

SB 1045-2
(LC 4086)
3/22/23 (HRL/ps)

Requested by SENATE COMMITTEE ON EDUCATION (at the request of Governor Tina Kotek)

**PROPOSED AMENDMENTS TO
SENATE BILL 1045**

1 On page 1 of the printed bill, line 3, after the semicolon delete the rest
2 of the line and insert “creating new provisions; amending ORS 326.051,
3 326.726, 327.106, 328.205, 329.496, 332.075, 334.217, 336.580, 336.665, 337.050,
4 337.120, 339.297, 339.343 and 339.356; repealing ORS 327.103 and 337.141; and
5 declaring an emergency.”.

6 Delete lines 5 through 30 and delete pages 2 and 3 and insert:

7 **“SECTION 1. ORS 327.103 is repealed on July 1, 2024.**

8 **“SECTION 2. Section 3 of this 2023 Act is added to and made a part
9 of ORS 327.006 to 327.133.**

10 **“SECTION 3. (1) As used in this section:**

11 **“(a) ‘Commission licensee’ has the meaning given that term in ORS
12 342.120.**

13 **“(b) ‘State and federal law’ means state and federal directives that:**

14 **“(A) Have the force of law, including statutes, court decisions, ad-
15 ministrative rules or regulations, orders issued in compliance with
16 ORS chapter 183, executive orders or any other directives, declarations
17 or statements that are issued in compliance with the law as having the
18 force of law;**

19 **“(B) Are issued by the state government, as defined in ORS 174.111,
20 or by the federal government with administrative or enforcement
21 functions delegated to the state education agency; and**

1 “(C) Relate to the administration and operation of the public ele-
2 mentary and secondary schools of this state or to early childhood
3 special education and early intervention services provided in this state.

4 “(2) For the purposes of this section:

5 “(a) A school district is standard if the school district is in compli-
6 ance with state and federal law.

7 “(b) A school district is nonstandard if the school district is in vio-
8 lation of any state and federal law involving student health or safety,
9 discrimination, special education or access to education.

10 “(c) A school district is conditionally standard if the school district
11 is in violation of any state and federal law not described in paragraph
12 (b) of this subsection.

13 “(3) The State Board of Education by rule shall establish state
14 standards for the school districts of this state that:

15 “(a) Are clear and enforceable; and

16 “(b) Allow the Department of Education to determine if a school
17 district is standard, nonstandard or conditionally standard.

18 “(4) Pursuant to rules adopted by the State Board of Education, the
19 department shall:

20 “(a) Establish a monitoring process, based on an annual review of
21 school districts and complaints received by the department about a
22 school district, to ensure that school districts comply with the state
23 standards established under subsection (3) of this section; and

24 “(b) Annually determine if a school district is standard, nonstand-
25 ard or conditionally standard.

26 “(5)(a) If a school district is found to be nonstandard or condi-
27 tionally standard, the school district shall prepare a corrective action
28 plan.

29 “(b) The department shall review each corrective action plan pre-
30 pared by a school district. If the department determines that a cor-

1 **rective action plan appropriately addresses the deficiencies that caused**
2 **the school district to be found nonstandard or conditionally standard,**
3 **the department shall approve the corrective action plan.**

4 **“(c) A school district must rectify any deficiencies as prescribed by**
5 **a corrective action plan within the timeline established by the de-**
6 **partment based on factors identified by the State Board of Education**
7 **by rule.**

8 **“(6)(a) If a school district does not rectify any deficiencies as pre-**
9 **scribed by the corrective action plan within the timeline established**
10 **by the department, the department shall take enforcement action that**
11 **may include any combination of the following:**

12 **“(A) Except for moneys distributed from the State School Fund**
13 **under ORS 327.006 to 327.133, withhold any moneys otherwise allocated**
14 **to the school district, including moneys from the Student Investment**
15 **Account or from any other grant or source of funding identified by the**
16 **State Board of Education by rule as not causing an undue hardship**
17 **to the school district.**

18 **“(B) Direct or approve expenditures of school district funding to**
19 **rectify the deficiencies. Expenditures may be from the general fund**
20 **of the school district or from other funding sources available to the**
21 **school district. For funding for which conditions were placed on the**
22 **use or receipt of the funds, expenditures must be consistent with those**
23 **conditions.**

24 **“(C) File a complaint with the Teacher Standards and Practices**
25 **Commission for investigation of a commission licensee if the depart-**
26 **ment has reasonable cause to believe an administrator has acted in a**
27 **manner that violates state and federal law or for which the commis-**
28 **sion may impose discipline as provided by ORS 342.175 or any rules**
29 **adopted by the commission relating to competent and ethical per-**
30 **formance of professional duties.**

1 **“(D) Designate the school district as a high needs school district for**
2 **purposes of ORS 327.222.**

3 **“(b) When determining which actions to take as allowed under**
4 **paragraph (a) of this subsection, the department may take into con-**
5 **sideration any efforts by the school district to comply with the cor-**
6 **rective action plan.**

7 **“(7) The department shall provide on the department’s website the**
8 **following information:**

9 **“(a) The determinations of each school district as standard, non-**
10 **standard or conditionally standard; and**

11 **“(b) For nonstandard and conditionally standard school districts:**

12 **“(A) The basis for the determination as nonstandard or condi-**
13 **tionally standard;**

14 **“(B) The corrective action plan prepared by the school district;**

15 **“(C) The date by which the school district must comply with the**
16 **corrective action plan;**

17 **“(D) Any enforcement actions taken by the department under sub-**
18 **section (6) of this section; and**

19 **“(E) Any previous determinations of nonstandard or conditionally**
20 **standard.**

21 **“(8) Upon a determination that a school district is nonstandard or**
22 **conditionally standard, the department must give public notice of that**
23 **determination in a manner accessible to the residents of the school**
24 **district and as prescribed by the State Board of Education by rule.**

25 **“(9) Each biennium, the department shall submit to the interim**
26 **committees of the Legislative Assembly related to education a report**
27 **in the manner provided by ORS 192.245. The report must summarize:**

28 **“(a) Determinations of the department that a school district was**
29 **nonstandard or conditionally standard;**

30 **“(b) The requirements of any correction action plans; and**

1 “(c) Any enforcement actions taken by the department.

2 “(10) The State Board of Education may adopt any rules necessary
3 for the implementation of this section.

4 “SECTION 4. (1) Section 3 of this 2023 Act becomes operative on
5 July 1, 2024.

6 “(2) Section 3 of this 2023 Act first applies to the 2024-2025 school
7 year.

