

C-Engrossed Senate Bill 215

Ordered by the House June 22
Including Senate Amendments dated April 5 and May 12 and House
Amendments dated June 22

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)

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.

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. 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 may be subject to actions taken by Department of Education.

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.

Clarifies status of student success teams and responsibilities of school district boards and superintendents of school districts related to participating in intensive program.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to education; creating new provisions; amending ORS 326.111, 327.008, 327.222, 327.254,
3 327.520, 327.525, 327.527, 327.535, 339.391, 348.398, 348.406, 419B.019 and 419B.020; repealing ORS
4 348.394, 348.401 and 348.403; and declaring an emergency.

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

FOOD PROGRAMS IN SCHOOLS

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

10 327.520. (1) **As used in this section, "USDA Foods" means domestic agricultural products**
11 **purchased by the United States Department of Agriculture for use in schools and other in-**
12 **stitutions that provide nutritional services to children.**

13 (2) The Department of Education may accept and distribute [*donated commodities*] **USDA Foods**
14 available for either public or private nonprofit educational institutions, subject to state or federal
15 law or regulation relating to [*such*] **the acceptance and distribution of those foods.** The department

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.

1 shall *[make a]* charge **an amount** sufficient to cover but not exceed all costs of distribution to the
 2 individual schools. The charge may include administrative expenses, freight, warehousing, storing,
 3 processing and transshipment *[to the end that all participating schools shall receive such donated*
 4 *commodities at the same unit cost irrespective of location of the school with respect to the original point*
 5 *of delivery within the state]*. **The department may adjust charges to cover differences in pro-**
 6 **gram costs based on the USDA Foods received.**

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

8 327.525. The School *[Lunch]* **Foods** Revolving Account, separate and distinct from the General
 9 Fund, is continuously appropriated **to the Department of Education** for the purposes of ORS
 10 327.520. All money received under the provisions of ORS 327.520 shall be paid by the department
 11 *[of Education]* to the State Treasurer for credit to the School *[Lunch]* **Foods** Revolving Account.
 12 Interest earned by the account shall be credited to the account.

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

14 327.535. (1) As used in this section, “eligible student” means a student who is eligible for free
 15 or reduced price meals under the United States Department of Agriculture’s National School Lunch
 16 Program or School Breakfast Program.

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

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

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

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

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

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

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

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

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

1 (A) Accessible to all students after the beginning of the school day, regardless of grade or ar-
2 rival time; and

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

4 (c) The department shall provide technical assistance to school districts to meet the require-
5 ments of this subsection. Technical assistance may include the development of breakfast delivery
6 models.

7 (d) Notwithstanding paragraph (a) of this subsection, if a school district can demonstrate that
8 70 percent or more of the eligible students at a school site regularly receive breakfast at the school
9 site without the school district complying with paragraph (a) of this subsection, the school district
10 is not required to comply with paragraph (a) of this subsection.

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

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

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

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

20 [(9)] (10) The State Board of Education may adopt any rules necessary for the implementation
21 of this section.

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

23 327.527. (1) The Department of Education shall reimburse a school district, government agency
24 or community group five cents for every breakfast or lunch the district, agency or group serves
25 [during the summer] as a part of:

26 (a) The United States Department of Agriculture's Summer Food Service Program; or

27 (b) A summer meals program through an existing national school lunch program.

28 (2) In addition to the reimbursements provided under subsection (1) of this section, the Depart-
29 ment of Education may award grants to school districts, government agencies and community groups
30 to encourage participation in a program identified in subsection (1) of this section. Each grant may
31 not exceed \$20,000 and must be used to:

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

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

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

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

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

44 [(a) Technical assistance to applicants for and recipients of grants; and]

45 [(b) Administration of the grant program.]

1 [5] (3) The State Board of Education may adopt any rules necessary for the administration of
2 this section.

