

Senate Bill 429

Sponsored by Senator KRUSE (Presession filed.)

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**.

Provides that new State Board of Education established under Oregon Constitution shall consist of 11 members appointed by Governor to represent kindergarten through grade 12, community colleges and public universities.

Directs State Board of Education to appoint Superintendent of Public Instruction. Directs existing State Board of Education to convene work group on seamless educational system transition. Requires work group to file reports.

Takes effect only if Senate Joint Resolution 7 (2015) is approved by people at next regular general election.

Takes effect July 1, 2017.

A BILL FOR AN ACT

1
2 Relating to the State Board of Education; creating new provisions; amending ORS 171.735, 240.205,
3 244.050, 326.011, 326.031, 326.041, 326.051, 329.085, 430.241 and 458.558; repealing ORS 326.021
4 and 326.300; and prescribing an effective date.

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

STATE BOARD OF EDUCATION

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9 **SECTION 1. (1) The State Board of Education shall consist of 11 members.**

10 **(2) The members of the board shall be appointed by the Governor from among the resi-**
11 **dents of this state as follows:**

12 **(a) Five members representing kindergarten through grade 12, one from each of the five**
13 **congressional districts. When selecting the members, the Governor shall consider a list of**
14 **persons that is jointly submitted by an organization representing school employees, an or-**
15 **ganization representing school administrators and an organization representing school dis-**
16 **trict boards. The list shall consist of a total of 15 persons and shall provide the names of**
17 **three persons from each congressional district.**

18 **(b) Three members representing public universities listed in ORS 352.002. When selecting**
19 **the members, the Governor shall consider a list of persons that is submitted by an organ-**
20 **ization representing public universities. The list shall consist of a total of five persons.**

21 **(c) Three members representing community colleges. When selecting the members, the**
22 **Governor shall consider a list of persons that is submitted by an organization representing**
23 **community colleges. The list shall consist of a total of five persons.**

24 **(3) A member of the board shall serve for a term of four years and may not serve more**
25 **than two consecutive full terms. Appointments are subject to confirmation by the Senate**
26 **in the manner provided in ORS 171.562 and 171.565.**

27 **(4) Before the expiration of the term of a member, the Governor shall appoint a succes-**

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 sor whose term begins on the following July 1.

2 (5) The Governor may remove a member of the board for cause at any time after notice
3 and public hearing. A vacancy occurring in a position shall be filled as provided in ORS
4 326.031.

5 (6) The members of the board shall be nonpartisan.

6 (7) A member of the board may not engage in teaching or participate in the adminis-
7 tration or operation of any school, community college or public university listed in ORS
8 352.002 while serving on the board.

9 **SECTION 2.** Notwithstanding section 1 of this 2015 Act, the members first appointed to
10 the State Board of Education as provided by section 1 of this 2015 Act shall determine by lot
11 the length of their terms such that:

12 (1) Five shall serve a term expiring on July 1, 2019; and

13 (2) Six shall serve a term expiring on July 1, 2021.

14 **SECTION 3.** (1) On June 30, 2017, the terms of office of the current members of the State
15 Board of Education expire.

16 (2) Notwithstanding the prohibition under section 1 of this 2015 Act against a person
17 serving more than two consecutive full terms as a board member, a member is eligible for
18 reappointment to the board if the member's term of office is terminated pursuant to this
19 section.

20 **SECTION 4.** ORS 326.031 is amended to read:

21 326.031. *[Appointments made to fill vacancies of the State Board of Education occurring prior to*
22 *expiration of a term of an appointed member shall be for the remainder of the unexpired term. When*
23 *a vacancy occurs in an appointment made from a congressional district, the successor shall be ap-*
24 *pointed from the congressional district for which the vacancy exists.]* **A vacancy occurring in a po-**
25 **sition on the State Board of Education before the expiration of the term of the position shall**
26 **be filled by appointment by the Governor, subject to confirmation by the Senate in the**
27 **manner provided in ORS 171.562 and 171.565. An appointee for a vacancy must comply with**
28 **the membership requirements of section 1 (2) of this 2015 Act. The term of an appointee for**
29 **a vacancy under this section expires at the end of the unexpired term.**

30 **SECTION 5.** ORS 326.041 is amended to read:

31 326.041. (1) The State Board of Education shall meet at least six times each year on dates de-
32 termined by the board, and at such other times as may be designated by the chairperson *[agreeable*
33 *to]* **that are agreed to by** a majority of the board, or at the call of a majority of the board members.

