

LC 43
2026 Regular Session
1/6/26 (HRS/ps)

D R A F T

SUMMARY

Digest: Changes the method that is used to prepare a report on the amount of state money that is used to fund public education. (Flesch Readability Score: 62.1).

Directs the Joint Interim Committee on Ways and Means to use a cost model for the purpose of calculating the sum of moneys sufficient to meet the state's system of public education quality goals. Modifies the public education quality goals for the purpose of the cost model and makes related changes specifying when a school district is a standard school district.

Abolishes a joint committee related to the appropriation of moneys for public education.

Abolishes the Quality Education Commission.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1 Relating to the constitutional requirements for public education appropriations; creating new provisions; amending ORS 326.726, 327.006, 327.158, 327.161, 327.162, 327.185, 327.297, 328.205, 329.045, 329.085, 329.155, 329.496, 332.155, 334.217, 335.090, 336.580, 336.665, 339.297, 339.343, 339.356 and 343.328; repealing ORS 171.857, 327.290, 327.497, 327.500, 327.502, 327.506, 329.015 and 329.025; and declaring an emergency.

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

9

10 REVISED METHOD FOR PREPARING A REPORT ON 11 PUBLIC EDUCATION APPROPRIATIONS

12

13 **SECTION 1.** For the purpose of Article VIII, section 8, of the
14 Oregon Constitution, the Legislative Assembly declares that the qual-

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 **ity goals of public education in this state are:**

2 **(1) Compliance by every school district of this state with the re-**
3 **quirements of a standard school district, as prescribed by ORS 327.158.**

4 **(2) That every teacher in the public schools of this state be:**

5 **(a) Licensed or registered as provided by statute; and**

6 **(b) Qualified to teach the subject or grade level the teacher is**
7 **teaching.**

8 **(3) Satisfaction of the statewide targets for the metrics identified**
9 **in ORS 327.165 (2)(a)(A) to (G).**

10 **SECTION 2. (1) As required by Article VIII, section 8, of the Oregon**
11 **Constitution, the Legislative Assembly shall publish a report related**
12 **to the funding of public education in this state.**

13 **(2) The report required under this section must either:**

14 **(a) Demonstrate that the sum of all moneys appropriated by the**
15 **Legislative Assembly during the odd-numbered year regular session for**
16 **the biennium beginning July 1 of that year is sufficient to meet the**
17 **state's system of public education quality goals identified in section 1**
18 **of this 2026 Act; or**

19 **(b) If the sum of all moneys appropriated by the Legislative As-**
20 **sembly during the odd-numbered year regular session for the biennium**
21 **beginning July 1 of that year is not sufficient to meet the state's sys-**
22 **tem of public education quality goals identified in section 1 of this 2026**
23 **Act, identify:**

24 **(A) The reasons for the insufficiency;**

25 **(B) The extent of the insufficiency; and**

26 **(C) The impact of the insufficiency on the ability of the state's**
27 **system of public education to meet the quality goals.**

28 **(3) The report described in subsection (2) of this section shall be**
29 **prepared by the Joint Interim Committee on Ways and Means. The**
30 **committee shall determine the amount sufficient to meet the state's**
31 **system of public education quality goals by using the cost model and**

1 **cost estimate updates in the manner described in section 3 of this 2026**
2 **Act.**

3 **(4) The report required by this section must be published within 180**
4 **days after adjournment sine die of the odd-numbered year regular**
5 **session of the Legislative Assembly.**

6 **SECTION 3. (1) The Joint Interim Committee on Ways and Means**
7 **shall use the cost model and cost estimate updates developed as pro-**
8 **vided in this section for the purpose of preparing the report described**
9 **in section 2 of this 2026 Act.**

10 **(2) Except as provided in subsection (6) of this section, the com-**
11 **mittee shall:**

12 **(a) Use the cost model for the biennium for which the cost model**
13 **is developed under a contract described in subsection (3) of this sec-**
14 **tion; and**

15 **(b) Use the cost estimate updates in the manner described in sub-**
16 **section (7) of this section for the biennia following the biennium de-**
17 **scribed in paragraph (a) of this subsection until a new cost model is**
18 **developed.**

19 **(3) The Legislative Policy and Research Director shall enter into a**
20 **contract with a public or private entity for the purpose of developing**
21 **a cost model. The cost model shall be used to:**

22 **(a) Identify the resources necessary to meet the state's system of**
23 **public education quality goals described in section 1 of this 2026 Act;**
24 **and**

25 **(b) Identify the cost to provide the resources identified in paragraph**
26 **(a) of this subsection by:**

27 **(A) Using formulas established by statute to provide funding for**
28 **specialized educational settings, including funding for students in a**
29 **long term care or treatment facility, a hospital program, a detention**
30 **or corrections program and any other statewide program identified by**
31 **the Legislative Fiscal Officer in consultation with the Legislative Pol-**

1 **icy and Research Director.**

2 **(B) Considering research, evidence and the professional judgment**
3 **of currently practicing educators in this state.**

4 **(C) Developing prototypes of schools and school districts that take**
5 **into account:**

6 **(i) The variations in the sizes and geographic locations of the**
7 **schools and school districts of this state;**

8 **(ii) Student populations for which additional amounts are distrib-**
9 **uted as provided by ORS 327.013 (1)(c); and**

10 **(iii) The fixed costs of schools and school districts in this state.**

11 **(D) Prioritizing resources in case of limited funding.**

12 **(4) The cost model developed under this section must include a**
13 **mechanism that allows for cost estimate updates to be made as de-**
14 **scribed in subsection (7) of this section.**

15 **(5) The entity with which the director enters into a contract under**
16 **subsection (3) of this section must:**

17 **(a) Provide to the director all documentation used to develop the**
18 **cost model. The documentation must clearly and thoroughly describe:**

19 **(A) The goals, program components and base assumptions used to**
20 **develop the cost model; and**

21 **(B) The resource specifications used for each school and school**
22 **district prototype.**

23 **(b) Provide to the Department of Education the documentation de-**
24 **scribed in paragraph (a)(B) of this subsection. The department shall**
25 **make the documentation:**

26 **(A) Available to the school districts of this state; and**

27 **(B) Publicly available on the department's website.**

28 **(6)(a) The director must enter into a contract for the development**
29 **of a cost model at least once every eight years.**

30 **(b) The contract must:**

31 **(A) Be entered into at least 18 months prior to the date by which**

1 the cost model must be completed as described in subparagraph (B)
2 of this paragraph; and

3 (B) Require the cost model to be completed no later than February
4 1 of the year prior to the year in which the report required by section
5 2 of this 2026 Act will be published.

6 (c) Notwithstanding the timeline prescribed by paragraph (a) of this
7 subsection:

8 (A) The Legislative Assembly may require the director to enter into
9 a contract sooner than every eight years as long as the timelines pre-
10 scribed by paragraph (b) of this subsection can be met.

11 (B) The director is not required to enter into a contract if the
12 Legislative Assembly does not provide funding for the contract.

13 (7)(a) For biennia described in subsection (2)(b) of this section, the
14 Oregon Department of Administrative Services shall update the cost
15 estimates of the cost model using the mechanism described in sub-
16 section (4) of this section. The cost estimate updates shall take into
17 consideration inflation and other costs in a manner that is consistent
18 with the process by which the Governor's budget is prepared.

19 (b) Cost estimate updates made by the department as provided by
20 this subsection must be prepared and provided to the Joint Interim
21 Committee on Ways and Means no later than June 1 of the year prior
22 to the year in which the report required by section 2 of this 2026 Act
23 will be published.

24 (8) All agencies of state government, as defined in ORS 174.111, are
25 directed to assist the Joint Interim Committee on Ways and Means
26 and the Oregon Department of Administrative Services in the per-
27 formance of the duties of the committee and department under this
28 section and, to the extent permitted by laws relating to confidentiality,
29 to furnish information that the committee and department consider
30 necessary for the purposes of this section.

31 **SECTION 4.** (1) Sections 1 to 3 of this 2026 Act apply to reports

1 prepared on and after November 1, 2029.

2 (2) The Legislative Policy and Research Officer shall begin the pro-
3 cess to first enter into a contract described in section 3 of this 2026
4 Act within one week after the effective date of this 2026 Act to ensure
5 completion of the cost model no later than February 1, 2028.

6 (3) The Joint Interim Committee on Ways and Means shall first use
7 a cost model as described in section 3 of this 2026 Act for the report
8 published after November 1, 2029.

