employment or of other mutual aid or protection in connection with employees.
- 27 “(8) ‘National origin’ includes ancestry.
- 28 “(9) ‘Person’ includes:
- 29 “(a) One or more individuals, partnerships, associations, labor organizations, limited liability
30 companies, joint stock companies, corporations, legal representatives, trustees, trustees in bank-
31 ruptcy or receivers.
- 32 “(b) A public body as defined in ORS 30.260.
- 33 “(c) For purposes of ORS 659A.145 and 659A.421 and the application of any federal housing law,
34 a fiduciary, mutual company, trust or unincorporated organization.
- 35 **“(10) ‘Protective hairstyle’ means a hairstyle, hair color or manner of wearing hair that**

1 **includes, but is not limited to, braids, regardless of whether the braids are created with ex-**
2 **tensions or styled with adornments, locs and twists.**

3 **“(11) ‘Race’ includes physical characteristics that are historically associated with race,**
4 **including but not limited to natural hair, hair texture, hair type and protective hairstyles.**

5 “[10] (12) ‘Respondent’ means any person against whom a complaint or charge of an unlawful
6 practice is filed with the commissioner or whose name has been added to such complaint or charge
7 pursuant to ORS 659A.835.

8 “[11] (13) ‘Unlawful employment practice’ means a practice specifically denominated as an un-
9 lawful employment practice in this chapter. ‘Unlawful employment practice’ includes a practice that
10 is specifically denominated in another statute of this state as an unlawful employment practice and
11 that is specifically made subject to enforcement under this chapter.

12 “[12] (14) ‘Unlawful practice’ means any unlawful employment practice or any other practice
13 specifically denominated as an unlawful practice in this chapter. ‘Unlawful practice’ includes a
14 practice that is specifically denominated in another statute of this state as an unlawful practice and
15 that is specifically made subject to enforcement under this chapter, or a practice that violates a rule
16 adopted by the commissioner for the enforcement of the provisions of this chapter.

17 **“SECTION 2.** ORS 332.075 is amended to read:

18 **“332.075. (1) Any district school board may:**

19 **“(a) Fix the days of the year and the hours of the day when schools shall be in session.**

20 **“(b) Adopt textbooks and other instructional materials as provided in ORS 337.120 and 337.141**
21 **and courses of study for the use of such schools as provided in ORS 336.035.**

22 **“(c) Authorize the use of the schools for purposes of training students of an approved educator**
23 **preparation provider, as defined in ORS 342.120, and for such purposes may enter into contracts**
24 **with the approved educator preparation provider on such terms as may be agreed upon. Such con-**
25 **tracts as they relate to student teachers shall have the same effect and be subject to the same**
26 **regulations as a contract between a licensed teacher and a district school board.**

27 **“(d) Develop and operate with other school districts or community college districts secondary**
28 **career and technical education programs for pupils of more than one district and fix by agreement**
29 **the duration of the district’s obligation to continue such activity, subject to the availability of funds**
30 **therefor.**

31 **“(e) Authorize the school district to be a member of and pay fees, if any, to any voluntary or-**
32 **ganization that administers interscholastic activities or that facilitates the scheduling and pro-**
33 **gramming of interscholastic activities only if the organization:**

34 **“(A) Implements **equity focused** policies that:**

35 **“(i) Address the use of derogatory or inappropriate names, insults, verbal assaults, profanity or**
36 **ridicule that occurs at an interscholastic activity, including by spectators of the interscholastic ac-**
37 **tivity;**

38 **“(ii) Prohibit discrimination as defined in ORS 659.850;**

39 **“(iii) Permit a student to wear religious clothing in accordance with the student’s sin-**
40 **cerely held religious belief and consistent with any safety and health requirements; and**

41 **“(iv) Balance the health, safety and reasonable accommodation needs of participants on**
42 **an activity-by-activity basis;**

43 **“(B) Maintains a transparent complaint process that:**

44 **“(i) Has a reporting system to allow participants of interscholastic activities or members of the**
45 **public to make complaints about student, coach or spectator behavior;**

1 “(ii) Responds to a complaint made under sub-subparagraph (i) of this subparagraph within 48
2 hours of the complaint being received; and

3 “(iii) Strives to resolve a complaint received under sub-subparagraph (i) of this subparagraph
4 within 30 days of the complaint being received;

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

7 “(D) Performs an annual survey of students and their parents to understand and respond to po-
8 tential violations of **equity focused** policies adopted under subparagraph (A) of this paragraph or
9 violations of ORS 659.850.

10 “(f) Accept money or property donated for the use or benefit of the school district and, con-
11 sistent with the laws of this state, use such money or property for the purpose for which it was
12 donated.

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

17 “(A) Describe the acceptable uses of the mascot;

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

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

21 “(ii) Prescribe the requirements for approval; and

22 “(C) Be approved by the State Board of Education, which the board must provide if the agree-
23 ment meets the requirements of this paragraph and the rules adopted under this paragraph.

24 “(2) All contracts of the school district must be approved by the district school board before an
25 order can be drawn for payment. If a contract is made without the authority of the district school
26 board, the individual making such contract shall be personally liable.

27 “(3) Notwithstanding subsection (2) of this section, a district school board may, by resolution
28 or policy, authorize its superintendent or the superintendent’s designee to enter into and approve
29 payment on contracts for products, materials, supplies, capital outlay, equipment and services that
30 are within appropriations made by the district school board pursuant to ORS 294.456. A district
31 school board may not authorize its superintendent or the superintendent’s designee under this sub-
32 section to enter into and approve payment on contracts that are collective bargaining agreements
33 or service contracts that include the provision of labor performed by employees of the school dis-
34 trict.”.

35 In line 36, delete “2” and insert “3”.

36 On page 3, delete lines 12 through 45.

37 On page 4, delete lines 1 through 15.