8 “(3) The State Board of Education may adopt rules and take any
9 other action before the operative date specified in subsection (1) of this
10 section that is necessary to enable the Department of Education, on
11 and after the operative date specified in subsection (1) of this section,
12 to undertake and exercise all of the duties, functions and powers
13 conferred on the department by section 3 of this 2023 Act.

14 “SECTION 5. ORS 326.051 is amended to read:

15 “326.051. Subject to ORS 417.300 and 417.305:

16 “(1) In addition to such other duties as are prescribed by law and pursu-
17 ant to the requirement of ORS chapter 183, the State Board of Education
18 shall:

19 “(a) Establish state standards for public kindergartens and public ele-
20 mentary and secondary schools consistent with the policies stated in ORS
21 326.011 and section 3 of this 2023 Act.

22 “(b) Adopt rules for the general governance of public kindergartens and
23 public elementary and secondary schools.

24 “(c) Prescribe required or minimum courses of study.

25 “(d) Adopt rules for public kindergartens and public elementary and sec-
26 ondary schools consistent with the policy stated in ORS 342.437.

27 “(e) Adopt rules regarding school and interscholastic activities.

28 “(f) Adopt rules that provide that no public elementary or secondary
29 school shall discriminate in determining participation in interscholastic ac-
30 tivities. As used in this paragraph, ‘discrimination’ has the meaning given

1 that term in ORS 659.850.

2 “(g) Adopt rules that will eliminate the use and purchase of elemental
3 mercury, mercury compounds and mercury-added instructional materials by
4 public elementary and secondary schools.

5 “(2) The State Board of Education may:

6 “(a) Consistent with the laws of this state, accept money or property not
7 otherwise provided for under paragraph (b) of this subsection, which is do-
8 nated for the use or benefit of the public kindergartens and public elemen-
9 tary and secondary schools and use such money or property for the purpose
10 for which it was donated. Until it is used, the board shall deposit any money
11 received under this paragraph in a special fund with the State Treasurer as
12 provided in ORS 293.265 to 293.275.

13 “(b) Apply for federal funds, accept and enter into any contracts or
14 agreements on behalf of the state for the receipt of funds from the federal
15 government or its agencies and disburse or expend the federal funds as pro-
16 vided by ORS 327.128. This paragraph applies to federal funds to be used for:

17 “(A) Educational purposes, including but not limited to any funds avail-
18 able for the school lunch program;

19 “(B) Career and technical education programs in public elementary and
20 secondary schools; and

21 “(C) Any grants available to the state or its political subdivisions for
22 general federal aid for public kindergartens, public elementary schools and
23 public secondary schools and their auxiliary services, improvement of
24 teacher preparation, teacher salaries, construction of school buildings, ad-
25 ministration of the Department of Education and any other educational ac-
26 tivities under the jurisdiction of the State Board of Education.

27 “(c) Adopt rules to administer the United States Department of
28 Agriculture’s National School Lunch Program and School Breakfast Program
29 for public and private prekindergarten through grade 12 schools and resi-
30 dential child care facilities.

1 **“SECTION 6.** ORS 326.726 is amended to read:

2 “326.726. (1) The Department of Education shall designate a dyslexia spe-
3 cialist for the department to provide school districts with support and re-
4 sources that are necessary to:

5 “(a) Assist students with dyslexia and their families; and

6 “(b) Comply with the requirements of this section.

7 “(2) Each school district shall ensure that at least one kindergarten
8 through grade five teacher in each kindergarten through grade five school
9 has received training related to dyslexia. The training must comply with the
10 requirements described in subsection (3) of this section.

11 “(3) For the purpose of subsection (2) of this section, a training opportu-
12 nity related to dyslexia must:

13 “(a) Comply with the knowledge and practice standards of an interna-
14 tional organization on dyslexia;

15 “(b) Enable the teacher to understand and recognize dyslexia; and

16 “(c) Enable the teacher to implement instruction that is systematic, ex-
17 plicit and evidence-based to meet the educational needs of students with
18 dyslexia.

19 “(4) The department shall annually develop a list of training opportunities
20 related to dyslexia that satisfy the requirements described in subsection (3)
21 of this section. The list must:

22 “(a) Be developed in collaboration with the Teacher Standards and Prac-
23 tices Commission to ensure that the training opportunities also satisfy pro-
24 fessional development requirements; and

25 “(b) Include at least one opportunity that is provided entirely online.

26 “(5) Each school district shall ensure that every student is screened for
27 risk factors of dyslexia using a screening test identified by the department
28 when the student is in:

29 “(a) Kindergarten, if the student first enrolls at a public school in this
30 state for kindergarten; or

1 “(b) First grade, if the student first enrolls in a public school in this state
2 for first grade.

3 “(6) For the purpose of subsection (5) of this section, the department shall:

4 “(a) Identify screening tests that are cost effective. The tests administered
5 to students in kindergarten must take into account the following factors:

6 “(A) Phonological awareness;

7 “(B) Rapid naming skills;

8 “(C) The correspondence between sounds and letters; and

9 “(D) Family history of difficulty in learning to read, if the student shows
10 risk factors for reading difficulties, including dyslexia.

11 “(b) Provide guidance for notifications to be sent by school districts to
12 parents of students who are identified as having risk factors for reading
13 difficulties, including dyslexia.

14 “(7) The department shall develop guidance regarding best practices for
15 assisting students who are identified through screening or through parental
16 input as showing risk factors or being at risk for reading difficulties, in-
17 cluding dyslexia. The department shall make the guidance available to school
18 districts.

19 “(8)(a) A school district that does not comply with the requirements of
20 subsection (2) of this section and that does not secure a waiver from the
21 department within the time required by the State Board of Education by rule
22 is [*considered*] nonstandard under [*ORS 327.103*] **section 3 of this 2023**
23 **Act**.

24 “(b) The board shall adopt by rule the criteria for a waiver from the re-
25 quirements of subsection (2) of this section to address instances when non-
26 compliance is outside the control of the school district.

27 **“SECTION 7.** ORS 327.106 is amended to read:

28 “327.106. (1) Any school district that does not offer education programs
29 in kindergarten through grade 12 shall be [*considered*] nonstandard under
30 [*ORS 327.103*] **section 3 of this 2023 Act**. A school district may satisfy the

1 requirements of this section by offering half-day kindergarten or full-day
2 kindergarten.

3 “(2) Notwithstanding subsection (1) of this section, a school district is not
4 [*considered to be*] nonstandard under [ORS 327.103] **section 3 of this 2023**
5 **Act** if the school district:

6 “(a) Is not required to merge under section 2 (3) or (4), chapter 393,
7 Oregon Laws 1991.

