

2019 OSBA/COSA LEGISLATIVE REPORT



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This 2019 OSBA/COSA Legislative Report describes the bills enacted by the 2019 Oregon Legislative Assembly that affect public schools. It was prepared jointly by the Oregon School Boards Association and COSA, 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 Morgan Allen and Ben Bowman from COSA and Lori Sattenspiel and Richard Donovan 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, 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 2020.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Green".

Jim Green
Executive Director
OSBA

A handwritten signature in black ink, appearing to read "Craig Hawkins".

Craig Hawkins
Executive Director
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2019: A SESSION TO REMEMBER

The Oregon Legislature's 2019 work ending June 30 was, by any measure, the best session for K-12 public education in a generation. To understand why, we have to look back almost 30 years.

On Nov. 6, 1990, Oregonians approved Ballot Measure 5, an initiative that dramatically altered our property tax system and made school funding primarily a state responsibility. Voters were assured that state government would replace dollars lost locally, but such support never fully covered the needs. Oregon students have felt the impact for nearly 30 years.

Almost continuous policy changes at the state and federal levels – CIM-CAM, OEIB, No Child Left Behind, Achievement Compacts, and more – have in the meantime placed further restraints on K-12 public education. Critics argue that schools have never measured up, but they avoided addressing the clear challenge: reliable and stable funding to meet all students' needs.

During the three decades since Measure 5 passed, COSA, OSBA and partners have continuously advocated in the Legislature for increased school funding. Some years, we were able to secure "Current Service Level" budgets to preserve the status quo. Due to Oregon's dependence on notoriously volatile income tax collections to provide most school funding, many years we were not so lucky. Districts across Oregon cut teaching and administrative positions, school days and programs while our students paid the price in lost opportunities. But that narrative is about to change.

Despite its acrimonious final days marred by walkouts and extreme partisanship, the 80th Oregon Legislative Assembly ended as an unprecedented success for K-12 education advocates. Highlighted by the work of the Joint Committee on Student Success and the passage of the Student Success Act (House Bill 3427), Oregon will invest \$1 billion per year into the preK-12 education system. That will start to address decades-long funding problems, adding much-needed support from a stable tax source (a new corporate activity tax on businesses).

By focusing on equity and meeting the needs of historically underserved students, the Student Success Act's investment will literally change the lives of tens of thousands of students across Oregon. It will empower districts to collaboratively engage with their communities. It will help us serve all students by offering a more well-rounded education, investing in students' social-emotional and mental health needs, offering more learning time and decreasing class sizes.

This investment is in addition to a State School Fund allocation of \$9 billion, a nearly 10% increase from the last biennium. When the act kicks in during the 2020-21 school year, Oregon's K-12 funding will approach a level many have long considered to be a pipe dream – that described by the Quality Education Model.

While funding is important, connection to policies that address equity, impact student achievement and free local educators from one-size-fits-all directives are just as critical. Time and again throughout the session, legislators focused on the needs of all students across a

variety of topics, from school lunches to student safety to social and emotional health issues. Policy bills passed during the session were generally reasonable and created in collaboration with K-12 advocates.

By addressing critical policy issues and resolving longstanding challenges on funding, revenue reform and cost containment, legislators made 2019 the most productive and successful session for K-12 education since Measure 5 passed. Noteworthy bills and their implications highlighted in this detailed report include:

- Full funding for Early Intervention/Early Childhood Special Education Programs (EI/ECSE) and a \$40 million infusion into the High Cost Disability Fund each biennium (HB 3427);
- Restoration of opt-out and double coverage options for district health plans (HB 2266);
- An additional \$100 million for Seismic Rehabilitation Grants and \$125 million for the Oregon School Capital Improvement Matching Program (OSCIM) (HB 5005);
- Greater access to summer learning opportunities and the largest expansion of free school nutrition programs in the country (HB 3427);
- PERS reforms expected to save districts hundreds of millions of dollars each biennium and lower average employer rates an estimated 5.43 percentage points starting in 2021-23 (SB 1049);
- Policies that will help improve student mental health and emphasize suicide prevention as part of Adi's Act (SB 52); and
- Ensuring that all reports of suspected abuse and sexual misconduct by school employees are investigated and reported to the Teacher Standards and Practices Commission or the Oregon Department of Education, and preventing school employees from helping staff suspected of misbehavior find a new job at another school (SB 155).

