

**A-Engrossed**  
**House Bill 3409**

Ordered by the Senate May 22  
Including Senate Amendments dated May 22

Sponsored by Representatives BYNUM, KOTEK, SMITH WARNER; Representatives FAHEY, MCKEOWN, WILLIAMSON

**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.

Limits authority of school district to become member of voluntary organization that administers interscholastic activities or that facilitates scheduling and programming of interscholastic activities unless organization addresses specified behavior.

Declares emergency, effective [*July*] **September 1, 2019.**

**A BILL FOR AN ACT**

1  
2 Relating to behavior related to interscholastic activities; amending ORS 332.075; and declaring an  
3 emergency.

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

5 **SECTION 1.** ORS 332.075 is amended to read:

6 332.075. (1) Any district school board may:

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

8 (b) Adopt textbooks and other instructional materials as provided in ORS 337.120 and 337.141  
9 and courses of study for the use of such schools as provided in ORS 336.035.

10 (c) Authorize the use of the schools for purposes of training students of an approved educator  
11 preparation provider, as defined in ORS 342.120, and for such purposes may enter into contracts  
12 with the approved educator preparation provider on such terms as may be agreed upon. Such con-  
13 tracts as they relate to student teachers shall have the same effect and be subject to the same  
14 regulations as a contract between a licensed teacher and a district school board.

15 (d) Develop and operate with other school districts or community college districts secondary  
16 career and technical education programs for pupils of more than one district and fix by agreement  
17 the duration of the district's obligation to continue such activity, subject to the availability of funds  
18 therefor.

19 (e) Authorize the school district to be a member of and pay fees, if any, to any voluntary or-  
20 ganization that administers interscholastic activities or that facilitates the scheduling and pro-  
21 gramming of interscholastic activities[.] **only if the organization:**

22 **(A) Implements policies that address the use of derogatory or inappropriate names, in-**  
23 **sults, verbal assaults, profanity or ridicule that occurs at an interscholastic activity, in-**  
24 **cluding by spectators of the interscholastic activity;**

25 **(B) Maintains a transparent complaint process that:**

26 **(i) Has a reporting system to allow participants of interscholastic activities or members**

**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 **of the public to make complaints about student, coach or spectator behavior;**

2 **(ii) Responds to a complaint made under sub-subparagraph (i) of this subparagraph within**  
3 **48 hours of the complaint being received; and**

4 **(iii) Strives to resolve a complaint received under sub-subparagraph (i) of this subpara-**  
5 **graph within 30 days of the complaint being received;**

6 **(C) Develops and implements a system of sanctions against schools, students, coaches**  
7 **and spectators if a complaint made under subparagraph (B) of this paragraph is verified; and**

8 **(D) Performs an annual survey of students and their parents to understand and respond**  
9 **to potential violations of policies adopted under subparagraph (A) of this paragraph or vio-**  
10 **lations of ORS 659.850.**

11 (f) Accept money or property donated for the use or benefit of the school district and, consistent  
12 with the laws of this state, use such money or property for the purpose for which it was donated.

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

17 (A) Describe the acceptable uses of the mascot;

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

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

21 (ii) Prescribe the requirements for approval; and

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

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

27 (3) Notwithstanding subsection (2) of this section, a district school board may, by resolution or  
28 policy, authorize its superintendent or the superintendent's designee to enter into and approve pay-  
29 ment on contracts for products, materials, supplies, capital outlay, equipment and services that are  
30 within appropriations made by the district school board pursuant to ORS 294.456. A district school  
31 board may not authorize its superintendent or the superintendent's designee under this subsection  
32 to enter into and approve payment on contracts that are collective bargaining agreements or service  
33 contracts that include the provision of labor performed by employees of the school district.

34 **SECTION 2. This 2019 Act being necessary for the immediate preservation of the public**  
35 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**  
36 **September 1, 2019.**

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