

**Enrolled**  
**Senate Bill 215**

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Kate Brown for Department of Education)

CHAPTER .....

AN ACT

Relating to education; creating new provisions; amending ORS 326.111, 327.008, 327.222, 327.254, 327.520, 327.525, 327.527, 327.535, 339.391, 348.398, 348.406, 419B.019 and 419B.020; repealing ORS 348.394, 348.401 and 348.403; and declaring an emergency.

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

**FOOD PROGRAMS IN SCHOOLS**

**SECTION 1.** ORS 327.520 is amended to read:

327.520. (1) **As used in this section, “USDA Foods” means domestic agricultural products purchased by the United States Department of Agriculture for use in schools and other institutions that provide nutritional services to children.**

(2) The Department of Education may accept and distribute *[donated commodities]* **USDA Foods** available for either public or private nonprofit educational institutions, subject to state or federal law or regulation relating to *[such]* **the acceptance and distribution of those foods.** The department shall *[make a]* charge **an amount** sufficient to cover but not exceed all costs of distribution to the individual schools. The charge may include administrative expenses, freight, warehousing, storing, processing and transshipment *[to the end that all participating schools shall receive such donated commodities at the same unit cost irrespective of location of the school with respect to the original point of delivery within the state].* **The department may adjust charges to cover differences in program costs based on the USDA Foods received.**

**SECTION 2.** ORS 327.525 is amended to read:

327.525. The School *[Lunch]* **Foods** Revolving Account, separate and distinct from the General Fund, is continuously appropriated **to the Department of Education** for the purposes of ORS 327.520. All money received under the provisions of ORS 327.520 shall be paid by the department *[of Education]* to the State Treasurer for credit to the School *[Lunch]* **Foods** Revolving Account. Interest earned by the account shall be credited to the account.

**SECTION 3.** ORS 327.535 is amended to read:

327.535. (1) As used in this section, “eligible student” means a student who is eligible for free or reduced price meals under the United States Department of Agriculture’s National School Lunch Program or School Breakfast Program.

(2) A school district may make breakfast accessible at any school site and shall make breakfast accessible if required by this section.

(3) Subject to subsections (4) and (5) of this section, a school district that provides lunch at any school site shall make breakfast accessible as part of a breakfast program if 25 percent or more of the students at the school site are eligible students or the school site qualifies for assistance under Chapter I of Title I of the federal Elementary and Secondary Education Act of 1965.

(4) A school district that makes breakfast accessible as provided under subsection (3) of this section may apply to the Department of Education for a waiver for all or for particular grade levels if the school district is financially unable to implement a breakfast program. The department may grant a waiver to the school district for a period not to exceed two years, after which the school district must reestablish its claim of financial hardship if the waiver is to be extended.

(5) If the per meal federal reimbursement for the breakfast program falls below the 1991 reimbursement levels, a school district may elect to discontinue the program until federal funding is restored to those levels. No waiver is required for such election.

(6) A school district that makes breakfast accessible at any school site shall make breakfast accessible at that school site at no charge as provided by ORS 327.531 (1) or (2). The department shall provide reimbursement to the school district for each breakfast provided at no charge as provided by ORS 327.545.

(7)(a) Except as provided by subsection (8) of this section, a school district that makes breakfast accessible at a school site may choose to make breakfast accessible at that school site after the beginning of the school day.

(b) Time spent by students consuming breakfast is considered instructional time when students consume breakfast in the students' classroom and instruction is being provided while students are consuming breakfast. No more than 15 minutes may be considered instructional time when students are consuming breakfast.

(8)(a) If 70 percent or more of the students at a school site are eligible students, the school district must make breakfast accessible at that school site after the beginning of the school day.

(b) A school district that is required to make breakfast accessible as prescribed by paragraph (a) of this subsection must ensure that breakfast is:

(A) Accessible to all students after the beginning of the school day, regardless of grade or arrival time; and

(B) Provided at no charge to all students, regardless of whether a student is an eligible student.

(c) The department shall provide technical assistance to school districts to meet the requirements of this subsection. Technical assistance may include the development of breakfast delivery models.

(d) Notwithstanding paragraph (a) of this subsection, if a school district can demonstrate that 70 percent or more of the eligible students at a school site regularly receive breakfast at the school site without the school district complying with paragraph (a) of this subsection, the school district is not required to comply with paragraph (a) of this subsection.