9 (4) The Oregon Department of Administrative Services shall first
10 use the cost estimate updates, as described in section 3 (7) of this 2026
11 Act, no later than June 1, 2030, for the report published after Novem-
12 ber 1, 2031.

13 (5) For the report published after November 1, 2027, the Oregon
14 Department of Administrative Services shall make adjustments to the
15 costs provided in the report adopted November 19, 2025, by taking into
16 consideration inflation and other costs in a manner that is consistent
17 with the process by which the Governor's budget is prepared.

18

19 **STANDARD SCHOOL DISTRICTS**

20

21 **SECTION 5.** ORS 327.158 is amended to read:

22 327.158. [(1) All school districts are presumed to maintain a standard
23 school district until the school district has been found to be deficient by the
24 Superintendent of Public Instruction, pursuant to standards and rules of the
25 State Board of Education.]

26 (1) All school districts of this state are expected to fully comply
27 with the requirements of state and federal law to be considered a
28 standard school district.

29 (2) A school district is presumed to be a standard school district
30 unless the Superintendent of Public Instruction has found the school
31 district to be in noncompliance with a state or federal law or with a

1 **standard established by the State Board of Education by rule.**

2 **[(2)] (3)** If *[any deficiencies are not corrected]* a **school district does not**
3 **come into compliance** before the beginning of the school year next fol-
4 lowing the date of the finding of *[deficiency]* **noncompliance** and if an ex-
5 tension has not been granted under subsection **[(3)] (4)** of this section, the
6 Superintendent of Public Instruction may withhold portions of State School
7 Fund moneys otherwise allocated to the school district for operating ex-
8 penses until *[such deficiencies are corrected]* **the school district comes into**
9 **compliance** unless the withholding would create an undue hardship, as de-
10 termined pursuant to rules of the State Board of Education.

11 **[(3)(a)] (4)(a)** Within 90 days of the finding of *[deficiency]*
12 **noncompliance**, a school district *[found not to be in compliance]* shall sub-
13 mit a plan, acceptable to the Superintendent of Public Instruction, for
14 *[meeting standardization requirements]* **coming into compliance**. A team of
15 Department of Education staff shall contact the school district and offer
16 technical assistance. When an acceptable plan for *[meeting standardization*
17 *requirements]* **coming into compliance** has been submitted, the Superinten-
18 dent of Public Instruction may allow an extension of time before withholding
19 moneys, not to exceed 12 months, if the superintendent determines that *[such*
20 *deficiencies cannot be corrected or removed]* **compliance cannot be achieved**
21 before the beginning of the next school year.

22 (b) Notwithstanding paragraph (a) of this subsection, the Superintendent
23 of Public Instruction may not grant an extension of time if a school district
24 could *[correct the deficiency]* **come into compliance** through merger.

25 (c) For the period of the extension of time under this subsection, the
26 school district shall be considered a conditionally standard school district.

27 **[(4)(a)] (5)(a)** Regardless of whether the Superintendent of Public In-
28 struction has granted a school district an extension of time under subsection
29 **[(3)] (4)** of this section and except as provided in paragraph (b) of this sub-
30 section, a school district that fails to submit a plan for *[meeting standardi-*
31 *zation requirements]* **coming into compliance** within the time specified by

1 the superintendent may not receive further State School Fund moneys until
2 a plan acceptable to the superintendent is submitted.

3 (b) Pursuant to rules adopted by the State Board of Education, the Su-
4 perintendent of Public Instruction may extend the time specified for submit-
5 ting a plan if the superintendent determines that a human-created disaster
6 or a natural disaster affects the ability of the school district to comply with
7 the date requirement.

8 **SECTION 6.** ORS 326.726 is amended to read:

9 326.726. (1) The Department of Education shall designate a dyslexia spe-
10 cialist for the department to provide school districts with support and re-
11 sources that are necessary to:

12 (a) Assist students with dyslexia and their families; and
13 (b) Comply with the requirements of this section.

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

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

20 (a) Comply with the knowledge and practice standards of an international
21 organization on dyslexia;
22 (b) Enable the teacher to understand and recognize dyslexia; and
23 (c) Enable the teacher to implement instruction that is systematic, ex-
24 plicit and evidence-based to meet the educational needs of students with
25 dyslexia.

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

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

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

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

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

7 (b) First grade, if the student first enrolls in a public school in this state
8 for first grade.

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

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

12 (A) Phonological awareness;

13 (B) Rapid naming skills;

14 (C) The correspondence between sounds and letters; and

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

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

20 (7) The department shall develop guidance regarding best practices for
21 assisting students who are identified through screening or through parental
22 input as showing risk factors or being at risk for reading difficulties, in-
23 cluding dyslexia. The department shall make the guidance available to school
24 districts.

25 (8)(a) A school district [*that does not comply*] **is not in noncompliance**
26 with the requirements of subsection (2) of this section [*and that does not se-*
27 *cure*] **if the school district secures** a waiver from the department within
28 the time required by the State Board of Education by rule [*is considered*
29 *nonstandard under ORS 327.158*].

30 (b) The board shall adopt by rule the criteria for a waiver from the re-
31 quirements of subsection (2) of this section to address instances when non-

1 compliance is outside the control of the school district.

2 **SECTION 7.** ORS 327.006 is amended to read:

3 327.006. As used in ORS 327.006 to 327.173, 327.348, 327.356 to 327.359 and
4 327.731.

5 (1) "Aggregate days membership" means the sum of days present and ab-
6 sent, according to the rules of the State Board of Education, of all resident
7 pupils when school is actually in session during a certain period. The ag-
8 gregate days membership of kindergarten pupils shall be calculated on the
9 basis of a half-day program for half-day kindergarten and on the basis of a
10 full-day program for full-day kindergarten.

11 (2)(a) "Approved transportation costs" means those costs as defined by
12 rule of the State Board of Education and is limited to those costs attribut-
13 able to transporting or room and board provided in lieu of transporting:

14 (A) Elementary school students who live at least one mile from school;

15 (B) Secondary school students who live at least 1.5 miles from school;

16 (C) Any student required to be transported for health or safety reasons,
17 according to supplemental plans from districts that have been approved by
18 the state board identifying students who are required to be transported for
19 health or safety reasons, including special education;

20 (D) Preschool children with disabilities requiring transportation for early
21 intervention services provided pursuant to ORS 343.224 and 343.533;

22 (E) Students who require payment of room and board in lieu of transpor-
23 tation;

24 (F) A student transported from one school or facility to another school
25 or facility when the student attends both schools or facilities during the day
26 or week; and

27 (G) Students participating in school-sponsored field trips that are exten-
28 sions of classroom learning experiences.

29 (b) "Approved transportation costs" does not include the cost of con-
30 structing boarding school facilities.

31 (3) "Average daily membership" or "ADM" means the aggregate days

1 membership of a school during a certain period divided by the number of
2 days the school was actually in session during the same period. However, if
3 a district school board adopts a class schedule that operates throughout the
4 year for all or any schools in the district, average daily membership shall
5 be computed by the Department of Education so that the resulting average
6 daily membership will not be higher or lower than if the board had not
7 adopted such schedule.

8 (4) "Kindergarten" means a kindergarten program that conforms to the
9 standards and rules adopted by the State Board of Education.

10 (5) "Net operating expenditures" means the sum of expenditures of a
11 school district in kindergarten through grade 12 for administration, instruc-
12 tion, attendance and health services, operation of plant, maintenance of
13 plant, fixed charges and tuition for resident students attending in another
14 district, as determined in accordance with the rules of the State Board of
15 Education, but net operating expenditures does not include transportation,
16 food service, student body activities, community services, capital outlay, debt
17 service or expenses incurred for nonresident students.

18 (6)(a) "Resident pupil" means any pupil:

19 (A) Whose legal school residence is within the boundaries of a school
20 district reporting the pupil, if the district is legally responsible for the edu-
21 cation of the pupil, except that "resident pupil" does not include a pupil who
22 pays tuition or for whom the parent pays tuition or for whom the district
23 does not pay tuition for placement outside the district; or

24 (B) Whose legal residence is not within the boundaries of the district re-
25 porting the pupil but who attends school in the district with the written
26 consent of the district school board where the school is located as provided
27 by ORS 339.133 (5)(a).

28 (b) A pupil is not considered to be a resident pupil under paragraph (a)(A)
29 of this subsection if the pupil is attending school in another school district
30 pursuant to a contract under ORS 339.125 and in the prior year was consid-
31 ered to be a resident pupil in another school district under paragraph (a)(B)

1 of this subsection. The pupil shall continue to be considered a resident of
2 another school district under paragraph (a)(B) of this subsection.

