

D R A F T

SUMMARY

Directs school districts and public charter schools to require every student in grades 6 through 12 to undergo mental health wellness check once each school year. Prescribes requirements for mental health wellness checks.

A BILL FOR AN ACT

Relating to mental health wellness checks for public school students; creating new provisions; and amending ORS 338.025 and 338.115.

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

SECTION 1. (1) As used in this section:

(a) “Adult student” means a student of a public school or a public charter school who is 18 years of age or older or who is emancipated pursuant to ORS 419B.550 to 419B.558.

(b) “Parent” means a parent, legal guardian or person in parental relationship, as defined in ORS 339.133, of a student of a public school or a public charter school.

(2) Each school district and public charter school shall require every student in grades 6 through 12 to undergo a mental health wellness check once each school year.

(3)(a) For the mental health wellness checks required under this section, the Department of Education shall adopt:

(A) An evidence-based, accessible screening tool that helps to identify a student’s existing, or risk of, mental health issues; and

(B) A script to be used during mental health wellness checks to encourage honesty and reduce stigma around mental health issues.

1 **(b) Mental health wellness checks required under this section must**
2 **be conducted:**

3 **(A) Using the screening tool and script adopted as provided by par-**
4 **agraph (a) of this subsection;**

5 **(B) By persons trained to use the screening tool and script adopted**
6 **as provided by paragraph (a) of this subsection; and**

7 **(C) In a supportive, safe environment that maximizes student pri-**
8 **vacy.**

9 **(c) The screening results of a mental health wellness check con-**
10 **ducted under paragraph (b) of this subsection must be evaluated by a**
11 **qualified counselor or mental health professional.**

12 **(4)(a) A parent or adult student may choose to excuse a student**
13 **from undergoing a mental health wellness check required by this sec-**
14 **tion by:**

15 **(A) Completing a form established by the department as provided**
16 **by paragraph (b) of this subsection each year that the student is ex-**
17 **cused; and**

18 **(B) Submitting the completed form to the school that the student**
19 **attends.**

20 **(b) The department shall establish a form to excuse a student from**
21 **undergoing a mental health wellness check.**

22 **(5) Each school district or public charter school shall develop a plan**
23 **to refer students to appropriate services based on the results of a**
24 **mental health wellness check conducted as provided by subsection (3)**
25 **of this section. The plan must account for access to services for all**
26 **students, regardless of their ability to pay.**

27 **SECTION 2. ORS 338.115 is amended to read:**

28 338.115. (1) Statutes and rules that apply only to school district boards,
29 school districts or other public schools do not apply to public charter
30 schools. However, the following laws do apply to public charter schools:

31 (a) Federal law;

- 1 (b) ORS 30.260 to 30.300 (tort claims);
2 (c) ORS 192.311 to 192.478 (public records law);
3 (d) ORS 192.610 to 192.690 (public meetings law);
4 (e) ORS chapters 279A, 279B and 279C (Public Contracting Code);
5 (f) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);
6 (g) ORS 326.565, 326.575 and 326.580 (student records);
7 (h) ORS 181A.195, 326.603, 326.607 and 342.223 (criminal records checks);
8 (i) ORS 329.045 (academic content standards and instruction);
9 (j) ORS 329.451 (high school diploma, modified diploma, extended diploma
10 and alternative certificate);
11 (k) ORS 329.496 (physical education);
12 (L) The statewide assessment system developed by the Department of Ed-
13 ucation for mathematics, science and English under ORS 329.485 (2);
14 **(m) Section 1 of this 2019 Act (mental health wellness checks);**
15 [(m)] **(n)** ORS 336.840 (use of personal electronic devices);
16 [(n)] **(o)** ORS 337.150 (textbooks);
17 [(o)] **(p)** ORS 339.119 (consideration for educational services);
18 [(p)] **(q)** ORS 339.141, 339.147 and 339.155 (tuition and fees);
19 [(q)] **(r)** ORS 339.250 (9) (prohibition on infliction of corporal punishment);
20 [(r)] **(s)** ORS 339.326 (notice concerning students subject to juvenile court
21 petitions);
22 [(s)] **(t)** ORS 339.370, 339.372, 339.388 and 339.400 (reporting of abuse and
23 sexual conduct and training on prevention and identification of abuse and
24 sexual conduct);
25 [(t)] **(u)** ORS 342.856 (core teaching standards);
26 [(u)] **(v)** ORS chapter 657 (Employment Department Law);
27 [(v)] **(w)** ORS 659.850, 659.855 and 659.860 (discrimination);
28 [(w)] **(x)** Any statute or rule that establishes requirements for instruc-
29 tional time provided by a school during each day or during a year;
30 [(x)] **(y)** Statutes and rules that expressly apply to public charter schools;
31 [(y)] **(z)** Statutes and rules that apply to a special government body, as

1 defined in ORS 174.117, or a public body, as defined in ORS 174.109;

2 [(z)] **(aa)** Health and safety statutes and rules;

3 [(aa)] **(bb)** Any statute or rule that is listed in the charter; and

4 [(bb)] **(cc)** This chapter.

