Senate Bill 215

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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.

Allows Department of Education to adjust amounts charged related to distribution of agricultural products received from United States Department of Agriculture for school food programs. Modifies provisions related to certain reimbursements for breakfasts and lunches provided by school district, government agency or community group, as identified by State Board of Education by rule. Modifies requirements for participation in program to increase number of licensed speech-language pathologists and certified speech-language pathology assistants employed in education service districts and school districts. Authorizes Department of Education to issue subpoenas related to certain investigations. Specifies confidentiality requirements for information obtained by department during investigation. Modifies required notification by Department of Education at completion of investigation of suspected sexual conduct. Exempts documents and materials of sexual conduct investigation from public records disclosure requirements. Requires persons and entities that receive certain confidential materials related to sexual conduct investigation to retain confidentiality of materials. Directs Department of Human Services to report outcomes of certain investigations to Department of Education if investigations involve conduct committed by certain persons who are school employees, contractors, agents or volunteers. Removes Department of Transportation as state agency that is directed to cooperate with schools in operation of traffic patrol. Directs education service districts to provide technical and other assistance to school districts, certain public charter schools or, as applicable, to Youth Corrections Education Program or Juvenile Detention Education Program. Eliminates redundancies related to standards for school library programs. Directs State Board of Education to adopt specified rules related to educational standards of children receiving education in hospital facilities. Clarifies that superintendents of school districts have responsibilities related to participating in intensive program. Clarifies that Department of Education is authorized to use moneys in Early Learning Account for certain purposes. Declares emergency, effective on passage.

A BILL FOR AN ACT


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

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.

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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 pro-
gram 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
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 sec-
tion 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 re-
imbursement levels, a school district may elect to discontinue the program until federal funding is re-
stored 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
of Education shall provide reimbursement to the school district for each breakfast provided at no
charge as provided by ORS 327.545.

(7) 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) 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
(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.

d) 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.

de) 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.

(5)(a) The department may award grants or enter into contracts to enable school districts to make breakfast accessible as required under subsection (4) 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) (6) 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;
(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 348.398 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.


(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 348.398.

(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 depart-
ment; 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 em-
ployee, 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 sub-
section (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 docu-
ments, 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 deter-
mination 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.

SECTION 12. ORS 192.398 is amended to read:

ORS 192.398. The following public records are exempt from disclosure:

1. Records less than 75 years old which contain information about the physical or mental health or psychiatric care or treatment of a living individual, if the public disclosure thereof would constitute an unreasonable invasion of privacy. The party seeking disclosure shall have the burden of showing by clear and convincing evidence that the public interest requires disclosure in the particular instance and that public disclosure would not constitute an unreasonable invasion of privacy.

2. Records less than 75 years old which were sealed in compliance with statute or by court order. Such records may be disclosed upon order of a court of competent jurisdiction or as otherwise provided by law.

3. Records, including reports, less than 75 years old which are required to be retained as provided by ORS 339.391.

4. Student records required by state or federal law to be exempt from disclosure.

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

ORS 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 committed by a school employee, contractor, agent or volunteer who 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 committed by a school employee, contractor, agent or volunteer who 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 committed by a school employee, contractor, agent or volunteer who 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 protec-
tive 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 tele-

phone 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 notifica-
tion 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 organ-

ization 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 no-
tify 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 per-
mitted 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:

ORS 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 who 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.

**TRAFFIC PATROL**

**SECTION 15.** ORS 339.660 is amended to read:

339.660. (1) To promote safety, the State Board of Education, after consultation with [the Department of Transportation and] the Department of State Police, shall make rules relating to traffic patrols.

(2) A member of a traffic patrol:

(a) Shall be at least 18 years of age unless the parent or guardian of the member of the traffic patrol has consented in writing to such membership and ceases to be a member if such consent is revoked.

(b) May display a badge marked “traffic patrol” while serving as a member.

(c) May display a directional sign or signal in cautioning drivers where students use a school crosswalk of the driver’s responsibility to obey ORS 811.015.

**SECTION 16.** ORS 339.665 is amended to read:

339.665. (1) The Department of Education [and the Department of Transportation] shall cooperate with any public, private or parochial school in the organization, supervision, control and operation of its traffic patrol.