3 (c) A pupil is not considered to be a resident pupil under paragraph (a)(B)
4 of this subsection if the pupil is attending school in a school district pursu-
5 ant to ORS 339.133 (5)(a) and in the prior year was considered to be a resi-
6 dent pupil under paragraph (a)(A) of this subsection because the pupil was
7 attending school in another school district pursuant to a contract under ORS
8 339.125. The pupil shall continue to be considered a resident pupil under
9 paragraph (a)(A) of this subsection.

10 (d) "Resident pupil" includes a pupil who is:

11 (A) Admitted to a school district under ORS 339.115 (7); or
12 (B) Considered a resident under ORS 339.133 (5)(b).

13 [(7) "*Standard school*" means a school meeting the standards set by the
14 rules of the State Board of Education.]

15 [(8)] (7) "Tax" and "taxes" includes all taxes on property, excluding ex-
16 empt bonded indebtedness, as those terms are defined in ORS 310.140.

17 **SECTION 8.** ORS 327.161 is amended to read:

18 327.161. (1) [Any] **Every** school district [*that does not*] **must** offer educa-
19 tion programs in kindergarten through grade 12 [*shall be considered non-*
20 *standard under ORS 327.158*]. A school district may satisfy the requirements
21 of this section by offering half-day kindergarten or full-day kindergarten.

22 (2) Notwithstanding subsection (1) of this section, a school district is not
23 [*considered to be nonstandard under ORS 327.158*] **in noncompliance with**
24 **this section** if the school district:

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

27 (b) Meets all of the following requirements:

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

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

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

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

5 **SECTION 9.** ORS 327.162 is amended to read:

6 327.162. (1) The State Board of Education shall adopt by rule requirements
7 for the process that a school district must use when the **school** district re-
8 ceives a complaint pertaining to whether [*a school in the district is a stand-*
9 *ard school as defined in ORS 327.006*] **the school district is in compliance**
10 **with a state or federal law or with a standard, as prescribed by ORS**
11 **327.158.**

12 (2) The rules adopted by the board shall require school districts to es-
13 tablish and implement a process for the prompt resolution of a complaint and
14 shall require the process to:

15 (a) Have specific timelines for the completion of the process by both the
16 district and the person making the complaint;

17 (b) Have a specific time period within which the district must make a
18 final decision on a complaint, after which the final decision on the complaint
19 may be appealed to the Superintendent of Public Instruction; and

20 (c) Recognize that if a district does not provide a written decision within
21 the specific time period, failure to provide such a decision will be regarded
22 as the district's final decision.

23 **SECTION 10.** ORS 328.205 is amended to read:

24 328.205. (1) Common and union high school districts may contract a
25 bonded indebtedness for any one or more of the following purposes for the
26 district:

27 (a) To acquire, construct, reconstruct, improve, repair, equip or furnish
28 a school building or school buildings or additions thereto;

29 (b) To fund or refund the removal or containment of asbestos substances
30 in school buildings and for repairs made necessary by such removal or con-
31 tainment;

1 (c) To acquire or to improve all property, real and personal, to be used
2 for district purposes, including school buses;
3 (d) To fund or refund outstanding indebtedness; and
4 (e) To provide for the payment of the debt.

5 (2) *[However, when a common or union high school district is found under*
6 *ORS 327.158 not to be a standard school or when a school district is operating*
7 *a conditionally standard school under ORS 327.158 (3), the school district]*
8 **Notwithstanding subsection (1) of this section, a school district that**
9 **has been found to be in noncompliance under ORS 327.158** may contract
10 a bonded indebtedness only for the purposes enumerated in subsection (1) of
11 this section that are approved by the Superintendent of Public Instruction
12 pursuant to rules of the State Board of Education.

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

19 **SECTION 11.** ORS 329.496 is amended to read:

20 329.496. (1)(a) Every public school student in kindergarten through grade
21 five, and every public school student in grade six at a school that teaches
22 kindergarten through grade six, shall participate in physical education for
23 the entire school year for at least 150 minutes during each school week.

24 (b) Except as provided by paragraph (a) of this subsection, every public
25 school student in grades six through eight shall participate in physical edu-
26 cation for at least an average of 150 minutes during each school week, as
27 calculated over the duration of a school year.

28 (c) Notwithstanding the time requirements established by paragraphs (a)
29 and (b) of this subsection, the State Board of Education shall adopt rules
30 that prorate the time requirements for:

31 (A) School weeks with scheduled school closures, including closures for

1 holidays, inservice days and days scheduled for parent-teacher conferences;
2 (B) School weeks with unscheduled school closures, including closures for
3 inclement weather and emergencies;
4 (C) School weeks with out-of-school activities that occur during usual
5 school hours, including field trips and outdoor school programs;
6 (D) Part-time school programs, including half-day kindergarten; and
7 (E) Irregular class schedules, including class schedules based on a four-
8 day week.

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

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

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

1 activity.

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

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

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

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

12 (B) The Department of Education shall:

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

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

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

22 (4)(a) Notwithstanding subsections (1) and (3) of this section, a student
23 with disabilities shall have suitably adapted physical education incorporated
24 as part of the individualized education program developed for the student
25 under ORS 343.151.

26 (b) Notwithstanding subsections (1) and (3) of this section, a student who
27 does not have an individualized education program but has chronic health
28 problems, other disabling conditions or other special needs that preclude the
29 student from participating in regular physical education instruction shall
30 have suitably adapted physical education incorporated as part of an individ-
31 ualized health plan developed for the student by the school district or public

1 charter school.

2 (5) School districts and public charter schools shall assess school curric-
3 ula at regular intervals to measure the attainment of the minimum number
4 of minutes that students are required to participate in physical education
5 under this section.

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

10 (b)(A) Notwithstanding any licensing or endorsement requirements estab-
11 lished by the Teacher Standards and Practices Commission, a teacher with
12 an elementary multiple subject endorsement may instruct students in activ-
13 ities described in subsection (3)(b) of this section if the activities are re-
14 viewed by a licensed teacher with a physical education endorsement.

15 (B) A teacher described in this paragraph may provide instruction in ac-
16 tivities described in subsection (3)(b) of this section to students who are not
17 regularly taught by the teacher as long as the instruction in the activities
18 to students who are not regularly taught by the teacher does not exceed 45
19 minutes during each school week. Nothing in this subparagraph allows a
20 school district to employ a teacher for the sole purpose of providing in-
21 struction in activities described in subsection (3)(b) of this section.

22 *[(7) A school district that does not comply with the requirements of this
23 section is considered to be nonstandard under ORS 327.158.]*

24 **(7) A school district is not in noncompliance with the requirements
25 of this section if the school district secures a waiver from the Super-
26 intendent of Public Instruction under subsection (8) of this section.**

27 (8)(a) *[Notwithstanding subsection (7) of this section and]* Pursuant to
28 rules adopted by the State Board of Education, the Superintendent of Public
29 Instruction may grant a waiver of the requirements of this section to a
30 school district or a public charter school if the superintendent finds that the
31 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; and

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

7 **SECTION 12.** ORS 332.155 is amended to read:

8 332.155. A district school board:

9 (1) May furnish, equip, repair, lease, purchase and build schoolhouses,
10 including high schools, junior high schools, career and technical education
11 schools, gymnasiums, houses for teachers and other employees and like
12 buildings, and locate, buy and lease lands for all school purposes. Leases
13 authorized by this subsection include lease-purchase agreements under which
14 the district may acquire ownership of the leased property at a nominal price.

15 Leases and lease-purchase agreements may be for a term of up to 30 years.

16 (2) May contract for the removal or containment of asbestos substances
17 in school buildings and for repairs made necessary by the removal or con-
18 tainment. Contracts authorized by this section may be for a term exceeding
19 one year.

20 (3) May construct or cooperate in the construction of facilities for edu-
21 cator preparation providers on state or district owned lands, for any public
22 university listed in ORS 352.002 that is in or contiguous to the district, and
23 to expend district funds for those activities.

24 (4) May acquire personal property by a lease-purchase agreement or con-
25 tract of purchase for a term exceeding one year. A lease-purchase agreement
26 is one in which the rent payable by the district is expressly agreed to have
27 been established to reflect the savings resulting from the exemption from
28 taxation, and the district is entitled to ownership of the property at a nom-
29 inal or other price that is stated or determinable by the terms of the agree-
30 ment and was not intended to reflect the true value of the property.