**(9)(a) The department may award grants or enter into contracts to enable school districts to make breakfast accessible as required under subsection (8) of this section. Each grant or contract may not exceed \$5,000 per school site and must be used to purchase or upgrade necessary equipment required to provide breakfast after the beginning of the school day.**

**(b) The department may enter into a contract with a public or private entity for the purposes of the entity providing:**

**(A) Technical assistance to applicants for and recipients of grants; and**

**(B) Administration of the grant program.**

[9] (10) The State Board of Education may adopt any rules necessary for the implementation of this section.

**SECTION 4.** ORS 327.527 is amended to read:

327.527. (1) The Department of Education shall reimburse a school district, government agency or community group five cents for every breakfast or lunch the district, agency or group serves [during the summer] as a part of:

(a) The United States Department of Agriculture's Summer Food Service Program; or  
(b) A summer meals program through an existing national school lunch program.  
(2) In addition to the reimbursements provided under subsection (1) of this section, the Department of Education may award grants to school districts, government agencies and community groups to encourage participation in a program identified in subsection (1) of this section. Each grant may not exceed \$20,000 and must be used to:

(a) Purchase or upgrade necessary equipment and services required to provide food service and meet sanitation requirements;

(b) Make any payment necessary to comply with sanitation requirements that may be required prior to approval; or

(c) Fund participant outreach activities and materials and necessary enrichment activities and materials.

[3] *The department may award grants or enter into contracts to enable school districts to make breakfast accessible as required under ORS 327.535 (8). Each grant or contract may not exceed \$5,000 per school site and must be used to purchase or upgrade necessary equipment required to provide breakfast after the beginning of the school day.*

[4] *The department may enter into a contract with a public or private entity for the purposes of the entity providing:*

[a] *Technical assistance to applicants for and recipients of grants; and*

[b] *Administration of the grant program.*

[5] (3) The State Board of Education may adopt any rules necessary for the administration of this section.

## SPEECH-LANGUAGE PATHOLOGY PROGRAM

**SECTION 5.** ORS 348.398 is amended to read:

348.398. (1) The Department of Education shall establish a program to increase the number of **licensed** speech-language pathologists and **certified** speech-language pathology assistants [*in Oregon*] **employed in the education service districts and school districts of this state.**

(2) Through the program, the department [*may award*] **shall distribute moneys to education service districts and school districts to provide:**

(a) [*Grants*] **Stipends** to [*students studying to become*] licensed speech-language pathologists or certified speech-language pathology assistants [*as provided in ORS 348.401*] **who are participants in the program;** and

(b) Stipends to licensed speech-language pathologists [*who are employed by education service districts or school districts and*] **who provide** [*training*] **supervision and mentoring** to participants **in the program.**

(3) **To be eligible to participate in the program established by the Department of Education under this section and to receive a stipend under subsection (2)(a) of this section, a licensed speech-language pathologist or a certified speech-language pathology assistant must:**

(a) **Agree to be employed for a minimum of two years as a speech-language pathologist or a speech-language pathology assistant by an education service district or a school district that is willing to sponsor the pathologist or assistant for purposes of the program;**

(b) **Agree to work under the supervision and mentorship of a licensed speech-language pathologist employed by an education service district or a school district; and**

(c) **Meet any other requirements established by the State Board of Education by rule.**

(4) **The State Board of Education shall establish by rule the amount of stipends allowed under subsection (2) of this section and a method for distributing to education service districts and school districts moneys to be used for stipends.**

[3] (5) The State Board of Education may adopt any rules necessary for the administration of [*ORS 348.394 to 348.406*] **this section.**

**SECTION 6.** ORS 348.406 is amended to read:

348.406. (1) The Speech-Language Pathologist Training Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Speech-Language Pathologist Training Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the Department of Education for the purpose of *[awarding grants and stipends under ORS 348.394 to 348.406]* **distributing moneys to school districts and education service districts to be used as stipends as provided by ORS 348.398.**

(2) The department may seek grants and donations to provide funding for the program. The department shall deposit any moneys received under this subsection in the fund.

**SECTION 7.** ORS 327.008 is amended to read:

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

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

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

(d) The State School Fund is continuously appropriated to the Department of Education for the purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125, 327.137, 327.348, 327.356 to 327.359, 336.575, 336.580, 336.635, 343.243, 343.533, 343.941 and 343.961.

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

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

(4) There shall be apportioned from the State School Fund to each education service district a State School Fund grant as calculated under ORS 327.019.