34 (2) The board shall elect one of its members to serve as chairperson of the board for **a term**
35 **of** one year *[commencing July 1]*. In case the office of chairperson of the board is permanently va-
36 cated for any reason, the board may elect a new chairperson to serve *[until the June 30 next fol-*
37 *lowing]* **for the remainder of the term.**

38 (3) A member is entitled to compensation and expenses as provided in ORS 292.495.

39 **SECTION 6.** ORS 326.021 is repealed.

40
41 **APPOINTMENT OF SUPERINTENDENT OF PUBLIC INSTRUCTION**

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43 **SECTION 7.** ORS 326.051 is amended to read:

44 326.051. Subject to ORS 417.300 and 417.305:

45 (1) In addition to such other duties as are prescribed by law and pursuant to the requirement

1 of ORS chapter 183, the State Board of Education shall:

2 (a) **Appoint the Superintendent of Public Instruction.**

3 (b) **Establish policies that allow for a seamless educational system transition between**
4 **public kindergarten and public elementary and secondary schools.**

5 [(a)] (c) Establish state standards for public kindergartens and public elementary and secondary
6 schools consistent with the policies stated in ORS 326.011.

7 [(b)] (d) Adopt rules for the general governance of public kindergartens and public elementary
8 and secondary schools.

9 [(c)] (e) Prescribe required or minimum courses of study.

10 [(d)] (f) Adopt rules regarding school and interscholastic activities.

11 [(e)] (g) Adopt rules that provide that [no] a public elementary or secondary school [*shall dis-*
12 *criminate*] **may not engage in an act of discrimination** in determining participation in interscho-
13 lastic activities. As used in this paragraph, “discrimination” has the meaning given that term in ORS
14 659.850.

15 [(f)] (h) Adopt rules that will eliminate the use and purchase of elemental mercury, mercury
16 compounds and mercury-added instructional materials by public elementary and secondary schools.

17 (2) The State Board of Education may:

18 (a) Consistent with the laws of this state[,]:

19 (A) Accept money or property not otherwise provided for under [*paragraph (b) of this subsection,*
20 *which*] **subparagraph (B) of this paragraph that** is donated for the use or benefit of the public
21 kindergartens and public elementary and secondary schools; and

22 (B) Use such money or property for the purpose for which [*it*] **the money or property** was
23 donated[. *Until it is used, the board shall*] **and** deposit any money received [*under this paragraph*] in
24 a special fund with the State Treasurer, as provided in ORS 293.265 to 293.275, **until the money**
25 **is used.**

26 (b) Apply for federal funds and accept and enter into any contracts or agreements on behalf of
27 the state for the receipt of such funds from the federal government or its agencies for:

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

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

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

36 (c) Adopt rules to administer the United States Department of Agriculture’s National School
37 Lunch Program and School Breakfast Program for public and private prekindergarten through grade
38 12 schools and residential child care facilities.

39 **SECTION 8.** ORS 329.085 is amended to read:

40 329.085. (1) To facilitate the attainment and successful implementation of educational standards
41 under ORS 326.051 [(1)(a)] (1)(c) and 329.025, the State Board of Education or its designee shall as-
42 sess the effectiveness of each public school, public charter school and school district. The findings
43 of the assessment shall be reported to the school or school district within six months.

44 (2) The board shall establish the standards, including standards of accessibility to educational
45 opportunities, upon which the assessment is based.