31 (5) May lease, sell and convey all property of the district as may not, in

1 the judgment of the district school board, be required for school purposes.

2 (6) May sell property of the district in transactions whereby the district
3 has the right to lease, occupy or reacquire the property following the sale
4 or have facilities constructed on the property or furnished to the specifica-
5 tions of the district. The construction or furnishing of the facilities shall be
6 subject to:

7 (a) ORS chapter 279A, except ORS 279A.125 and 279A.250 to 279A.290;
8 (b) ORS chapter 279B, except ORS 279B.235, 279B.240, 279B.270, 279B.275
9 and 279B.280; and
10 (c) ORS 279C.005, 279C.100 to 279C.125 and 279C.300 to 279C.470.

11 (7) Shall furnish the schools with supplies, equipment, apparatus and
12 services essential to meeting the requirements of a standard school **district**
13 **as prescribed by ORS 327.158** and may furnish other supplies, equipment,
14 apparatus and services as the board considers advisable.

15 (8) May construct, purchase or lease in cooperation with other school
16 districts or community college districts facilities for secondary career and
17 technical education programs for pupils of more than one district and may
18 furnish or cooperate in furnishing supplies and equipment for the facilities,
19 to be financed in the same manner as other school buildings and supplies are
20 financed.

21 (9) May purchase real property upon a contractual basis when the period
22 of time allowed for payment under the contract does not exceed 30 years.

23 (10) May purchase relocatable classrooms and other relocatable structures
24 in installment transactions in which deferred installments of the purchase
25 price are payable over not more than 10 years from the date the property is
26 delivered to the district for occupancy and are secured by a security interest
27 in such property. Transactions under this subsection may take the form of,
28 but are not limited to, lease-purchase agreements.

29 (11) May enter into rental or lease-purchase agreements covering motor
30 vehicles operated by the district.

31 (12) May enter into transactions that are expected to reduce the cost to

- 1 the district for school facilities, including:
 - 2 (a) Entering into an agreement or taking any other action to allow the
 - 3 district to use state or federal tax credits or state or federal funding sources;
 - 4 (b) Entering into a lease or sublease, partnership agreement or other
 - 5 contract for property that is financed with general obligation bond proceeds
 - 6 or other district funds; or
 - 7 (c) Loaning or otherwise contributing general obligation bond proceeds
 - 8 or other district funds to transactions authorized by this subsection.

9 **SECTION 13.** ORS 335.090 is amended to read:

10 335.090. (1) The high school education of all children of school age resi-
11 dent within a school district that does not operate a high school or that is
12 not a component part of a union high school district shall be the responsi-
13 bility of the district.

14 (2) The district shall pay the tuition of all pupils resident within the
15 district who are qualified to attend and are attending a [*standard*] public
16 high school either within or outside the state.

17 (3) The district shall provide for transportation to the nearest [*standard*]
18 public high school which pupils may attend. Reasonable board and room
19 may be furnished instead of transportation if desired. If the district arranges
20 for the attendance of pupils at a [*standard*] public high school other than the
21 nearest one pupils may attend, then the district shall provide for transpor-
22 tation to the [*standard*] public high school which the pupils are attending.

23 (4) The estimated cost of tuition and transportation or board and room
24 instead of transportation shall be included in and be a part of the budget
25 and shall be levied as provided in ORS 335.095.

26 **SECTION 14.** ORS 336.580 is amended to read:

27 336.580. (1) Every child at a youth care center, as defined in ORS 420.855,
28 is entitled to receive appropriate education suited to the needs of the child
29 in the least restrictive environment in which the child can function until the
30 child is no longer of compulsory school age or receives a high school diploma
31 or an equivalent.

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

6 (b) For children placed at a youth care center within a detention facility,
7 as defined in ORS 419A.004, the children shall receive educational services
8 through the Juvenile Detention Education Program as described in ORS
9 326.695.

10 (3) The Superintendent of Public Instruction shall have the authority to
11 enforce the provisions of ORS 336.575 and 339.137 and this section. *[If a*
12 *district fails to comply, the superintendent shall find the district deficient and*
13 *shall apply the penalty provided in ORS 327.158.]*

14 (4) The State Board of Education shall adopt rules to implement this
15 section.

16 **SECTION 15.** ORS 336.665 is amended to read:

17 336.665. (1) *[The Superintendent of Public Instruction shall find a school*
18 *district to be deficient within the meaning of ORS 327.158 if the district fails*
19 *to]* **A school district must** cause the proposal of alternative programs to
20 be made under ORS 339.250 (5)(h) or (7)(c)(B).

21 (2) The failure to cause the proposal of alternative programs *[shall not*
22 *be]* **is not** grounds for a civil action against the school district.

23 **SECTION 16.** ORS 339.297 is amended to read:

24 339.297. (1) Each entity that has jurisdiction over a public education
25 program must prepare and submit to the Department of Education an annual
26 report detailing the use of restraint and seclusion for the preceding school
27 year, including, at a minimum:

28 (a) The total number of incidents involving restraint.
29 (b) The total number of incidents involving seclusion.
30 (c) The total number of seclusions in a locked room.
31 (d) The total number of rooms available for use by the public education

1 program for seclusion of a student and a description of the dimensions and
2 design of the rooms.

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

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

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

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

11 (i) The number of incidents in which the personnel of the public education
12 program administering restraint or seclusion were not trained as provided
13 by ORS 339.300.

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

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

21 (A) The public at the entity's main office and the website of the entity;

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

23 (C) If the entity is an education service district, the component school
24 districts of the education service district; and

25 (D) If the entity is a public charter school, the sponsor of the public
26 charter school.

27 (b) Parents and guardians of students in a public education program shall
28 be advised at least once each school year about how to access the report.

29 *[(3) A public education provider that does not comply with the requirement*
30 *to submit a report to the Department of Education under subsection (1) of this*
31 *section or to make the report available as described in subsection (2) of this*

1 *section is considered nonstandard under ORS 327.158.]*

2 **SECTION 17.** ORS 339.343 is amended to read:

3 339.343. (1) This section shall be known and may be cited as Adi's Act.

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

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

9 (a) Procedures relating to suicide prevention, intervention and activities
10 that reduce risk and promote healing after a suicide;

11 (b) Identification of the school officials responsible for responding to re-
12 ports of suicidal risk;

13 (c) A procedure by which a person may request a school district to review
14 the actions of a school in responding to suicidal risk;

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

16 (A) Youth bereaved by suicide;

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

18 (C) Youth experiencing homelessness or out-of-home settings, such as
19 foster care; and

20 (D) Lesbian, gay, bisexual, transgender, queer and other minority gender
21 identities and sexual orientations;

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

24 (A) When and how to refer youth and their families to appropriate mental
25 health services; and

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

28 (f) Any other requirement prescribed by the State Board of Education by
29 rule, based on consultations with state and national suicide prevention or-
30 ganizations, suicide experts and school-based mental health providers, and
31 based on reviews of national models.

1 (4) A school district may consult with state or national suicide prevention
2 organizations, the Department of Education, school-based mental health
3 professionals, parents, guardians, school employees, students, administrators
4 and school board associations when developing the plan required under this
5 section.

6 (5) The plan required under this section:

7 (a) Must be written to ensure that a school employee acts only within the
8 authorization and scope of the employee's credentials or licenses. Nothing
9 in this section shall be construed as authorizing or encouraging a school
10 employee to diagnose or treat mental illness unless the employee is specif-
11 ically licensed and employed to do so.

12 (b) Must be:

13 (A) Made available annually to the community of the school district, in-
14 cluding students of the school district, parents and guardians of students of
15 the school district, and employees and volunteers of the school district.

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

18 *[(6) A school district that does not comply with the requirements of this
19 section is considered to be nonstandard under ORS 327.158.]*

20 **SECTION 18.** ORS 339.356 is amended to read:

21 339.356. (1) Each school district shall adopt a policy prohibiting
22 harassment, intimidation or bullying and prohibiting cyberbullying. School
23 districts shall develop the policy after consultation with parents, guardians,
24 school employees, volunteers, students, administrators and community rep-
25 resentatives.

26 (2) School districts must include in the policy:

27 (a) A statement prohibiting harassment, intimidation or bullying and
28 prohibiting cyberbullying.

29 (b) Definitions of "harassment," "intimidation" or "bullying" and of
30 "cyberbullying" that are consistent with ORS 339.351.