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

(6) Numbers of students in average daily membership used in the distribution formula shall be the numbers as of June of the year of distribution.

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

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

(9) Each biennium, the Department of Education may expend from the State School Fund no more than \$10 million for expenses incurred by the Office of School Facilities under ORS 326.125 (2) to (7).

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

(11) Each fiscal year, the Department of Education shall transfer the amount of \$55 million from the State School Fund to the High Cost Disabilities Account established in ORS 327.348.

(12)(a) Each biennium, the Department of Education shall transfer \$39.5 million from the State School Fund to the Educator Advancement Fund established under ORS 342.953.

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

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

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

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

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

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

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

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

(16) Each biennium, the Department of Education may expend up to \$150,000 from the State School Fund for the administration of a program to increase the number of **licensed** speech-language pathologists and **certified** speech-language pathology assistants under ORS [348.394 to 348.406] **348.398**.

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

(18) Each biennium, the Department of Education shall transfer an amount not to exceed \$5,595,000 for the purpose of making tampons and sanitary pads available as provided by ORS 326.545.

(19) Each fiscal year, the Department of Education shall transfer the amount of \$2.5 million from the State School Fund to the Small School District Supplement Fund established in ORS 327.359.

**SECTION 8. ORS 348.394, 348.401 and 348.403 are repealed.**

## **COMPLAINT AND APPEALS PROCESS**

**SECTION 9.** ORS 326.111 is amended to read:

326.111. (1) The Department of Education is created and shall function under the direction and control of the State Board of Education with the Superintendent of Public Instruction serving as an administrative officer for public school matters.

(2) The Department of Education shall consist of:

(a) Agencies and officers that are added by law to the Department of Education; and

(b) The administrative organizations and staffs required for the performance of the department's functions.

(3) All administrative functions of the State Board of Education shall be exercised through the Department of Education, and the department shall exercise all administrative functions of the state

relating to supervision, management and control of schools not conferred by law on some other agency.

(4) For the purposes of ORS 327.103, 327.109, 339.285 to 339.303, 659.850 and 659.852:

(a) The Department of Education may conduct investigations and issue subpoenas to compel the testimony of any party or witness and the production of documents and other information when such actions are necessary to carry out the department's duties under those sections and when the information sought is relevant to carrying out the department's duties under those sections. If any person fails to comply with a subpoena issued as provided by this paragraph or if any party or witness refuses to testify on any matter on which the party or witness may be lawfully interrogated, the judge of the circuit court of any county, on application of the department, shall compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued by the court.

(b) Any books, papers, records, memoranda and other information submitted, collected or maintained for purposes of carrying out the department's duties under those sections is confidential and not subject to public disclosure during an ongoing investigation of the matter to which the information relates.

(c) The State Board of Education may adopt rules for the gathering of information through subpoena. The rules may include procedures through which a party may object to providing the information.

## INVESTIGATIONS OF SEXUAL CONDUCT OR ABUSE

**SECTION 10.** ORS 339.391 is amended to read:

339.391. (1)(a) When the Department of Education receives a report of suspected sexual conduct that may have been committed by a school employee, contractor, agent or volunteer that is not a commission licensee, the department shall immediately initiate an investigation.

(b) An investigation and final determination related to the report received under paragraph (a) of this subsection must be completed and notification of the final determination must be made to the education provider within 90 calendar days following the date on which the report was filed with the department.

(c) Notwithstanding paragraph (b) of this subsection, the prescribed timeline for an investigation and final determination may be extended if the department determines that, for good cause, a longer period of time is necessary.

(2) The department shall appoint an investigator and shall furnish the investigator with appropriate professional and other special assistance reasonably required to conduct an investigation. An investigator appointed under this subsection is empowered to:

- (a) Issue subpoenas to require the attendance of witnesses or the production of documents;
- (b) Subpoena witnesses; and
- (c) Swear witnesses and compel obedience in the same manner as provided under ORS 183.440

(2).

(3)(a) Following the completion of an investigation, the Department of Education shall notify:

(A) The person charged;

*[(B) The student and, if applicable, the student's parents or legal guardians;]*

**(B) The student, the student's parents or legal guardians, or both the student and the student's parents or legal guardians;**

(C) The education provider;

(D) The person who provided the report of suspected sexual conduct, if known by the department; and

(E) For a substantiated report only, any regulatory board that:

(i) Is not the Teacher Standards and Practices Commission; and

(ii) The department knows licensed, registered, certified or otherwise authorized the school employee, contractor, agent or volunteer to practice a profession or to provide professional services.