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

3 **SECTION 9. Until the State Board of Education appoints a Superintendent of Public In-**
 4 **struction as provided by ORS 326.051 (1)(a), the Governor shall continue to serve as the Su-**
 5 **perintendent of Public Instruction.**

6 **SECTION 10.** ORS 171.735 is amended to read:

7 171.735. ORS 171.740 and 171.745 do not apply to the following persons:

8 (1) News media, or their employees or agents, that in the ordinary course of business directly
 9 or indirectly urge legislative action but that engage in no other activities in connection with the
 10 legislative action.

11 (2) Any legislative official acting in an official capacity.

12 (3) Any individual who does not receive compensation or reimbursement of expenses for lobby-
 13 ing, who limits lobbying activities solely to formal appearances to give testimony before public ses-
 14 sions of committees of the Legislative Assembly, or public hearings of state agencies, and who, when
 15 testifying, registers an appearance in the records of the committees or agencies.

16 (4) A person who does not:

17 (a) Agree to provide personal services for money or any other consideration for the purpose of
 18 lobbying;

19 (b) Spend more than an aggregate amount of 24 hours during any calendar quarter lobbying; and

20 (c) Spend an aggregate amount in excess of \$100 lobbying during any calendar quarter.

21 (5) The Governor, chief of staff for the Governor, deputy chief of staff for the Governor, legal
 22 counsel to the Governor, deputy legal counsel to the Governor, Secretary of State, Deputy Secretary
 23 of State appointed pursuant to ORS 177.040, State Treasurer, Deputy State Treasurer appointed
 24 pursuant to ORS 178.060, chief of staff for the office of the State Treasurer, Attorney General,
 25 Deputy Attorney General appointed pursuant to ORS 180.130, [Deputy] Superintendent of Public In-
 26 struction appointed pursuant to ORS [326.300] **326.051**, Commissioner of the Bureau of Labor and
 27 Industries, deputy commissioner of the Bureau of Labor and Industries appointed pursuant to ORS
 28 651.060, members and staff of the Oregon Law Commission who conduct the law revision program
 29 of the commission or any judge.

30 **SECTION 11.** ORS 240.205 is amended to read:

31 240.205. The unclassified service shall comprise:

32 (1) One executive officer and one secretary for each board or commission, the members of which
 33 are elected officers or are appointed by the Governor.

34 (2) The director of each department of state government, each full-time salaried head of a state
 35 agency required by law to be appointed by the Governor and each full-time salaried member of a
 36 board or commission required by law to be appointed by the Governor.

37 (3) The administrator of each division within a department of state government required by law
 38 to be appointed by the director of the department with the approval of the Governor.

39 (4) Principal assistants and deputies and one private secretary for each executive or adminis-
 40 trative officer specified in ORS 240.200 (1) and in subsections (1) to (3) of this section. "Deputy"
 41 means the deputy or deputies to an executive or administrative officer listed in subsections (1) to
 42 (3) of this section who is authorized to exercise that officer's authority upon absence of the officer.
 43 "Principal assistant" means a manager of a major agency organizational component who reports
 44 directly to an executive or administrative officer listed in subsections (1) to (3) of this section or
 45 deputy and who is designated as such by that executive or administrative officer with the approval

1 of the Director of the Oregon Department of Administrative Services.

2 (5) Employees in the Governor's office and the principal assistant and private secretary in the
3 Secretary of State's division.

4 (6) The director, principals, instructors and teachers in the school operated under ORS 346.010.

5 (7) Apprentice trainees only during the prescribed length of their course of training.

6 (8) Licensed physicians and dentists employed in their professional capacities and student
7 nurses, interns, and patient or inmate help in state institutions.

8 (9) Lawyers employed in their professional capacities.

9 (10) All members of the Oregon State Police appointed under ORS 181.250.

10 (11) The [Deputy] Superintendent of Public Instruction appointed under ORS [326.300] **326.051**
11 and associate superintendents in the Department of Education.

12 (12) Temporary seasonal farm laborers engaged in single phases of agricultural production or
13 harvesting.