5 (2) Notwithstanding subsection (1) of this section, a charter may specify
6 that statutes and rules that apply only to school district boards, school dis-
7 tricts and other public schools may apply to a public charter school.

8 (3) If a statute or rule applies to a public charter school, then the terms
9 “school district” and “public school” include public charter school as those
10 terms are used in that statute or rule.

11 (4) A public charter school may not violate the Establishment Clause of
12 the First Amendment to the United States Constitution or section 5, Article
13 I of the Oregon Constitution, or be religion based.

14 (5)(a) A public charter school shall maintain an active enrollment of at
15 least 25 students.

16 (b) For a public charter school that provides educational services under
17 a cooperative agreement described in ORS 338.080, the public charter school
18 is in compliance with the requirements of this subsection if the public
19 charter school provides educational services under the cooperative agreement
20 to at least 25 students, without regard to the school districts in which the
21 students are residents.

22 (6) A public charter school may sue or be sued as a separate legal entity.

23 (7) The sponsor, members of the governing board of the sponsor acting in
24 their official capacities and employees of a sponsor acting in their official
25 capacities are immune from civil liability with respect to all activities re-
26 lated to a public charter school within the scope of their duties or employ-
27 ment.

28 (8) A public charter school may enter into contracts and may lease facil-
29 ities and services from a school district, education service district, public
30 university listed in ORS 352.002, other governmental unit or any person or
31 legal entity.

1 (9) A public charter school may not levy taxes or issue bonds under which
2 the public incurs liability.

3 (10) A public charter school may receive and accept gifts, grants and do-
4 nations from any source for expenditure to carry out the lawful functions
5 of the school.

6 (11) The school district in which the public charter school is located shall
7 offer a high school diploma, a modified diploma, an extended diploma or an
8 alternative certificate to any public charter school student who meets the
9 district's and state's standards for a high school diploma, a modified diploma,
10 an extended diploma or an alternative certificate.

11 (12) A high school diploma, a modified diploma, an extended diploma or
12 an alternative certificate issued by a public charter school grants to the
13 holder the same rights and privileges as a high school diploma, a modified
14 diploma, an extended diploma or an alternative certificate issued by a non-
15 chartered public school.

16 (13) Prior to beginning operation, the public charter school shall show
17 proof of insurance to the sponsor as specified in the charter.

18 (14) A public charter school may receive services from an education ser-
19 vice district in the same manner as a nonchartered public school in the
20 school district in which the public charter school is located.

21 **SECTION 3.** ORS 338.025 is amended to read:

22 338.025. (1) The State Board of Education may adopt any rules necessary
23 for the implementation of this chapter. The rules shall follow the intent of
24 this chapter.

25 (2) Upon application by a public charter school, the State Board of Edu-
26 cation may grant a waiver of any provision of this chapter if the waiver
27 promotes the development of programs by providers, enhances the equitable
28 access by underserved families to the public education of their choice, ex-
29 tends the equitable access to public support by all students or permits high
30 quality programs of unusual cost. The State Board of Education may not
31 waive any appeal provision in this chapter or any provision under ORS

1 338.115 (1)(a) to [(aa)] (bb), 338.120, 338.125 (4), 338.135 (2)(b) or 339.122.

2 **SECTION 4. Section 1 of this 2019 Act and the amendments to ORS**
3 **338.025 and 338.115 by sections 2 and 3 of this 2019 Act first apply to the**
4 **2020-2021 school year.**

5 **SECTION 5. (1) Section 1 of this 2019 Act and the amendments to**
6 **ORS 338.025 and 338.115 by sections 2 and 3 of this 2019 Act become**
7 **operative on July 1, 2020.**

8 **(2) Notwithstanding the operative date set forth in subsection (1)**
9 **of this section, the Department of Education may take any action be-**
10 **fore the operative date set forth in subsection (1) of this section that**
11 **is necessary for school districts and public charter schools to require**
12 **every student in grades 6 through 12 to undergo a mental health**
13 **wellness check once each school year.**

14