

2015 OSBA/COSA

LEGISLATIVE REPORT



COSA

CONFEDERATION
OF OREGON SCHOOL
ADMINISTRATORS



September 2015

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This *2015 OSBA/COSA Legislative Report* describes the bills enacted by the 2015 Oregon Legislative Assembly that affect public schools. It was prepared jointly by the Oregon School Boards Association and the Confederation of Oregon School Administrators, whose continuing collaboration ensures that the interests of board members and school administrators are at the forefront when state laws affecting public education are enacted.

Oregon public schools are represented full-time in Salem by Chuck Bennett from COSA and Jim Green, Lori Sattenspiel and Morgan Allen from OSBA.

We thank all those from school districts, education service districts, charter schools and community colleges around the state who work with our Salem team to represent the interests of Oregon public school students. Our special thanks go to the school district, ESD, charter school and community college board members and administrators who contacted their legislators in person and by letter, phone, fax, email and text message. Their response to our calls to action and their effective delivery of messages from home kept the pressure on at the Capitol and made success possible for OSBA and COSA on several important issues.

We look forward to a successful session in 2016.



CONFEDERATION
OF OREGON SCHOOL
ADMINISTRATORS

Sincerely,

Handwritten signature of Betsy Miller-Jones.

Betsy Miller-Jones
Executive Director
Oregon School Boards Association

Handwritten signature of Craig Hawkins.

Craig Hawkins
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OREGON 2015 LEGISLATIVE SUMMARY

The opening month of the state Legislature’s 2015 session saw an unprecedented series of events unfold. The session opened after John Kitzhaber was sworn in for his historic fourth term as governor. A month after his term began, he resigned amid an influence-peddling scandal, and Secretary of State Kate Brown was sworn in as governor. For all practical matters, the Legislature’s work was delayed until mid-March because of the controversy.

Despite the rocky start, the session built up steam quickly and saw a wide range of bills passed dealing with K-12 education and the overall P-20 system. This report details all the bills that touched on K-12 and is designed to help school boards and administrators plan for resulting changes.

A session milestone was a \$500 million increase in the State School Fund, from the governor’s recommended budget proposal of \$6.9 billion to a two-year figure of \$7.4 billion. At the same time, the Legislature took significant steps toward improving local school facilities. Lawmakers approved a huge increase in the seismic grant program, bringing it to \$175 million, and approved a state bond sale designed to provide \$125 million in matching funds for local capital projects.

The Legislature also took on a range of K-12 policy issues, including the sunset of the Oregon Education Investment Board (OEIB). Lawmakers also eliminated a substantial number of OEIB’s proposed “strategic

investments” by moving most of the funding into the State School Fund. Lawmakers also nearly doubled the High Cost Disability grant program, which is now expected to cover about 80 percent of districts’ costs.

The Legislature made a substantial investment in early learning programs and in higher education, including tuition assistance for certain students at community colleges. Lawmakers also streamlined interdistrict transfer policies, making the process easier for both parents and districts. Nearly \$17 million was targeted at improving outcomes for English Language Learners (ELL), African-American and Native American students.

Legislators continued their commitment to improving district and regional STEM (Science, Technology, Engineering and Mathematics) and CTE (Career Technical Education) programs with a \$35 million investment in those areas.

The Legislature also created a range of interim work groups and task forces covering a range of topics including: ELL services and outcomes; an African-American student plan; the role of a statewide summative assessment; identifying and tracking local spending on ELL programs and services; school nursing services; class sizes; and community college placement exams.

Those are just the highlights – the complete details can be found throughout this Legislative Report.

TASK FORCES OR WORK GROUPS CREATED BY THE 2015 LEGISLATIVE ASSEMBLY

The following is a list of task forces or work groups created during the 2015 Legislative Session. Some were created by statute, and where that occurred those bills are referenced. Some are informal task forces or work groups. Several of these groups will be making recommendations for future legislation that will affect public education in Oregon.

- **Poverty Weighting/Expenditures (HB 2968)**
A task force to review the role of the State School Fund (SSF) formula poverty weight and where districts spend funds on helping students in poverty.
- **Class Size (HB 2928)**
A task force to review current class sizes in Oregon along with methods for reducing class size.
- **ELL Expenditure Data Advisory (HB 3499)**
A task force to develop a uniform method of accounting for and reporting on expenditures related to English Language Learner (ELL) programs.
- **ELL Program Work (HB 3499)**
A task force to implement the programmatic provisions of HB 3499, creating a focus and priority-type model for ELL programs and a series of progressive interventions.
- **Accelerated Learning (SB 418)**
A task force to review accelerated learning and dual-credit programs as well as ways to encourage districts/colleges to offer more of the same and encourage students to participate in such programs.
- **Summative Assessments (HB 2680)**
A work group to review the role of SBA/Summative assessments, the effectiveness, current results and necessary adjustments going forward.
- **Community College Placement (HB 2681)**
A task force to review appropriate placement at community colleges for entering students with college credit or based on Smarter Balanced Assessment (SBA) results.
- **School Nursing (SB 698)**
A task force to examine the role of school nursing and develop recommendations for appropriate staffing levels and alternative funding sources.
- **Advisory Group on African-American Education – ODE/ Speaker – Formal (HB 2016)**
A task force to develop an African-American student plan at the Oregon Department of Education (ODE), an accompanying grant program and implementation recommendations.
- **Initial Teaching License (SB 83)**
Teacher Standards and Practices Commission (TSPC) task force to review and recommend changes to the requirements for education for an initial teaching license.
- **School Facilities Advisory Group (SB 447)**
Annual advisory group to review implementation of SB 447 and Article XI-P bonding for K-12 capital construction.
- **Adrenal Insufficiency – ODE – Formal (SB 875)**
Advisory group at ODE to develop and recommend rules for administration of medication for adrenal insufficiency.
- **YouthPass/Pupil Transportation Reimbursement**
Arising out of the Portland Public Schools (PPS) and Lane County request for state funding of student YouthPass programs; Rep. Caddy McKeown has agreed to convene a work group during the interim to further the conversation and possibly develop legislation for permanent funding of student YouthPass programs.
- **IEP Evaluation Timelines**
There is legislative interest in moving from a “school day” timeline to a “calendar day” timeline for Individualized Education Program (IEP) evaluations. Legislation was held at bay in favor of Sen. Sara Gelser (D-Corvallis) convening a work group to create consensus legislation.
- **OEIB**
Following approval of SB 215, eliminating the Oregon Education Investment Board (OEIB) and moderately redefining the role of the chief education officer, Sen. Arne Roblan (D-Coos Bay) continues to convene an OEIB reform work group. It is open to any and all participants.
- **5th-Year Seniors: Quasi-Formal**
SB 898 placed a one-year moratorium on the creation of new so-called “fifth-year senior” programs. The legislation does not specifically call for a task force to review these programs, but the main proponents and opponents agreed to include this as part of the interim work plan for the Senate Education Committee. The committee will likely involve stakeholders and districts in the conversation.
- **Charter School Funding**
In the waning days of the session there was renewed interest in SB 819, a bill to increase the reimbursement rate to charter schools. Instead, OSBA and other education associations agreed to convene an interim work group to discuss the issue of charter school funding and explore the possibility of consensus legislation.

BILLS PASSED BY THE 2015 LEGISLATIVE ASSEMBLY

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Senate Bill (SB) 129 (Chapter 757), effective July 21, 2015, creates new provisions and amends ORS 285C.600, 285C.615 and 285C.635 and section 6, chapter 905, Oregon Laws 2007; repeals ORS 285C.639.

In 2007 the Legislature created the Shared Services Fund, more commonly known as the “Gain Share” program. This mechanism provides state funds to counties participating in eligible Strategic Investment Programs to make up for lost local property tax receipts. While several counties have received money, most has gone to Washington County. In turn, the Washington County Board of Commissioners has passed some of these funds to school districts located within the county.

The law creates an annual “cap” of \$16 million per county and extends the sunset of the program from 2019 to 2024. The net impact for the 2015-17 biennium is projected to reduce payments to Washington County by \$53 million; this frees up these funds for the Legislature to spend on other programs. In turn, this will likely impact funds shared with county school districts.

SB 135 (Chapter 282), effective July 1, 2015, amends ORS 327.023 and 343.961, eliminating the requirement that the Oregon Department of Education (ODE) send the funds to the school district in which the Long Term Care and Treatment (LTCT) program is located and allows for direct payment to the school district or education service district providing the education services. The law makes the funding stream for LTCT grant-in-aid from ODE to the holder of the education service contract.

SB 439 (Chapter 782), effective July 27, 2015, has new provisions creating an Outdoor Education

Account in the State Treasury for the purpose of funding “a six-day, residential, hands-on education experience, or an equivalent outdoor educational experience” for fifth- and sixth-grade students across the state. If the account receives funds, the Oregon State University Extension Service is charged with distributing grants to fund eligible programs.