(2) The Department of State Police, the sheriff of each county or the police of each city may assist any public, private or parochial school in the organization, supervision, control or operation of its traffic patrol.

**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;
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 ADMw × (the total amount available for distribution to education service districts in each biennium ÷ the total ADMw 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 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.

MEDIA STANDARDS

SECTION 19. ORS 329.095 is amended to read:

329.095. (1)(a) The Department of Education shall require school districts and schools to conduct self-evaluations and to periodically update their local district continuous improvement plans. Except as provided by paragraph (b)(C) of this subsection, the department may not require school districts or schools to conduct self-evaluations or to update their local district continuous improvement plans more frequently than biennially.

(b) The department may require a school district to:

(A) File, periodically, or at the department’s request, its local district continuous improvement plan with the department;

(B) Notify the department of any substantial changes, as defined by rule of the State Board of Education, to the school district; or

(C) Update its local district continuous improvement plan when there has been a substantial
change, as defined by rule of the board, to the school district.

(c) The self-evaluation process conducted as provided by this subsection shall involve the public in the setting of local goals. The school districts shall ensure that representatives from the demographic groups of their school population are invited to participate in the development of local district continuous improvement plans to achieve the goals.

(2) As part of setting local goals, school districts shall undertake a communications process that involves parents, students, teachers, school employees, the educational equity advisory committee and community representatives to explain and discuss the local goals and their relationship to programs under this chapter.

(3) At the request of the school district, department staff shall provide ongoing technical assistance in the development and implementation of the local district continuous improvement plan.

(4) The local district continuous improvement plan shall include:

(a) Goals to implement the following:

(A) A rigorous curriculum aligned with state standards;

(B) High-quality instructional programs;

(C) Short-term and long-term professional development plans;

(D) Programs and policies that achieve a safe educational environment;

(E) A plan for family and community engagement;

(F) Staff leadership development;

(G) High-quality data systems;

(H) Improvement planning that is data-driven; and

(I) Education service plans for students who have or have not exceeded all of the academic content standards; and

[(J) A strong school library program;]

(b) A review of demographics, student performance, staff characteristics and student access to, and use of, educational opportunities;

(c) A description of district efforts to achieve local efficiencies and efforts to make better use of resources; and

(d) A needs assessment, which shall:

(A) Be conducted in a manner that is inclusive of school employees, students from student groups identified in ORS 327.180 (2)(b) and parents of those students.

(B) Address the following priorities:

(i) Reducing academic disparities for students from student groups identified in ORS 327.180 (2)(b);

(ii) Meeting students’ mental or behavioral health needs;

(iii) Providing equitable access to academic courses across the school district or public charter school, with specific emphasis on access by students from student groups identified in ORS 327.180 (2)(b);

(iv) Allowing teachers and staff to have sufficient time to:

(I) Collaborate with other teachers and staff;

(II) Review data on students’ grades, absences and discipline, based on school and on grade level or course; and

(III) Develop strategies to ensure that at-risk students stay on track to graduate; and

(v) Possible partnerships with other organizations, federally recognized Indian tribes, school districts, education service districts, regional achievement collaboratives, post-secondary institutions

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of education, education partners or nonprofit programs and community-based programs that have
demonstrated achievement of positive outcomes in work with students from student groups identified
in ORS 327.180 (2)(b).

EDUCATION OF CHILDREN IN HOSPITAL FACILITIES

SECTION 20. ORS 343.261 is amended to read:

343.261. (1) Under rules adopted by the State Board of Education:

[(1)(a) The Superintendent of Public Instruction, in cooperation with the hospital authorities,
shall be responsible for payment of the cost and oversight of the educational programs for children
through 21 years of age in the following institutions:

[(a)(A) State-operated hospitals;
[(b)(i) Have the capacity to admit patients from throughout the state;
[(b)(ii) Provide specialized intensive treatment for children with severe, low-incidence types
of disabling conditions; and
[(b)(ii) Admit children who can expect to be hospitalized for extended periods of time or re-
hospitalized frequently.
[(2)(b) The superintendent shall be responsible for the payment of the cost of the education
by contract with the school district in which the state-operated hospital, the Oregon Health and
Science University hospital or clinic or the private hospital is located. The hospital shall be re-
sponsible for the costs of transportation, care, treatment and medical expenses. The payments may
be made to the school district, or at the discretion of the school district, to the district providing
the education, as set forth in [subsection (3) of this section] paragraph (c) of this subsection, from
the funds appropriated for the purpose.
[(3)(c) The school district in which the state-operated hospital, the Oregon Health and Science
University hospital or clinic or the private hospital is located shall be responsible for providing the
education directly or through an adjacent school district or through the education service district
in which the program is located or one contiguous thereto.
[(4)(d) The superintendent shall make the final determinations concerning the eligibility of
hospitals to receive state funding under this section.

