

Requested by Representative RUIZ

**PROPOSED AMENDMENTS TO
HOUSE BILL 3294**

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating
2 new provisions; amending ORS 327.008;”.

3 Delete lines 4 through 30 and delete page 2 and insert:

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

5 **“(a) ‘Public education provider’ means:**

6 **“(A) A school district;**

7 **“(B) A public charter school;**

8 **“(C) An education service district;**

9 **“(D) A community college; or**

10 **“(E) A public university listed in ORS 352.002.**

11 **“(b) ‘Public school building’ means a building used by a public ed-
12 ucation provider to provide educational services to students.**

13 **“(c) ‘Student bathroom’ means a bathroom that is accessible by
14 students, including a gender-neutral bathroom, a bathroom designated
15 for females and a bathroom designated for males.**

16 **“(2)(a) Each public education provider shall ensure that both
17 tampons and sanitary pads are available at no cost to students
18 through dispensers located in at least two student bathrooms of every
19 public school building.**

20 **“(b) Notwithstanding paragraph (a) of this subsection, if a public
21 school building has only one student bathroom, both tampons and**

1 sanitary pads must be available at no cost to students through
2 dispensers located in that bathroom.

3 “(3) A public education provider, and any employee of a public ed-
4 ucation provider, is not liable in a criminal action or for civil damages
5 as a result of a student’s use of a tampon or sanitary pad made
6 available under this section.

7 “(4) The State Board of Education and the Higher Education Coor-
8 dinating Commission shall adopt any rules necessary for the adminis-
9 tration of this section. Rules adopted by the board and commission
10 shall provide for:

11 “(a) The number of dispensers required in each student bathroom;

12 “(b) The types of products available in each student bathroom; and

13 “(c) Payments to public education providers for costs incurred un-
14 der this section, including:

15 “(A) For school districts, public charter schools and education ser-
16 vice districts, distributions from amounts available under ORS 327.008
17 (18) to be made based on the average daily membership, as defined in
18 ORS 327.006, of the district or school;

19 “(B) For community colleges, distributions from the Community
20 College Support Fund to be made based on the full-time equivalent
21 student enrollment of the community college; and

22 “(C) For public universities, distributions from a public university
23 support fund established by the commission by rule to be made based
24 on the full-time equivalent student enrollment of the public univer-
25 sity.

26 “**SECTION 2.** Section 1 of this 2021 Act is amended to read:

27 “**Sec. 1.** (1) As used in this section:

28 “(a) ‘Public education provider’ means:

29 “(A) A school district;

30 “(B) A public charter school;

1 “(C) An education service district;

2 “(D) A community college; or

3 “(E) A public university listed in ORS 352.002.

4 “(b) ‘Public school building’ means a building used by a public education
5 provider to provide educational services to students.

6 “(c) ‘Student bathroom’ means a bathroom that is accessible by students,
7 including a gender-neutral bathroom, a bathroom designated for females and
8 a bathroom designated for males.

9 “[~~(2)(a)~~] **(2)** Each public education provider shall ensure that both
10 tampons and sanitary pads are available at no cost to students through
11 dispensers located in [~~at least two~~] **every** student [~~bathrooms~~] **bathroom** of
12 every public school building.

13 “[~~(b) Notwithstanding paragraph (a) of this subsection, if a public school~~
14 ~~building has only one student bathroom, both tampons and sanitary pads must~~
15 ~~be available at no cost to students through dispensers located in that~~
16 ~~bathroom.~~]

17 “(3) A public education provider, and any employee of a public education
18 provider, is not liable in a criminal action or for civil damages as a result
19 of a student’s use of a tampon or sanitary pad made available under this
20 section.

21 “(4) The State Board of Education and the Higher Education Coordinating
22 Commission shall adopt any rules necessary for the administration of this
23 section. Rules adopted by the board and commission shall provide for:

24 “(a) The number of dispensers required in each student bathroom;

25 “(b) The types of products available in each student bathroom; and

26 “(c) Payments to public education providers for costs incurred under this
27 section, including:

28 “(A) For school districts, public charter schools and education service
29 districts, distributions from amounts available under ORS 327.008 (18) to be
30 made based on the average daily membership, as defined in ORS 327.006, of

1 the district or school;

2 “(B) For community colleges, distributions from the Community College
3 Support Fund to be made based on the full-time equivalent student enroll-
4 ment of the community college; and

5 “(C) For public universities, distributions from a public university support
6 fund established by the commission by rule to be made based on the full-time
7 equivalent student enrollment of the public university.

8 **“SECTION 3. The amendments to section 1 of this 2021 Act by sec-
9 tion 2 of this 2021 Act become operative on July 1, 2022.**

10 **“SECTION 4.** ORS 327.008 is amended to read:

11 “327.008. (1)(a) There is established a State School Fund in the General
12 Fund.

13 “(b) The Department of Education, on behalf of the State of Oregon, may
14 solicit and accept gifts, grants, donations and other moneys from public and
15 private sources for the State School Fund. Moneys received as provided in
16 this paragraph shall be deposited into the State School Fund.

17 “(c) The State School Fund shall consist of moneys appropriated by the
18 Legislative Assembly, moneys transferred from the Fund for Student Success,
19 moneys transferred from the Education Stability Fund and the Oregon
20 Marijuana Account and moneys received as provided in paragraph (b) of this
21 subsection.