Many people and organizations deserve praise for the 2019 session's achievements. Credit starts with Senate President Peter Courtney and House Speaker Tina Kotek for creating the Joint Committee on Student Success (JCSS), Rep. Barbara Smith Warner and Sen. Arnie Roblan for co-chairing the JCSS and spending 18 months traveling around the state and listening to Oregonians talk about the changing needs of our students and schools, Sen. Mark Hass and Rep. Nancy Nathanson for leading the effort to craft the revenue package and Gov. Kate Brown for her unwavering support for revenue reform and a stable source of funding for K-12 schools.

Most importantly we want to acknowledge the efforts of OSBA and COSA members. We extend our thanks to the many school board members, superintendents and administrators who consistently engaged, year after year, in our quest for school funding. We want to thank every COSA and OSBA member who talked with or wrote to a legislator, who participated in our Oregon Rising or Oregonians for Student Success campaigns, who went to a legislative hearing or town hall, who attended a lobby day, and who never gave up on our quest to change the narrative about our K-12 system.

In the same way that Measure 5 had an outsized impact on Oregon's public education system for decades, the Student Success Act's passage will mark the beginning of a new chapter for our schools. We are excited to work with you to implement this bill and positively impact the lives of the next generation of Oregon students.

BILL INDEX

Bill summaries have been reported in numerical sequence, beginning with HB 2005 and ending with SB 5537. For your convenience, the following bill index has been organized by category.

Individual bill summaries have been hyperlinked to the corresponding Oregon Legislative Information System overview.

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BILL SUMMARIES

HB 2005 (Ch. not yet assigned) Effective Sept. 29, 2019

Personnel

Creates provisions and amends ORS 410.619, 657.100, 657.471, 659A.162, and 659A.885.

The bill creates a paid family and medical leave insurance program, known by the acronym FAMLI, to be administered by the Oregon Employment Department. It provides employees 12 weeks of compensated leave to care for and bond with a child during the first year of the child's birth or arrival through adoption or foster care, and to provide care for a family member who has a serious health condition. The bill also adds "safe leave" that can be taken related to domestic violence, stalking, sexual assault, or harassment. Finally, the bill adds an additional two weeks of leave related to recovery from pregnancy related conditions and establishes right for civil action for certain employer violations.

The measure establishes the following operative dates:

- Rules will be established no later than Sept. 1, 2021;
- Contributions will be collected beginning Jan. 1, 2022; and
- Benefits are payable beginning Jan. 1, 2023.

HB 2007 (Ch. not yet assigned) Effective Aug. 9, 2019

Operations

Creates provisions and amends ORS 468.140, 468A.795, 468A.803, 468A.805, 803.045, 815.095, 815.305, 815.315, 815.320, and 815.325.

The bill extends authorized uses of moneys received by the state pursuant to the Volkswagen Environmental Mitigation Trust Agreement and deposited into the Clean Diesel Engine Fund. The bill directs the Department of Environmental Quality (DEQ) to award grants for the purpose of reducing emissions from diesel engines. The bill phases-in prohibition on Department of Transportation titling, registering, or renewing registration of specified vehicles, in specified locations, with diesel engines that have not been retrofitted. DEQ will adopt rules governing the certification of retrofit technologies applicable to diesel engines. The bill creates a Supporting Businesses in Reducing Diesel Emissions Task Force, requires the Department of Transportation to provide an annual report related to registration of medium- and heavy-duty trucks, and creates a voluntary emission control program applicable to construction equipment. For school districts and community colleges, the impact of this bill is limited to the three-county Portland area, relating to medium- and heavy-duty diesel trucks. Finally, the bill requires truck owners to replace older, polluting diesel engines with newer models by 2025. The bill did not change the current bus retrofit program.