SB 501 (Chapter 840), effective Aug. 12, 2015, creates new provisions and amends various sections of statute bringing them into agreement with the 2015-17 legislatively adopted budget and modifying provisions related to the use of state funds. This is generally called the “Program Change Bill” and covers a broad number of program areas within the state budget.

In the education policy area, the law authorizes the use of excess Education Stability Fund earnings for Oregon Opportunity Grants; repeals outdated language requiring that 40 percent of the increase in state General Fund revenue be directed to the State School Fund, which is directly appropriated in SB 5507; and transfers \$154 million of various fund balances to the General Fund for general government purposes, including the State School Fund.

The law also changes the Farm-to-School grant program by allowing distribution of grant funds as both competitive and noncompetitive grants. The size of grants awarded noncompetitively will be based on the number of lunches serviced by the school district the previous school year under the U.S. Department of Agriculture’s National School Lunch Program.

SB 667 (Chapter 299), effective June 8, 2015, extends the sunset related to grants distributed to small school districts with one or more small high schools, and requires the Oregon

Department of Education to continue to transfer \$2.5 million from the State School Fund each fiscal year until July 1, 2020.

SB 800 (Chapter 797), effective July 27, 2015, has new provisions creating the 10-member Task Force on Reserve Funds. The task force is to review provisions governing the Education Stability Fund and the Oregon Rainy Day Fund, as well as the performance and adequacy of the funds. It is also charged with recommending changes to enhance the funds’ effectiveness and performance. The task force is made up of leadership-appointed members of the House and Senate and is to report its findings to the Legislative Assembly by Sept. 16, 2016. Currently there are \$178.6 million in the Education Stability Fund and \$211.9 million in the Rainy Day Fund.

SB 898 (Chapter 803), effective July 27, 2015, creates new provisions relating to “fifth-year high school” programs. These are programs in which students have met the requirements for graduation, but who stay enrolled in high school while attending a post-secondary institution; the school district receives funds through the State School Fund. The law suspends adding any further districts to those that already have existing “fifth-year programs” and are receiving State School Fund resources for the 2015-16 school year.

The law allows school districts to still receive State School Funds for students who have not been in grades 9-12 for more than four years, or have been in grades 9-12 for more than a total of four years under certain conditions: if a student has not satisfied the diploma requirements; is satisfying the requirements for a

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modified or extended diploma; or has satisfied the requirements for a modified diploma or extended diploma, but not for a high school diploma. This law is repealed after the 2015-16 school year.

A review of these types of programs is expected, giving the Legislature the opportunity to address the issue during the 2016 session. Sen. Sara Gelser (D-Corvallis) has convened a work group to study changes to the existing law, and it is expected to report recommendations to the Interim Senate Education Committee.

SB 5507 (Chapter 837), effective Aug. 12, 2015, appropriates state resources to a wide variety of programs and state agencies, and is generally referred to as “The Christmas Tree Bill.” This law is the budget reconciliation bill passed toward the end of each legislative session. For the education portion of the 2015-17 biennial budget, the law allocates funds to the following programs:

- Adds \$118 million combined General Fund and Lottery funds to the State School Fund.
- Adds \$9.5 million for other education priorities, including academic counselors at community colleges, advanced wood products manufacturing, the Farm-to-School program and relief nurseries.
- Adds \$175 million for school seismic upgrade grants from state bond sales and another \$125 million to assist school districts with their capital costs of facilities.
- Adds \$500,000 for the new leadership program designed to recruit and train “district turnaround leaders” to assist school districts in increasing their overall achievement measures. This

addition brought the total allocation for this program to \$2 million.

The law also requires the Oregon Department of Education (ODE) to survey school districts on the financial effects of the new instruction hour minimums adopted by the State Board of Education. ODE is to report these findings to the Joint Ways and Means Committee by Feb. 1, 2016.

SB 5509 (Chapter 406), effective July 1, 2015, appropriates resources to the Employment Relations Board (ERB) for the 2015-17 biennium.

SB 5538 (Chapter 602), effective July 1, 2015, appropriates resources to the Teacher Standards and Practices Commission (TSPC) for the 2015-17 biennium. The TSPC is entirely supported by other funds from licensing and fees paid by regulated educational professionals.

House Bill (HB) 2131 (Chapter 53), effective May 12, 2015, creates new provisions and amends ORS 287A.001 and 287A.140, making ad valorem property taxes a security pledge for bonded indebtedness, which means that the property tax levy could be subject to a lien.

HB 2148 (Chapter 65), effective Oct. 5, 2015, amends ORS 307.181 to exempt permanent improvements located on federal land held in trust for federally recognized Indian tribes or tribe members from state and local property taxes, fees, charges and assessments. The law clarifies that permanent improvements are exempt only from state and local fees, charges and assessments “related to property taxation.”

HB 2171 (Chapter 701), effective Oct. 5, 2015, extends the sunset for certain income and excise tax credits in the Oregon Tax Code.

The law also requires the Legislative Revenue Officer, in consultation with the Department of Revenue and other relevant state agencies, to prepare an analysis of options for restructuring Oregon’s state and local revenue system. The law requires that the analysis include:

- Alternatives for restructuring the property tax system.
- Alternative methods of taxing consumption in the state.
- Alternative methods for taxing business in the state, including taxes based on net income, and commercial activity and value added taxes.
- Alternatives for restructuring the personal income tax.

The law also requires the analysis for each option, or combination of options, to include the estimated impact on:

- Oregon’s economy,
- State and local tax revenue,
- Distribution of the state and local tax burden, and
- Stability of the state and local revenue system.

The Legislative Revenue Officer is required to give a progress report to the interim committees on revenue related to the analysis no later than Dec. 1, 2015.

HB 2405 (Chapter 68), effective May 14, 2015, amends ORS 327.008, allowing the Oregon Department of Education to accept gifts, grants, donations or other monies from public or private sources for the State School Fund.

HB 2490 (Chapter 33), effective April 16, 2015, amends ORS 294.810 to change the end date to Aug. 31 from

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Sept. 9 for the purpose of calculating the consumer price index (CPI) that adjusts the amount invested in the local government pool.

HB 2635 (Chapter 41), effective Oct. 5, 2015, creates new provisions and amends ORS 280.075, adding a requirement that a ballot title for a local option tax measure with an estimated tax impact must include the following statement, “The **estimated** tax cost for this measure is an ESTIMATE ONLY based on the best information available from the county assessor at the time of estimate *and may reflect the impact of early payment discounts, compression and the collection rate.*” The intent of the law is to help voters understand that a school district local option levy, for example, may collect less funds due to a variety of factors that may change over time.

HB 2927 (Chapter 555), effective July 1, 2015, creates new provisions and amends ORS 327.008, increasing the High Cost Disabilities (HCD) Grant from \$18 million to \$35 million per school year. The higher HCD grant under the bill is expected to increase the reimbursement rate to about 80 percent of district costs. Under the current funding level, districts were receiving about 40 percent of their expenses.

HB 3497 (Chapter 437), effective July 1, 2015, creates new provisions and amends ORS 327.019, increasing the general services grant from the State School Fund (SSF) to the five “Frontier ESDs” (North Central, Grant, Harney, Lake and Region 18-Wallowa) from \$1 million to \$1,165,000 beginning with the 2015-16 school year. The law also specifies that the minimum general services grant to these ESDs should mirror the growth, or reduction, of overall ESD revenue in the SSF in future years.

HB 5005 (Chapter 685), effective July 15, 2015, creates new provisions and amends sections 20, 21 and 22 of Chapter 121, Oregon Laws 2014, authorizing the issuance of general obligation bonds for capital construction projects. It is the primary bonding bill for the 2015 Legislative Session and contains limits on the maximum amount of bonds and third-party financing agreements that state agencies may engage in.

The law included authorization for the two major K-12 related capital expenditures:

- Oregon Business Development Department: \$175 million for seismic rehabilitation grants for education buildings;
- Oregon Department of Education: \$125 million for matching grants to K-12 districts that authorize local capital construction bonds under the requirements of Senate Bill 447.

The law also includes \$1.7 million for one new project at Linn-Benton Community College and reauthorization of \$53 million for eight community college projects originally given approval in 2013-15.

HB 5006 (Chapter 808), effective Aug. 12, 2015, appropriates state resources to various community college capital construction projects for the 2015-17 biennium.

HB 5016 (Chapter 759), effective July 27, 2015, appropriates state resources to the Oregon Department of Education (ODE) for operational expenses for the 2015-17 biennium. The law sets a total funding level of \$2.2 billion for the department, excluding the State School Fund, which is a 6.5 percent increase. The bulk of these funds are distributed to school districts and ESDs in the form of grants-in-aid.