8 “(b) Meets all of the following requirements:

9 “(A) The school district offered education programs in kindergarten
10 through grade 12 on September 1, 1996;

11 “(B) After September 1, 1996, a majority of the board of the school district
12 voted not to offer education programs in grades 9 through 12; and

13 “(C) The school district merges with a unified school district and the
14 merger takes effect under ORS 330.103 within one year after the vote of the
15 board under this paragraph.

16 “(c) Is a union high school district, as defined in ORS 330.005.

17 **“SECTION 8.** ORS 328.205 is amended to read:

18 “328.205. (1) Common and union high school districts may contract a
19 bonded indebtedness for any one or more of the following purposes for the
20 district:

21 “(a) To acquire, construct, reconstruct, improve, repair, equip or furnish
22 a school building or school buildings or additions thereto;

23 “(b) To fund or refund the removal or containment of asbestos substances
24 in school buildings and for repairs made necessary by such removal or con-
25 tainment;

26 “(c) To acquire or to improve all property, real and personal, to be used
27 for district purposes, including school buses;

28 “(d) To fund or refund outstanding indebtedness; and

29 “(e) To provide for the payment of the debt.

30 “(2) [*However*] **Notwithstanding subsection (1) of this section**, when a

1 common or union high school district is found [*under ORS 327.103 not to be*
2 *a standard school or when a school district is operating a conditionally*
3 *standard school under ORS 327.103 (3)*] **to be nonstandard or conditionally**
4 **standard under section 3 of this 2023 Act**, the school district may contract
5 a bonded indebtedness only for the purposes enumerated in subsection (1) of
6 this section that are approved by the [*Superintendent of Public Instruction*]
7 **Department of Education** pursuant to rules of the State Board of Educa-
8 tion.

9 “(3) The school district may use the proceeds received from the sale of
10 school district bonds to pay for any costs incurred by the school district in
11 authorizing, issuing, carrying or repaying the bonds, including, but not lim-
12 ited to, attorney, consultant, paying agent, trustee or other professional fees
13 and the cost of publishing notices of bond elections, printing such bonds and
14 advertising such bonds for sale.

15 **“SECTION 9.** ORS 329.496, as amended by section 20, chapter 81, Oregon
16 Laws 2022, is amended to read:

17 “329.496. (1) Every public school student in kindergarten through grade
18 eight shall participate in physical education for the entire school year.

19 “(2)(a) Students in kindergarten through grade five, and students in grade
20 six at a school that teaches kindergarten through grade six, shall participate
21 in physical education for at least 150 minutes during each school week.

22 “(b) Except as provided by paragraph (a) of this subsection, students in
23 grades six through eight shall participate in physical education for at least
24 225 minutes during each school week.

25 “(c) Notwithstanding the time requirements established by paragraphs (a)
26 and (b) of this subsection, the State Board of Education shall adopt rules
27 that prorate the time requirements for:

28 “(A) School weeks with scheduled school closures, including closures for
29 holidays, inservice days and days scheduled for parent-teacher conferences;

30 “(B) School weeks with unscheduled school closures, including closures

1 for inclement weather and emergencies;

2 “(C) School weeks with out-of-school activities that occur during usual
3 school hours, including field trips and outdoor school programs;

4 “(D) Part-time school programs, including half-day kindergarten; and

5 “(E) Irregular class schedules, including class schedules based on a four-
6 day week.

7 “(d) School districts and public charter schools are not required to comply
8 with the time requirements established by paragraphs (a) and (b) of this
9 subsection for school years during the biennium in which the total amounts
10 appropriated or allocated to the State School Fund and available for dis-
11 tribution to school districts are less than the amounts determined to be
12 needed for school districts through the State School Fund under the tenta-
13 tive budget prepared as provided by ORS 291.210. After the beginning of a
14 biennium, a school district or a public charter school may cease to comply
15 with the time requirements established by paragraphs (a) and (b) of this
16 subsection if the amounts appropriated or allocated to the State School Fund
17 and available for distribution to school districts are less than the amounts
18 determined to be needed for distribution through the State School Fund, as
19 calculated under ORS 291.210.

20 “(3) School districts and public charter schools shall offer instruction in
21 physical education that meets the academic content standards for physical
22 education adopted by the State Board of Education under ORS 329.045. The
23 instruction shall be a sequential, developmentally appropriate curriculum
24 that is designed, implemented and evaluated to help students develop the
25 knowledge, motor skills, self-management skills, attitudes and confidence
26 needed to adopt and maintain physical activity throughout their lives.

27 “(4)(a) School districts and public charter schools shall devote at least 50
28 percent of physical education class time to actual physical activity in each
29 school week, with as much class time as possible spent in moderate physical
30 activity.

1 “(b)(A) For the purpose of satisfying the time requirements established
2 by subsection (2) of this section, school districts and public charter schools
3 may provide up to 45 minutes of activities during each school week that:

4 “(i) Meet the academic content standards for physical education adopted
5 by the State Board of Education under ORS 329.045;

6 “(ii) Are provided for students by a teacher whose license allows the
7 teacher to provide instruction in physical education to those students, even
8 if the teacher does not have a physical education endorsement; and

9 “(iii) Have been reviewed by a licensed teacher with a physical education
10 endorsement.

11 “(B) The Department of Education shall:

12 “(i) Review and, as appropriate, approve activities that are developed by
13 nonprofit professional organizations representing health and physical educa-
14 tion educators if the activities meet the requirements of subparagraph (A)
15 of this paragraph; and

16 “(ii) Make available to school districts and public charter schools a list
17 of activities approved as provided by this subparagraph.

18 “(C) School districts and public charter schools may provide activities
19 that meet the requirements of subparagraph (A) of this paragraph even if the
20 activities are not approved as provided by subparagraph (B) of this para-
21 graph.

22 “(5)(a) Notwithstanding subsections (1), (2) and (4) of this section, a stu-
23 dent with disabilities shall have suitably adapted physical education incor-
24 porated as part of the individualized education program developed for the
25 student under ORS 343.151.

26 “(b) Notwithstanding subsections (1), (2) and (4) of this section, a student
27 who does not have an individualized education program but has chronic
28 health problems, other disabling conditions or other special needs that pre-
29 clude the student from participating in regular physical education instruc-
30 tion shall have suitably adapted physical education incorporated as part of

1 an individualized health plan developed for the student by the school district
2 or public charter school.

