Senate Bill 862

Sponsored by Senator 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 resume in-person classroom instruction.
Declares emergency, effective on passage.

A BILL FOR AN ACT

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

Whereas there is sufficient scientific evidence that schools can safely reopen for in-person instruction when proper public health mitigation steps are taken; and

Whereas the Governor, who is also the Superintendent of Public Instruction, shut down in-person instruction on March 12, 2020, which was confirmed by Executive Order 20-08; and

Whereas the Governor, who is also the Superintendent of Public Instruction, has the authority to reopen schools for in-person instruction by executive order, but is failing to do so despite best available evidence; and

Whereas other states, including Iowa, West Virginia, Arkansas, Texas and Florida, have gone back to in-person instruction and have been following the science that shows that in-person instruction is not the leading source of transmission of the virus that causes COVID-19; and

Whereas Oregon students and families have suffered more than their fair share of loss during this pandemic; and

Whereas no student, regardless of geography, race, economic status or sexual orientation, should be denied access to a quality education; and

Whereas school closures are leading to women dropping out of the workforce at a disproportionate rate; and

Whereas school closures have disproportionately impacted students and communities of color; and

Whereas we, the Legislative Assembly, have evidence and data pointing to the long-term, disproportionate economic and intangible consequences that lack of access to in-person instruction has on Oregon students; and

Whereas a recent study from the University of Pennsylvania concluded that children in grades 1 through 12 lose up to $15,000 in future wages for every month schools are closed for in-person instruction; and

Whereas a lack of in-person instruction is causing decreased educational achievement and jeopardizing Oregon students’ futures; and

Whereas an increasing body of evidence suggests that a lack of in-person instruction has led to child suicide and deteriorating mental health conditions; and

Whereas lack of access to in-person instruction is proven to cause stunted social skills in young

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.

LC 3687
Be It Enacted by the People of the State of Oregon:

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

(a) “COVID-19 declaration of emergency” means the declaration of a state of emergency concerning the COVID-19 pandemic that was issued by the Governor on March 8, 2020, and any extensions of that declaration.

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

(c) “In-person classroom instruction” means classroom instruction that is provided by a teacher to students in a common physical location.

(d)(A) “Public school” means a public school with any grade from kindergarten through grade 12, including a public charter school.

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

(2) Notwithstanding any COVID-19 declaration of emergency or any provision of a COVID-19 emergency rule, each public school shall resume in-person classroom instruction.

SECTION 2. 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.