Some of the key funds under ODE’s direction include:

- Career Technical Education program – \$35 million
- English Language Learner grants (via HB 3499) – \$12.5 million
- Early Intervention/Early Childhood Special Education programs – \$4 million increase over 2013-15 levels
- School District Collaboration Grants – \$16 million
- Teacher and administrator mentoring – \$10 million
- Free school lunches – \$2.4 million

HB 5017 (Chapter 25), effective July 1, 2015, appropriates \$7.26 billion in state resources to the Oregon Department of Education (ODE) for the State School Fund (SSF) for the 2015-17 biennium. The SSF is distributed to school districts and education service districts according to the state school fund formula administered by ODE.

The law also allows ODE to expend the following amounts from the SSF:

- Up to \$968,000 for 10th-grade assessments as described in ORS 329.488.
- Up to \$1.6 million for the purposes of the Oregon Virtual School District.
- The amount allocated for facilities grants established in ORS 327.008(2) is reduced from \$20 million to \$15 million.
- The amount allocated for the High Cost Disabilities Account established in ORS 327.008(8) is increased by \$34 million to a total of \$70 million.

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The law also established two new allocations or distributions in the State School Fund:

First, the Oregon Department of Education (ODE) may spend up to \$12.5 million for an English Language Learners (ELL) program. To improve the outcomes for ELL students, up to \$10 million is allocated from the State School Fund. ODE will convene an advisory group and develop a rating system to identify the lowest performing districts for outcomes for ELL students. This rating system is to focus on school districts with high concentrations of ELL students, defined when the population of ELL students exceeds 500, or the student population is comprised of 15 percent or more ELL students. ODE will then provide supports and interventions, similar to the focus and priority school model, to those identified as lowest performing districts. Those supports and interventions will include: (1) a school improvement coach onsite eight to 10 hours per week, (2) up to \$60,000 annually, depending on

school size, to implement strategies outlined in the schools' improvement plan, and (3) quarterly reviews conducted by ODE staff to ensure progress is being made and supports are on track. It is expected this \$10 million will support approximately 30 to 35 schools identified by the advisory group. Up to \$2.5 million may be used to scale up Oregon's Statewide ELL Plan by providing technical assistance, best practices support, and implementation of the recommendations outlined in the Statewide ELL Plan. These supports will be focused on districts with high concentrations of ELL students, but not receiving supports and interventions as part of the program described above. Part of this work will include a process for identifying and replicating successful programs across the state by formally certifying best practice programs, then sharing those practices with other districts. In addition, ODE will maintain and expand professional development opportunities for educators.

Second, ODE may spend up to \$2.4 million from the State School Fund to provide lunches, at no cost to the student, for those students who are eligible for reduced price lunches under the current U.S. Department of Agriculture's income eligibility guidelines.

HB 5022 (Chapter 686), effective July 15, 2015, appropriates funds to the Oregon Education Investment Board in the amount of \$6.24 million for 2015-17 operational expenses; this includes staff of 14.64 positions and the elimination of the deputy director position. With the passage of Senate Bill 215, the agency name has been changed to the Chief Education Office. This budget also includes funds and staff to continue work on the P-20 Statewide Longitudinal Data System.

HB 5034 (Chapter 595), effective July 1, 2015, appropriates \$9.8 billion to the Public Employees Retirement System (PERS) in 2015-17 for the operation of the agency as well as authorization for payment of retirement benefits to PERS retirees.

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SB 215 (Chapter 774), effective July 27, 2015, creates new provisions and amends various sections of statutes, modifying the duty, role and makeup of the Oregon Education Investment Board (OEIB).

A large group of stakeholders met over the course of two months and came to consensus on a list of recommendations related to the OEIB. Changes include:

- Dissolving the Oregon Education Investment Board;
- Elimination of Achievement Compacts (by not extending their sunset);
- Retaining the chief education officer but changing the office's name from OEIB to the "Chief Education Office;"
- Adding a new sunset date for the position of chief education officer: June 30, 2019; and
- Changing the role of the chief education officer to focus on coordinating with education stakeholders and public education agencies to "bust barriers" between bureaucracies and convening partners and agencies for planning and collaboration purposes.

A work group will meet during the interim period with the goal of bringing additional recommendations to the 2016 Legislative Session regarding the role of the chief education officer and the desired structure and education outcomes for the current P-20 system.

SB 216 (Chapter 487), effective June 18, 2015, amends ORS 342.950 to add education service districts and state tribes to the list of entities that shall receive funding from the Oregon Department of Education for specified purposes of Network of Quality Teaching and Learning.

SB 217 (Chapter 835), effective Aug. 12, 2015, amends various sections of ORS Chapter 327, modifying the authority relating to various grants in the following three education policy areas:

- Connecting to the world of work;
- Oregon Reads/Early Reading Initiative; and
- Guidance and support for post-secondary aspirations.

The law changes the role of the Oregon Education Investment Board relating to strategic investments to one of identifying and recommending as opposed to designing and implementing. Originally multiple agencies were charged with administering individual strategic investments funded and created by the 2013 Legislature. Under this law, all of the strategic investment monies go to the Oregon Department of Education (ODE) for distribution to various governmental and private entities. The bill also aligns the statutory language with the programs funded in the ODE's budget (HB 5016).

SB 295 (Chapter 233), effective Jan. 1, 2016, creates new provisions and amends ORS 244.050, adding the chief education officer to the list of public officials who are required to file an annual statement of "economic interest" with the Oregon Government Ethics Commission.

SB 321 (Chapter 234), effective July 1, 2016, amends ORS 339.010, 339.020, 339.030 and 339.115, lowering the compulsory age for school attendance to age 6 (from age 7). The bill makes no changes to the exemptions for school attendance such as attending a private school or receiving home schooling. The first school year impacted will be 2016-17.

SB 333 (Chapter 19), effective Jan. 1, 2016, creates new provisions designating March 22 as (former Governor) Tom McCall Day and encourages schools to use the curriculum provided by the Oregon Historical Society to teach students about McCall's legacy.

SB 475 (Chapter 671), effective July 6, 2015, creates new provisions and amends ORS 326.695, 327.023, 336.580 and 339.137, modifying provisions related to the Juvenile Detention Education Program (JDEP). Students in youth care centers that are part of a detention facility will now receive their educational services from JDEP; youth care center students will be allowed to be claimed as part of the Average Daily Membership weighted (ADMw) and served through JDEP.

SB 521 (Chapter 392), effective June 11, 2015, amends ORS 336.485 and 417.875, permitting a coach to allow a member of a school athletic team and non-school athletic team to participate in an athletic event or training at any time after the athletic trainer determines that a student has not suffered a concussion. This bill aligns the private school, club or non-school athletics concussion laws. Previously passed concussion laws did not address the private and non-school athletic participants.

SB 553 (Chapter 237), effective July 1, 2015, creates new provisions and amends ORS 339.250, placing some limitations on the use of out-of-school suspensions or expulsions for students in grades K-5. Circumstances where these types of discipline may be used are:

- For non-accidental conduct causing serious physical harm to a student or school employee;

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- When a school administrator determines, based upon the administrator's observation or upon a report from the school employee, that the student's conduct poses a direct threat to the health or safety of students or school employees; or
- When the suspension or expulsion is required by law.

The law also requires districts that impose out-of-school suspensions to take steps to correct the behavior and minimize disruptions to the student's academic instruction. It also clarifies that full-day suspension or expulsion occurs when a student is removed for more than half of the scheduled school day.

SB 556 (Chapter 238), effective July 1, 2015, amends ORS 339.250, prohibiting school districts from using expulsion to discipline students for truancy.

SB 588 (Chapter 273), effective July 1, 2015, amends 338.035, clarifying when a school district and a charter school are considered a single legal entity. The law allows a public charter school and school district to be considered a single legal entity if the public charter school is the only school in the district and:

- The school does not have to be established as a nonprofit organization under the laws of Oregon;
- The school does not have to apply to qualify as an exempt organization under section 501(c)(3) of the Internal Revenue Code;
- All of the members of the school district board are voting members of the public charter school governing body;
- The school district and the public charter school share employees; and

- The school district and the public charter school share assets and liabilities.

SB 612 (Chapter 790), effective July 27, 2015, creates new provisions requiring the Oregon Department of Education (ODE) to develop a plan by 2016 to screen students for specified risk factors for dyslexia and provide notification to parents if risk factors are identified. The law also requires ODE to designate a dyslexia specialist within the department. It further requires each school district to ensure at least one kindergarten to grade five teacher per school has received specified training related to dyslexia by the 2017-18 school year.

SB 660 (Chapter 791), effective July 27, 2015, creates new provisions directing the Oregon Health Authority (OHA) to expand the screening and provision of dental sealants to appropriate student populations who attend an elementary school or a middle school in which at least 40 percent of all students are eligible to receive assistance under the USDA National School Lunch Program. The law also directs OHA to develop a plan for transitioning schools served directly by OHA to receive the services from local dental sealant programs. OHA is required to assist schools in making this transition, as well as to establish by rule procedures and qualifications for the certification, recertification, and oversight for local dental sealant programs to ensure high-quality services are being provided.