3 “(6) School districts and public charter schools shall assess school cur-
4 ricula at regular intervals to measure the attainment of the minimum num-
5 ber of minutes that students are required to participate in physical education
6 under this section.

7 “(7)(a) All teachers of physical education for public school students in
8 kindergarten through grade eight shall be adequately prepared and shall
9 regularly participate in professional development activities to effectively de-
10 liver the physical education program.

11 “(b)(A) Notwithstanding any licensing or endorsement requirements es-
12 tablished by the Teacher Standards and Practices Commission, a teacher
13 with an elementary multiple subject endorsement may instruct students in
14 activities described in subsection (4)(b) of this section if the activities are
15 reviewed by a licensed teacher with a physical education endorsement.

16 “(B) A teacher described in this paragraph may provide instruction in
17 activities described in subsection (4)(b) of this section to students who are
18 not regularly taught by the teacher as long as the instruction in the activ-
19 ities to students who are not regularly taught by the teacher does not exceed
20 45 minutes during each school week. Nothing in this subparagraph allows a
21 school district to employ a teacher for the sole purpose of providing in-
22 struction in activities described in subsection (4)(b) of this section.

23 “(8) A school district that does not comply with the requirements of this
24 section is [*considered to be*] nonstandard under [*ORS 327.103*] **section 3 of**
25 **this 2023 Act.**

26 “(9)(a) Notwithstanding subsection (8) of this section and pursuant to
27 rules adopted by the State Board of Education, the Superintendent of Public
28 Instruction may grant a waiver of the requirements of this section to a
29 school district or a public charter school if the superintendent finds that the
30 school district or public charter school is unable to meet the requirements

1 because of a human-created disaster or a natural disaster.

2 “(b) A waiver granted under this subsection may be:

3 “(A) In whole or in part of the requirements prescribed by this section;
4 and

5 “(B) Granted for only one school year, but may be renewed for subsequent
6 school years based on rules adopted by the board if the school district or
7 public charter school continues to be impacted by the disaster.

8 **“SECTION 10.** ORS 336.580 is amended to read:

9 “336.580. (1) Every child at a youth care center, as defined in ORS 420.855,
10 is entitled to receive appropriate education suited to the needs of the child
11 in the least restrictive environment in which the child can function until the
12 child is no longer of compulsory school age or receives a high school diploma
13 or an equivalent.

14 “(2)(a) Except as provided by paragraph (b) of this subsection, the school
15 district in which the youth care center is located shall develop an educa-
16 tional plan for the children in the youth care center in consultation with the
17 director of the center. The plan shall be approved annually by the school
18 district board.

19 “(b) For children placed at a youth care center within a detention facility,
20 as defined in ORS 419A.004, the children shall receive educational services
21 through the Juvenile Detention Education Program as described in ORS
22 326.695.

23 “(3) The [*Superintendent of Public Instruction*] **Department of Educa-**
24 **tion** shall have the authority to enforce the provisions of ORS 336.575 and
25 339.137 and this section. If a district fails to comply, the [*superintendent*]
26 **department** shall [*find the district deficient and shall apply the penalty pro-*
27 *vided in ORS 327.103*] **find that the district is nonstandard under section**
28 **3 of this 2023 Act.**

29 “(4) The State Board of Education shall adopt rules to implement this
30 section.

1 **“SECTION 11.** ORS 336.665 is amended to read:

2 “336.665. (1) The [*Superintendent of Public Instruction*] **Department of**
3 **Education** shall find a school district to be [*deficient within the meaning of*
4 *ORS 327.103*] **nonstandard as provided by section 3 of this 2023 Act** if the
5 district fails to cause the proposal of alternative programs to be made under
6 ORS 339.250 (5)(h) or (7)(c)(B).

7 “(2) The failure to cause the proposal of alternative programs shall not
8 be grounds for a civil action against the school district.

9 **“SECTION 12.** ORS 339.297 is amended to read:

10 “339.297. (1) Each entity that has jurisdiction over a public education
11 program must prepare and submit to the Department of Education an annual
12 report detailing the use of restraint and seclusion for the preceding school
13 year, including, at a minimum:

14 “(a) The total number of incidents involving restraint.

15 “(b) The total number of incidents involving seclusion.

16 “(c) The total number of seclusions in a locked room.

17 “(d) The total number of rooms available for use by the public education
18 program for seclusion of a student and a description of the dimensions and
19 design of the rooms.

20 “(e) The total number of students placed in restraint.

21 “(f) The total number of students placed in seclusion.

22 “(g) The total number of incidents that resulted in injuries or death to
23 students or personnel as a result of the use of restraint or seclusion.

24 “(h) The number of students who were placed in restraint or seclusion
25 more than 10 times in the course of a school year and an explanation of what
26 steps have been taken by the public education program to decrease the use
27 of restraint and seclusion for each student.

28 “(i) The number of incidents in which the personnel of the public educa-
29 tion program administering restraint or seclusion were not trained as pro-
30 vided by ORS 339.300.

1 “(j) The demographic characteristics of all students upon whom restraint
2 or seclusion was imposed, including race, ethnicity, gender, disability status,
3 migrant status, English proficiency and status as economically disadvan-
4 taged, unless the demographic information would reveal personally identifi-
5 able information about an individual student.

6 “(2)(a) Each entity that has jurisdiction over a public education program
7 shall make its annual report about restraint and seclusion available to:

8 “(A) The public at the entity’s main office and the website of the entity;

9 “(B) The board or governing body overseeing the entity;

10 “(C) If the entity is an education service district, the component school
11 districts of the education service district; and

12 “(D) If the entity is a public charter school, the sponsor of the public
13 charter school.

14 “(b) Parents and guardians of students in a public education program
15 shall be advised at least once each school year about how to access the re-
16 port.

17 “(3) A public education provider that does not comply with the require-
18 ment to submit a report to the Department of Education under subsection (1)
19 of this section or to make the report available as described in subsection (2)
20 of this section is [*considered*] nonstandard under [*ORS 327.103*] **section 3**
21 **of this 2023 Act.**

22 “**SECTION 13.** ORS 339.343 is amended to read:

23 “339.343. (1) This section shall be known and may be cited as Adi’s Act.

24 “(2) In accordance with rules adopted by the State Board of Education in
25 consultation with the Oregon Health Authority, each school district shall
26 adopt a policy requiring a comprehensive district plan on student suicide
27 prevention for students in kindergarten through grade 12.