14 (13) Any individual employed and paid from federal funds received under a federal program in-
15 tended primarily to alleviate unemployment. However, persons employed under this subsection shall
16 be treated as classified employees for purposes of ORS 243.650 to 243.782.

17 (14) Managers, department heads, directors, producers and announcers of the state radio and
18 television network.

19 (15) Employees, including managers, of the foreign trade offices of the Oregon Business Devel-
20 opment Department located outside the country.

21 (16) Any other position designated by law as unclassified.

22 **SECTION 12.** ORS 244.050 is amended to read:

23 244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon
24 Government Ethics Commission a verified statement of economic interest as required under this
25 chapter:

26 (a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the
27 Bureau of Labor and Industries, district attorneys and members of the Legislative Assembly.

28 (b) Any judicial officer, including justices of the peace and municipal judges, except any pro tem
29 judicial officer who does not otherwise serve as a judicial officer.

30 (c) Any candidate for a public office designated in paragraph (a) or (b) of this subsection.

31 (d) The Deputy Attorney General.

32 (e) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the
33 Secretary of the Senate and the Chief Clerk of the House of Representatives.

34 (f) The Chancellor and Vice Chancellors of the Oregon University System and the president and
35 vice presidents, or their administrative equivalents, in each public university listed in ORS 352.002.

36 (g) The following state officers:

37 (A) Adjutant General.

38 (B) Director of Agriculture.

39 (C) Manager of State Accident Insurance Fund Corporation.

40 (D) Water Resources Director.

41 (E) Director of Department of Environmental Quality.

42 (F) Director of Oregon Department of Administrative Services.

43 (G) State Fish and Wildlife Director.

44 (H) State Forester.

45 (I) State Geologist.

- 1 (J) Director of Human Services.
- 2 (K) Director of the Department of Consumer and Business Services.
- 3 (L) Director of the Department of State Lands.
- 4 (M) State Librarian.
- 5 (N) Administrator of Oregon Liquor Control Commission.
- 6 (O) Superintendent of State Police.
- 7 (P) Director of the Public Employees Retirement System.
- 8 (Q) Director of Department of Revenue.
- 9 (R) Director of Transportation.
- 10 (S) Public Utility Commissioner.
- 11 (T) Director of Veterans' Affairs.
- 12 (U) Executive director of Oregon Government Ethics Commission.
- 13 (V) Director of the State Department of Energy.
- 14 (W) Director and each assistant director of the Oregon State Lottery.
- 15 (X) Director of the Department of Corrections.
- 16 (Y) Director of the Oregon Department of Aviation.
- 17 (Z) Executive director of the Oregon Criminal Justice Commission.
- 18 (AA) Director of the Oregon Business Development Department.
- 19 (BB) Director of the Office of Emergency Management.
- 20 (CC) Director of the Employment Department.
- 21 (DD) Chief of staff for the Governor.
- 22 (EE) Administrator of the Office for Oregon Health Policy and Research.
- 23 (FF) Director of the Housing and Community Services Department.
- 24 (GG) State Court Administrator.
- 25 (HH) Director of the Department of Land Conservation and Development.
- 26 (II) Board chairperson of the Land Use Board of Appeals.
- 27 (JJ) State Marine Director.
- 28 (KK) Executive director of the Oregon Racing Commission.
- 29 (LL) State Parks and Recreation Director.
- 30 (MM) Public defense services executive director.
- 31 (NN) Chairperson of the Public Employees' Benefit Board.
- 32 (OO) Director of the Department of Public Safety Standards and Training.
- 33 (PP) Executive director of the Higher Education Coordinating Commission.
- 34 (QQ) Executive director of the Oregon Watershed Enhancement Board.
- 35 (RR) Director of the Oregon Youth Authority.
- 36 (SS) Director of the Oregon Health Authority.
- 37 (TT) [*Deputy*] Superintendent of Public Instruction.
- 38 (h) Any assistant in the Governor's office other than personal secretaries and clerical personnel.
- 39 (i) Every elected city or county official.
- 40 (j) Every member of a city or county planning, zoning or development commission.
- 41 (k) The chief executive officer of a city or county who performs the duties of manager or prin-
- 42 cipal administrator of the city or county.
- 43 (L) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- 44 (m) Every member of a governing body of a metropolitan service district and the executive of-
- 45 ficer thereof.