HB 2011 (Chapter 186) Effective Sept. 29, 2019

Programs

Creates provisions and amends ORS 676.850 and 676.855.

In 2013, the Legislature enacted House Bill 2611, which required the Oregon Health Authority to develop a cultural competency continuing education (CCCE) program. The CCCE is currently voluntary for licensees under 22 enumerated health professional licensing boards.

House Bill 2011 directs those health professional licensing boards to require completion of the CCCE as a condition of being authorized to practice.

HB 2016 (Chapter 429) Effective Jan. 1, 2020 [Operations](#); [PACE](#); [Personnel](#)

Creates provisions and amends ORS 243.650, 243.656, 243.666, 243.670, 243.672, 243.676, 243.726, 243.742, 243.762, 243.772, 243.782, and 652.610.

The bill makes changes to the Public Employee Collective Bargaining Act (PECBA).

Specific changes include:

- Requiring a designated representative reasonable paid time to engage in certain activities. The union may request a contract to be reopened to negotiate the release time. The union must reimburse the employer for compensation paid to a designated representative unless otherwise agreed to.
- Requiring public employers to provide reasonable access to employees in the bargaining unit (e.g., provide phone number, address, title, and salary) and allows the designated representative to use the employer's email system.
- Allowing parties to agree to authorize deduction of an employee's union dues from the employee's salary or wages and remit the funds to the appropriate entity or organization.
- Designating it an unfair labor practice for a public employer to attempt to negatively influence an employee's membership decision, to encourage an employee to revoke union dues authorization, or to provide any personally identifiable information about public employees within a bargaining unit to any entity other than the exclusive representative.

HB 2018 (Chapter 572) Effective July 23, 2019

[Operations](#)

Creates provisions and amends ORS 350.075.

The bill transfers the Statewide Longitudinal Database System (SLDS) from the Chief Education Office, which ceased to exist at the conclusion of the 2019 legislative session, to the Higher Education Coordinating Commission (HECC). The bill also allows HECC to share information from the SLDS with other public bodies.

HB 2022 (Chapter 383) Effective Jan. 1, 2020

[Programs](#)

Creates provisions and amends ORS 336.851 and 335.856.

The bill renames the Oregon Virtual School District (ORVSD) to Oregon Digital Learning and expands the scope of the program to include professional development related to online learning for teachers, in addition to providing online courses for K-12 students. Additionally, the bill provides professional development support for school districts, including resources to help identify students who would benefit from online learning. The bill also allows the superintendent of public instruction to contract with public and private entities to provide professional development.

Amends ORS 329.045.

The bill requires the State Board of Education to ensure that academic content standards for history, geography, economics, and civics include sufficient instruction on the histories, contributions, and perspectives of individuals who are Native American; are of African, Asian, Pacific Island, Chicano, Latino, or Middle Eastern descent; are women; have disabilities; are immigrants or refugees; or are lesbian, gay, bisexual, or transgender. The State Board of Education must make any necessary changes or revisions to the academic content standards by Sept. 30, 2024; and school districts must begin instruction in these content standards no later than the 2026-27 school year. By Sept. 30, 2026, textbooks and other instructional materials must address the contributions to the economic, political, and social development of Oregon and the United States by men and women who are Native American; are of European, African, Asian, Pacific Island, Chicano, Latino, or Middle Eastern descent; have disabilities; are immigrants or refugees; or are lesbian, gay, bisexual, or transgender.

The Department of Education is required to provide professional development to teachers and administrators during the 2026-27 and 2027-28 school years related to the new academic content and textbook standards.

Creates provisions and amends ORS 171.062, 246.021, 247.013, 247.940, 247.945, 247.965, 248.015, 248.017, 248.023, 248.024, 248.026, 248.029, 248.033, 248.035, 248.043, 249.013, 249.035, 249.037, 249.068, 249.072, 249.078, 249.865, 253.540, 253.565, 254.155, and 255.012; and section 9, chapter 8, Oregon Laws 2015; and section 1, chapter 119, Oregon Laws 2016; and repeals ORS 248.010 and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16, chapter 70, Oregon Laws 2019 (Enrolled House Bill 2491).