(b) The notification required under paragraph (a) of this subsection shall include the following information as allowed by state and federal law:

- (A) The statutory authority of the department to conduct the investigation;
- (B) The procedural background for the investigation;
- (C) The legal standards and arguments used for the investigation;
- (D) The department's findings of fact from the investigation;
- (E) The department's final determination based on the investigation; and
- (F) The right to an appeal, as provided by subsection (5) of this section.

(4)(a) Except as provided in [*paragraph (b)*] **paragraphs (b) and (c)** of this subsection and subsection (3) of this section, the documents and materials used in the investigation undertaken under this section, and the report related to the investigation, are confidential and not subject to public inspection.

**(b) Documents, materials and reports that are confidential under paragraph (a) of this subsection may be disclosed to an entity listed in paragraph (c) of this subsection, or in the manner described in subsection (3) of this section, only as provided by this section and by rules adopted by the State Board of Education. The person or entity that receives documents, materials or reports must maintain their confidentiality unless disclosure is allowed or required under this section or other state or federal law.**

[*(b)*] (c) To the extent allowed by state and federal law, the department shall make available any documents, materials and reports **that are confidential under paragraph (a) of this subsection** to:

(A) A law enforcement agency or the Department of Human Services if necessary to conduct an investigation under ORS 419B.005 to 419B.050;

(B) The Teacher Standards and Practices Commission if necessary for the commission to conduct an investigation under ORS 339.390; and

(C) An education provider if necessary for the education provider to take any disciplinary action or changes in the employment relationship or duties of the school employee, contractor, agent or volunteer.

[*(c)*] (d) The Department of Education shall retain documents and materials related to any report received under this section for a period of 75 years.

(5) A person who is the subject of an investigation under this section may appeal a final determination that the report related to the investigation is a substantiated report as a contested case under ORS chapter 183.

(6) The State Board of Education shall adopt any rules necessary for the administration of this section.

**SECTION 11. The amendments to ORS 339.391 (3)(a) by section 10 of this 2023 Act apply to notifications provided for investigations completed on or after the effective date of this 2023 Act.**

**NOTE:** Section 12 was deleted by amendment. Subsequent sections were not renumbered.

**SECTION 13.** ORS 419B.020 is amended to read:

419B.020. (1) If the Department of Human Services or a law enforcement agency receives a report of child abuse, the department or the agency shall immediately:

(a) Cause an investigation to be made to determine the nature and cause of the abuse of the child; and

(b) Make the following notifications:

(A) To the Office of Child Care if the alleged child abuse occurred in a child care facility as defined in ORS 329A.250; or

(B) To the Department of Education if the alleged child abuse occurred in a school, [*or*] was related to a school-sponsored activity **or was conduct that may be subject to actions taken by the Department of Education under ORS 339.370 to 339.400.**

(2) The Department of Human Services shall ensure that an investigation required by subsection (1) of this section is completed if the report is not investigated by a law enforcement agency.

(3) If the **alleged child** abuse reported in subsection (1) of this section [*is alleged to have*] occurred at a child care facility or in a school, [*or*] was related to a school-sponsored activity **or was conduct that may be subject to actions taken by the Department of Education under ORS 339.370 to 339.400**:

(a) The Department of Human Services and the law enforcement agency shall jointly determine the roles and responsibilities of the department and the agency in their respective investigations; and

(b) The department and the agency shall each report the outcomes of their investigations:

(A) To the Office of Child Care if the alleged child abuse occurred in a child care facility as defined in ORS 329A.250; or

(B) To the Department of Education if the alleged child abuse:

(i) Occurred in a school; [*or*]

(ii) Was related to a school-sponsored activity; **or**

(iii) **Was conduct that may be subject to actions taken by the Department of Education under ORS 339.370 to 339.400.**

(4) If the law enforcement agency conducting the investigation finds reasonable cause to believe that abuse has occurred, the law enforcement agency shall notify by oral report followed by written report the local office of the department. The Department of Human Services shall provide protective social services of its own or of other available social agencies if necessary to prevent further abuses to the child or to safeguard the child's welfare.

(5) If a child is taken into protective custody by the department, the department shall promptly make reasonable efforts to ascertain the name and address of the child's parents or guardian.