- 1 (n) Each member of the board of directors of the State Accident Insurance Fund Corporation.
 2 (o) The chief administrative officer and the financial officer of each common and union high
 3 school district, education service district and community college district.
 4 (p) Every member of the following state boards and commissions:
 5 (A) Board of Geologic and Mineral Industries.
 6 (B) Oregon Business Development Commission.
 7 (C) State Board of Education.
 8 (D) Environmental Quality Commission.
 9 (E) Fish and Wildlife Commission of the State of Oregon.
 10 (F) State Board of Forestry.
 11 (G) Oregon Government Ethics Commission.
 12 (H) Oregon Health Policy Board.
 13 (I) State Board of Higher Education.
 14 (J) Oregon Investment Council.
 15 (K) Land Conservation and Development Commission.
 16 (L) Oregon Liquor Control Commission.
 17 (M) Oregon Short Term Fund Board.
 18 (N) State Marine Board.
 19 (O) Mass transit district boards.
 20 (P) Energy Facility Siting Council.
 21 (Q) Board of Commissioners of the Port of Portland.
 22 (R) Employment Relations Board.
 23 (S) Public Employees Retirement Board.
 24 (T) Oregon Racing Commission.
 25 (U) Oregon Transportation Commission.
 26 (V) Water Resources Commission.
 27 (W) Workers' Compensation Board.
 28 (X) Oregon Facilities Authority.
 29 (Y) Oregon State Lottery Commission.
 30 (Z) Pacific Northwest Electric Power and Conservation Planning Council.
 31 (AA) Columbia River Gorge Commission.
 32 (BB) Oregon Health and Science University Board of Directors.
 33 (CC) Capitol Planning Commission.
 34 (DD) Higher Education Coordinating Commission.
 35 (EE) Oregon Growth Board.
 36 (FF) Early Learning Council.
 37 (q) The following officers of the State Treasurer:
 38 (A) Deputy State Treasurer.
 39 (B) Chief of staff for the office of the State Treasurer.
 40 (C) Director of the Investment Division.
 41 (r) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725
 42 or 777.915 to 777.953.
 43 (s) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.
 44 (t) Every member of a governing board of a public university with a governing board listed in
 45 ORS 352.054.

1 (2) By April 15 next after the date an appointment takes effect, every appointed public official
2 on a board or commission listed in subsection (1) of this section shall file with the Oregon Govern-
3 ment Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070
4 and 244.090.

5 (3) By April 15 next after the filing deadline for the primary election, each candidate described
6 in subsection (1) of this section shall file with the commission a statement of economic interest as
7 required under ORS 244.060, 244.070 and 244.090.

8 (4) Within 30 days after the filing deadline for the general election, each candidate described in
9 subsection (1) of this section who was not a candidate in the preceding primary election, or who
10 was nominated for public office described in subsection (1) of this section at the preceding primary
11 election by write-in votes, shall file with the commission a statement of economic interest as re-
12 quired under ORS 244.060, 244.070 and 244.090.

13 (5) Subsections (1) to (4) of this section apply only to persons who are incumbent, elected or
14 appointed public officials as of April 15 and to persons who are candidates on April 15. Subsections
15 (1) to (4) of this section also apply to persons who do not become candidates until 30 days after the
16 filing deadline for the statewide general election.

17 (6) If a statement required to be filed under this section has not been received by the commis-
18 sion within five days after the date the statement is due, the commission shall notify the public of-
19 ficial or candidate and give the public official or candidate not less than 15 days to comply with the
20 requirements of this section. If the public official or candidate fails to comply by the date set by the
21 commission, the commission may impose a civil penalty as provided in ORS 244.350.