The bill directs the Early Learning Division (ELD) of the Department of Education to administer an infant and toddler care program for families whose incomes are at or below 200 percent of the federal poverty guidelines. Additionally, Early Learning Hubs will be required to complete community plans biennially and submit them to the ELD. Plans shall include identification of priority populations to enroll in the program, assessment of the availability of high-quality infant and toddler care, identification of existing providers, prioritization of local entities to serve as providers based on community need and capacity, identification of local entities to serve as fiscal agents for multiple providers, and identification of methods for increasing the enrollment capacity and professional development opportunities for providers. The ELD shall contract with resource and referral entities to recruit eligible providers to participate in the program. Providers must demonstrate a commitment to address the needs identified in the plan and serve qualified families. The ELD shall identify a local entity within each Hub region responsible for awarding grants and contracts to eligible providers.

HB 2025 (Ch. not yet assigned) Effective Jan. 1, 2020

Programs

Creates provisions and amends ORS 329.170, 329.172, 329.175, 329.183, and 329.200.

This bill modifies the scope and role of the Oregon Prekindergarten Program and the Preschool Promise Program. The Oregon Prekindergarten Program will now serve children prenatally through 5 years of age, an expansion from the previous mission of serving children 3 and 4 years of age. Additionally, the ELD shall adopt a funding formula for the Oregon Prekindergarten Program. The ELD will now identify local entities to serve as preschool providers or fiscal agents for multiple providers in administering the Preschool Promise Program. Early Learning Hubs shall create a biennial plan for the purpose of expanding and coordinating programs under the Preschool Promise Program. The hubs shall determine the preschool program that best meets the needs of eligible children and their families and enroll eligible children in preschool programs. Local entities, including school districts and education service districts, may apply directly to the ELD to be awarded grants and contracts as a preschool provider or fiscal agent. The Early Learning Council will create minimum salary requirements for preschool teaching assistants and develop strategies to increase the mean salary for all preschool staff (which is already required for preschool teachers).

The bill also creates a joint scholarship program with the ELD and HECC to ensure an adequate early learning workforce supply. Higher education institutions may also receive a one-time grant to develop an early childhood degree program. The Prekindergarten Program Trust Fund will now have an expanded purpose that includes providing scholarships to current and prospective early childhood professionals and grants to higher education institutions.

Finally, required reports to the Legislature regarding early childhood shall now be charged to the ELD, rather than the superintendent of public instruction.

HB 2027 (Chapter 187) Effective Jan. 1, 2020

Operations

Creates provisions and amends ORS 181A.195, 329A.030, 392A.252, 329A.255, 329A.257, 329A.280, 329A.330, 329A.390, and 329A.505.

The bill expands the authority of the Office of Child Care to consider any information it deems relevant to a provider's enrollment in the Central Background Registry, gather evidence, issue subpoenas, depose individuals, compel the appearance of witnesses and the production of documents, require answers to questions, and inspect premises when investigating regulated subsidy facilities. Additionally, background checks requested by an authorized agency must include a check of the national sex offender registry. The bill also allows, but does not require, school districts to apply for childcare facility certification. If the Office of Child Care imposes a condition on a facility's certification, the facility will be allowed the opportunity of a hearing.

HB 2030 (Chapter 384) Effective Sept. 29, 2019

Operations

Creates provisions and amends ORS 97.130, 135.385, 315.237, 341.522, 341.626, 345.030, 348.180, 348.290, 348.563, 348.570, 350.075, 350.095, 350.150, 350.360, 366.931, 399.242, 401.910, 418.650, 657.350, 675.090, and 675.825; and section 2, chapter 91, Oregon

Laws 2018; and repeals ORS 348.282, 348.283, 348.285, 348.625, 348.630, 348.635, 348.640, 348.655, 348.660, 348.665, 348.670, 348.675, 348.680, 348.685, 348.690, and 348.695.

