

House Bill 3399

Sponsored by Representatives BREESE-IVERSON, BOSHART DAVIS, DRAZAN, Senator GIROD; Representatives BONHAM, CATE, HAYDEN, LEIF, LEVY, LEWIS, MOORE-GREEN, MORGAN, NOBLE, OWENS, POST, RESCHKE, SMITH DB, SMITH G, STARK, WALLAN, WEBER, WRIGHT, ZIKA, Senators ANDERSON, FINDLEY, HANSELL, HEARD, JOHNSON, KENNEMER, KNOPP, LINTHICUM, THATCHER, THOMSEN

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**.

Requires each public school to provide full-time, in-person classroom instruction during 2021-2022 school year.

Declares emergency, effective July 1, 2021.

A BILL FOR AN ACT

1 Relating to school opening during COVID-19 declaration of emergency; and declaring an emergency.

2 Whereas the COVID-19 pandemic struck Oregon last year, causing disruptions to in-person
3 classroom instruction in public schools in this state and a shift to distance learning in March 2020;
4 and
5

6 Whereas for over a year, an alarming percentage of Oregon's children have been unable to ef-
7 fectively engage in distance learning because of lack of access, or lack of adequate access, to the
8 Internet and to technology necessary to make online learning possible; and

9 Whereas distance learning can complement in-person classroom instruction but should not be
10 considered an adequate substitute for in-person instruction; and

11 Whereas the inability to effectively engage in distance learning has heightened existing inequi-
12 ties between students, as students who lacked adequate resources could not benefit from available
13 online learning opportunities; and

14 Whereas lack of social interaction is contributing to negative impacts on students, including
15 poor and declining mental health and a 25 percent increase in suicide ideation rates in young adults;
16 and

17 Whereas many students are missing a pivotal part of growing up by not being able to participate
18 in sports and other extracurricular activities; and

19 Whereas the State of Oregon recognizes the irreparable damage and impact that distance
20 learning has had on students' education; and

21 Whereas the State of Oregon is committed to providing quality, equitable education and takes
22 the lessons learned during the COVID-19 pandemic to return to in-person classroom instruction; and

23 Whereas world and national health and education leaders affirm that in-person classroom in-
24 struction is safe and imperative to the mental and physical well-being of students; now, therefore,

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

26 **SECTION 1. (1) As used in this section:**

27 (a) **"COVID-19 declaration of emergency" means any declaration of a state of emergency**
28 **related to the COVID-19 pandemic that is issued by the Governor, and any extensions of any**
29 **declarations.**

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 (b) "COVID-19 emergency rule" means an executive order, order of the Superintendent
2 of Public Instruction, declaration, directive or other local, state or federal authorization,
3 policy, statement, guidance, rule or regulation that creates a standard or waives, suspends
4 or modifies otherwise applicable local, state or federal law, regulations or standards regard-
5 ing the rendering of education services during a COVID-19 declaration of emergency.

6 (c) "Full-time" means, at a minimum, the number of instructional hours prescribed by
7 the State Board of Education by rule, as in effect on January 1, 2020.

8 (d) "In-person classroom instruction" means classroom instruction that is provided by a
9 teacher to students in a common physical location.

10 (e)(A) "Public school" means a public school with any grade from kindergarten through
11 grade 12, including a public charter school.

12 (B) "Public school" does not include any specialized programs that were not provided as
13 in-person classroom instruction prior to a COVID-19 declaration of emergency or that will
14 not be provided as in-person classroom instruction following the expiration of a COVID-19
15 declaration of emergency, including instruction provided by a virtual public charter school.

16 (f) "School year" means the period beginning July 1 and ending June 30 next following,
17 exclusive of any summer learning programs provided by a public school.

18 (2) Notwithstanding any COVID-19 declaration of emergency or any provisions of a
19 COVID-19 emergency rule, each public school in this state must provide full-time, in-person
20 classroom instruction during the 2021-2022 school year.

21 **SECTION 2.** This 2021 Act being necessary for the immediate preservation of the public
22 peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect
23 July 1, 2021.
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