

# House Bill 2369

Sponsored by Representative HUDSON; Representative SALINAS (Pre-session 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**.

Directs Department of Education to develop statewide mental and behavioral health care plan for students. Sunsets December 31, 2026.

Directs recipients of grants from Fund for Student Success to provide trauma-informed mental health care when meeting students' mental and behavioral health needs.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to student mental health; creating new provisions; amending ORS 327.180, 327.185 and  
3 329.095; and declaring an emergency.

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

5 **SECTION 1. (1) The Department of Education shall develop a statewide mental and be-**  
6 **havioral health care plan for students.**

7 **(2) The plan developed under this section shall provide for the coordination of mental and**  
8 **behavioral health care services to the children of this state through the schools of this state.**

9 **The plan must address:**

10 **(a) The scarcity of mental and behavioral health care providers who serve students, both**  
11 **in rural and urban areas;**

12 **(b) The difficulty of retaining mental and behavioral health care providers who can pro-**  
13 **vide culturally relevant and linguistically appropriate services for students;**

14 **(c) Methods for integrating the provision of mental and behavioral health care services**  
15 **to students into existing health plan networks, coordinated care organizations and other**  
16 **school-based efforts aimed at improving mental and behavioral health resources; and**

17 **(d) Ongoing efforts by the department to:**

18 **(A) Encourage education providers to form partnerships with federal, state and commu-**  
19 **nity entities for the provision of mental and behavioral health care services to students; and**

20 **(B) Ensure that all public schools, public charter schools and private schools have de-**  
21 **veloped trauma-informed mental health care plans no later than July 1, 2026.**

22 **(3) The department shall coordinate with the Oregon Health Authority for the purpose**  
23 **of developing the plan described in this section.**

24 **(4) The department shall report on the progress of the development of the plan, and make**  
25 **any recommendations for legislation, to an interim committee of the Legislative Assembly**  
26 **related to education on an annual basis.**

27 **SECTION 2. Section 1 of this 2021 Act is repealed on December 31, 2026.**

28 **SECTION 3. ORS 327.180 is amended to read:**

29 327.180. (1) In addition to those moneys distributed through the State School Fund, the Depart-  
30 ment of Education shall award grants from the Student Investment Account. Grants shall be dis-

**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 tributed as provided under ORS 327.195.

2 (2) The purposes of grants distributed under ORS 327.195 shall be to:

3 (a) Meet students' mental or behavioral health needs, **including the provision of trauma-**  
 4 **informed mental health care;** and

5 (b) Increase academic achievement for students, including reducing academic disparities for:

6 (A) Economically disadvantaged students, as determined based on eligibility for free or reduced  
 7 price lunches under the United States Department of Agriculture's current Income Eligibility  
 8 Guidelines;

9 (B) Students from racial or ethnic groups that have historically experienced academic dispari-  
 10 ties, as determined under rules adopted by the State Board of Education;

11 (C) Students with disabilities;

12 (D) Students who are English language learners;

13 (E) Students who are foster children, as defined in ORS 30.297;

14 (F) Students who are homeless, as determined under rules adopted by the State Board of Edu-  
 15 cation; and

16 (G) Any other student groups that have historically experienced academic disparities, as deter-  
 17 mined by the State Board of Education by rule.

18 (3) Grant moneys received under ORS 327.195 may be used by a grant recipient only for:

19 (a) Increasing instructional time, which may include:

20 (A) More hours or days of instructional time;

21 (B) Summer programs;

22 (C) Before-school or after-school programs; or

23 (D) Technological investments that minimize class time used for assessments administered to  
 24 students.

25 (b) Addressing students' health or safety needs, which may include:

26 (A) Social-emotional learning and development;

27 (B) Student mental and behavioral health;

28 (C) Improvements to teaching and learning practices or organizational structures that lead to  
 29 better interpersonal relationships at the school;

30 (D) Student health and wellness;

31 (E) Trauma-informed practices;

32 (F) School health professionals and assistants; or

33 (G) Facility improvements directly related to improving student health or safety.

34 (c) Reducing class sizes, which may include increasing the use of instructional assistants, by  
 35 using evidence-based criteria to ensure appropriate student-teacher ratios or staff caseloads.