3
4 **SPEECH-LANGUAGE PATHOLOGY PROGRAM**

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

7 348.398. (1) The Department of Education shall establish a program to increase the number of
8 **licensed** speech-language pathologists and **certified** speech-language pathology assistants [*in*
9 *Oregon*] **employed in the education service districts and school districts of this state.**

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

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

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

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

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

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

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

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

30 [(3)] (5) The State Board of Education may adopt any rules necessary for the administration of
31 [ORS 348.394 to 348.406] **this section.**

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

33 348.406. (1) The Speech-Language Pathologist Training Fund is established in the State Treasury,
34 separate and distinct from the General Fund. Interest earned by the Speech-Language Pathologist
35 Training Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to
36 the Department of Education for the purpose of [*awarding grants and stipends under ORS 348.394*
37 *to 348.406*] **distributing moneys to school districts and education service districts to be used**
38 **as stipends as provided by ORS 348.398.**

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

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

42 327.008. (1)(a) There is established a State School Fund in the General Fund.

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

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

5 (d) The State School Fund is continuously appropriated to the Department of Education for the
6 purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125, 327.137, 327.348, 327.356 to
7 327.359, 336.575, 336.580, 336.635, 343.243, 343.533, 343.941 and 343.961.

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (B) The amount distributed to school districts from the State School Fund under this section and

1 ORS 327.013 shall be reduced by \$16.75 million; and

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

4 (c) For each biennium, the amounts identified in this subsection shall be adjusted by the same
5 percentage by which the instructions furnished to state agencies by the Governor under ORS 291.204
6 direct the state agencies to adjust their agency budget requests for special payments under ORS
7 291.216 (6)(a)(C).

8 (13) Each biennium, the Department of Education shall transfer \$12.5 million from the State
9 School Fund to the Statewide English Language Learner Program Account established under ORS
10 327.344.

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

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

18 (16) Each biennium, the Department of Education may expend up to \$150,000 from the State
19 School Fund for the administration of a program to increase the number of **licensed** speech-language
20 pathologists and **certified** speech-language pathology assistants under ORS [348.394 to 348.406]
21 **348.398**.

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

27 (18) Each biennium, the Department of Education shall transfer an amount not to exceed
28 \$5,595,000 for the purpose of making tampons and sanitary pads available as provided by ORS
29 326.545.

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

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

33
34 **COMPLAINT AND APPEALS PROCESS**

35
36 **SECTION 9.** ORS 326.111 is amended to read:

37 326.111. (1) The Department of Education is created and shall function under the direction and
38 control of the State Board of Education with the Superintendent of Public Instruction serving as an
39 administrative officer for public school matters.

40 (2) The Department of Education shall consist of:

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

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

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

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

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

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

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

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

20
21 **INVESTIGATIONS OF SEXUAL CONDUCT OR ABUSE**

22
23 **SECTION 10.** ORS 339.391 is amended to read:

24 339.391. (1)(a) When the Department of Education receives a report of suspected sexual conduct
25 that may have been committed by a school employee, contractor, agent or volunteer that is not a
26 commission licensee, the department shall immediately initiate an investigation.

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

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

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

37 (a) Issue subpoenas to require the attendance of witnesses or the production of documents;

38 (b) Subpoena witnesses; and

39 (c) Swear witnesses and compel obedience in the same manner as provided under ORS 183.440
40 (2).

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

42 (A) The person charged;

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

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

1 (C) The education provider;

2 (D) The person who provided the report of suspected sexual conduct, if known by the depart-
3 ment; and

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

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

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

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

10 (A) The statutory authority of the department to conduct the investigation;

11 (B) The procedural background for the investigation;

12 (C) The legal standards and arguments used for the investigation;

13 (D) The department's findings of fact from the investigation;

14 (E) The department's final determination based on the investigation; and

15 (F) The right to an appeal, as provided by subsection (5) of this section.