28 “(3) A plan required under this section must include:

29 “(a) Procedures relating to suicide prevention, intervention and activities
30 that reduce risk and promote healing after a suicide;

1 “(b) Identification of the school officials responsible for responding to
2 reports of suicidal risk;

3 “(c) A procedure by which a person may request a school district to re-
4 view the actions of a school in responding to suicidal risk;

5 “(d) Methods to address the needs of high-risk groups, including:

6 “(A) Youth bereaved by suicide;

7 “(B) Youth with disabilities, mental illness or substance use disorders;

8 “(C) Youth experiencing homelessness or out-of-home settings, such as
9 foster care; and

10 “(D) Lesbian, gay, bisexual, transgender, queer and other minority gender
11 identities and sexual orientations;

12 “(e) A description of, and materials for, any training to be provided to
13 school employees as part of the plan, which must include:

14 “(A) When and how to refer youth and their families to appropriate
15 mental health services; and

16 “(B) Programs that can be completed through self-review of suitable sui-
17 cide prevention materials; and

18 “(f) Any other requirement prescribed by the State Board of Education
19 by rule, based on consultations with state and national suicide prevention
20 organizations, suicide experts and school-based mental health providers, and
21 based on reviews of national models.

22 “(4) A school district may consult with state or national suicide pre-
23 vention organizations, the Department of Education, school-based mental
24 health professionals, parents, guardians, school employees, students, admin-
25 istrators and school board associations when developing the plan required
26 under this section.

27 “(5) The plan required under this section:

28 “(a) Must be written to ensure that a school employee acts only within
29 the authorization and scope of the employee’s credentials or licenses. Noth-
30 ing in this section shall be construed as authorizing or encouraging a school

1 employee to diagnose or treat mental illness unless the employee is specif-
2 ically licensed and employed to do so.

3 “(b) Must be:

4 “(A) Made available annually to the community of the school district,
5 including students of the school district, parents and guardians of students
6 of the school district, and employees and volunteers of the school district.

7 “(B) Readily available at the school district office and on the school dis-
8 trict website, if applicable.

9 “(6) A school district that does not comply with the requirements of this
10 section is [*considered to be*] nonstandard under [*ORS 327.103*] **section 3 of**
11 **this 2023 Act.**

12 **“SECTION 14.** ORS 339.356 is amended to read:

13 “339.356. (1) Each school district shall adopt a policy prohibiting
14 harassment, intimidation or bullying and prohibiting cyberbullying. School
15 districts shall develop the policy after consultation with parents, guardians,
16 school employees, volunteers, students, administrators and community rep-
17 resentatives.

18 “(2) School districts must include in the policy:

19 “(a) A statement prohibiting harassment, intimidation or bullying and
20 prohibiting cyberbullying.

21 “(b) Definitions of ‘harassment,’ ‘intimidation’ or ‘bullying’ and of
22 ‘cyberbullying’ that are consistent with ORS 339.351.

23 “(c) Definitions of ‘protected class’ that are consistent with ORS 174.100
24 and 339.351.

25 “(d) A statement of the scope of the policy, including a notice that the
26 policy applies to behavior at school-sponsored activities, on school-provided
27 transportation and at any official school bus stop.

28 “(e) A description of the type of behavior expected from each student.

29 “(f) A procedure that is uniform throughout the school district for re-
30 porting an act of harassment, intimidation or bullying or an act of

1 cyberbullying. A procedure established under this paragraph shall:

2 “(A) Identify by job title the school officials responsible for receiving
3 such a report at a school.

4 “(B) Require a school employee to report an act of harassment, intimid-
5 idation or bullying or an act of cyberbullying to a person identified under
6 subparagraph (A) of this paragraph.

7 “(C) Require the school official identified under subparagraph (A) of this
8 paragraph to notify the parents or guardians of a student who was subjected
9 to an act of harassment, intimidation or bullying or an act of cyberbullying
10 and the parents or guardians of a student who may have conducted an act
11 of harassment, intimidation or bullying or an act of cyberbullying. Notifi-
12 cation must occur with involvement and consideration of the needs and
13 concerns of the student who was subjected to an act of harassment, intimid-
14 idation or bullying or an act of cyberbullying. For the purposes of this sub-
15 paragraph:

16 “(i) Notification is not required under this subparagraph if the school
17 official reasonably believes notification could endanger the student who was
18 subjected to an act of harassment, intimidation or bullying or an act of
19 cyberbullying or if all of the following occur:

20 “(I) The student who was subjected to an act of harassment, intimidation
21 or bullying or an act of cyberbullying requests that notification not be pro-
22 vided to the student’s parents or guardians;

23 “(II) The school official determines that notification is not in the best
24 interest of the student who was subjected to an act of harassment, intimid-
25 idation or bullying or an act of cyberbullying; and

26 “(III) The school official informs the student that federal law may require
27 the student’s parents or guardians to have access to the student’s education
28 record, including any requests made as provided by this sub-subparagraph.

29 “(ii) If the school official does not make the determination described in
30 sub-subparagraph (i)(II) of this subparagraph, the school official must inform

1 the student of that determination prior to providing notification.

2 “(iii) When notification is provided under this subparagraph, the notifi-
3 cation must occur:

4 “(I) Within a reasonable period of time; or

5 “(II) Promptly, for acts that caused physical harm to the student.

6 “(D) Identify any remedial action that may be imposed on a school em-
7 ployee for failure to make a report as required by subparagraph (B) of this
8 paragraph.

9 “(E) Allow a student or volunteer to report an act of harassment, intim-
10 idation or bullying or an act of cyberbullying voluntarily and anonymously
11 to a person identified under subparagraph (A) of this paragraph. Nothing in
12 this subparagraph may be construed to permit remedial action solely on the
13 basis of an anonymous report.

14 “(g) A procedure that is uniform throughout the school district for prompt
15 investigation of a report of an act of harassment, intimidation or bullying
16 or an act of cyberbullying. A procedure established under this paragraph
17 shall identify by job title the school officials responsible for investigating
18 such a report.

19 “(h) A procedure by which a person may request a school district to re-
20 view the actions of a school in responding to a report of an act of
21 harassment, intimidation or bullying or an act of cyberbullying or investi-
22 gating such a report.

23 “(i) A statement of the manner in which a school and a school district
24 will respond after an act of harassment, intimidation or bullying or an act
25 of cyberbullying is reported, investigated and, if applicable, confirmed.

26 “(j) A statement of the consequences and appropriate remedial action for
27 a person found to have committed an act of harassment, intimidation or
28 bullying or an act of cyberbullying.