36 (d) Expanding availability of and student participation in well-rounded learning experiences,  
 37 which may include:

38 (A) Developmentally appropriate and culturally responsive early literacy practices and programs  
 39 in prekindergarten through third grade;

40 (B) Culturally responsive practices and programs in grades six through eight, including learning,  
 41 counseling and student support that is connected to colleges and careers;

42 (C) Broadened curricular options at all grade levels, including access to:

43 (i) Art, music and physical education classes;

44 (ii) Science, technology, engineering and mathematics education;

45 (iii) Career and technical education, including career and technical student organization pro-

1 grams;

2 (iv) Electives that are engaging to students;

3 (v) Accelerated college credit programs, including dual credit programs, International  
4 Baccalaureate programs and advanced placement programs;

5 (vi) Dropout prevention programs and transition supports;

6 (vii) Life skills classes; or

7 (viii) Talented and gifted programs; or

8 (D) Access to licensed educators with a library media endorsement.

9 **SECTION 4.** ORS 327.185 is amended to read:

10 327.185. (1) As used in this section, “eligible applicant” means:

11 (a) Common school districts and union high school districts; and

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

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

16 (i) Economically disadvantaged, as described in ORS 327.180 (2)(b)(A);

17 (ii) Racial or ethnic groups that have historically experienced academic disparities, as described  
18 in ORS 327.180 (2)(b)(B); or

19 (iii) Students with disabilities, as described in ORS 327.180 (2)(b)(C); and

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

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

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

27 (iii) The percentage of all students in the school district who are disabled, if eligibility is de-  
28 termined based on the percentage of students who are disabled.

29 (2)(a) Eligible applicants may apply for a grant from the Student Investment Account to receive  
30 a distribution under ORS 327.190.

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

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

34 (a) If the eligible applicant is a school district, determine whether the school district will allow  
35 public charter schools sponsored by the school district to participate in the grant application and  
36 the grant agreement.

37 (b) If the eligible applicant is a public charter school, determine whether the public charter  
38 school intends to apply for a grant and provide notice of that intent to the school district that is  
39 the sponsor of the public charter school and to the Department of Education.

40 (4)(a) If an eligible applicant is a school district and decides to include public charter schools  
41 in the grant application and grant agreement, the school district must provide all public charter  
42 schools sponsored by the school district the opportunity to participate in the grant application and  
43 grant agreement.

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

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

3 (i) The ADMw of the public charter school may not be used in the calculation of the school  
4 district ADMw for grants distributed under ORS 327.195; and

5 (ii) The public charter school is not entitled to any grant moneys distributed under ORS 327.195.

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

8 (i) The public charter school and school district shall enter into an agreement for the distrib-  
9 ution of moneys or the provision of services, including any accountability measures required of the  
10 public charter school by the school district;

11 (ii) The ADMw of the public charter school shall be used in the calculation of the school district  
12 ADMw for grants distributed under ORS 327.195; and

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

15 (5)(a) For the purpose of preparing a grant application, an eligible applicant must determine:

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

18 (B) Which of the eligible uses identified under subparagraph (A) of this paragraph the eligible  
19 applicant will designate to meeting student mental and behavioral health needs, **including the**  
20 **provision of trauma-informed mental health care.**

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

23 (A) Engaging in strategic planning; and

24 (B) Considering the recommendations of the Quality Education Commission established under  
25 ORS 327.500.

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

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

28 (B) An analysis of the potential academic impact, both for the students of the eligible applicant  
29 and for student groups identified in ORS 327.180 (2)(b), from the allowed uses that would be funded  
30 by grant moneys; and

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

32 (b) The strategic planning required under subsection (5) of this section must take into consid-  
33 eration:

34 (A) Input from the community of the eligible applicant, including school employees, students  
35 from student groups identified in ORS 327.180 (2)(b) and parents of those students; and

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

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

41 (a) Identify which allowed uses identified in ORS 327.180 (3) will be funded with grant moneys  
42 and which of those uses will be designated to meet student mental and behavioral health needs,  
43 **including the provision of trauma-informed mental health care.**

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

1 (A) Meet students' mental and behavioral health needs, **including the provision of trauma-**  
 2 **informed mental health care;**

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

4 (C) Reduce academic disparities for student groups identified in ORS 327.180 (2)(b) who are  
 5 served by the eligible applicant, and identify which of those student groups will benefit from the  
 6 allowed uses that are being funded with grant moneys.