22 “(d) The State School Fund is continuously appropriated to the Depart-
23 ment of Education for the purposes of ORS 327.006 to 327.077, 327.095,
24 327.099, 327.101, 327.125, 327.137, 327.348, 336.575, 336.580, 336.635, 343.243,
25 343.533, 343.941 and 343.961.

26 “(2) There shall be apportioned from the State School Fund to each school
27 district a State School Fund grant, consisting of the positive amount equal
28 to a general purpose grant and a facility grant and a transportation grant
29 and a high cost disabilities grant minus local revenue, computed as provided
30 in ORS 327.011 and 327.013.

1 “(3) For the first school year after a public charter school ceases to op-
2 erate because of dissolution or closure or because of termination or
3 nonrenewal of a charter, there shall be apportioned from the State School
4 Fund to each school district that had sponsored a public charter school that
5 ceased to operate an amount equal to the school district’s general purpose
6 grant per extended ADMw multiplied by five percent of the ADM of the
7 public charter school for the previous school year.

8 “(4) There shall be apportioned from the State School Fund to each edu-
9 cation service district a State School Fund grant as calculated under ORS
10 327.019.

11 “(5) All figures used in the determination of the distribution of the State
12 School Fund shall be estimates for the same year as the distribution occurs,
13 unless otherwise specified.

14 “(6) Numbers of students in average daily membership used in the dis-
15 tribution formula shall be the numbers as of June of the year of distribution.

16 “(7) A school district may not use the portion of the State School Fund
17 grant that is attributable to the facility grant for capital construction costs.

18 “(8) The total amount of the State School Fund that is distributed as fa-
19 cility grants may not exceed \$7 million in any biennium. If the total amount
20 to be distributed as facility grants exceeds this limitation, the Department
21 of Education shall prorate the amount of funds available for facility grants
22 among those school districts that qualified for a facility grant. If the total
23 amount to be distributed as facility grants does not exceed this limitation,
24 any remaining amounts shall be expended for expenses incurred by the Office
25 of School Facilities as provided in ORS 326.125 (1).

26 “(9) Each biennium, the Department of Education may expend from the
27 State School Fund no more than \$6 million for expenses incurred by the Of-
28 fice of School Facilities under ORS 326.125 (2) to (6).

29 “(10) Each fiscal year, the Department of Education shall transfer to the
30 Pediatric Nursing Facility Account established in ORS 327.022 the amount

1 necessary to pay the costs of educational services provided to students ad-
2 mitted to pediatric nursing facilities as provided in ORS 343.941.

3 “(11) Each fiscal year, the Department of Education shall transfer the
4 amount of \$55 million from the State School Fund to the High Cost Disa-
5 bilities Account established in ORS 327.348.

6 “(12)(a) Each biennium, the Department of Education shall transfer \$39.5
7 million from the State School Fund to the Educator Advancement Fund es-
8 tablished under ORS 342.953.

9 “(b) For the purpose of making the transfer under this subsection:

10 “(A) The total amount available for all distributions from the State
11 School Fund shall be reduced by \$6 million;

12 “(B) The amount distributed to school districts from the State School
13 Fund under this section and ORS 327.013 shall be reduced by \$16.75 million;
14 and

15 “(C) The amount distributed to education service districts from the State
16 School Fund under this section and ORS 327.019 shall be reduced by \$16.75
17 million.

18 “(c) For each biennium, the amounts identified in this subsection shall
19 be adjusted by the same percentage by which the instructions furnished to
20 state agencies by the Governor under ORS 291.204 direct the state agencies
21 to adjust their agency budget requests for special payments under ORS
22 291.216 (6)(a)(C).

23 “(13) Each biennium, the Department of Education shall transfer \$12.5
24 million from the State School Fund to the Statewide English Language
25 Learner Program Account established under ORS 327.344.

26 “(14) Each fiscal year, the Department of Education may expend up to
27 \$550,000 from the State School Fund for the contract described in ORS
28 329.488. The amount distributed to education service districts from the State
29 School Fund under this section and ORS 327.019 shall be reduced by the
30 amount expended by the department under this subsection.

1 “(15) Each biennium, the Department of Education may expend up to
2 \$350,000 from the State School Fund to provide administration of and support
3 for the development of talented and gifted education under ORS 343.404.

4 “(16) Each biennium, the Department of Education may expend up to
5 \$150,000 from the State School Fund for the administration of a program to
6 increase the number of speech-language pathologists and speech-language
7 pathology assistants under ORS 348.394 to 348.406.

8 “(17) Each biennium, the Department of Education shall transfer \$2
9 million from the State School Fund for deposit to the Healthy School Facil-
10 ities Fund established under ORS 332.337. Notwithstanding ORS 332.337, the
11 department may expend moneys received in the Healthy School Facilities
12 Fund under this subsection only as grants for costs associated with testing
13 for elevated levels of lead in water used for drinking or food preparation.

14 **“(18) Each biennium, the Department of Education shall transfer
15 an amount not to exceed \$_____ for the purpose of making tampons
16 and sanitary pads available as provided by section 1 of this 2021 Act.**

17 **“SECTION 5. The amendments to ORS 327.008 by section 4 of this
18 2021 Act apply to State School Fund distributions commencing with
19 the 2021-2022 distributions.**

20 **“SECTION 6. This 2021 Act being necessary for the immediate
21 preservation of the public peace, health and safety, an emergency is
22 declared to exist, and this 2021 Act takes effect July 1, 2021.”.**

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