31 (c) Definitions of "protected class" that are consistent with ORS 174.100

1 and 339.351.

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

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

6 (f) A procedure that is uniform throughout the school district for report-
7 ing an act of harassment, intimidation or bullying or an act of cyberbullying.

8 A procedure established under this paragraph shall:

9 (A) Identify by job title the school officials responsible for receiving such
10 a report at a school.

11 (B) Require a school employee to report an act of harassment, intim-
12 idation or bullying or an act of cyberbullying to a person identified under
13 subparagraph (A) of this paragraph.

14 (C) Require the school official identified under subparagraph (A) of this
15 paragraph to notify the parents or guardians of a student who was subjected
16 to an act of harassment, intimidation or bullying or an act of cyberbullying
17 and the parents or guardians of a student who may have conducted an act
18 of harassment, intimidation or bullying or an act of cyberbullying. Notifica-
19 tion must occur with involvement and consideration of the needs and con-
20 cerns of the student who was subjected to an act of harassment, intimidation
21 or bullying or an act of cyberbullying. For the purposes of this subparagraph:

22 (i) Notification is not required under this subparagraph if the school of-
23 ficial reasonably believes notification could endanger the student who was
24 subjected to an act of harassment, intimidation or bullying or an act of
25 cyberbullying or if all of the following occur:

26 (I) The student who was subjected to an act of harassment, intimidation
27 or bullying or an act of cyberbullying requests that notification not be pro-
28 vided to the student's parents or guardians;

29 (II) The school official determines that notification is not in the best in-
30 terest of the student who was subjected to an act of harassment, intimidation
31 or bullying or an act of cyberbullying; and

1 (III) The school official informs the student that federal law may require
2 the student's parents or guardians to have access to the student's education
3 record, including any requests made as provided by this sub subparagraph.

4 (ii) If the school official does not make the determination described in
5 sub subparagraph (i)(II) of this subparagraph, the school official must inform
6 the student of that determination prior to providing notification.

7 (iii) When notification is provided under this subparagraph, the notifica-
8 tion must occur:

9 (I) Within a reasonable period of time; or

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

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

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

19 (g) A procedure that is uniform throughout the school district for prompt
20 investigation of a report of an act of harassment, intimidation or bullying
21 or an act of cyberbullying. A procedure established under this paragraph
22 shall identify by job title the school officials responsible for investigating
23 such a report.

24 (h) A procedure by which a person may request a school district to review
25 the actions of a school in responding to a report of an act of harassment,
26 intimidation or bullying or an act of cyberbullying or investigating such a
27 report.

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

31 (j) A statement of the consequences and appropriate remedial action for

1 a person found to have committed an act of harassment, intimidation or
2 bullying or an act of cyberbullying.

3 (k) A statement prohibiting reprisal or retaliation against any person who
4 reports an act of harassment, intimidation or bullying or an act of
5 cyberbullying and stating the consequences and appropriate remedial action
6 for a person who engages in such reprisal or retaliation.

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

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

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

16 (B) Readily available to parents, guardians, school employees, volunteers,
17 students, administrators and community representatives at each school office
18 or at the school district office and, if available, on the website for a school
19 or the school district.

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

22 *[(3) A school district that does not comply with the requirements of this
23 section is considered nonstandard under ORS 327.158.]*

24 **SECTION 19.** ORS 343.328 is amended to read:

25 343.328. (1)(a) A parent or a foster parent may, at any time, revoke con-
26 sent for the placement of a student with a disability on an abbreviated school
27 day program.

28 (b) Consent for the abbreviated school day program placement shall be
29 considered revoked if, at any time, the parent or the foster parent revokes
30 the consent, in writing, to an abbreviated school day program placement or
31 makes a written objection to the abbreviated school day program placement.

1 (c) Upon receipt of a written revocation or objection to the abbreviated
2 school day program placement, the school district superintendent shall en-
3 sure that, within five school days or by a later date specified in a written
4 notice provided by the parent or foster parent, the student has meaningful
5 access to the same number of hours of instruction and educational services
6 that are provided to the majority of other students who are in the same
7 grade within the student's resident school district.

8 (d) Notwithstanding paragraph (c) of this subsection, a parent or foster
9 parent of a student may allow the school district superintendent to have an
10 extension of an additional five school days to ensure that the student has
11 meaningful access to the same number of hours of instruction and educa-
12 tional services that are provided to the majority of other students who are
13 in the same grade within the student's resident school district if:

14 (A) The parent or foster parent provides written consent for the exten-
15 sion;

16 (B) The parent or foster parent has not previously provided written con-
17 sent for an extension for the student during the school year;

18 (C) The written consent states that the parent or foster parent under-
19 stands that the parent or foster parent is not required to give consent for
20 the extension and that the refusal to give consent for the extension will not
21 result in adverse actions being taken against the student; and

22 (D) The school district provides to the parent or foster parent, in writing
23 and in a language and format accessible to the parent or foster parent, the
24 specific reasons why the extension is needed.

25 (e) If a school district fails to provide meaningful access before the expi-
26 ration of an extension allowed under paragraph (d) of this subsection, any
27 calculations of compensatory education that must be provided by the school
28 district will be made as though an extension had not been allowed.

29 (f) If a student is on an abbreviated school day program on the last day
30 of the school year and the student's parent or foster parent makes a written
31 objection to the abbreviated school day program placement or revokes con-

1 sent for the abbreviated school day program placement at least 14 calendar
2 days prior to the beginning of the next school year, the student shall, be-
3 ginning on the first day of the new school year, be provided with meaningful
4 access to the same number of hours of instruction and educational services
5 that are provided to the majority of other students who are in the same
6 grade within the student's resident school district.

7 (2)(a) When the Department of Education receives a complaint or other-
8 wise has cause to believe a school district is not in compliance with ORS
9 343.322 (7) and 343.324 (5), the department must initiate an investigation and
10 inform the school district of any noncompliance within 30 calendar days of
11 receiving the complaint or having cause to believe the school district is not
12 in compliance.

13 (b) If a complaint described in paragraph (a) of this subsection relates to
14 a specific student and is submitted by the student's parent or foster parent,
15 the Superintendent of Public Instruction is not required to conduct an in-
16 vestigation and shall:

17 (A) Presume that consent for the abbreviated school day program place-
18 ment has been revoked.

19 (B) Immediately, and in no case no more than two business days after
20 receipt of the complaint, order the school district to provide to the student,
21 within five school days, meaningful access to the same number of hours of
22 instruction and educational services that are provided to the majority of
23 other students who are in the same grade within the student's resident
24 school district. For the purpose of this subparagraph, "business day" has the
25 meaning given that term in ORS 192.311.

26 (C) Find the school district is not in compliance with ORS 343.322 (7) and
27 343.324 (5) if the school district fails to comply with the order described in
28 subparagraph (B) of this paragraph and the parent or foster parent has not
29 granted written consent for an extension as described in subsection (1)(d) of
30 this section.

31 (c) If the superintendent finds that a school district is not in compliance

1 with ORS 343.322 (7) and 343.324 (5), either after an investigation or as pro-
2 vided by paragraph (b) of this subsection, the superintendent shall:

3 (A) Enter an order that any students named in the complaint or identified
4 in the course of an investigation initiated under paragraph (a) of this sub-
5 section who are placed on an abbreviated school day program in violation
6 of ORS 343.322 (7) and 343.324 (5) be provided, within five school days of the
7 final order, with meaningful access to the same number of hours of instruc-
8 tion and educational services that are provided to the majority of other
9 students who are in the same grade within the student's resident school
10 district.

11 (B) If the school district fails to comply with the order described in sub-
12 paragraph (A) of this paragraph within five school days, find the school
13 district **[nonstandard] to be in noncompliance** under ORS 327.158 or 334.217
14 until all students subject to the order and placed on an abbreviated school
15 day program in violation of ORS 343.322 (7) and 343.324 (5) are provided with
16 meaningful access to the same number of hours of instruction and educa-
17 tional services that are provided to the majority of other students who are
18 in the same grade within the student's resident school district.

19 (C) If the school district fails to comply with the order described in sub-
20 paragraph (A) of this paragraph within 10 school days and notwithstanding
21 any timelines or process requirements of ORS 327.158 or 334.217, immediately
22 withhold State School Fund moneys that otherwise would be distributed to
23 the school district. Amounts withheld must be calculated based on the
24 weighted average daily membership attributable to the students subject to
25 the order, as calculated under ORS 327.013, and the percentage of the school
26 year that the students were placed on an abbreviated school day program in
27 violation of ORS 343.322 (7) and 343.324 (5).

