

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) ‘Accessible student bathroom’ means a bathroom that is ac-**
6 **cessible by students who menstruate, including a gender-neutral**
7 **bathroom.**

8 **“(b) ‘Public education provider’ means:**

9 **“(A) A school district;**

10 **“(B) A public charter school;**

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

12 **“(D) A community college; or**

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

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

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 accessible student**
19 **bathrooms of every public school building.**

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

1 **tampons and sanitary pads must be available at no cost to students**
2 **through 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)(a) The State Board of Education and the Higher Education**
8 **Coordinating Commission shall adopt any rules necessary for the ad-**
9 **ministration of this section.**

10 **“(b) Rules adopted by the board under this section must include**
11 **provisions for the distribution of amounts described in ORS 327.008 (18)**
12 **to school districts, education service districts and public charter**
13 **schools based on the average daily membership, as defined in ORS**
14 **327.006, of the district or school.**

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

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

17 **“(a) ‘Accessible student bathroom’ means a bathroom that is accessible**
18 **by students who menstruate, including a gender-neutral bathroom.**

19 **“(b) ‘Public education provider’ means:**

20 **“(A) A school district;**

21 **“(B) A public charter school;**

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

23 **“(D) A community college; or**

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

25 **“(c) ‘Public school building’ means a building used by a public education**
26 **provider to provide educational services to students.**

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

1 “[b] *Notwithstanding paragraph (a) of this subsection, if a public school*
2 *building has only one accessible student bathroom, both tampons and sanitary*
3 *pads must be available at no cost to students through dispensers located in*
4 *that bathroom.*]

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

9 “(4)(a) The State Board of Education and the Higher Education Coordi-
10 nating Commission shall adopt any rules necessary for the administration
11 of this section.

12 “(b) Rules adopted by the board under this section must include pro-
13 visions for the distribution of amounts described in ORS 327.008 (18) to
14 school districts, education service districts and public charter schools based
15 on the average daily membership, as defined in ORS 327.006, of the district
16 or school.

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

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

20 **“NOTE:** Amendments become operative 7/1/21. See 2013 c.735 §20, as
21 amended. Old version also may require amendment in 2021 session. To amend
22 old version, retrieve N327.008 and include ‘, as operative/effective until
23 (date),’ in lead-in.

24 “327.008. (1)(a) There is established a State School Fund in the General
25 Fund.

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

30 “(c) The State School Fund shall consist of moneys appropriated by the

1 Legislative Assembly, moneys transferred from the Fund for Student Success,
2 moneys transferred from the Education Stability Fund and the Oregon
3 Marijuana Account and moneys received as provided in paragraph (b) of this
4 subsection.

5 “(d) The State School Fund is continuously appropriated to the Depart-
6 ment of Education for the purposes of ORS 327.006 to 327.077, 327.095,
7 327.099, 327.101, 327.125, 327.137, 327.348, 336.575, 336.580, 336.635, 343.243,
8 343.533, 343.941 and 343.961.

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

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

21 “(4) There shall be apportioned from the State School Fund to each edu-
22 cation service district a State School Fund grant as calculated under ORS
23 327.019.

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

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

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

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

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

12 “(10) Each fiscal year, the Department of Education shall transfer to the
13 Pediatric Nursing Facility Account established in ORS 327.022 the amount
14 necessary to pay the costs of educational services provided to students ad-
15 mitted to pediatric nursing facilities as provided in ORS 343.941.

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

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

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

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

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

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

1 “(c) For each biennium, the amounts identified in this subsection shall
2 be adjusted by the same percentage by which the instructions furnished to
3 state agencies by the Governor under ORS 291.204 direct the state agencies
4 to adjust their agency budget requests for special payments under ORS
5 291.216 (6)(a)(C).

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

9 “(14) Each fiscal year, the Department of Education may expend up to
10 \$550,000 from the State School Fund for the contract described in ORS
11 329.488. The amount distributed to education service districts from the State
12 School Fund under this section and ORS 327.019 shall be reduced by the
13 amount expended by the department under this subsection.

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

17 “(16) Each biennium, the Department of Education may expend up to
18 \$150,000 from the State School Fund for the administration of a program to
19 increase the number of speech-language pathologists and speech-language
20 pathology assistants under ORS 348.394 to 348.406.

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

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

30 **“SECTION 5. The amendments to ORS 327.008 by section 4 of this**

1 **2021 Act apply to State School Fund distributions commencing with**
2 **the 2021-2022 distributions.**

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

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