29 “(k) A statement prohibiting reprisal or retaliation against any person
30 who reports an act of harassment, intimidation or bullying or an act of

1 cyberbullying and stating the consequences and appropriate remedial action
2 for a person who engages in such reprisal or retaliation.

3 “(L) A statement of the consequences and appropriate remedial action for
4 a person found to have falsely accused another of having committed an act
5 of harassment, intimidation or bullying or an act of cyberbullying as a means
6 of reprisal or retaliation, as a means of harassment, intimidation or bullying
7 or as a means of cyberbullying.

8 “(m) A statement of how the policy is to be publicized within the district.
9 At a minimum, a school district shall make the policy:

10 “(A) Annually available to parents, guardians, school employees and stu-
11 dents in a student or employee handbook; and

12 “(B) Readily available to parents, guardians, school employees, volun-
13 teers, students, administrators and community representatives at each school
14 office or at the school district office and, if available, on the website for a
15 school or the school district.

16 “(n) The identification by job title of school officials and school district
17 officials responsible for ensuring that the policy is implemented.

18 “(3) A school district that does not comply with the requirements of this
19 section is [*considered*] nonstandard under [ORS 327.103] **section 3 of this**
20 **2023 Act.**

21 **“SECTION 15. The amendments to ORS 326.051, 326.726, 327.106,**
22 **328.205, 329.496, 336.580, 336.665, 339.297, 339.343 and 339.356 by sections**
23 **5 to 14 of this 2023 Act become operative on July 1, 2024.**

24 **“SECTION 16. ORS 334.217 is amended to read:**

25 **“334.217. (1) As used in this section:**

26 **“(a) ‘Commission licensee’ has the meaning given that term in ORS**
27 **342.120.**

28 **“(b) ‘State and federal law’ means state and federal directives that:**

29 **“(A) Have the force of law, including statutes, court decisions, ad-**
30 **ministrative rules or regulations, orders issued in compliance with**

1 **ORS chapter 183, executive orders or any other directives, declarations**
2 **or statements that are issued in compliance with the law as having the**
3 **force of law;**

4 **“(B) Are issued by the state government, as defined in ORS 174.111,**
5 **or by the federal government with administrative or enforcement**
6 **functions delegated to the state education agency; and**

7 **“(C) Relate to the administration and operation of the public ele-**
8 **mentary and secondary schools of this state or to early childhood**
9 **special education and early intervention services provided in this state.**

10 **“(2) For the purposes of this section:**

11 **“(a) An education service district is standard if the education ser-**
12 **vice district is in compliance with state and federal law.**

13 **“(b) An education service district is nonstandard if the education**
14 **service district is in violation of any state and federal law involving**
15 **student health or safety, discrimination, special education or access**
16 **to education.**

17 **“(c) An education service district is conditionally standard if the**
18 **education service district is in violation of any state and federal law**
19 **not described in paragraph (b) of this subsection.**

20 **“[(1)] (3)(a) The State Board of Education by rule shall establish state**
21 **standards for the education service districts of this state that:**

22 **“(A) Are clear and enforceable; and**

23 **“(B) Allow the Department of Education to determine:**

24 **“(i) The adequacy of services and facilities provided by the education**
25 **service districts[.]; and**

26 **“(ii) If the education service district is standard, nonstandard or**
27 **conditionally standard.**

28 **“(b) In establishing [such] the standards, the state board shall consider**
29 **the most economic method of providing services and facilities, the quality**
30 **of the services and facilities according to the best educational standards, and**

1 the needs of the students.

2 “[2] *When the Superintendent of Public Instruction determines pursuant*
3 *to rule that an education service district is nonstandard, the district desig-*
4 *nated nonstandard shall file a plan to meet standards over a specified period*
5 *of time. The Superintendent of Public Instruction may accept, reject or modify*
6 *the plan and order the nonstandard district to comply with the plan as ap-*
7 *proved by the superintendent. Once a plan is approved, the district shall be*
8 *conditionally standard until all deficiencies are corrected. If a district corrects*
9 *all deficiencies, the district shall be designated as standard. The district shall*
10 *have 180 days from the date the plan is accepted to make all corrections. After*
11 *that time, the Superintendent of Public Instruction may impose sanctions on*
12 *the district if the district has not made the necessary corrections.]*

13 “[3] *The state board shall establish by rule appropriate sanctions for non-*
14 *compliance. The sanctions may include:]*

15 “(4) **Pursuant to rules adopted by the state board, the department**
16 **shall:**

17 “(a) **Establish a monitoring process, based on an annual review of**
18 **education service districts and complaints received by the department**
19 **about an education service district, to ensure that education service**
20 **districts comply with the state standards established under subsection**
21 **(3) of this section; and**

22 “(b) **Annually determine if an education service district is standard,**
23 **nonstandard or conditionally standard.**

24 “(5)(a) **If an education service district is found to be nonstandard**
25 **or conditionally standard, the education service district shall prepare**
26 **a corrective action plan.**

27 “(b) **The department shall review each corrective action plan pre-**
28 **pared by an education service district. If the department determines**
29 **that a corrective action plan appropriately addresses the deficiencies**
30 **that caused the education service district to be found nonstandard or**

1 **conditionally standard, the department shall approve the corrective**
2 **action plan.**

3 **“(c) An education service district must rectify any deficiencies as**
4 **prescribed by a corrective action plan within the timeline established**
5 **by the department based on factors identified by the State Board of**
6 **Education by rule.**

7 **“(6)(a) If an education service district does not rectify any defi-**
8 **ciencies as prescribed by the corrective action plan within the timeline**
9 **established by the department, the department shall take enforcement**
10 **action that may include any combination of the following:**

11 **“(A) Except for moneys distributed from the State School Fund**
12 **under ORS 327.019, withhold any moneys otherwise allocated to the**
13 **education service district, including moneys from the Statewide Edu-**
14 **cation Initiatives Account and from any other grant or source of**
15 **funding identified by the state board by rule as not causing an undue**
16 **hardship to the education service district.**

17 **“(B) Direct or approve expenditures of education service district**
18 **funding to rectify the deficiencies. Expenditures may be from the**
19 **general fund of the education service district or from other funding**
20 **sources available to the education service district. For funding for**
21 **which conditions were placed on the use or receipt of the funds, ex-**
22 **penditures must be consistent with those conditions.**

23 **“(C) File a complaint with the Teacher Standards and Practices**
24 **Commission for investigation of a commission licensee if the depart-**
25 **ment has reasonable cause to believe an administrator has acted in a**
26 **manner that violates state and federal law or for which the commis-**
27 **sion may impose discipline as provided by ORS 342.175 or any rules**
28 **adopted by the commission relating to competent and ethical per-**
29 **formance of professional duties.**

30 **“[(a)] (D) Mandatory merger of the nonstandard education service district**

1 with a contiguous education service district that is standard[;].