SB 686 (Chapter 239), effective Jan. 1, 2016, creates new provisions allowing an individual enrolled in an alternative education program to be considered an out-of-school youth for the purposes of the Federal Workforce Innovations and Opportunity Act.

SB 698 (Chapter 793), effective July 27, 2015, creates new provisions establishing the School Nursing Consultant in the Oregon Health Authority (OHA). The law requires the consultant to:

- Coordinate with a school nurse specialist in the Oregon Department of Education (ODE);
- Provide school nursing policy and program guidance to agencies;
- Support and lead integration of coordinated school health teams;
- Provide technical assistance to school nurses using evidenced-based standards;
- Collaborate with professional associations and agencies;
- Provide clinical consultation to school nurses and programs;
- Provide leadership in delivery of services to schools;
- Serve as liaison and expert for providers and policymaking bodies;
- Coordinate program activities with agencies and other entities;
- Monitor, synthesize and distribute information; and
- Promote quality assurance and represent school nurses in state-level partnerships.

The law also establishes a 14-member Task Force on School Nursing and requires it to examine other healthcare funding sources, including billing of student health insurance, for the purpose of using monies from healthcare funding sources. It directs the task force to recommend sustainable funding sources for school health services to fund school health screenings and school nursing services. The law additionally requires the task force to submit a report to an interim committee of the Legislative Assembly related to education or health care by Sept. 15, 2016.

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SB 709 (Chapter 499), effective June 18, 2015, creates new provisions and amends ORS 339.127, modifying Oregon’s interdistrict transfer law.

Note: It does not make any changes to Oregon’s open enrollment law.

Provisions in the law include:

- Clarifying that districts may revoke transfers for not meeting behavior requirements or attendance standards, but *not* for academic reasons.
- Clarifying that a student whose transfer has been revoked may not apply for a transfer to the same district for the next academic year. Under the old law, if a district revoked a transfer, the student could immediately reapply and the district had to accept the student if an opening was available.
- Students who move over the summer are allowed to stay for the subsequent school year. This is similar to the “mid-year” move provision that currently allows students to finish out the school year, and requires both districts to approve. This provision is only good for the subsequent school year.
- Modifying the law so that a student does not need to get a new transfer to keep attending the same district if his or her family makes subsequent moves. If a student lives in district A, transfers to B and subsequently moves to C, he or she won’t need a new transfer between B and C. The old law required a new transfer between B and C.
- Clarifying districts can ask for sibling information and school preference on interdistrict transfer application forms.
- Allowing the Oregon Department of Education to clarify what constitutes a “hardship” transfer to

give districts more latitude to deal with situations as they arise with individual student circumstances. This will be done by administrative rule and will likely take 4-6 months.

- Banning the use of State School Fund dollars to do out-of-district marketing such as buying ads/ billboards or distributing direct mailers into neighboring districts for interdistrict transfers. This is similar to the prohibition on these activities for Open Enrollment.
- Allowing districts to give lottery preference for interdistrict transfer slots to students who move during the school year or over the summer and were granted consent to finish out the school year or subsequent school year, respectively. Here is an example of how this works: Sally Smith’s family moves in August and has missed the transfer window for the upcoming school year. The new law allows her to stay for the next school year AND if she wants to apply for a transfer when the next transfer window opens, the district may give her preference if there are more applicants than slots available.
- Allowing districts to give lottery preference for interdistrict transfer slots to students who have attended charter schools in their district for at least three consecutive years, finished the highest grade at the charter school and have not enrolled and attended school in another district after completing the highest grade at the charter school.
- Allowing districts to give the same preferences for outgoing lotteries as they are allowed to do so for incoming lotteries. The list of lottery preferences now includes: siblings, mid-year move students,

summer move students and specified charter school students.

SB 790 (Chapter 400), effective Jan. 1, 2016, creates new provisions and amends ORS 147.453, 339.366, 409.290 and 409.292, directing the Oregon Department of Education (ODE) to provide school districts with posters containing information in both English and Spanish regarding domestic violence and at least one toll-free hotline telephone number that a student may call to obtain information and help regarding domestic violence.

The law requires each school district to adopt policies that require posting of the posters in a clearly visible location on school campuses in accordance with rules adopted by the department. The law allows the director of Human Services to make grants to and enter into contracts with nonprofit private organizations or public agencies for programs and projects designed to prevent, identify and treat domestic violence.

SB 820 (Chapter 585) effective June 25, 2015, creates new provisions and amends ORS 338.125, allowing public charter schools to use a weighted lottery for “historically underserved students.” The law defines “historically underserved students” as students at risk because of any of two combinations of factors: race, ethnicity, English language proficiency, socioeconomic status, gender, sexual orientation, disability and geographic location. The weighted lottery system sunsets before the 2020-21 school year. The Department of Education is required to report on the results of the implementation of weighted lotteries to the interim legislative committees on education by Sept. 30, 2019.

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SB 856 (Chapter 401) effective June 11, 2015, creates new provisions directing school districts to adopt child sexual abuse prevention programs for students in kindergarten to grade 12. The program must include: developmentally appropriate, culturally sensitive and evidence-based instruction for each grade level; a minimum of four instructional sessions per school year, with each year's instruction building on the previous year's instruction; age-appropriate curriculum; instruction providing students with the knowledge and tools to communicate incidents of sexual abuse; instruction regarding "safe touch," "unsafe touch," "safe secrets," "unsafe secrets," and how to escape and report a sexual abuse situation; an evaluation component with measurable outcomes; a professional training component for administrators and teachers; and a parental involvement component.

SB 895 (Chapter 802), effective July 27, 2015, creates new provisions and amends ORS 329.015, 433.269 and 433.273, requiring each school and children's facility to report annually to the Oregon Health Authority (OHA) on the number of children in a school or facility who are in attendance conditionally because of an incomplete immunization schedule. The law also requires each local health department to make available to each school and children's facility data on immunization rate, by disease, of children in their school or facility. The law allows OHA to assist local health departments in compiling this data. The law also requires each school and children's facility to make available immunization data by disease at the main office of the school or facility, online where possible, and through specified paper document or electronic communication. The law also requires the superintendent of public

instruction to include in school district and school performance reports information related to the number of children served in the district and number of children susceptible to disease due to lack of required immunizations.

HB 2016 (Chapter 618), effective July 1, 2015, creates new provisions requiring the Oregon Department of Education to create a statewide education plan to improve educational outcomes for African-American students or students who are not currently covered by an existing culturally specific statewide education plan. The plan is required to cover students from early childhood through post-secondary enrollment. The plan will have a broad focus, including improving education outcomes, increasing parental and family engagement, addressing disproportionate rates of student discipline, attendance and completion rates. It requires the creation of a broad advisory group that includes community, education and human service stakeholders. A progress report is due to the Legislature in January 2016.

HB 2150 (Chapter 644), effective July 6, 2015, creates new provisions and amends ORS 327.008, 327.013, 329.488 and 338.155. Currently, the extended Average Daily Membership weighted (ADMw) of public charter schools and non-charter schools are calculated independently of each other. The change in calculation was passed in 2011 to help districts with declining enrollment, reducing State School Fund (SSF) dollars. The 2011 change had unintended consequences that allowed for potential double counting of weights in school districts even when the overall ADMw of the district stayed the same, but students

moved between charter and non-charter schools.

The law modifies the calculation of the SSF and how it is distributed to a school district whose public charter school ceased to operate in the 2014-15 school year. It eliminates the ability of the district to continue to count the charter school enrollment *except* for 5 percent enrollment for the first school year after the charter school ceases to operate or moves.

The law also establishes a contingency account that can be accessed by school districts when they face cost overruns in closing charter schools in their districts. The account will exist until June 30, 2019.

HB 2186 (Chapter 67) effective July 1, 2015, amends ORS 338.115, adding core teaching standards to the list of laws that apply to public charter schools.

HB 2404 (Chapter 317), effective July 1, 2015, creates new provisions and amends ORS 336.423, changing the school nutrition standards for foods that are not part of reimbursable meals. The Oregon Department of Education states this law will better align Oregon's nutrition standards with federal standards. Changes include an exemption for nut butters from calorie and saturated fat limits, allowing entrees that meet USDA standards to be sold at breakfast or lunch, prohibiting the sale of caffeinated beverages to students in grades K-8, limiting flavored water to 20 ounces and allowing for juice to be diluted with water in some circumstances.

HB 2465 (Chapter 716), effective Oct. 5, 2015, creates new provisions and amends ORS 319.665, 319.890, 319.920, 319.945, 339.257, 807.031, 807.050, 807.066, 807.072, 807.150, 807.400 and 825.017, eliminating the

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blanket requirement that a student under the age of 18 must provide the Department of Motor Vehicles a form from his or her school verifying school attendance when applying for a driver's license or permit. It is replaced with a requirement that the parent or guardian certify that the student is enrolled in school or otherwise exempt from attending public school. The law includes a provision that the form is only required when a student has lost driving privileges due to withdrawing from school and is seeking reinstatement.