22 **SECTION 13.** ORS 430.241 is amended to read:

23 430.241. (1) As used in this section and ORS 430.242:

24 (a) "Local government" means a local government as defined in ORS 174.116 that receives state
25 or federal funding for programs that provide alcohol or drug prevention or treatment services.

26 (b) "Participating state agency" means the Youth Development Division, the Department of
27 Corrections, the Department of Human Services, the Oregon Health Authority, the Department of
28 Education, the Oregon Criminal Justice Commission, the Oregon State Police, the Oregon Youth
29 Authority or any other state agency that is approved by the Alcohol and Drug Policy Commission
30 to license, contract for, provide or coordinate alcohol or drug prevention or treatment services.

31 (c) "Provider" means any person that is licensed by the Oregon Health Authority to provide
32 alcohol or drug prevention or treatment services.

33 (2) There is created the Alcohol and Drug Policy Commission, which is charged with planning,
34 evaluating and coordinating policies for the funding and effective delivery of alcohol and drug pre-
35 vention and treatment services.

36 (3) The membership of the commission consists of:

37 (a) Sixteen members appointed by the Governor, subject to confirmation by the Senate in the
38 manner prescribed in ORS 171.562 and 171.565, including:

39 (A) An elected district attorney;

40 (B) An elected county sheriff;

41 (C) A county commissioner;

42 (D) A representative of an Indian tribe;

43 (E) A provider;

44 (F) A chief of police;

45 (G) An alcohol or drug treatment researcher or epidemiologist;

- 1 (H) A criminal defense attorney;
- 2 (I) A representative of the health insurance industry;
- 3 (J) A representative of hospitals;
- 4 (K) An alcohol or treatment professional who is highly experienced in the treatment of persons
5 with a dual diagnosis of mental illness and substance abuse;
- 6 (L) An alcohol or drug abuse prevention representative;
- 7 (M) A consumer of alcohol or drug treatment who is in recovery;
- 8 (N) A representative of the business community;
- 9 (O) An alcohol or drug prevention representative who specializes in youth; and
- 10 (P) A person with expertise in and experience working with information technology systems used
11 in complex intergovernmental or corporate settings.
- 12 (b) Two members of the Legislative Assembly appointed to the commission as nonvoting mem-
13 bers of the commission, acting in an advisory capacity only and including:
- 14 (A) One member from among members of the Senate appointed by the President of the Senate;
15 and
- 16 (B) One member from among members of the House of Representatives appointed by the Speaker
17 of the House of Representatives.
- 18 (c) The following voting ex officio members:
- 19 (A) The Governor or the Governor's designee;
- 20 (B) The Attorney General;
- 21 (C) The Director of the Oregon Health Authority;
- 22 (D) The Director of the Department of Corrections;
- 23 (E) The [*Deputy*] Superintendent of Public Instruction or the [*deputy*] superintendent's designee;
- 24 (F) The Director of Human Services;
- 25 (G) The Director of the Oregon Youth Authority;
- 26 (H) The Youth Development Director; and
- 27 (I) The administrator of the Oregon Liquor Control Commission.
- 28 (d) A judge of a circuit court appointed to the commission as a nonvoting member by the Chief
29 Justice of the Supreme Court.
- 30 (4) The Alcohol and Drug Policy Commission shall select one of its members as chairperson and
31 another as vice chairperson, for such terms and with duties and powers necessary for the perform-
32 ance of the functions of such offices as the commission determines.
- 33 (5) A majority of the voting members of the commission constitutes a quorum for the transaction
34 of business.
- 35 (6) Official action of the commission requires the approval of a majority of a quorum.
- 36 (7) The commission may establish a steering committee and subcommittees. These committees
37 may be continuing or temporary.
- 38 (8) The term of office of each commission member appointed by the Governor is four years, but
39 a member serves at the pleasure of the Governor. If there is a vacancy for any cause, the Governor
40 shall make an appointment to become immediately effective.
- 41 (9) The Oregon Health Authority shall provide staff support to the commission. Subject to
42 available funding, the commission may contract with a public or private entity to provide staff sup-
43 port.
- 44 (10) Members of the commission who are not members of the Legislative Assembly are entitled
45 to compensation and expenses incurred by them in the performance of their official duties in the

1 manner and amounts provided for in ORS 292.495. Claims for compensation and expenses shall be
2 paid out of funds appropriated to the Oregon Health Authority or funds appropriated to the com-
3 mission for purposes of the commission.