28 (D) Require the school district to provide compensatory education to the
29 students subject to the order that is equivalent to at least one hour of direct
30 instruction for every two hours of instruction that were lost due to an ab-
31 breviated school day program placement in violation of ORS 343.322 (7) and

1 343.324 (5).

2 (3) The failure of a school district superintendent to restore meaningful
3 access to a student within the time required by ORS 343.326 (3)(b)(B) or
4 subsection (1)(c) or (d) of this section or to comply with an order issued
5 under subsection (2)(c) of this section to restore meaningful access to all
6 students subject to the order may be grounds for discipline by the Teacher
7 Standards and Practices Commission under ORS 342.175. If the commission
8 receives a complaint concerning a failure described in this subsection, the
9 commission shall take into consideration the responsive efforts and actions
10 of the superintendent to restore meaningful access to the student or students.

11 **SECTION 20.** ORS 334.217 is amended to read:

12 **334.217 (1) All education service districts of this state are expected
13 to fully comply with the requirements of state and federal law to be
14 considered a standard education service district.**

15 **[(1)] (2) In addition to the requirements prescribed by subsection (1)
16 of this section,** the State Board of Education by rule shall establish stan-
17 dards to determine the adequacy of services and facilities provided by the
18 education service districts. In establishing *[such]* **the** standards, the state
19 board shall consider the most economic method of providing services and
20 facilities, the quality of the services and facilities according to the best ed-
21 ucational standards, and the needs of the students.

22 **[(2)] (3) When the Superintendent of Public Instruction determines pur-**
23 **suant to rule that an education service district is [nonstandard] not in**
24 **compliance with a state or federal law or with a standard,** the district
25 **[designated nonstandard] shall file a plan to [meet standards] come into**
26 **compliance** over a specified period of time. The Superintendent of Public
27 Instruction may accept, reject or modify the plan and order the
28 **[nonstandard] district to comply with the plan as approved by the super-**
29 **intendent.** Once a plan is approved, the district shall be conditionally
30 **standard until [all deficiencies are corrected] the district comes into com-**
31 **pliance.** If a district **[corrects all deficiencies] comes into compliance,** the

1 district shall be designated as standard. The district shall have 180 days from
2 the date the plan is accepted to *[make all corrections]* **come into**
3 **compliance**. After that time, the Superintendent of Public Instruction may
4 impose sanctions on the district if the district has not *[made the necessary*
5 *corrections]* **come into compliance**.

6 **[(3)] (4)** The state board shall establish by rule appropriate sanctions for
7 noncompliance. The sanctions may include:

- 8 (a) Mandatory merger of the *[nonstandard]* education service district with
9 a contiguous education service district that is standard;
- 10 (b) The sanctions described in ORS 342.173, if applicable;
- 11 (c) The withholding of funds from the State School Fund;
- 12 (d) The removal of the superintendent of the education service district;
- 13 (e) The temporary governance of the education service district by the
14 state board; or
- 15 (f) Dissolution of the education service district.

16 **SECTION 21.** ORS 334.217, as amended by section 32, chapter 406, Oregon
17 Laws 2025, is amended to read:

18 **334.217. (1) All education service districts of this state are expected**
19 **to fully comply with the requirements of state and federal law to be**
20 **considered a standard education service district.**

21 **[(1)] (2) In addition to the requirements prescribed by subsection (1)**
22 **of this section**, the State Board of Education by rule shall establish and
23 enforce standards to determine the adequacy of services and facilities pro-
24 vided by the education service districts. In establishing *[such]* **the** standards,
25 the state board shall:

- 26 (a) Consider the most economic method of providing services and facili-
ties, the quality of the services and facilities according to the best educa-
tional standards, and the needs of the students; and
- 27 (b) Provide a process for a person who resides in the district, or a parent
28 or guardian of a student who attends school in the district, to file a com-
29 plaint about noncompliance with **a state or federal law or with** a standard.

1 [(2)] **(3)** When the Superintendent of Public Instruction determines pur-
2 suant to rule that an education service district is *[nonstandard]* **not in**
3 **compliance with a state or federal law or with a standard**, the district
4 *[designated nonstandard]* shall file a plan to *[meet standards]* **come into**
5 **compliance** over a specified period of time. The Superintendent of Public
6 Instruction may accept, reject or modify the plan and order the
7 *[nonstandard]* district to comply with the plan as approved by the super-
8 intendent. Once a plan is approved, the district shall be conditionally
9 standard until *[all deficiencies are corrected]* **the district comes into com-**
10 **pliance**. If a district *[corrects all deficiencies]* **comes into compliance**, the
11 district shall be designated as standard. The district shall have 180 days from
12 the date the plan is accepted to *[make all corrections]* **come into**
13 **compliance**. After that time, the Superintendent of Public Instruction may
14 impose sanctions on the district if the district has not *[made the necessary*
15 *corrections]* **come into compliance**.

16 [(3)] **(4)** The state board shall establish by rule appropriate sanctions for
17 noncompliance. The sanctions may include:

- 18 (a) Mandatory merger of the *[nonstandard]* education service district with
19 a contiguous education service district that is standard;
- 20 (b) The sanctions described in ORS 342.173, if applicable;
- 21 (c) The withholding of funds from the State School Fund;
- 22 (d) The removal of the superintendent of the education service district;
- 23 (e) The temporary governance of the education service district by the
24 state board; or
- 25 (f) Dissolution of the education service district.

26 **SECTION 22. The amendments to ORS 326.726, 327.006, 327.158,**
27 **327.161, 327.162, 328.205, 329.496, 332.155, 334.217, 335.090, 336.580, 336.665,**
28 **339.297, 339.343, 339.356 and 343.328 by sections 5 to 21 of this 2026 Act**
29 **become operative on July 1, 2026.**

30

31 **ABOLISHMENT OF OUTDATED METHOD FOR PREPARING A**

1 **REPORT ON PUBLIC EDUCATION APPROPRIATIONS**

2

3 **SECTION 23. ORS 171.857, 327.290, 327.497, 327.500, 327.502, 327.506,**

4 **329.015 and 329.025 are repealed on January 1, 2027.**

5 **SECTION 24.** ORS 327.185 is amended to read:

6 327.185. (1) As used in this section, “eligible applicant” means any of the
7 following entities:

8 (a) Common school districts and union high school districts.

9 (b) The Youth Corrections Education Program or the Juvenile Detention
10 Education Program.

11 (c) Public charter schools that are not virtual public charter schools, as
12 defined in ORS 338.005, and that have a student population of which:

13 (A) At least 35 percent of the student population is composed of students
14 from the following student groups:

15 (i) Economically disadvantaged, as described in ORS 327.164 (11)(a);

16 (ii) Racial or ethnic groups that have historically experienced academic
17 disparities, as described in ORS 327.164 (11)(b); or

18 (iii) Students with disabilities, as described in ORS 327.164 (11)(c); and

19 (B) The percentage of the students from student groups identified under
20 subparagraph (A) of this paragraph is greater than or equal to:

21 (i) The percentage of all students in the school district who are econom-
22 ically disadvantaged, if eligibility is determined based on the percentage of
23 students who are economically disadvantaged;

24 (ii) The percentage of all students in the school district who are from
25 racial or ethnic groups that have historically experienced academic dispari-
26 ties, if eligibility is determined based on the percentage of students who are
27 from those racial or ethnic groups; or

28 (iii) The percentage of all students in the school district who are disabled,
29 if eligibility is determined based on the percentage of students who are dis-
30 abled.

31 (d) The Oregon School for the Deaf.

1 (e) The school district or education service district that is providing the
2 educational services for an eligible day treatment program or an eligible
3 residential treatment program for which payment of the costs of education
4 is provided as described in ORS 343.961 (2).

5 (2)(a) Eligible applicants may apply for a grant from the Student Invest-
6 ment Account to receive a distribution under ORS 327.190.

7 (b) Notwithstanding ORS 338.155 (9), a public charter school that is not
8 an eligible applicant may not apply for a grant under this section.

9 (3) Prior to preparing a grant application, an eligible applicant must:

10 (a) If the eligible applicant is a school district, determine whether the
11 school district will allow public charter schools sponsored by, or located
12 within, the school district to participate in the grant application and the
13 grant agreement.

14 (b) If the eligible applicant is a public charter school, determine whether
15 the public charter school intends to apply for a grant and provide notice of
16 that intent to the school district in which the public charter school is lo-
17 cated and to the Department of Education.