HB 2545 (Chapter 718), effective July 20, 2015, creates new provisions requiring school districts to pay the reduced price lunch cost for eligible students. The law directs the Oregon Department of Education to provide reimbursement to school districts for this cost; \$2.4 million was added to the State School Fund in House Bill 5017 to cover the cost of lunches.

HB 2597 (Chapter 322), effective July 1, 2015, creates new provisions and amends ORS 339.080 and 339.095, adding a new requirement to truancy notices. When a truancy notice is sent to the parent or guardian, it must include language notifying the party that he or she has the right to request evaluation for an Individualized Education Program (IEP), or if the student already has an IEP, request a meeting to review the plan. The law also requires truancy proceedings to stop until the IEP evaluation or review has been completed.

HB 2655 (Chapter 519), effective Jan. 1, 2016, creates new provisions and amends ORS 326.565, providing parents and adult students the right to excuse the student from statewide standardized summative assessments.

The law requires school districts to notify parents twice a year about the right to opt out, and the Oregon Department of Education is required to create the forms for school districts. The notices would be sent at the beginning of the school year and at least 30 days before testing begins; notices must include other information about the purpose and use of summative assessment data. Students who opt out of the test are given supervised study time that will count toward instructional hour minimums. Any school report card rating that is impacted by the number of students who opt out must include information about what the rating would be without the "opt-out" penalty in the federal rating system.

The law also includes a sunset date of July 2021 and requires the State Board of Education to develop new standards related to the retention of student records.

HB 2661 (Chapter 421), effective July 1, 2015, amends ORS 192.660 and 336.071 to require that school drills and instruction on safety threats include lockdown, lockout, shelter in place, and evacuation procedures. The law also expands the requirement for the instruction on safety procedures to all grades (K-12), instead of simply grades K-8. The law also allows school boards to hold executive sessions under Oregon's Public Meetings Law to consider matters relating to school safety or a plan that responds to safety threats made toward a school.

HB 2680 (Chapter 135), effective May 21, 2015, creates new provisions prohibiting the use of student test score data from Smarter Balanced tests administered in 2014-15 from being used in evaluations for teachers or administrators; this is also part

of Oregon's No Child Left Behind waiver. The law requires the governor to convene a work group to review the results of test data from 2014-15 and report back to the Legislature on the effectiveness of the tests in evaluating student learning.

HB 2681 (Chapter 159), effective May 26, 2015, creates new provisions directing the Higher Education Coordinating Commission (HECC) and the State Board of Education to jointly convene and oversee a work group to examine and recommend effective processes and strategies for placing students in courses at community colleges, including consideration of whether to use a statewide summative assessment for students who are entering a community college directly after high school. The work group shall consist of representatives from community colleges, public universities and educators for grades 9 through 12. The HECC and state Board shall make recommendations for legislation no later than Sept. 15, 2016.

HB 2713 (Chapter 372), effective June 11, 2015, creates new provisions requiring the Secretary of State to conduct an audit on the use of Smarter Balanced Assessments in Oregon's public schools. The audit shall include "...information on the fiscal, administrative and educational impacts of the statewide summative assessments on the public schools of this state, including the impacts on instructional time, curricula, educators' exercise of professional judgment, budgets and administrative time and focus." The audit and any recommendations for testing improvements are due to the Legislature and Superintendent of Public Instruction by Sept. 15, 2016.

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HB 2846 (Chapter 634), effective July 1, 2015, creates new provisions and amends ORS 327.535, allowing up to 15 minutes “after the bell” to be counted toward instructional hour minimums if students are eating breakfast in the classroom and instruction is being provided.

HB 2847 (Chapter 253), effective Jan. 1, 2016, amends ORS 348.500, requiring the Access to Student Assistance Programs In Reach of Everyone (ASPIRE) programs to annually provide financial aid instruction to high school students, including the different types of loans available to students attending post-secondary institutions. ASPIRE programs operate with the goal of helping middle and high school students access education and training beyond high school. Students receive information about college and career options and admission from trained ASPIRE volunteer mentors.

HB 2928 (Chapter 728), effective July 20, 2015, creates new provisions establishing a 15-member Task Force on Class Sizes. The task force is “...established for the purpose of determining appropriate class sizes of students, identifying methods to reduce class sizes and determining the cost for the methods to reduce class sizes.” The task force report is due to the Legislature by Sept. 15, 2016.

HB 2955 (Chapter 731), effective July 20, 2015, amends ORS 336.029, requiring the Oregon Department of Education (ODE) to provide funding and technical assistance for at least two teachers from each legislative district to attend the annual conference related to Oregon civics that is traditionally held on Oregon Civics Day for Teachers. The law allows ODE to contract with a non-profit organization to administer this program.

HB 2968 (Chapter 732), effective July 10, 2015, creates new provisions directing the chief education officer to convene a work group to examine how State School Fund monies impact the education of students who live in poverty. The work group is directed to review state and federal resources districts receive for students in poverty, how districts spend the .25 weight for poverty and whether that is sufficient, and other financial barriers that impact academic achievement for students who live in poverty.

HB 2972 (Chapter 558), effective June 25, 2015, creates new provisions and amends ORS 326.580 and 680.020, requiring a student who is 7 years of age or younger and who is beginning an educational program with the education provider for the first time to submit certification that the student received a dental screening within the previous 12 months. The law also requires that documentation indicating that the screening has occurred be provided to the school district within 120 days of the student beginning school. The law also requires school districts to submit to the Oregon Department of Education a report that identifies the percentage of students who failed to submit the certification for the previous school year.

HB 3041 (Chapter 162), effective July 1, 2015, creates new provisions and amends ORS 339.867, requiring school districts to allow students to wear sun-protective clothing and nonprescription sunscreen, including sunscreen containing para-aminobenzoic acid. The law also specifies that nonprescription sunscreen is not a medication. The law also allows school districts to prohibit certain clothing or hats based on inappropriateness as determined by the school district.

HB 3044 (Chapter 75), effective Jan. 1, 2016, amends ORS 332.158, requiring a charter school to obtain permission to open a school in a district other than the sponsoring district. The permission must be obtained prior to the first day students attend classes in the new school location.

HB 3045 (Chapter 219), effective July 1, 2015, amends ORS 338.155, removing the requirement that a school district transfer funds to the school district where an out-of-district charter school student resides, beginning with the 2015-16 school year.

HB 3072 (Chapter 763), effective July 27, 2015, creates new provisions and amends ORS 326.500 and 344.075, providing the authority to the Oregon Department of Education (ODE) to administer various Science, Technology, Engineering and Math (STEM) and Career Technical Education (CTE) programs including: STEM Innovation Grant program, Career Pathways program, Statewide Teacher Development and Mentoring program, and the Course Equivalency pilot project. The law establishes the Connecting Education to Careers Account effective July 1, 2017, and directs ODE to disburse monies in the account as follows: 40 percent for activities related to STEM, and 60 percent for activities related to CTE.

The law also directs the Teacher Standards and Practices Commission to advance the policy on career and technical education through a number of requirements, including working with industry stakeholders, ODE and the Higher Education Coordinating Commission (HECC). ODE is directed to administer the distribution of grants or contracts related to CTE teacher training that are not to exceed \$250,000 per grant or contract.

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The Oregon Education Investment Board (OEIB), in consultation with ODE, is directed to develop and maintain a website with information relevant to career and technical education.

Overall state investment for CTE and STEM programs is \$35 million from General Fund monies, and was appropriated in the ODE budget (HB 5016).

HB 3319 (Chapter 567), effective June 25, 2015, creates new provisions requiring the Oregon Department of Education (ODE) to produce a report that includes best practices school districts have implemented to address chronic absenteeism, reduce dropout rates and improve high school graduation rates. ODE may request information from school districts, but responses are voluntary. Any school district that does provide information to ODE must do so by Dec. 31, 2015; ODE must issue the report to the Legislature by Feb. 1, 2016.

HB 3371 (Chapter 434), effective June 16, 2015, creates new provisions and amends ORS 659.855 and 659A.855, prohibiting school districts from suspending, expelling, disenrolling, denying academic or educational opportunities, harassing, threatening or having transcripts withheld of students when the student makes a good faith report of possible violations of state or federal laws,

rules or regulations. The law also creates a private right of action under ORS 659A.885 and allows the State Board of Education or the Higher Education Coordinating Commission, as appropriate, to impose sanctions against schools that violate the measure.