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

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

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

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

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

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

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

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

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

43 **SECTION 11. The amendments to ORS 339.391 (3)(a) by section 10 of this 2023 Act apply**
44 **to notifications provided for investigations completed on or after the effective date of this**
45 **2023 Act.**

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

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

3 419B.020. (1) If the Department of Human Services or a law enforcement agency receives a re-
4 port of child abuse, the department or the agency shall immediately:

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

7 (b) Make the following notifications:

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

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

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

15 (3) If the **alleged child** abuse reported in subsection (1) of this section [*is alleged to have*] oc-
16 curred at a child care facility or in a school, [or] was related to a school-sponsored activity **or was**
17 **conduct that may be subject to actions taken by the Department of Education under ORS**
18 **339.370 to 339.400:**

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

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

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

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

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

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

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

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

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

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

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

1 provided to the parents or guardian in writing as soon as possible.

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

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

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

14 (8) A minor child of 12 years of age or older may refuse to consent to the examination described
15 in subsection (7) of this section. The examination shall be conducted by or under the supervision
16 of a physician licensed under ORS chapter 677, a physician assistant licensed under ORS 677.505 to
17 677.525 or a nurse practitioner licensed under ORS chapter 678 and, whenever practicable, trained
18 in conducting such examinations.

19 (9) When the department completes an investigation under this section, if the person who made
20 the report of child abuse provided contact information to the department, the department shall no-
21 tify the person about whether contact with the child was made, whether the department determined
22 that child abuse occurred and whether services will be provided. The department is not required to
23 disclose information under this subsection if the department determines that disclosure is not per-
24 mitted under ORS 419B.035.

25 (10) When the Department of Education receives a notification under subsection (1) of this sec-
26 tion or a report on the outcomes of an investigation under subsection (3) of this section, the de-
27 partment shall act under, and is subject to, ORS 339.389.

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

29 419B.019. (1) As used in this section:

30 (a) "Agent" means a person who:

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

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

34 (b) "Contractor" means a person who:

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

37 (B) Interacts with a child because of the person's status as a contractor for an education pro-
38 vider.

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

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

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

42 (B) Interacts with a child because of the person's status as an employee of an education pro-
43 vider.

44 (e) "Volunteer" means a person who:

45 (A) Acts as a volunteer for an education provider in a manner that requires the person to have

1 direct, unsupervised contact with children; and

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

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

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

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

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

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

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

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

21 (ii) Involves a child and a person who is a school employee, contractor, agent or volunteer **and**
22 **whose conduct may be subject to actions taken by the Department of Education under ORS**
23 **339.370 to 339.400.**

24 (b) For the purpose of notification made under this subsection, the Department of Human Ser-
25 vices may not disclose the name and address of, and other identifying information about, the person
26 who made the report, but the department shall make available any information necessary to ensure
27 the safety of the child, including the name of the school and the name of the person who may have
28 conducted the suspected abuse. Except as provided by ORS 339.389, any person or entity to whom
29 notification is made under this subsection may not release any information not authorized by this
30 subsection.

31 (c) When the Department of Education receives notification under this subsection, the depart-
32 ment shall act under, and is subject to, ORS 339.389.

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

35 **NOTE:** Sections 15 and 16 were deleted by amendment. Subsequent sections were not renum-
36 bered.

37
38 **TECHNICAL ASSISTANCE PROVIDED BY**
39 **EDUCATION SERVICE DISTRICTS**
40

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

42 327.254. (1) The Department of Education shall use moneys in the Statewide Education Initi-
43 atives Account to provide funding for statewide education initiatives, including:

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

- 1 (b) Expanding school breakfast and lunch programs;
- 2 (c) Operating youth reengagement programs or providing youth reengagement services;
- 3 (d) Establishing and maintaining the Statewide School Safety and Prevention System under ORS
4 339.341;
- 5 (e) Developing and providing statewide equity initiatives, including the Black or African-
6 American education plan developed under ORS 329.841, the American Indian or Alaska Native edu-
7 cation plan developed under ORS 329.843, the Latino or Hispanic education plan developed under
8 ORS 329.845 or any similar education plan identified by the department;
- 9 (f) Providing summer learning programs at schools that are considered high poverty under Title
10 I of the federal Elementary and Secondary Education Act of 1965;
- 11 (g) Funding early warning systems to assist students in graduating from high school, as de-
12 scribed in ORS 327.367;
- 13 (h) Developing and implementing professional development programs and training programs, in-
14 cluding programs that increase educator diversity and retain diverse educators;
- 15 (i) Planning for increased transparency and accountability in the public education system of this
16 state;
- 17 (j) Providing additional funding to school districts participating in the intensive program under
18 ORS 327.222;
- 19 (k) Providing technical assistance, including costs incurred for:
- 20 (A) The coaching program described in ORS 327.214; and
- 21 (B) The intensive program described in ORS 327.222, including costs for student success teams;
- 22 (L) Funding public charter schools, as described in ORS 327.362;
- 23 (m) Funding education service districts, as described in subsection (2) of this section; and
- 24 (n) Funding costs incurred by the department in implementing this section and ORS 327.175 to
25 327.235 and 327.274.
- 26 (2)(a) The amount of a distribution to an education service district under this section shall be
27 made as provided by paragraph (b) of this subsection after calculating the following for each edu-
28 cation service district:
- 29 (A) One percent of the total amount available for distribution to education service districts in
30 each biennium.
- 31 (B) The education service district's $ADMw \times$ (the total amount available for distribution to
32 education service districts in each biennium \div the total $ADMw$ of all education service districts
33 that receive a distribution).
- 34 (b) The amount of the distribution to an education service district shall be the greater of the
35 amounts calculated under paragraph (a) of this subsection, except that, for distributions made as
36 provided by paragraph (a)(B) of this subsection, the total amount available for distribution to edu-
37 cation service districts shall be the amount remaining after any distributions required under para-
38 graph (a)(A) of this subsection have been made.
- 39 (c) For purposes of this subsection, $ADMw$ equals the $ADMw$ as calculated under ORS 327.013,
40 except that the additional amount allowed for students who are in poverty families, as determined
41 under ORS 327.013 (1)(c)(A)(v)(I), shall be 0.5.
- 42 (d) An education service district shall use moneys received under this section as provided by a
43 plan developed by the school districts located within the education service district. A school district
44 that declines to participate in the development of the plan or that has withdrawn from an education
45 service district as provided by ORS 334.015 is not entitled to any moneys distributed to the educa-

tion 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

1 program for at least four years.

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

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

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

8 (b) Use data to track student progress;

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

10 (d) Create safe and inclusive learning environments;

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

12 and

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

14 (5) For the purpose of assisting school districts participating in the intensive program, the de-
15 partment shall establish student success teams. Student success teams shall be composed of person-
16 nel with expertise in school and school district improvement strategies, including the use of
17 differentiated instruction and inclusionary practices. **A student success team is not a govern-
18 ment body and is not subject to any statute or rule applicable to a public body.**

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

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

21 (B) Develop recommendations for meeting performance growth targets.

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

24 (A) Accept all recommendations of the student success teams related to the use of Student In-
25 vestment Account grant moneys and additional funding received under this section[; *and*]. **A school
26 district that does not accept the recommendations made under this subparagraph is not eli-
27 gible for additional funding under this section.**

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

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

32 (A) Describes the recommendations;

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

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

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

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

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

41 **NOTE:** Sections 22 and 23 were deleted by amendment. Subsequent sections were not renum-
42 bered.

43
44 **CAPTIONS**

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

4
5 **EMERGENCY CLAUSE**

6
7 **SECTION 25.** This 2023 Act being necessary for the immediate preservation of the public
8 peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect
9 on its passage.

10