This bill was requested by the Higher Education Coordinating Commission (HECC) to make technical changes. The bill clarifies HECC's statutory authority and responsibilities; clarifies grant criteria for the Oregon Promise Program grant; exempts public university counselors, therapists, and psychologists from certain licensing requirements; updates fingerprinting and background clearance requirements; updates terms; repeals inactive loan and scholarship programs; and makes other technical changes.

HB 2037 (Chapter 98)

Effective Jan. 1, 2020

Operations

Amends ORS 243.291, 243.296, 243.870, and 243.872.

Currently, the Oregon Educators Benefit Board (OEBB) and the Public Employees' Benefit Board (PEBB) must have a long-term care insurance plan for their members. House Bill 2037 removes the mandate and "allows" for this type of coverage. If OEBB or PEBB decides to offer a long-term care insurance plan, it must develop cost effective ways to make the plan available and must consult with the Public Employees Retirement System to develop eligibility rules, guidelines, and consumer materials for eligible employees.

HB 2051 (Chapter 130)

Effective Sept. 29, 2019

Operations

Amends ORS 192.345 and 339.329.

The Oregon State Police contracts with a vendor to operate the SafeOregon Tip Line, a 24-hour school-safety reporting service. Tips may be submitted by parents, students, staff, or community members via email, app, voice, or text. House Bill 2051 specifies that information that is shared by a person making a tip is not subject to disclosure under Oregon's public records laws, with an exception for disclosure in the public interest.

HB 2087 (Chapter 7)

Effective Jan. 1, 2020

Operations

Amends ORS 192.345 and 339.329.

The bill separates the Department of Consumer and Business Services authority to impose civil penalties for inducing a worker to not file a worker's compensation claim into three categories, with three separate caps.

- The maximum penalty against an employer or insurer is set at \$2,000 for each violation and \$40,000 in the aggregate for a calendar year.
- The maximum penalty against a self-insured employer, insurer, or service company is set at \$4,000 for each violation or \$180,000 in the aggregate for a calendar year for failure to pay assessments or failure to comply with statutes and rules.
- The maximum penalty against a non-self-insured employer or managed care organization is set at \$2,000 per violation or \$40,000 in the aggregate for a calendar year for failure to pay assessments or failure to comply with statutes and rules.

HB 2094 (Chapter 124)

Effective Sept. 29, 2019

Finance

Creates provisions.

In the course of awarding public contracts, contracting agencies are required by the Public Contracting Code to determine whether a bidder or proposer is "responsible." This determination requires a demonstration of several factors: the bidder or proposer has the

appropriate resources and skills to complete the contract; the bidder or proposer has a satisfactory record of integrity; and the bidder or proposer has complied with the tax laws in this state. The results of this determination may dictate whether a bidder or proposer is awarded a contract. House Bill 2094 authorizes contracting agencies to consider whether the bidder or proposer owes a liquidated and delinquent debt to the state. The substantive provisions of the bill become operative Jan. 1, 2020.

HB 2118 (Chapter 57) Effective Jan. 1, 2020 Finance

Creates provisions and amends ORS 58.187, 90.490, 90.493, 100.305, 196.815, 196.818, 200.057, 238A.155, 321.017, 327.006, 332.405, 339.133, 442.851, 459.310, 459A.125, 461.543, 468A.276, 470.640, 471.175, 471.750, 565.447, 616.686, 616.723, 671.540, 735.406, 776.357, 776.810, 811.720, 811.745, and 830.110; and section 2, chapter 2, Oregon Laws 2017; and section 3, chapter 390, Oregon Laws 2017.

The consumer price index (CPI) is a measure of inflation produced by the U.S. Bureau of Labor Statistics on a monthly basis. Current statutes and session laws use the Portland-Salem CPI, All Items, for All Urban Consumers to calculate specified funds and fees. The bureau discontinued that CPI in 2018. House Bill 2118 updates CPI references throughout the Oregon Revised Statutes and Session Laws to align with the current applicable CPI for All Urban Consumers, West Region.