(6)(a) If a child is taken into protective custody by the department or a law enforcement official, the department or law enforcement official shall, if possible, make reasonable efforts to advise the parents or guardian immediately, regardless of the time of day, that the child has been taken into custody, the reasons the child has been taken into custody and general information about the child's placement, and the telephone number of the local office of the department and any after-hours telephone numbers.

(b) Notice may be given by any means reasonably certain of notifying the parents or guardian, including but not limited to written, telephonic or in-person oral notification. If the initial notification is not in writing, the information required by paragraph (a) of this subsection also shall be provided to the parents or guardian in writing as soon as possible.

(c) The department also shall make a reasonable effort to notify the noncustodial parent of the information required by paragraph (a) of this subsection in a timely manner.

(d) If a child is taken into custody while under the care and supervision of a person or organization other than the parent, the department, if possible, shall immediately notify the person or organization that the child has been taken into protective custody.

(7) If a law enforcement officer or the department, when taking a child into protective custody, has reasonable cause to believe that the child has been affected by sexual abuse and rape of a child as defined in ORS 419B.005 (1)(a)(C) and that physical evidence of the abuse exists and is likely to disappear, the court may authorize a physical examination for the purposes of preserving evidence if the court finds that it is in the best interest of the child to have such an examination. Nothing in this section affects the authority of the department to consent to physical examinations of the child at other times.

(8) A minor child of 12 years of age or older may refuse to consent to the examination described in subsection (7) of this section. The examination shall be conducted by or under the supervision of a physician licensed under ORS chapter 677, a physician assistant licensed under ORS 677.505 to 677.525 or a nurse practitioner licensed under ORS chapter 678 and, whenever practicable, trained in conducting such examinations.

(9) When the department completes an investigation under this section, if the person who made the report of child abuse provided contact information to the department, the department shall notify the person about whether contact with the child was made, whether the department determined

that child abuse occurred and whether services will be provided. The department is not required to disclose information under this subsection if the department determines that disclosure is not permitted under ORS 419B.035.

(10) When the Department of Education receives a notification under subsection (1) of this section or a report on the outcomes of an investigation under subsection (3) of this section, the department shall act under, and is subject to, ORS 339.389.

**SECTION 14.** ORS 419B.019 is amended to read:

419B.019. (1) As used in this section:

(a) "Agent" means a person who:

(A) Acts as an agent for an education provider in a manner that requires the person to have direct, unsupervised contact with children; and

(B) Interacts with a child because of the person's status as an agent for an education provider.

(b) "Contractor" means a person who:

(A) Provides services to an education provider under a contract in a manner that requires the person to have direct, unsupervised contact with children; and

(B) Interacts with a child because of the person's status as a contractor for an education provider.

(c) "Education provider" has the meaning given that term in ORS 339.370.

(d) "School employee" means a person who:

(A) Is an employee of an education provider; and

(B) Interacts with a child because of the person's status as an employee of an education provider.

(e) "Volunteer" means a person who:

(A) Acts as a volunteer for an education provider in a manner that requires the person to have direct, unsupervised contact with children; and

(B) Interacts with a child because of the person's status as a volunteer of an education provider.

(2) A law enforcement agency or the Department of Human Services must conduct an investigation as provided by ORS 419B.020 if the law enforcement agency or department receives a report of abuse that involves a child and a person who is a school employee, contractor, agent or volunteer.

(3) A law enforcement agency shall notify the department as provided by ORS 419B.015 if the law enforcement agency receives a report described in subsection (2) of this section. The department shall notify a law enforcement agency as provided by ORS 419B.015 if the department receives a report described in subsection (2) of this section. The department shall ensure that an investigation related to the report is conducted if the report is not investigated by a law enforcement agency.

(4)(a) Within three business days of receiving a report or notification of a report described in subsection (2) of this section, the department shall notify:

(A) The appropriate education provider to ensure the safety of the child, if the department believes the report of suspected abuse involves the child and a person who is a school employee, contractor, agent or volunteer;

(B) The Teacher Standards and Practices Commission, if the department believes the school employee, contractor, agent or volunteer is licensed, registered or certified by the commission; or

(C) The Department of Education, if the Department of Human Services believes the report of suspected abuse:

(i) Occurred in a school or was related to a school-sponsored activity; or

(ii) Involves a child and a person who is a school employee, contractor, agent or volunteer **and whose conduct may be subject to actions taken by the Department of Education under ORS 339.370 to 339.400.**

(b) For the purpose of notification made under this subsection, the Department of Human Services may not disclose the name and address of, and other identifying information about, the person who made the report, but the department shall make available any information necessary to ensure the safety of the child, including the name of the school and the name of the person who may have conducted the suspected abuse. Except as provided by ORS 339.389, any person or entity to whom

notification is made under this subsection may not release any information not authorized by this subsection.