2 “[*(b)*] *The sanctions described in ORS 342.173, if applicable;*]

3 “[*(c)*] *The withholding of funds from the State School Fund;*]

4 “[*(d)*] **(E)** The removal of the superintendent of the education service
5 district[;].

6 “[*(e)*] **(F)** The temporary governance of the education service district by
7 the state board[; *or*].

8 “[*(f)*] **(G)** Dissolution of the education service district.

9 **“(b) When determining which actions to take as allowed under**
10 **paragraph (a) of this subsection, the department may take into con-**
11 **sideration any efforts by the education service district to comply with**
12 **the corrective action plan.**

13 **“(7) The department shall provide on the department’s website the**
14 **following information:**

15 **“(a) The determinations of each education service district as**
16 **standard, nonstandard or conditionally standard; and**

17 **“(b) For nonstandard and conditionally standard education service**
18 **districts:**

19 **“(A) The basis for the determination as nonstandard or condi-**
20 **tionally standard;**

21 **“(B) The corrective action plan prepared by the education service**
22 **district;**

23 **“(C) The date by which the education service district must comply**
24 **with the corrective action plan;**

25 **“(D) Any enforcement actions taken by the department under sub-**
26 **section (6) of this section; and**

27 **“(E) Any previous determinations of nonstandard or conditionally**
28 **standard.**

29 **“(8) Upon a determination that an education service district is**
30 **nonstandard or conditionally standard, the department must give**

1 public notice of that determination in a manner accessible to persons
2 served by the education service district and as prescribed by the state
3 board by rule.

4 “(9) Each biennium, the department shall submit to the interim
5 committees of the Legislative Assembly related to education a report
6 in the manner provided by ORS 192.245. The report must summarize:

7 “(a) Determinations of the department that a school district was
8 nonstandard or conditionally standard;

9 “(b) The requirements of any correction action plans; and

10 “(c) Any enforcement actions taken by the department.

11 “(10) The State Board of Education may adopt any rules necessary
12 for the implementation of this section.

13 **“SECTION 17. (1) The amendments to ORS 334.217 by section 16 of
14 this 2023 Act become operative on July 1, 2024.**

15 “(2) The amendments to ORS 334.217 by section 16 of this 2023 Act
16 first apply to the 2024-2025 school year.

17 “(3) The State Board of Education may adopt rules and take any
18 other action before the operative date specified in subsection (1) of this
19 section that is necessary to enable the Department of Education, on
20 and after the operative date specified in subsection (1) of this section,
21 to undertake and exercise all of the duties, functions and powers
22 conferred on the department by the amendments to ORS 334.217 by
23 section 16 of this 2023 Act.

24 **“SECTION 18. ORS 337.050 is amended to read:**

25 “337.050. (1) The State Board of Education shall review and adopt, for
26 periods established by the board, a list of textbooks and other instructional
27 materials for use by school districts. The list shall contain, whenever possi-
28 ble:

29 “(a) More than one textbook selection for each grade and subject field in
30 the standard curriculum for which, in its judgment, textbooks are required;

1 and

2 “(b) More than one instructional material selection for each grade and
3 subject field in the standard curriculum for which, in its judgment, instruc-
4 tional materials are required.

5 “(2) The State Board of Education shall consider the best educational
6 interests of the students as well as the most economical method of purchas-
7 ing textbooks and instructional materials in setting periods for textbook and
8 instructional material review and adoption.

9 “(3) The board shall refrain from adopting any textbook or instructional
10 material in a subject field whenever it finds that no textbook or instructional
11 material can be documented as meeting, to the degree determined by the
12 board, the guidelines and criteria established by the board for textbooks and
13 instructional materials.

14 “(4) The board may approve the request of a publisher to substitute a
15 more recent edition of any officially adopted textbook or item of instruc-
16 tional material in lieu of the edition or item adopted by the board.

17 “(5) **A school district that adopts a list of textbooks and other in-**
18 **structional materials that are not on the list adopted under subsection**
19 **(1) of this section shall be considered nonstandard under section 3 of**
20 **this 2023 Act.**

21 “**SECTION 19.** ORS 332.075 is amended to read:

22 “332.075. (1) Any district school board may:

23 “(a) Fix the days of the year and the hours of the day when schools shall
24 be in session.

25 “(b) Adopt textbooks and other instructional materials as provided in ORS
26 **337.050 and 337.120 [and 337.141]** and courses of study for the use of such
27 schools as provided in ORS 336.035.

28 “(c) Authorize the use of the schools for purposes of training students of
29 an approved educator preparation provider, as defined in ORS 342.120, and
30 for such purposes may enter into contracts with the approved educator

1 preparation provider on such terms as may be agreed upon. Such contracts
2 as they relate to student teachers shall have the same effect and be subject
3 to the same regulations as a contract between a licensed teacher and a dis-
4 trict school board.

5 “(d) Develop and operate with other school districts or community college
6 districts secondary career and technical education programs for pupils of
7 more than one district and fix by agreement the duration of the district’s
8 obligation to continue such activity, subject to the availability of funds
9 therefor.

10 “(e) Authorize the school district to be a member of and pay fees, if any,
11 to any voluntary organization that administers interscholastic activities or
12 that facilitates the scheduling and programming of interscholastic activities
13 only if the organization:

14 “(A) Implements equity focused policies that:

15 “(i) Address the use of derogatory or inappropriate names, insults, verbal
16 assaults, profanity or ridicule that occurs at an interscholastic activity, in-
17 cluding by spectators of the interscholastic activity;

18 “(ii) Prohibit discrimination as defined in ORS 659.850;

19 “(iii) Permit a student to wear religious clothing in accordance with the
20 student’s sincerely held religious belief and consistent with any safety and
21 health requirements; and

22 “(iv) Balance the health, safety and reasonable accommodation needs of
23 participants on an activity-by-activity basis;

24 “(B) Maintains a transparent complaint process that:

25 “(i) Has a reporting system to allow participants of interscholastic activ-
26 ities or members of the public to make complaints about student, coach or
27 spectator behavior;

28 “(ii) Responds to a complaint made under sub-subparagraph (i) of this
29 subparagraph within 48 hours of the complaint being received; and

30 “(iii) Strives to resolve a complaint received under sub-subparagraph (i)

1 of this subparagraph within 30 days of the complaint being received;

2 “(C) Develops and implements a system of sanctions against schools, stu-
3 dents, coaches and spectators if a complaint made under subparagraph (B)
4 of this paragraph is verified; and

5 “(D) Performs an annual survey of students and their parents to under-
6 stand and respond to potential violations of equity focused policies adopted
7 under subparagraph (A) of this paragraph or violations of ORS 659.850.