HB 2128 (Chapter 577) Effective Sept. 29, 2019 Finance

Creates provisions.

The bill requires the Legislative Revenue Officer to conduct a study on the statutory definition of tax expenditures and the related automatic sunset provisions of tax expenditures. The report and any recommendations are due to the legislative revenue committees by Feb. 1, 2021.

HB 2164 (Chapter 579) Effective Sept. 29, 2019 Finance

Creates provisions and amends ORS 307.455, 307.459, 307.517, 307.518, 307.523, 307.529, 307.535, 314.752, 315.266, 315.271, 315.675, 316.102, 318.031, and 358.499; and section 19, chapter 954, Oregon Laws 2001; section 7, chapter 637, Oregon Laws 2005; sections 7 and 10, chapter 826, Oregon Laws 2005; section 66, chapter 832, Oregon Laws 2005; section 6, chapter 880, Oregon Laws 2007; sections 2b, 7b, 17, and 18, chapter 906, Oregon Laws 2007; sections 5, 24, 28, 34, and 36, chapter 913, Oregon Laws 2009; and sections 58, 61, 63, 64, 66, 67, and 70, chapter 122, Oregon Laws 2019 (Enrolled House Bill 3427); and repeals ORS 825.475.

The bill has two main parts: tax credits and the Corporate Activity Tax.

The first half of the bill was referred to as the "tax credit omnibus bill" or "tax expenditure omnibus bill." It extends several tax credits, including the Earned Income Tax Credit and the Oregon 529 College Savings Plan. The credits are normally extended for six years.

The second half of the bill makes many modifications to the Corporate Activity Tax created by the Student Success Act. The changes to the Student Success Act have a minimal revenue impact and could be considered "quality of life" changes for the implementation of the tax itself.

HB 2174 (Chapter 580)

Effective Sept. 29, 2019

Finance

Creating provisions and amends ORS 457.010, 457.085, 457.095, 457.120, 457.220, 457.445, and 457.460.

For urban renewal plans proposed on or after the effective date of the act, including public building projects, the bill now requires concurrence of at least three of four taxing districts estimated to forgo the most property tax revenue under the proposed plan. The bill sets requirements for notices of hearings on proposed urban renewal plans or substantial changes to a plan. The bill requires an urban renewal agency's annual statement to include maximum indebtedness for each urban renewal area included in the urban renewal plan of the agency, the amount of indebtedness incurred through the end of preceding fiscal year, and a statement to be distributed to each taxing district affected by the urban renewal plan of the agency.

HB 2191 (Chapter 393)

Effective July 1, 2019

Operations

Creates provisions and amends ORS 339.065 and 339.280.

This legislation includes mental or behavioral health within the term “sickness of pupil” for the purpose of excused absences. Additionally, the bill prohibits a student’s grade from being reduced or credit being denied based on absences that are excused. These provisions will first apply to the 2019-20 school year.

HB 2262 (Chapter 395)

Effective July 1, 2019

Operations

Creates provisions and amends ORS 326.425, 329.150, 329.165, 329.195, 350.075, 417.788, 417.793, 417.796, 417.827, and 417.847.

The bill modifies the purpose of the Early Learning Council (ELC) from overseeing to coordinating a system of early learning to ensure children enter school ready to learn and families are healthy, stable, and attached. The ELC will no longer serve as the state advisory council for the federal Head Start Act and will instead appoint a committee to fulfill this function. The bill also requires that at least one member of the ELC represent the tribes of Oregon, and at least one member represent the workforces for childcare and early learning. State agency representatives on the ELC will now be nonvoting members. These changes become operative Sept. 1, 2019.

Similarly, the bill modifies the purpose of the Youth Development Council (YDC) from overseeing to coordinating. The bill further modifies the requirements for YDC’s intergovernmental agreements and grant agreements with community-based organizations.

The bill also provides the authority to the Higher Education Coordinating Commission to administer a statewide longitudinal database system and coordinate with various state agencies to conduct longitudinal studies.