HB 3380 (Chapter 745), effective July 20, 2015, amends ORS 329.170, directing the Early Learning Division of the Oregon Department of Education (ODE) to administer a program that expands preschool options. The early learning hubs will coordinate the “mixed delivery” of services to preschool programs, apply for funding and contracts with preschool providers. Preschool programs can include Head Start, Oregon PreK, child care provider, relief nursery, private preschool, public charter school, school district, ESD, or a community-based organization. The Early Learning Division is to submit a biennial report to the Legislature on the program. Funding for this program is available in the second year of the biennium in a special purpose appropriation to the Emergency Board that is included in ODE’s budget bill (HB 5016).

HB 3499 (Chapter 604), effective July 1, 2015, creates new provisions and amends ORS 327.008, 327.013, 327.345, 329.157, 329.488, 336.079, 342.950 and 344.257, and section

4, chapter 25, Oregon Laws 2015 (Enrolled House Bill 5017). This law is the result of a large work group of education and community stakeholders who wanted legislation to provide supports and improve educational outcomes for English Language Learner (ELL) students.

The law creates the Statewide English Language Learner Account, which is provided with \$12.5 million from the State School Fund (SSF). Up to \$2.5 million will be used to implement the statewide ELL plan and \$10 million is to provide targeted, technical assistance to schools to improve outcomes for ELL students. These supports will be modeled after the work ODE has done on “focus” and “priority” schools. The law creates an advisory group to make recommendations to ODE and the State Board of Education on a uniform system of budget coding and transparency for the expenditure of the .5 ELL weight in the SSF. The law also creates a work group to identify criteria, best practices and funding protocols for the \$10 million in targeted support. Rules must be adopted by Jan. 1, 2016, based on recommendations of both groups. The law additionally requires school districts to begin providing annual reports on allocations and expenditures related to ELL.

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SB 78 (Chapter 756), effective July 21, 2015, creates new provisions and amends ORS 342.147, modifying teacher education institution and program standards established by the Teacher Standards and Practices Commission (TSPC). The law requires TSPC to establish standards for approval that require a teacher education program to be accredited by a national organization such as the Council for Accreditation of Educator Programs (CAEP). It requires national accreditation for teacher preparation program approval by TSPC by July 1, 2022, and appropriates \$200,000 to the Teacher Education Program Accreditation Account to support these programs beginning July 1, 2015. The law abolishes the account on July 1, 2022.

SB 83 (Chapter 279), effective June 8, 2015, amends ORS 342.136 and 342.223, requiring initial teaching license applicants to complete supervised clinical practice experience under the direction of a supervising teacher. The supervising teachers must be from the school district where the applicant is completing the student teaching, possess a teaching license, have been an effective teacher for three or more years and be trained to supervise the applicant. The Teacher Standards and Practices Commission will convene a work group to develop standards and guidelines for the training of teachers who supervise those in a clinical practical experience; recommend needed legislative changes; identify funding sources; and develop a plan to train teachers from school districts that provide supervision during supervised clinical practice.

SB 185 (Chapter 229), effective Jan. 1, 2016, amends ORS 659A.330, creating an unlawful employment practice for an employer to require

an employee or applicant for a job to authorize the employer to advertise on the personal social media account of the employee or applicant. A “personal social media account” means a social media account that is used by an employee or applicant, exclusively for personal purposes and unrelated to any business purpose.

SB 287 (Chapter 271), effective Jan. 1, 2016, creates new provisions and amends ORS 681.230, deleting a provision that authorizes teachers who are licensed and properly endorsed by the Teacher Standards and Practices Commission to practice speech-language pathology *without* obtaining a license from the State Board of Examiners for Speech-Language Pathology and Audiology. The law becomes operative July 1, 2016. It also creates a grandfather clause for teachers who are licensed and properly endorsed before July 1, 2016.

SB 370 (Chapter 506), effective June 19, 2015, creates new provisions and amends ORS 237.600, 237.620, 238.465 and 238A.230, allowing certain death benefits to be paid to the former spouse as provided in a judgment of annulment or dissolution of marriage or of separation when a public employee retirement plan member dies before retirement. It applies to members of the Oregon Public Service Retirement Plan and other public employee retirement plans; the death benefits provided for in the law already exist for Tier 1 and Tier 2 plan members. The law also requires that benefits be available to the former spouse after the effective date of any judgment of annulment or dissolution of marriage or of separation.

SB 454 (Chapter 537), effective Jan. 1, 2016, creates new provisions and amends ORS 653.256 and 659A.885, requiring employers to

provide paid sick time for employees. Specific requirements include: sick time be paid if employer has at least six employees; sets the minimum rate of accrual at one hour sick leave for every 30 hours worked with a 90-day waiting period; requires employees to be allowed to earn and use up to 40 hours sick leave per year; requires employees to give advance notice of intent to use paid sick leave under certain circumstances; allows employer to require medical verification in certain circumstances; prohibits retaliation or discrimination against employees who inquire about or use sick leave.*

The Oregon Bureau of Labor and Industries has jurisdiction over violations as unlawful practices and may adopt rules necessary for the implementation and enforcement. The bill preempts all charter and statutory authority of local governments to set any sick leave requirements.

***The Oregon School Boards Association will convene a work group to look at the complexities of implementing SB 454. OSBA is also in the process of asking outside legal counsel for a review of this bill in conjunction with the current educational employee sick leave statute, ORS 332.507. Additional information will be released in late October 2015.**

SB 492 (Chapter 352), effective Jan. 1, 2016, amends ORS 659A.285, authorizing the use of accrued sick leave or personal business leave to certain employees who are victims of domestic violence, harassment, sexual assault or stalking.

HB 2007 (Chapter 307), effective Jan. 1, 2016, creates new provisions and amends ORS 659A.885, protecting employees who inquire about, discuss or disclose information

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about their wage or the wage of another employee. The law also protects an employee who makes a charge, files a complaint, or institutes any proceeding based on the disclosure of the wage information. A violation is an unlawful employment practice that allows an aggrieved employee to file a private right of action.

HB 2214 (Chapter 314), effective Jan. 1, 2016, amends ORS 236.605 and 236.610, adding back into statute Oregon nonprofit corporations as a public employer for purposes of transferring certain public employees. In 2013 the Legislature added education service districts *and deleted* Oregon nonprofit corporations from the definition of public employer.

HB 2228 (Chapter 705), effective Jan. 1, 2016, creates new provisions and amends ORS 181.533, 181.534 and 267.237; and repeals ORS 181.545, requiring the Oregon State Police (OSP) to establish a voluntary fingerprint retention program in which OSP retains fingerprint cards and facsimiles of fingerprints. Participation in the program is voluntary, and may not be a condition of employment, and requires that certain notifications be provided to participants. The law exempts information from public disclosure. The law also mandates that the Department of Administrative Services adopt rules for the administration of the program and permits OSP to adopt a fee to subscribe to the program.

HB 2411 (Chapter 647), effective July 6, 2015, creates new provisions and amends various sections of ORS Chapter 342, streamlining the licensure structure for teachers and administrators. The law establishes a three-tiered licensure system and

reduces the total number of different licenses and endorsements from 80 to 38. The law also increases the maximum amount allowed for fees for issuance of license from \$100 to \$350.

HB 2412 (Chapter 245), effective Jan. 1, 2016, amends various provisions of state statutes, removing outdated provisions and updating terminology related to teachers, and clarifying statutory language pertaining to educator preparation programs. The law requires the Teacher Standards and Practices Commission (TSPC) to adopt standards related to dyslexia education programs. The law also removes the requirement that superintendents of education service districts have additional certification. It also eliminates some requirements for becoming an approved educator preparation provider or approved educator preparation program and eliminates certain requirements for licensure of out-of-state applicants. Additionally, the law allows TSPC to take actions reprimanding an educator preparation program candidate if the candidate engages in misconduct prior to completing program.

HB 2600 (Chapter 323), effective Jan. 1, 2016, amends ORS 659A.171, aligning Oregon's Family Leave Act (OFLA) and the federal Family and Medical Leave Act (FMLA). The law also requires continuation of group health insurance coverage for an employee on family leave.

HB 2715 (Chapter 160), effective July 1, 2015, creates new provisions prohibiting school district employees or volunteers from making publicly available any personally identifiable student data relating to performance-based assessments. The law makes an exception for posting this type of data if specified consent of the

student, or parent or guardian of the student, is obtained.

HB 2763 (Chapter 42), effective Apr. 22, 2015, amends ORS 408.240, allowing public employers to compensate employees deployed on military duty. The law stipulates the amount of compensation shall not exceed base salary on the date of the employee's deployment.

HB 2939 (Chapter 71), effective July 1, 2015, amends ORS 342.610, adjusting the salary calculation for substitute teachers in school districts that have class schedules based on a four-day week. The new daily minimum salary multiplier to be used by districts on a four-day school week for calculating substitutes' salary is 1.125. The change takes effect for the 2015-16 school year.