18 (4)(a) If an eligible applicant is a school district and decides to include
19 public charter schools in the grant application and grant agreement, the
20 school district must provide all public charter schools sponsored by, or lo-
21 cated within, the school district the opportunity to participate in the grant
22 application and grant agreement.

23 (b)(A) A public charter school is not required to participate in the grant
24 application and grant agreement of a school district.

25 (B) If a public charter school does not participate in a grant application
26 and grant agreement under this subsection:

27 (i) The ADMw of the public charter school may not be used in the cal-
28 culation of the school district ADMw for grants distributed under ORS
29 327.195; and

30 (ii) The public charter school is not entitled to any grant moneys dis-
31 tributed under ORS 327.195.

1 (C) If a public charter school participates in a grant application and grant
2 agreement under this subsection:

3 (i) The public charter school and school district shall enter into an
4 agreement for the distribution of moneys or the provision of services, in-
5 cluding any accountability measures required of the public charter school
6 by the school district;

7 (ii) The ADMw of the public charter school shall be used in the calcu-
8 lation of the school district ADMw for grants distributed under ORS 327.195;
9 and

10 (iii) The public charter school is entitled to any grant moneys or services
11 provided for in the agreement entered into under this subparagraph.

12 (5)(a) For the purpose of preparing a grant application, an eligible appli-
13 cant must determine:

14 (A) Which of the allowed uses identified in ORS 327.180 (3) the eligible
15 applicant will fund with grant moneys; and

16 (B) Which of the eligible uses identified under subparagraph (A) of this
17 paragraph the eligible applicant will designate to meeting student mental
18 and behavioral health needs.

19 (b) An eligible applicant shall make the determinations required under
20 paragraph (a) of this subsection by:

21 (A) Engaging in strategic planning; and

22 (B) Considering the *[recommendations of the Quality Education Commis-*
23 *sion established under ORS 327.500 and]* recommendations from the advisory
24 groups formed by the Department of Education for the purposes of the
25 statewide education plans developed and implemented by the department.

26 (6)(a) The strategic planning required under subsection (5) of this section
27 must include:

28 (A) A completed needs assessment, as described in ORS 329.095;

29 (B) An analysis of the potential academic impact, both for the students
30 of the eligible applicant and for student groups identified in ORS 327.164 (11),
31 from the allowed uses that would be funded by grant moneys; and

1 (C) The creation of budgets for the allowed uses that would be funded by
2 grant moneys.

3 (b) The strategic planning required under subsection (5) of this section
4 must take into consideration:

5 (A) Input from the community of the eligible applicant, including school
6 employees, students from student groups identified in ORS 327.164 (11) and
7 parents of those students; and

8 (B) Data collected by the eligible applicant to enable the eligible applicant to make equity-based decisions.

10 (7) Based on the strategic planning described in subsection (6) of this
11 section, the eligible applicant shall develop a four-year plan for the use of
12 grant moneys. The plan must be updated every two years and must:

13 (a) Identify which allowed uses identified in ORS 327.180 (3) will be
14 funded with grant moneys and which of those uses will be designated to meet
15 student mental and behavioral health needs.

16 (b) Describe how the allowed uses identified under paragraph (a) of this
17 subsection will be used to:

18 (A) Meet students' mental and behavioral health needs;

19 (B) Increase academic achievement for students of the eligible applicant;
20 and

21 (C) Reduce academic disparities for student groups identified in ORS
22 327.164 (11) who are served by the eligible applicant, and identify which of
23 those student groups will benefit from the allowed uses that are being funded
24 with grant moneys.

25 (c) Include the budgets for the allowed uses to be funded with grant
26 moneys.

27 (d) Be approved by the governing body of the eligible applicant at an open
28 meeting, following:

29 (A) Provision of the plan at the main office of the eligible applicant and
30 on the eligible applicant's website;

31 (B) Oral presentation of the plan by an administrator of the eligible ap-

1 plicant to the governing body of the eligible applicant; and
2 (C) Opportunity for the public to comment on the plan at an open meet-
3 ing.

4 (e) Be a part of the local district continuous improvement plan described
5 in ORS 329.095, if the eligible applicant is a school district.

6 (8) To apply for a grant, an eligible applicant must submit an application
7 every two years in a format and according to timelines prescribed by the
8 Department of Education. The application must include:

9 (a) A completed needs assessment, as described in ORS 329.095;
10 (b) The plan developed under subsection (7) of this section; and
11 (c) Budget estimates for each of the allowed uses identified in the plan
12 developed under subsection (7) of this section that will be funded by grant
13 moneys.

14 **SECTION 25.** ORS 327.297 is amended to read:

15 327.297. (1) In addition to those moneys distributed through the State
16 School Fund, the Department of Education shall award grants to school
17 districts, education service districts, the Youth Corrections Education Pro-
18 gram and the Juvenile Detention Education Program for activities that re-
19 late to increases in student achievement, including:

20 (a) Early childhood support including establishing, maintaining or ex-
21 panding quality prekindergarten programs;

22 (b) Class size reduction with an emphasis on the reduction of
23 kindergarten through grade three class sizes;

24 (c) Increases in instructional time including summer programs and before-
25 and after-school programs;

26 (d) Mentoring, teacher retention and professional development;

27 (e) Remediation, alternative learning and student retention;

28 (f) Services to at-risk youth;

29 (g) Programs to improve a student achievement gap between student
30 groups identified by culture, poverty, language and race and other student
31 groups;

1 (h) Vocational education programs;
2 (i) Literacy programs;
3 (j) School library programs; and
4 (k) Other research-based student improvement strategies approved by the
5 State Board of Education.

6 (2)(a) Each school district, each education service district, the Youth
7 Corrections Education Program and the Juvenile Detention Education Pro-
8 gram may apply to the Department of Education for a grant.

9 (b) The department shall review and approve applications based on crite-
10 ria established by the State Board of Education. *[In establishing the criteria,
11 the State Board of Education shall consider the recommendations of the
12 Quality Education Commission established under ORS 327.500.]*

13 (c) The applications shall include the activities to be funded and the goals
14 of the district or program for increases in student performance. The appli-
15 cations shall become part of the local district continuous improvement plan
16 described in ORS 329.095.

17 (3)(a) Notwithstanding ORS 338.155 (9), the Department of Education may
18 not award a grant under this section directly to a public charter school.

19 (b) A school district that receives a grant under this section may transfer
20 a portion of the grant to a public charter school based on the charter of the
21 school or any other agreement between the school district and the public
22 charter school.

23 (c) A public charter school that receives grant funds under this subsection
24 shall use those funds for the activities specified in subsection (1) of this
25 section.

26 (4)(a) The amount of each grant for a program or school district = the
27 program's or school district's ADMw × (the total amount available for dis-
28 tribution to programs and school districts as grants in each fiscal year ÷
29 the total ADMw of all programs and school districts that receive a grant).

30 (b) The amount of each grant for an education service district = the ed-
31 ucation service district's ADMw × (the total amount available for distrib-

1 ution to education service districts as grants in each fiscal year ÷ the total
2 ADMw of all education service districts that receive a grant).

3 (c) As used in this subsection, "ADMw" means:

4 (A) For a school district, the extended weighted average daily membership
5 as calculated under ORS 327.013, 338.155 (1) and 338.165 (2);

6 (B) For the Youth Corrections Education Program, the extended weighted
7 average daily membership as calculated under ORS 327.026;

8 (C) For the Juvenile Detention Education Program, the extended weighted
9 average daily membership as calculated under ORS 327.026; and

10 (D) For an education service district, the sum of the ADMw of the school
11 districts located within the territory of the education service district.

12 (5) Each district or program shall deposit the grant amounts it receives
13 under this section in a separate account, and shall apply amounts in that
14 account to pay for activities described in the district's or program's appli-
15 cation.

16 (6) The State Board of Education may adopt any rules necessary for the
17 administration of the grant program.

18 **SECTION 26.** ORS 329.045 is amended to read:

19 329.045. (1)(a) In order to achieve the [*goals contained in ORS 329.025*]
20 **implementation of the state educational standards established under**
21 **ORS 326.051** (1)(a), the State Board of Education shall regularly and peri-
22 odically review and revise its Common Curriculum Goals, performance indi-
23 cators and diploma requirements.

24 (b) The review and revision conducted under this section shall:

25 (A) Include Essential Learning Skills and rigorous academic content
26 standards in mathematics, science, language arts, history, geography, eco-
27 nomics, civics, higher education and career path skills, personal financial
28 education, physical education, health, the arts and world languages.