4 (11) The commission shall establish a budget advisory committee composed of the individuals
5 listed in subsection (3)(a)(C), (c)(B) to (I) and (d) of this section. The individual described in sub-
6 section (3)(d) of this section is a nonvoting member of the committee. The committee shall recom-
7 mend budget policy priorities to the commission:

8 (a) Regarding the allocation of funding for alcohol and drug prevention and treatment services
9 across state agencies and throughout this state;

10 (b) That identify additional funding from federal and private sources for alcohol and drug pre-
11 vention and treatment services; and

12 (c) For authorizing a suspension of the payment of state funds, or funds administered by this
13 state, to programs that do not comply with the commission's rules or the budget priority policy or
14 that do not provide effective prevention or treatment services.

15 (12)(a) The Governor shall appoint a Director of the Alcohol and Drug Policy Commission who
16 shall serve at the pleasure of the Governor and be responsible for the dissemination and implemen-
17 tation of the commission's policies and the performance of the duties, functions and powers of the
18 commission that are delegated to the director by the commission.

19 (b) The director shall be paid a salary as provided by law or, if not so provided, as prescribed
20 by the Governor.

21 **SECTION 14.** ORS 458.558 is amended to read:

22 458.558. (1) The members of the Oregon Volunteers Commission for Voluntary Action and Ser-
23 vice must be citizens of this state who have a proven commitment to community service and who
24 have a demonstrated interest in fostering and nurturing citizen involvement as a strategy for
25 strengthening communities and promoting the ethic of service in all sectors of this state.

26 (2) The Governor shall appoint as members of the commission at least one of each of the fol-
27 lowing:

28 (a) An individual with experience in educational, training and development needs of youth, par-
29 ticularly disadvantaged youth.

30 (b) An individual with experience in promoting involvement of older adults in service and
31 volunteerism.

32 (c) A representative of community-based agencies or organizations within this state.

33 (d) The [Deputy] Superintendent of Public Instruction or designee.

34 (e) A representative of local governments in this state.

35 (f) A representative of local labor unions in this state.

36 (g) A representative of business.

37 (h) A person at least 16, but not more than 25, years of age who is a participant or supervisor
38 in a national service program.

39 (i) A representative of a national service program described in 42 U.S.C. 12572(a).

40 (3) In addition to appointing members under subsection (2) of this section, the Governor may
41 appoint as members individuals from the following groups:

42 (a) Educators.

43 (b) Experts in the delivery of human, educational, environmental or public safety services to
44 communities and individuals.

45 (c) Members of Native American tribes.

1 (d) At-risk youths who are out of school.

2 (e) Entities that receive assistance under the Domestic Volunteer Service Act of 1973 (42 U.S.C.
3 4950 et seq.).

4 (f) A director or representative of a CASA Volunteer Program.

5 (g) A court appointed special advocate.

6 (4) In making appointments of members described in subsections (2) and (3) of this section, the
7 Governor shall ensure that:

8 (a) No more than 50 percent of the appointed members are from the same political party; and

9 (b) No more than 25 percent of the appointed members are state employees.

10 **SECTION 15. ORS 326.300 is repealed.**

11
12 **OVERSIGHT OF COMMUNITY COLLEGES AND**
13 **HIGHER EDUCATION**
14

15 **SECTION 16.** ORS 326.011 is amended to read:

16 326.011. In establishing policy for the administration and operation of the public elementary and
17 secondary schools [*in the State of Oregon*], **community colleges and public universities listed in**
18 **ORS 352.002** and in carrying out its duties as prescribed by law, the State Board of Education shall
19 consider the goals of modern education, the requirements of a sound, comprehensive curriculum best
20 suited to the needs of the students and the public and any other factors consistent with the main-
21 tenance of a modern and efficient elementary and secondary school system, **community college**
22 **program and university system.**

23 **SECTION 17.** ORS 326.051, as amended by section 7 of this 2015 Act, is amended to read:

24 326.051. Subject to ORS 417.300 and 417.305:

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

27 (a) Appoint the Superintendent of Public Instruction.

