

Requested by JOINT COMMITTEE ON WAYS AND MEANS

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 3294**

1 On page 2 of the printed A-engrossed bill, delete lines 8 through 45.

2 On page 3, delete lines 1 through 5 and insert:

3 “(A) For school districts, public charter schools and education service  
4 districts and subject to subparagraph (B) of this paragraph, distributions  
5 from amounts available under ORS 327.008 (18) to be made based on the av-  
6 erage daily membership, as defined in ORS 327.006, of the district or school;

7 “(B) For education service districts, distributions to be made as provided  
8 by subparagraph (A) of this paragraph may not exceed 7.5 percent of the  
9 amounts available for distribution under ORS 327.008 (18);

10 “(C) For community colleges, distributions from the Community College  
11 Support Fund to be made based on the full-time equivalent student enroll-  
12 ment of the community college; and

13 “(D) For public universities, distributions from a public university sup-  
14 port fund established by the commission by rule.

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

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

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

18 “(A) A school district;

19 “(B) A public charter school;

20 “(C) An education service district;

21 “(D) A community college; or

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

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

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

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

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

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

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

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

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

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

26 “(A) For school districts, public charter schools and education service  
27 districts **and subject to subparagraph (B) of this paragraph**, distributions  
28 from amounts available under ORS 327.008 (18) to be made based on the av-  
29 erage daily membership, as defined in ORS 327.006, of the district or school;

30 “**(B) For education service districts, distributions to be made as**

1 **provided by subparagraph (A) of this paragraph may not exceed 7.5**  
2 **percent of the amounts available for distribution under ORS 327.008**  
3 **(18);**

4 “[*B*] (C) For community colleges, distributions from the Community  
5 College Support Fund to be made based on the full-time equivalent student  
6 enrollment of the community college; and

7 “[*C*] (D) For public universities, distributions from a public university  
8 support fund established by the commission by rule.”.

9 On page 4, line 39, delete “\$\_\_\_\_\_” and insert “\$5,595,000”.

10 After line 42, insert:

11 **“SECTION 6. In addition to and not in lieu of any other appropri-**  
12 **ation, there is appropriated to the Department of Education, for the**  
13 **biennium beginning July 1, 2021, out of the General Fund, the amount**  
14 **of \$137,483, for the purpose of section 1 of this 2021 Act.”.**

15 In line 43, delete “6” and insert “7”.

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