29 (B) Ensure that any revisions to the academic content standards for sci-
30 ence, health, history, geography, economics and civics include standards that
31 address the causes and effects of climate change and strategies for mitigat-

1 ing, adapting to and strengthening community resilience to those causes and
2 effects.

3 (C) Involve teachers and other educators, parents of students and other
4 citizens and shall provide ample opportunity for public comment.

5 (D) Encourage increased learning time. As used in this subparagraph,
6 "increased learning time" means a schedule that encompasses a longer school
7 day, week or year for the purpose of increasing the total number of school
8 hours available to provide:

9 (i) Students with instruction in core academic subjects, including math-
10 ematics, science, language arts, history, geography, economics, civics, higher
11 education and career path skills, personal financial education, the arts and
12 world languages;

13 (ii) Students with instruction in subjects other than the subjects identi-
14 fied in sub subparagraph (i) of this subparagraph, including health and
15 physical education;

16 (iii) Students with the opportunity to participate in enrichment activities
17 that contribute to a well-rounded education, including learning opportunities
18 that may be based on service, experience or work and that may be provided
19 through partnerships with other organizations; and

20 (iv) Teachers with the opportunity to collaborate, plan and engage in
21 professional development within and across grades and subjects.

22 (c) Nothing in this subsection prevents a school district or public charter
23 school from maintaining control over course content, format, materials and
24 teaching methods.

25 (2) The State Board of Education shall continually review and revise all
26 adopted academic content standards necessary for students to successfully
27 transition to the next phase of their education.

28 (3)(a) School districts and public charter schools must offer students in-
29 struction in mathematics, science, language arts, history, geography, eco-
30 nomics, civics, higher education and career path skills, personal financial
31 education, physical education, health, the arts and world languages.

1 (b) Instruction required under paragraph (a) of this subsection must:
2 (A) Meet the academic content standards adopted by the State Board of
3 Education; and
4 (B) Meet the requirements adopted by the State Board of Education and
5 the board of the school district or public charter school.

6 **SECTION 27.** ORS 329.045, as amended by section 1, chapter 202, Oregon
7 Laws 2019, section 6, chapter 178, Oregon Laws 2021, section 1, chapter 328,
8 Oregon Laws 2023, section 7, chapter 564, Oregon Laws 2023, and section 2,
9 chapter 445, Oregon Laws 2025, is amended to read:

10 329.045. (1)(a) In order to achieve the [*goals contained in ORS 329.025*]
11 **implementation of the state educational standards established under**
12 **ORS 326.051** (1)(a), the State Board of Education shall regularly and peri-
13 odically review and revise its Common Curriculum Goals, performance indi-
14 cators and diploma requirements.

15 (b) The review and revision conducted under this section shall:
16 (A) Include Essential Learning Skills and rigorous academic content
17 standards in mathematics, science, language arts, history, geography, eco-
18 nomics, civics, higher education and career path skills, personal financial
19 education, physical education, health, the arts and world languages.

20 (B) Ensure that the academic content standards for history, geography,
21 economics and civics include sufficient instruction on the histories, contri-
22 butions and perspectives of individuals who:

23 (i) Are Native American;
24 (ii) Are of African, Asian, Pacific Island, Chicano, Latino, Middle Eastern
25 or Jewish descent;
26 (iii) Are women;
27 (iv) Have disabilities;
28 (v) Are immigrants or refugees; or
29 (vi) Are lesbian, gay, bisexual or transgender.

30 (C) Ensure that any revisions to the academic content standards for sci-
31 ence, health, history, geography, economics and civics include standards that

1 address the causes and effects of climate change and strategies for mitigat-
2 ing, adapting to and strengthening community resilience to those causes and
3 effects.

4 (D) Involve teachers and other educators, parents of students and other
5 citizens and shall provide ample opportunity for public comment.

6 (E) Encourage increased learning time. As used in this subparagraph,
7 "increased learning time" means a schedule that encompasses a longer school
8 day, week or year for the purpose of increasing the total number of school
9 hours available to provide:

10 (i) Students with instruction in core academic subjects, including math-
11 ematics, science, language arts, history, geography, economics, civics, higher
12 education and career path skills, personal financial education, the arts and
13 world languages;

14 (ii) Students with instruction in subjects other than the subjects identi-
15 fied in sub subparagraph (i) of this subparagraph, including health and
16 physical education;

17 (iii) Students with the opportunity to participate in enrichment activities
18 that contribute to a well-rounded education, including learning opportunities
19 that may be based on service, experience or work and that may be provided
20 through partnerships with other organizations; and

21 (iv) Teachers with the opportunity to collaborate, plan and engage in
22 professional development within and across grades and subjects.

23 (c) Nothing in this subsection prevents a school district or public charter
24 school from maintaining control over course content, format, materials and
25 teaching methods.

26 (2) The State Board of Education shall continually review and revise all
27 adopted academic content standards necessary for students to successfully
28 transition to the next phase of their education.

29 (3)(a) School districts and public charter schools must offer students in-
30 struction in mathematics, science, language arts, history, geography, eco-
31 nomics, civics, higher education and career path skills, personal financial

- 1 education, physical education, health, the arts and world languages.
- 2 (b) Instruction required under paragraph (a) of this subsection must:
 - 3 (A) Meet the academic content standards adopted by the State Board of
 - 4 Education; and
 - 5 (B) Meet the requirements adopted by the State Board of Education and
 - 6 the board of the school district or public charter school.

7 **SECTION 28.** ORS 329.085 is amended to read:

8 329.085. (1) *[To facilitate the attainment and successful implementation of*
9 *educational standards under ORS 326.051 (1)(a) and 329.025]* **To ensure that**
10 **a school district is a standard school district as described in ORS**
11 **327.158**, the State Board of Education or its designee shall assess the effec-
12 tiveness of each public school, public charter school and school district. The
13 findings of the assessment shall be reported to the school or school district
14 within six months.

15 (2) The board shall establish the standards, including standards of acces-
16 sibility to educational opportunities, upon which the assessment is based.

17 (3) On a periodic basis, the board shall review school and school district
18 standards and credit and performance requirements. The board shall seek
19 public input in this process.

20 **SECTION 29.** ORS 329.155 is amended to read:

21 329.155. (1) As used in this section:

22 (a) "Families" means groups of individuals related by blood, marriage or
23 adoption, or individuals whose functional relationships are similar to those
24 found in such associations. The family's purpose is the security, support,
25 nurturance, love, transmission of values and facilitation of each member's
26 growth and development, and is the primary social unit affecting a child's
27 well-being.

28 (b) "Services" means education and all other programs and services ad-
29 dressing one or more of a child's basic needs.

30 (c) "Young children" means children prenatal through six years of age.

31 (2) State agencies that administer education programs and other programs

1 that provide services for children and families shall:

2 (a) Evaluate the effectiveness of the program as related to the principles
3 stated in ORS [329.025 *and*] 417.305 in the earliest stages of the budget pro-
4 cess, including components within programs as appropriate;

5 (b) Articulate ways in which the program is:

6 (A) An effective component of agency and state priorities, goals and
7 strategies that have been established by the Early Learning Council; and

8 (B) Relevant to research and professional standards;

9 (c) Establish plans, interagency partnerships and implementation prac-
10 tices;

11 (d) Use the information generated by applicable state advisory groups and
12 governing boards in the program assessment of needs and decisions as to
13 service delivery in a given community; and

14 (e) Identify barriers to improving program capability to serve the needs
15 of young children and make related recommendations, if any, to the Early
16 Learning Council.

17 (3) The processes listed in subsection (2) of this section are for the pur-
18 pose of generating interagency coordination so as to serve to the greatest
19 extent possible young children and their families in a comprehensive and
20 developmentally appropriate fashion. The information generated by these
21 processes shall be considered as a contribution to subsequent budget deci-
22 sions by state and local agencies, the Oregon Department of Administrative
23 Services and the Legislative Assembly.

24

25 MISCELLANEOUS

26

27 **SECTION 30.** The unit captions used in this 2026 Act are provided
28 only for the convenience of the reader and do not become part of the
29 statutory law of this state or express any legislative intent in the
30 enactment of this 2026 Act.

31 **SECTION 31.** This 2026 Act being necessary for the immediate

1 **preservation of the public peace, health and safety, an emergency is**
2 **declared to exist, and this 2026 Act takes effect on its passage.**

3 _____