28 (b) Establish policies that allow for a seamless educational system transition between public
29 kindergarten, [*and*] public elementary and secondary schools, **community colleges and public**
30 **universities listed in ORS 352.002.**

31 (c) Establish state standards for public kindergartens and public elementary and secondary
32 schools consistent with the policies stated in ORS 326.011.

33 (d) Adopt rules for the general governance of public kindergartens, [*and*] public elementary and
34 secondary schools, **community colleges and public universities listed in ORS 352.002.**

35 (e) Prescribe required or minimum courses of study.

36 (f) Adopt rules regarding school and interscholastic activities.

37 (g) Adopt rules that provide that a public elementary or secondary school may not engage in
38 an act of discrimination in determining participation in interscholastic activities. As used in this
39 paragraph, "discrimination" has the meaning given that term in ORS 659.850.

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

42 (2) The State Board of Education may:

43 (a) Consistent with the laws of this state:

44 (A) Accept money or property not otherwise provided for under subparagraph (B) of this para-
45 graph that is donated for the use or benefit of the public kindergartens, [*and*] public elementary and

1 secondary schools, **community colleges and public universities listed in ORS 352.002**; and

2 (B) Use such money or property for the purpose for which the money or property was donated
 3 and deposit any money received in a special fund with the State Treasurer, as provided in ORS
 4 293.265 to 293.275, until the money is used.

5 (b) Apply for federal funds and accept and enter into any contracts or agreements on behalf of
 6 the state for the receipt of such funds from the federal government or its agencies for:

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

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

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

15 (c) Adopt rules to administer the United States Department of Agriculture’s National School
 16 Lunch Program and School Breakfast Program for public and private prekindergarten through grade
 17 12 schools and residential child care facilities.

18 **SECTION 18. The amendments to ORS 326.011 and 326.051 by sections 16 and 17 of this**
 19 **2015 Act become operative on April 1, 2018.**

20 **SECTION 19. (1) The State Board of Education shall convene a work group to prepare**
 21 **reports in 2017 and 2018 that identify the legislative changes necessary to provide for a**
 22 **seamless educational system transition between public kindergartens, public elementary and**
 23 **secondary schools, community colleges and public universities listed in ORS 352.002.**

24 **(2) For the purpose of preparing the reports described in subsection (1) of this section,**
 25 **the work group shall consider:**

26 **(a) The status of the Higher Education Coordinating Commission, including whether to:**

27 **(A) Abolish the commission; or**

28 **(B) Retain the commission but transfer some of the functions of the commission to the**
 29 **board or the Department of Education; and**

30 **(b) Determine whether to terminate or transfer any functions of an entity that oversees**
 31 **any aspect of the public education system that includes early childhood services, public ele-**
 32 **mentary and secondary schools, community colleges or public universities listed in ORS**
 33 **352.002 after that entity has been abolished.**

34 **(3) The board shall file the reports with recommended legislative changes to the interim**
 35 **legislative committees on education no later than September 15, 2017, and September 15,**
 36 **2018.**

37
 38 **MISCELLANEOUS**
 39

40 **SECTION 20. The unit captions used in this 2015 Act are provided only for the conven-**
 41 **ience of the reader and do not become part of the statutory law of this state or express any**
 42 **legislative intent in the enactment of this 2015 Act.**

43 **SECTION 21. This 2015 Act does not take effect unless the amendment to the Oregon**
 44 **Constitution proposed by Senate Joint Resolution 7 (2015) is approved by the people at the**
 45 **next regular general election held throughout this state.**

1 **SECTION 22. This 2015 Act takes effect July 1, 2017.**

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