(2) The State Board of Education shall adopt by rule standards for educational programs
provided to children under this section, including standards that allow a school district under
contract with the superintendent, or an education service district that the school district
provides education through, to:

(a) Award high school diplomas, modified diplomas, extended diplomas and alternative
certificates as provided by ORS 329.451 and 339.877. An education service district that awards
high school diplomas as provided by this paragraph:

(A) May not impose requirements for a high school diploma that are in addition to the
requirements prescribed by ORS 329.451 (2)(a) or by rule of the State Board of Education;
and
(B) Must accept any credits previously earned by a child in another school or educational
program in this state and apply those credits toward the requirements prescribed by ORS
329.451 (2)(a) or by rule of the State Board of Education.
(b) Implement an assessment system as provided by ORS 329.485.
(c) Administer a nationally normed assessment as provided by ORS 329.488.
(d) Participate in the beginning teacher and administrator mentorship program established by ORS 329.788 to 329.820.
(e) Receive funds under ORS chapter 329.

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;
      (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.
   (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
         (B) Consider 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.

USES OF EARLY LEARNING ACCOUNT

SECTION 22. ORS 327.269, as amended by section 20, chapter 631, Oregon Laws 2021, is amended to read:
327.269. (1) The Early Learning Account is established within the Fund for Student Success.
(2) The Early Learning Account shall consist of:
(a) Moneys transferred from the Fund for Student Success under ORS 327.001;
(b) Moneys appropriated or otherwise transferred to the account by the Legislative Assembly;
(c) Amounts donated to the account; and
(d) Other amounts deposited into the account from any source.
(3) The Department of Education or the Department of Early Learning and Care, on behalf of the State of Oregon, may solicit and accept gifts, grants, donations and other moneys from public and private sources for the Early Learning Account. Moneys received as provided in this subsection shall be deposited into the Early Learning Account.
(4) Moneys in the Early Learning Account are continuously appropriated to:
(a) The Department of Education for early childhood special education or early intervention services, as provided by ORS 343.475; and
(b) The Department of Early Learning and Care for early learning programs, as described in ORS 327.274.

SECTION 23. ORS 327.274, as amended by section 21, chapter 631, Oregon Laws 2021, and section 30, chapter 27, Oregon Laws 2022, is amended to read:
327.274. (1) The Department of Education shall use moneys in the Early Learning Account to provide funding for early childhood special education or early intervention services, as provided by ORS 343.475.
(2) The Department of Early Learning and Care shall use moneys in the Early Learning Account to provide funding for early learning programs in a manner consistent with a statewide early learning system plan overseen by the Early Learning Council. Early learning programs [that may receive] for which the department may use moneys from the Early Learning Account include:
[(a) Early childhood special education or early intervention services, as provided by ORS 343.475;]
[(b) (a) Relief nurseries;]
[(c) (b) Programs funded by the Early Childhood Equity Fund;]
[(d) (c) The Oregon prekindergarten program and other public preschool programs established under ORS 329.170 to 329.200, by increasing:
(A) The total number of spaces for children served by the programs; or
(B) Existing spaces for full-day programs from half-day programs;
[(e) (d) Professional development for early childhood educators; and
[(f) (e) Early Head Start programs.]}
(2) In addition to the uses identified in subsection [(1)] (2) of this section, the Department of Early Learning and Care may use moneys in the Early Learning Account [may be used] for:

(a) Staffing needs of the Department of Early Learning and Care for the purpose of implementing this section.

(b) Costs incurred by the Department of Early Learning and Care in conducting the biennial evaluation of programs that receive grants under ORS 417.782.

[(3)] (4) The Early Learning Council shall adopt rules necessary for the distribution of moneys under this section.

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.