(c) When the Department of Education receives notification under this subsection, the department shall act under, and is subject to, ORS 339.389.

(5) The Department of Human Services may adopt any rules necessary for the administration of this section.

**NOTE:** Sections 15 and 16 were deleted by amendment. Subsequent sections were not renumbered.

### **TECHNICAL ASSISTANCE PROVIDED BY EDUCATION SERVICE DISTRICTS**

**SECTION 17.** ORS 327.254 is amended to read:

327.254. (1) The Department of Education shall use moneys in the Statewide Education Initiatives Account to provide funding for statewide education initiatives, including:

(a) Funding the High School Graduation and College and Career Readiness Act at the levels prescribed by ORS 327.856;

(b) Expanding school breakfast and lunch programs;

(c) Operating youth reengagement programs or providing youth reengagement services;

(d) Establishing and maintaining the Statewide School Safety and Prevention System under ORS 339.341;

(e) Developing and providing statewide equity initiatives, including the Black or African-American education plan developed under ORS 329.841, the American Indian or Alaska Native education plan developed under ORS 329.843, the Latino or Hispanic education plan developed under ORS 329.845 or any similar education plan identified by the department;

(f) Providing summer learning programs at schools that are considered high poverty under Title I of the federal Elementary and Secondary Education Act of 1965;

(g) Funding early warning systems to assist students in graduating from high school, as described in ORS 327.367;

(h) Developing and implementing professional development programs and training programs, including programs that increase educator diversity and retain diverse educators;

(i) Planning for increased transparency and accountability in the public education system of this state;

(j) Providing additional funding to school districts participating in the intensive program under ORS 327.222;

(k) Providing technical assistance, including costs incurred for:

(A) The coaching program described in ORS 327.214; and

(B) The intensive program described in ORS 327.222, including costs for student success teams;

(L) Funding public charter schools, as described in ORS 327.362;

(m) Funding education service districts, as described in subsection (2) of this section; and

(n) Funding costs incurred by the department in implementing this section and ORS 327.175 to 327.235 and 327.274.

(2)(a) The amount of a distribution to an education service district under this section shall be made as provided by paragraph (b) of this subsection after calculating the following for each education service district:

(A) One percent of the total amount available for distribution to education service districts in each biennium.

(B) The education service district's  $ADM_w \times$  (the total amount available for distribution to education service districts in each biennium  $\div$  the total  $ADM_w$  of all education service districts that receive a distribution).

(b) The amount of the distribution to an education service district shall be the greater of the amounts calculated under paragraph (a) of this subsection, except that, for distributions made as

provided by paragraph (a)(B) of this subsection, the total amount available for distribution to education service districts shall be the amount remaining after any distributions required under paragraph (a)(A) of this subsection have been made.

(c) For purposes of this subsection, ADMw equals the ADMw as calculated under ORS 327.013, except that the additional amount allowed for students who are in poverty families, as determined under ORS 327.013 (1)(c)(A)(v)(I), shall be 0.5.

(d) An education service district shall use moneys received under this section as provided by a plan developed by the school districts located within the education service district. A school district that declines to participate in the development of the plan or that has withdrawn from an education service district as provided by ORS 334.015 is not entitled to any moneys distributed to the education service district under this subsection.

(e) A plan developed under this subsection must:

(A) Align with and support [*school districts in meeting the performance growth targets of the school districts developing the plan;*] **the meeting of performance growth targets established for recipients of moneys under ORS 327.195 that are located within the education service district;**

(B) Include the provision, **to recipients of moneys under ORS 327.195 that are located within the education service district**, of technical assistance [*to school districts*] in developing, implementing and reviewing a plan for receiving a grant from the Student Investment Account;

(C) Provide for coordination with the department in administering and providing technical assistance to [*school districts*] **recipients of moneys under ORS 327.195 that are located within the education service district**, including coordinating any coaching programs established under ORS 327.214; and

(D) Be adopted and amended as provided for local service plans under ORS 334.175 and approved by the department.