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

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

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

11 (B) Oral presentation of the plan by an administrator of the eligible applicant to the governing  
 12 body of the eligible applicant; and

13 (C) Opportunity for the public to comment on the plan at an open meeting.

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

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

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

20 (b) The plan developed under subsection (7) of this section; and

21 (c) Budget estimates for each of the allowed uses identified in the plan developed under sub-  
 22 section (7) of this section that will be funded by grant moneys.

23 **SECTION 5.** ORS 329.095 is amended to read:

24 329.095. (1)(a) The Department of Education shall require school districts and schools to conduct  
 25 self-evaluations and to periodically update their local district continuous improvement plans. Except  
 26 as provided by paragraph (b)(C) of this subsection, the department may not require school districts  
 27 or schools to conduct self-evaluations or to update their local district continuous improvement plans  
 28 more frequently than biennially.

29 (b) The department may require a school district to:

30 (A) File, periodically, or at the department's request, its local district continuous improvement  
 31 plan with the department;

32 (B) Notify the department of any substantial changes, as defined by rule of the State Board of  
 33 Education, to the school district; or

34 (C) Update its local district continuous improvement plan when there has been a substantial  
 35 change, as defined by rule of the board, to the school district.

36 (c) The self-evaluation process conducted as provided by this subsection shall involve the public  
 37 in the setting of local goals. The school districts shall ensure that representatives from the demo-  
 38 graphic groups of their school population are invited to participate in the development of local dis-  
 39 trict continuous improvement plans to achieve the goals.

40 (2) As part of setting local goals, school districts shall undertake a communications process that  
 41 involves parents, students, teachers, school employees and community representatives to explain and  
 42 discuss the local goals and their relationship to programs under this chapter.

43 (3) At the request of the school district, department staff shall provide ongoing technical as-  
 44 sistance in the development and implementation of the local district continuous improvement plan.

45 (4) The local district continuous improvement plan shall include:

- 1 (a) Goals to implement the following:
- 2 (A) A rigorous curriculum aligned with state standards;
- 3 (B) High-quality instructional programs;
- 4 (C) Short-term and long-term professional development plans;
- 5 (D) Programs and policies that achieve a safe educational environment;
- 6 (E) A plan for family and community engagement;
- 7 (F) Staff leadership development;
- 8 (G) High-quality data systems;
- 9 (H) Improvement planning that is data-driven;
- 10 (I) Education service plans for students who have or have not exceeded all of the academic
- 11 content standards; and
- 12 (J) A strong school library program;
- 13 (b) A review of demographics, student performance, staff characteristics and student access to,
- 14 and use of, educational opportunities;
- 15 (c) A description of district efforts to achieve local efficiencies and efforts to make better use
- 16 of resources; and
- 17 (d) A needs assessment, which shall:
- 18 (A) Be conducted in a manner that is inclusive of school employees, students from student
- 19 groups identified in ORS 327.180 (2)(b) and parents of those students.
- 20 (B) Address the following priorities:
- 21 (i) Reducing academic disparities for students from student groups identified in ORS 327.180
- 22 (2)(b);
- 23 (ii) Meeting students' mental or behavioral health needs, **including providing trauma-informed**
- 24 **mental health care**;
- 25 (iii) Providing equitable access to academic courses across the school district or public charter
- 26 school, with specific emphasis on access by students from student groups identified in ORS 327.180
- 27 (2)(b);
- 28 (iv) Allowing teachers and staff to have sufficient time to:
- 29 (I) Collaborate with other teachers and staff;
- 30 (II) Review data on students' grades, absences and discipline, based on school and on grade level
- 31 or course; and
- 32 (III) Develop strategies to ensure that at-risk students stay on track to graduate; and
- 33 (v) Possible partnerships with other organizations, federally recognized Indian tribes, school
- 34 districts, education service districts, regional achievement collaboratives, post-secondary institutions
- 35 of education, education partners or nonprofit programs and community-based programs that have
- 36 demonstrated achievement of positive outcomes in work with students from student groups identified
- 37 in ORS 327.180 (2)(b).

38 **SECTION 6. This 2021 Act being necessary for the immediate preservation of the public**  
39 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**  
40 **on its passage.**

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