HB 3058 (Chapter 475), effective June 18, 2015, creates new provisions allowing a retired Tier 1 and Tier 2 member of the Public Employees Retirement System to work for a school district or education service district as a teacher of career and technical education for unlimited hours without loss of retirement benefits. This law does not apply to retirees from the Oregon Public Service Retirement Plan (OPSRP – sometimes called Tier 3). The law also defines “teacher of career and technical education” as a teacher licensed by the Teacher Standards and Practices Commission to instruct any career and technical education course or program in any career and technical education field.

HB 3069 (Chapter 427) effective July 1, 2015, amends ORS 342.147, directing the Teacher Standards and Practices Commission (TSPC) to adopt rules requiring that students in education programs be able to instruct pupils to meet or exceed

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third-grade reading standards by the end of third grade; and to demonstrate that the students enrolled in the program(s) receive the training needed for this type of instruction. The law allows a teacher education program to demonstrate the training provided through course curriculum, approved textbooks or other program requirements. Any education program unable to meet requirements is required to develop a plan to meet the requirement within one year and report to TSPC on its progress.

HB 3149 (Chapter 112), effective Jan. 1, 2016, creates new provisions and amends ORS Chapter 678, allowing a registered nurse who is employed by a public or private school to accept orders from a licensed physician or osteopath in another state or a U.S. territory, if the order is related to treatment of a student who has been enrolled at the school for not more than 90 days.

HB 3166 (Chapter 738), effective July 20, 2015, creates new provisions requiring the Teacher Standards and Practices Commission (TSPC) to administer a pilot program for the purpose of identifying non-core courses and alternative authorization requirements. The goal of the program is to increase the use of “industry professionals” for courses that are non-core and a part of a career and technical education program. The law requires the pilot program to be limited to no more than three school districts, and each school district must be less than 3,500 students. It also requires TSPC to submit to the

Legislative Assembly a preliminary report on the progress of the pilot program no later than Sept. 15, 2018, and a final report no later than Sept. 15, 2020. The law sunsets on Dec. 31, 2020.

HB 3339 (Chapter 479), effective June 18, 2015, creates new provisions amending ORS 342.137, requiring the Office of the Secretary of State to conduct an audit of the Teachers Standards and Practices Commission. The audit will cover: finances and resources of the commission; licensing and educator oversight responsibilities; recommendations to improve commission activities that affect educators, teacher education institutions and teacher education programs; and the commission’s governance role in setting expectations, ensuring accountability and acting transparently. A report of the audit is due to the Legislative Assembly no later than Jan. 15, 2016.

HB 3375 (Chapter 188), effective Jan. 1, 2016, amends ORS 342.433, 342.437, 342.443, 342.447, 342.449, 342.950 and 351.077, renaming the Minority Teachers Act to Educator Equity Act. The law changes references to educator employment goals, relative to the percentage of students in districts. The law requires the Oregon Department of Education (ODE) to use federal reports on educator equity in monitoring activities. It also requires the Higher Education Coordinating Commission (HECC) and the Oregon Education Investment Board (OEIB) to ensure implementation of plans.

HB 3495 (Chapter 326), effective Jan. 1, 2016, amends ORS 238A and 238A.330, requiring employer and employee contributions to the pension program and the individual account program (IAP) of the Oregon Public Service Retirement Plan (OPSRP – sometimes called Tier 3) to first be made for new members of OPSRP for wages attributed to services performed for the first full pay period following the six-month probationary period, without regard to when wages are considered earned for other purposes.

HB 3557 (Chapter 805), effective July 28, 2015, amends ORS 192.502 and section 3, chapter 26, Oregon Laws 2015 (Enrolled House Bill 3037), restoring the clear and convincing public interest standard required to disclose personal information about public employees and volunteers that was removed by House Bill 3037. The law makes a number of other changes to the process when such information is requested, including: requiring the requestor to provide the names of individuals seeking the information; requiring the public body in receipt of such a request to forward it to the affected individual; and requiring the public body to delay responding to the request for seven days. The law also allows a public body to recover associated costs and provides immunity from civil and criminal liability for harm caused by release of personal information.

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SB 79 (Chapter 338), effective July 1, 2015, creates new provisions requiring school districts to provide instruction in cardiopulmonary resuscitation (CPR) and the use of automated external defibrillators (AEDs) to students in grades seven through 12, beginning in the 2015-16 school year. The bill requires that the instruction include hands-on practicing of CPR and be based on current, nationally recognized emergency cardiac care guidelines.

SB 81 (Chapter 697), effective July 17, 2015, creates new provisions establishing the Oregon Promise tuition waiver program, to be administered by the Office of Student Access and Completion of the Higher Education Coordinating Commission (HECC). A student is eligible for a grant for courses taken at an Oregon community college if the student meets specific criteria. The grant amount will be calculated for each term after subtracting \$50 to be paid by the student and the value of any federal and aid grants the student receives. The grant must be at least \$1,000 or the actual cost of tuition, and no more than the statewide average community college tuition or student's cost of tuition. The grant will be prorated for any student attending part-time. The HECC may determine whether student fees should be factored into the actual or average cost of tuition. The HECC is authorized to adopt rules for implementation of the program, including application procedures, eligibility and priority determination, policies to improve academic success and completion, eligibility and grant amounts for dual enrollment, and program evaluation. The total amount of awards is limited to \$10 million per fiscal year. If funding is not available to provide grants to all students, the HECC is authorized to establish the

priority by which grants are awarded, which may include preferences for districts and high schools that meet criteria specified by the HECC. The HECC is required to submit a report summarizing the impact of the program to a legislative committee no later than Dec. 31 of each even-numbered year.

SB 137 (Chapter 482), effective June 18, 2015, creates new provisions and amends ORS 279C, modifying the definition of "public works" for the purpose of applying prevailing wage to include projects that use at least \$750,000 of public funds for construction, reconstruction, painting or major renovation on a publicly or privately owned road, highway, building, structure or improvement, and deletes the requirement that the project also include private funds.

SB 187 (Chapter 528), effective July 1, 2016, amends ORS 646.605 to 646.652, creating the Oregon Student Information Protection Act (OSIPA). The law prohibits an operator of a website, service, or application designed for kindergarten through grade 12 education, from engaging in targeted advertising, amassing student profiles, selling student information, or disclosing covered information. It allows limited disclosure of information made to further school purposes, to comply with legal and regulatory requirements, to participate in judicial proceedings, and to protect the safety of the user or integrity of the application. The law requires an operator to implement and retain reasonable security procedures and practices, and to delete students' covered information within a reasonable time of such a request. It also allows disclosure of covered student information if required by law, for legitimate research purposes, or if made to a state or local educational

agency. The law makes a violation an unlawful business practice enforceable by the Oregon Attorney General.

SB 213 (Chapter 773), effective July 27, 2015, creates new provisions and amends ORS 417.827, establishing Early Learning Hubs as permanent entities that coordinate delivery of early learning services and maintain metrics (i.e., community readiness, high capacity development and progress toward tracking child outcomes) for the hubs. The law requires the Early Learning Council to continue requiring matching funds from any hub that receives funding. The law also allows the council to continue to oversee and coordinate delivery of services for communities not served by a hub, evaluate hubs and report to the Legislature by February 2019.

SB 293 (Chapter 665), effective Jan. 1, 2016, creates new provisions and amends ORS 244.020, allowing the exemption from statutory gift limits to include admission provided to, or cost of food or beverage consumed by, a relative of a public official who accompanies the public official at a reception, meal or meeting. The exemption applies to a "relative" as that term is defined in ORS 244.020 (15).

SB 294 (Chapter 666), effective Jan. 1, 2016, creates new provisions and amends ORS 192.660 and 244.290, granting administrative rulemaking authority to the Oregon Government Ethics Commission to provide for enforcement of laws related to executive sessions of public bodies (including school boards), boards and commissions.

SB 418 (Chapter 781), effective July 27, 2015, creates new provisions and amends ORS 339.133 and sections 5 and 20, chapter 718, Oregon Laws 2011, directing the Higher Education Coordinating Commission (HECC)

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to develop a set of recommendations to encourage students to become ready for college, take courses for college credit and transition from high school to post-secondary education; these recommendations are due to the Legislature by Feb. 1, 2016. The law sets aside \$6.8 million to be appropriated at a later date based on the HECC recommendations.

It also directs the HECC to establish a work group to evaluate ways to ensure that students who receive “free” community college tuition under the provisions of Senate Bill 81 (2015) are successful; a report is due to the Legislature by Feb. 1, 2016.

The law also allows specific school districts with dormitories to continue enrolling foreign exchange students and receiving State School Fund payments for those students through June 30, 2017.

SB 447 (Chapter 783), effective July 27, 2015, creates new provisions and amends ORS 327.008 and 329.488, creating the Office of School Facilities within the Oregon Department of Education (ODE) to administer the bond matching grant program funded in House Bill 5005 (\$125 million) and to provide technical assistance to school districts considering a local bond.