**(f) For the purposes of paragraph (e) of this subsection, recipients of moneys under ORS 327.195 that are located within the education service district include, as applicable:**

**(A) Common school districts and union high school districts;**

**(B) Any charter school that is an eligible applicant, as defined in ORS 327.185; and**

**(C) The Youth Corrections Education Program or the Juvenile Detention Education Program.**

[(f)] **(g)** Each education service district must submit an annual report to the department that:

(A) Describes how the education service district spent moneys received under this subsection; and

(B) Includes an evaluation of the education service district's compliance with the plan from the superintendent of each school district that participated in the development of the plan.

(3) The State Board of Education shall adopt rules necessary for the distribution of moneys under this section.

**SECTION 18. (1) The amendments to ORS 327.254 by section 17 of this 2023 Act apply to plans developed on or after the effective date of this 2023 Act.**

**(2) Nothing in this section prevents an education service district from providing support, technical assistance or coordination to common school districts, union high school districts, public charter schools that are eligible applicants under ORS 327.185, the Youth Corrections Education Program or the Juvenile Detention Education Program before the development of a plan described in subsection (1) of this section.**

**NOTE:** Sections 19 and 20 were deleted by amendment. Subsequent sections were not renumbered.

## **INTENSIVE PROGRAM FOR HIGH-NEEDS SCHOOL DISTRICTS**

**SECTION 21.** ORS 327.222 is amended to read:

327.222. (1) The Department of Education shall establish an intensive program for school districts with the highest needs in this state.

(2)(a) The department shall identify and select school districts to participate in the intensive program. The department may not select a public charter school under this section.

(b) A school district that agrees to participate in the intensive program must participate in the program for at least four years.

(3) A school district that agrees to participate in the intensive program shall be eligible for additional funding from the Statewide Education Initiatives Account. The additional funding shall be based on rules adopted by the State Board of Education and shall be calculated based on the ADMw of the school district, as calculated under ORS 327.195.

(4) A school district that agrees to participate in the intensive program shall:

(a) Commit to regular student success plan meetings to monitor practices;

(b) Use data to track student progress;

(c) Ensure school employees receive appropriate professional development and training;

(d) Create safe and inclusive learning environments;

(e) Improve school and school district practices and structures to support teaching and learning; and

(f) Improve the skills of the members of the school board.

(5) For the purpose of assisting school districts participating in the intensive program, the department shall establish student success teams. Student success teams shall be composed of personnel with expertise in school and school district improvement strategies, including the use of differentiated instruction and inclusionary practices. **A student success team is not a government body and is not subject to any statute or rule applicable to a public body.**

(6)(a) Under the intensive program, student success teams shall:

(A) Advise and counsel school districts on how to improve performance outcomes; and

(B) Develop recommendations for meeting performance growth targets.

(b) School district boards and superintendents of school districts participating in an intensive program must:

(A) Accept all recommendations of the student success teams related to the use of Student Investment Account grant moneys and additional funding received under this section[; *and*]. **A school district that does not accept the recommendations made under this subparagraph is not eligible for additional funding under this section.**

(B) Consider, **and may accept**, all recommendations of the student success teams not described in subparagraph (A) of this paragraph.

(c) A school district that receives recommendations under this subsection must issue a report that:

(A) Describes the recommendations;

(B) Identifies the recommendations that will be implemented and the timelines for implementing the recommendations; and

(C) Identifies the recommendations that will not be implemented and an explanation for why the recommendations will not be implemented.

(d) The report required under paragraph (c) of this subsection must be:

(A) Made available at the school district's main office and on the school district's website; and

(B) Distributed to the school district community, including employees of the school district and families of the students of the school district.

**NOTE:** Sections 22 and 23 were deleted by amendment. Subsequent sections were not renumbered.

## CAPTIONS

**SECTION 24.** The unit captions used in this 2023 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2023 Act.

**EMERGENCY CLAUSE**

**SECTION 25.** This 2023 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect on its passage.

**Passed by Senate June 20, 2023**

**Received by Governor:**

**Repassed by Senate June 24, 2023**

.....M,....., 2023

**Approved:**

.....  
Lori L. Brocker, Secretary of Senate

.....M,....., 2023

.....  
Rob Wagner, President of Senate

.....  
Tina Kotek, Governor

**Passed by House June 23, 2023**

**Filed in Office of Secretary of State:**

.....  
Dan Rayfield, Speaker of House

.....M,....., 2023

.....  
Secretary of State