

House Bill 3536

Sponsored by Representative SPRENGER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits State Board of Education from adopting rules or imposing sanctions related to use of mascots by public schools.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to school mascots; amending ORS 326.051; and declaring an emergency.

3 Whereas, during the 2014 regular session, the Legislative Assembly directed the State Board of
4 Education to adopt rules related to the use of Native American school mascots; and

5 Whereas more than one year later, the board has been unwilling or unable to fulfill its duties
6 as directed by the Legislative Assembly; and

7 Whereas the board's inability to take action has left many schools in a state of uncertainty; now,
8 therefore,

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

10 **SECTION 1.** ORS 326.051 is amended to read:

11 326.051. Subject to ORS 417.300 and 417.305:

12 (1) In addition to such other duties as are prescribed by law and pursuant to the requirement
13 of ORS chapter 183, the State Board of Education shall:

14 (a) Establish state standards for public kindergartens and public elementary and secondary
15 schools consistent with the policies stated in ORS 326.011.

16 (b) Adopt rules for the general governance of public kindergartens and public elementary and
17 secondary schools.

18 (c) Prescribe required or minimum courses of study.

19 (d) Adopt rules regarding school and interscholastic activities.

20 (e) Adopt rules that provide that no public elementary or secondary school shall discriminate
21 in determining participation in interscholastic activities. As used in this paragraph,
22 "discrimination" has the meaning given that term in ORS 659.850.

23 (f) Adopt rules that will eliminate the use and purchase of elemental mercury, mercury com-
24 pounds and mercury-added instructional materials by public elementary and secondary schools.

25 (2) The State Board of Education may:

26 (a) Consistent with the laws of this state, accept money or property not otherwise provided for
27 under paragraph (b) of this subsection, which is donated for the use or benefit of the public
28 kindergartens and public elementary and secondary schools and use such money or property for the
29 purpose for which it was donated. Until it is used, the board shall deposit any money received under
30 this paragraph in a special fund with the State Treasurer as provided in ORS 293.265 to 293.275.

31 (b) Apply for federal funds and accept and enter into any contracts or agreements on behalf of

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 the state for the receipt of such funds from the federal government or its agencies for:

2 (A) Educational purposes, including but not limited to any funds available for the school lunch
3 program;

4 (B) Career and technical education programs in public elementary and secondary schools; and

5 (C) Any grants available to the state or its political subdivisions for general federal aid for
6 public kindergartens, public elementary schools and public secondary schools and their auxiliary
7 services, improvement of teacher preparation, teacher salaries, construction of school buildings, ad-
8 ministration of the Department of Education and any other educational activities under the jurisd-
9 diction of the State Board of Education.

10 (c) Adopt rules to administer the United States Department of Agriculture's National School
11 Lunch Program and School Breakfast Program for public and private prekindergarten through grade
12 12 schools and residential child care facilities.

13 **(3) The State Board of Education may not:**

14 **(a) Adopt any rules related to the use of mascots by the public kindergartens and public**
15 **elementary and secondary schools of this state.**

16 **(b) Consider a school district to be nonstandard under ORS 327.013 or otherwise withhold**
17 **moneys or impose sanctions based on the use of a mascot by a public school of this state,**
18 **unless otherwise required by federal law.**

19 **SECTION 2. This 2015 Act being necessary for the immediate preservation of the public**
20 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
21 **on its passage.**

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