While final details and rules will need to be created for the programs, key facts include:

- Funding level for the 2015-17 biennium will be \$125 million.
- The program will be administered by ODE, which will draft specific rules for allocation of these funds in coming months.
- ODE is expected to spread allocations over three election dates: May 2016, November 2016 and May 2017.

- The program requires a district to provide matching funds from local general obligation bonds.
- ODE will create application cycles and deadlines via administrative rule.
- Matching amounts will be a minimum of \$4 million or the general obligation bond amount approved at the local level, whichever is less.
- Maximum amounts will be \$8 million. The exact amount to be received by the district between minimums and maximums will be calculated based upon a formula that considers several factors, including assessed property values, Average Daily Membership weighted (ADMw) and poverty statistics.
- Matching funds will be split into two pots:
 - o 60 percent will be allocated in rank order to districts based on several factors, including property wealth per ADMw and poverty statistics.
 - o 40 percent will be allocated on a first come, first served basis.
- Technical assistance grants for assessments and facility plans will also be available from a separate pot of money:
 - o Up to \$20,000 for physical facility assessments;
 - o Up to \$25,000 for seismic assessments; and
 - o Up to \$25,000 for long-range facilities planning.
- The existing facility grant program will continue to be funded in the 2015-17 biennium at \$12.5 million; thereafter, it will be reduced to \$9 million per biennium.

SB 519 (Chapter 841) effective July 1, 2016, creates new provisions and amends ORS 341.015, directing

community colleges to use the same system for reporting finances. The law also directs the Department of Community Colleges and Workforce Development (CCWD) to select and provide guidelines for the system including: a uniform identification of funds, revenue by source and expenditures by function and classification.

SB 584 (Chapter 148), effective May 21, 2015, amends ORS 200.055 and 200.075, requiring a public contracting agency to suspend the right to submit a bid or proposal for disadvantaged, minority, women or emerging small business enterprise if such an entity exhibits a pattern of failing to perform a commercially useful function. The law requires the Oregon Business Development Department to revoke certification for such enterprises after an investigation reveals violations. It requires the contracting agency to notify the business department when investigating a contractor for failing to perform a commercially useful function. It also allows the department to conduct an independent investigation in response to a notification. The law becomes operative Jan. 1, 2016.

SB 675 (Chapter 539), effective June 22, 2015, creates new provisions and amends ORS 279B.110, eliminating the requirement that a bidder and proposer for a public contract to a state or local contracting agency demonstrate responsibility by submitting a signed affidavit that attests that the bidder or proposer complied with tax laws of this state. The law now requires that a bidder and proposer for public contract with a local contracting agency simply attest to being current on state taxes.

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SB 875 (Chapter 676), effective July 6, 2015, creates new provisions and amends ORS 339.867, 339.869, 433.800, 433.805, 433.815 and 433.825, requiring the State Board of Education to create rules that provide for guidelines for the required administration of medication to students who suffer from adrenal insufficiency. The law states that school districts are only required to train school personnel when a parent or guardian notifies the district of the student's medical situation.

SB 953 (Chapter 464), effective June 16, 2015, amends ORS 105.772 and 105.774, establishing a process by which future interests in specific land parcels in Bly, Oregon (Klamath County), may be terminated. The law also provides that persons who currently possess future interests may retain them by recording notice of their intention to preserve their future interest within six months of the effective date of the law. The law is also repealed on Jan. 2, 2017.

HB 2174 (Chapter 29), effective Apr. 16, 2015, creates new provisions and amends ORS 297.425, 297.465 and 297.466, deleting the requirement for the Secretary of State to prescribe the form of contract for the conduct of municipal audits. The law permits the state to grant up to a one-year extension, or longer in extraordinary circumstances, on the deadline for a municipal corporation, including school districts, to file a municipal audit. It also directs the governing body of a municipal corporation whose audit report contains deficiencies to adopt a plan of action to address deficiencies, and to file a plan of action with the state. The law additionally requires the Secretary of State to prepare an annual report with information about timeliness of audit

filings and deficiencies found for each municipal corporation and to submit the report to the appropriate legislative committee by March 1 of each odd-numbered year.

HB 2716 (Chapter 325), effective June 10, 2015, creates new provisions and amends ORS 200.065, requiring public contracting agencies to provide as a condition that a contractor remain certified as disadvantaged, minority, women or emerging small business enterprise during the entire term of a contract, if the contract was awarded on the basis of a contractor's certification. The law requires contractors to include similar provisions in their subcontracts. It also requires a public contracting agency to verify the certification status of a contractor or subcontractor during the entire term of contract, and provides that a contracting agency may terminate the contract, and require the contractor to terminate a subcontract if the subcontractor does not retain certification. It also provides that the Oregon Business Development Department may independently impose a civil penalty up to \$5,000 for each violation.

HB 2762 (Chapter 422), effective July 1, 2015, creates new provisions requiring school districts to phase out the use of polystyrene foam plates, trays and packaging by July 1, 2021. There are two exceptions: districts that recycle their foam packaging may continue to use it past the deadline; or the Oregon Department of Education must grant a waiver to any district that can prove the ban creates a financial hardship.

HB 2931 (Chapter 729), effective July 20, 2015, creates new provisions requiring that the Oregon Health Authority disseminate to each school

district information relating to elevated radon levels. The information must include: dangers associated with elevated radon levels; U.S. Environmental Protection Agency recommendations for testing; processes for testing; and information on model radon testing plans.

The law requires school districts to develop a radon testing plan and submit it to the state by Sept. 1, 2016. It also exempts any school that has been tested for radon on or after Jan. 1, 2006.

HB 2987 (Chapter 424), effective June 16, 2015, creates new provisions and amends ORS 279C.527 and 279C.528, eliminating the requirement that a public contracting agency reserve monies for including green energy technology in construction, or renovating a public building, if the public contracting agency determines that including green energy technology is not appropriate for a particular project. The law requires a public contracting agency to report to the Oregon Department of Energy the amount that would have been spent on green energy technology. It also requires the Oregon Department of Energy to report annually to the Legislative Assembly on public contracting agencies' compliance with the reporting mandates.

HB 3035 (Chapter 139), effective May 21, 2015, amends ORS 810.243, 811.111 and 811.235, allowing that where a school parking lot is located across the street from the school building, and the street in question has a designated speed limit of 45 miles per hour or greater, that flashing lights may be used during the hours of 7 a.m. to 5 p.m.

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HB 3037 (Chapter 26), effective Apr. 9, 2015, creates new provisions and amends ORS 192.502, eliminating the “public interest” disclosure requirement for addresses, Social Security numbers, dates of birth and telephone numbers of public body employees and volunteers, effectively exempting this information from disclosure (note that this provision was restored by HB 3557 and is no longer law). The law also extends the public records exemption to include residential addresses, telephone numbers, personal cell phone numbers, personal email addresses, driver’s license numbers, employer-issued identification card numbers and emergency contact information.

HB 3039 (Chapter 414), effective June 18, 2015, amends ORS 332.155, expanding a district school board’s authority as regulated by ORS 332.155, to allow for transactions that are expected to reduce the district’s cost for school facilities. These

transactions may include: entering into agreements that allow the district to use state or federal tax credits or state or federal funding services; entering into a contract for property that is financed with general obligation bond proceeds or other district funds; or loaning or otherwise contributing general obligation bond proceeds or other district funds to authorized transactions.

HB 3303 (Chapter 565), effective June 25, 2015, amends various sections of Oregon statute expanding the certification program to include service-disabled veteran-owned businesses in the categories of disadvantaged business enterprises eligible for certain preferences in public contracting. The law also changes the name of the office within the Oregon Business Development Department that certifies disadvantaged businesses to the Certification Office for Business Inclusion and Diversity and changes

the name of the position reporting to the governor on related matters to the governor’s advisor for economic and business equity.

HB 3329 (Chapter 262), effective Oct. 5, 2015, creates new provisions and amends ORS 279C.527, modifying the standard by which geothermal energy qualifies as a type of green energy technology for which at least 1.5 percent of the total contract price of certain public improvement contracts for construction, reconstruction or major renovation of public school buildings must be spent. The law also modifies the standard for geothermal energy resources to qualify as a green energy technology if the water used as a heat source is more than 128 degrees Fahrenheit and the system is used for a public school building. The law applies to contracts first advertised, or if not advertised, first entered into, on or after Oct. 5, 2015.

For more information on these bills,
go to OSBA’s Legislative Bill Tracker at
www.osba.org/legnan

OSBA HELPS IDENTIFY AND IMPLEMENT POLICY CHANGES REQUIRED BY NEW LEGISLATION.

Some of the laws enacted by the 2015 Legislature require school districts, education service districts, charter schools and community colleges to make policy changes. The Oregon School Boards Association has created sample policies to help you make these changes. For more information, contact OSBA Policy Services, 800-578-6722 or 503-588-2800.