8 “(f) Accept money or property donated for the use or benefit of the school
9 district and, consistent with the laws of this state, use such money or prop-
10 erty for the purpose for which it was donated.

11 “(g) Enter into an approved written agreement with the governing body
12 of a federally recognized Native American tribe in Oregon to allow the use
13 of a mascot that represents, is associated with or is significant to the Native
14 American tribe entering into the agreement. An agreement entered into un-
15 der this paragraph must:

16 “(A) Describe the acceptable uses of the mascot;

17 “(B) Comply with rules adopted by the State Board of Education that:

18 “(i) Are adopted after consultation with the federally recognized tribes in
19 Oregon pursuant to ORS 182.164 (3); and

20 “(ii) Prescribe the requirements for approval; and

21 “(C) Be approved by the State Board of Education, which the board must
22 provide if the agreement meets the requirements of this paragraph and the
23 rules adopted under this paragraph.

24 “(2) All contracts of the school district must be approved by the district
25 school board before an order can be drawn for payment. If a contract is made
26 without the authority of the district school board, the individual making
27 such contract shall be personally liable.

28 “(3) Notwithstanding subsection (2) of this section, a district school board
29 may, by resolution or policy, authorize its superintendent or the
30 superintendent’s designee to enter into and approve payment on contracts for

1 products, materials, supplies, capital outlay, equipment and services that are
2 within appropriations made by the district school board pursuant to ORS
3 294.456. A district school board may not authorize its superintendent or the
4 superintendent’s designee under this subsection to enter into and approve
5 payment on contracts that are collective bargaining agreements or service
6 contracts that include the provision of labor performed by employees of the
7 school district.

8 **“SECTION 20.** ORS 337.120 is amended to read:

9 “337.120. (1)(a) A district school board, with the assistance of teachers and
10 administrators of the district, shall adopt a list of textbooks and other in-
11 structional materials for each grade and subject for which instruction is
12 provided by the school district.

13 “(b) When adopting a list of textbooks and other instructional materials,
14 the district school board shall consider whether the textbooks and other in-
15 structional materials are available through online resources that enable
16 students with print disabilities to receive the textbooks and instructional
17 materials free of charge.

18 “(c) The district school board shall adopt the list in compliance with ORS
19 [337.141] **337.050** and shall involve parents and citizens in the process.

20 “(2) The district school board shall cause the textbooks or other instruc-
21 tional materials, according to titles, that are included on the list adopted
22 under subsection (1) of this section to be used in its schools at the beginning
23 of the next school year following the state adoption under ORS [337.141]
24 **337.050**, except when, pursuant to rules of the State Board of Education, the
25 district school board is authorized by the Superintendent of Public Instruc-
26 tion to postpone use for a reasonable period of time.

27 “(3) District school boards shall establish a process and timeline for reg-
28 ularly determining whether textbooks and instructional materials on the list
29 adopted under subsection (1) of this section are available through online re-
30 sources that enable students with print disabilities to receive textbooks and

1 instructional materials free of charge.

2 **“SECTION 21. ORS 337.141 is repealed.**

3 **“SECTION 22. (1) The amendments to ORS 332.075, 337.050 and**
4 **337.120 by sections 18 to 20 of this 2023 Act and the repeal of ORS**
5 **337.141 by section 21 of this 2023 Act become operative on July 1, 2023.**

6 **“(2) The amendments to ORS 332.075, 337.050 and 337.120 by sections**
7 **18 to 20 of this 2023 Act and the repeal of ORS 337.141 by section 21 of**
8 **this 2023 Act apply to textbooks and instructional materials adopted**
9 **by a district school board on or after July 1, 2023.**

10 **“SECTION 23. (1) No later than December 31, 2023, the Department**
11 **of Education shall submit a report, in the manner provided by ORS**
12 **192.245, to the interim committees of the Legislative Assembly related**
13 **to education and to the office of the Governor.**

14 **“(2) The report required under subsection (1) of this section must**
15 **include:**

16 **“(a) Information about the progress the State Board of Education**
17 **has made related to establishing state standards for school districts**
18 **under section 3 of this 2023 Act and education service districts under**
19 **ORS 334.217.**

20 **“(b) Information about the progress the Department of Education**
21 **has made in establishing a monitoring process for school districts as**
22 **prescribed by section 3 of this 2023 Act and for education service dis-**
23 **tricts as prescribed by ORS 334.217.**

24 **“(c) Identification of any statutory changes necessary to implement**
25 **the requirements of section 3 of this 2023 Act and of ORS 334.217, as**
26 **amended by section 16 of this 2023 Act.**

27 **“(d) Identification of additional staffing and other resources neces-**
28 **sary to implement the requirements of section 3 of this 2023 Act and**
29 **of ORS 334.217, as amended by section 16 of this 2023 Act.**

30 **“SECTION 24. Section 23 of this 2023 Act is repealed on January 2,**

1 2024.

2 **“SECTION 25. Section 26 of this 2023 Act is added to and made a**
3 **part of ORS chapter 329.**

4 **“SECTION 26. (1) For all public school students in grades 6 through**
5 **12, the Department of Education shall collect course-level completion**
6 **and grade data.**

7 **“(2) The department shall use the data collected under subsection**
8 **(1) of this section to gather information about:**

9 **“(a) Equity of opportunity in public education;**

10 **“(b) Barriers to high school graduation; and**

11 **“(c) Challenges experienced by students who transfer from one**
12 **public school in this state to another.**

13 **“(3) The Superintendent of Public Instruction shall ensure that the**
14 **information gathered as provided by subsection (2) of this section is**
15 **included on the Oregon Report Card on the state of the public schools**
16 **of this state under ORS 329.115.**

17 **“(4) The State Board of Education may adopt any rules necessary**
18 **for the administration of this section.**

19 **“SECTION 27. Section 26 of this 2023 Act first applies to the**
20 **2023-2024 school year.**

21 **“SECTION 28. This 2023 Act being necessary for the immediate**
22 **preservation of the public peace, health and safety, an emergency is**
23 **declared to exist, and this 2023 Act takes effect on its passage.”.**

24