HB 2263 (Chapter 204)

Effective June 4, 2019

Finance; Programs

Creates provisions and amends ORS 340.320 and 340.330.

Oregon law requires school districts to offer opportunities for high school students to earn college credit during high school. Accelerated college credit programs may include Advanced Placement, International Baccalaureate, dual credit, and two-plus-two programs.

House Bill 2263 attempts to address concerns of inequitable access to these programs for underserved and rural students, while simultaneously addressing challenges around the transferability of credits earned in high school to community colleges and universities.

Specifically, the bill creates:

- The Accelerated College Credit Planning Partnership Grant Program to encourage partnerships between school districts, a consortium of school districts, or education service districts and post-secondary institutions of education in order to provide college credits to historically underrepresented students and schools;
- The Accelerated College Credit Partnership Enhancement Grant Program to enhance accelerated college credit programs and partnerships. School districts, post-secondary institutions of education, and consortiums of post-secondary institutions may apply for a grant, again with a focus on historically underrepresented students and schools; and
- The Accelerated College Credit Instructor Grant Program to provide education or training to teachers who are or will be providing instruction in accelerated college credit programs. Grants are available to school districts, education service districts, or public post-secondary institutions of education. The Oregon Department of Education is required to provide grants to cover tuition costs for up to 65 high school instructors to become qualified to teach accelerated learning courses during the 2019-21 biennium.

The bill further requires the Teacher Standards and Practices Commission and the Higher Education Coordinating Commission to study ways to grow the pool of Oregon teachers qualified to teach accelerated college credit programs and to report on those findings.

At the time of this writing it is unclear how much money will be transferred to the various grant programs created by the bill.

HB 2266 (Chapter 484)

Effective June 25, 2019

Personnel

Creates provisions and amends ORS 243.135, 243.256, 243.866, and 243.879.

The bill requires the Public Employees' Benefit Board (PEBB) and the Oregon Educators Benefit Board (OEBB) to impose a surcharge on an eligible employee who arranges coverage for a spouse or dependent, if the spouse or dependent already has access to a plan offered by PEBB or OEBB.

The bill removes the language from statute that was put in place by SB 1067 (2017) that would have disallowed opt-out incentives. Opt-out incentives will continue to be allowed.

The bill directs PEBB and OEBB to conduct audits of dependent eligibility as frequently as recommended as a commercial best practice and extends the requirement of reimbursement for hospital services at 200 percent of Medicaid.

Finally, the bill requires the Oregon Health Authority to report to the Legislative Assembly no later than Dec. 31, 2019, on actions and strategies to contain costs.

HB 2341 (Chapter 139)

Effective Jan. 1, 2020

Operations; Personnel

Creates provisions and amends ORS 659A.885.

The bill makes it an unlawful employment practice for an employer to deny employment opportunities, fail to make reasonable accommodations, or take certain actions because of known limitations of employee or applicant related to pregnancy, childbirth, or related medical condition. The bill provides exemptions for a reasonable accommodation that requires significant difficulty or expense that imposes an undue hardship on business operations, and employers with fewer than six employees. Employers must post information that informs employees of these protections. The Bureau of Labor and Industries (BOLI) will develop training and education materials for employees and employers. The bill also provides employees and job applicants a private right of action or ability to file a complaint with BOLI for alleged violations.

HB 2353 (Chapter 205)

Effective June 4, 2019

Operations; PACE

Amends ORS 192.407.

Oregon's Public Records Law requires local governments and other public bodies to provide non-exempt public records to requestors within specified time periods (five business days to acknowledge the request and 10 business days to fulfill the request, unless the requestor is notified it will take longer). Fees may be charged to complete the records request. The measure allows the attorney general, a district attorney, or a court to waive any fees to fulfill the request and fine the public body \$200 if it is determined there is a failure to respond to the records request or a delay in fulfilling the request that is not justified.

HB 2377 (Ch. not yet assigned) Effective Aug. 9, 2019

Finance

Creates provisions and amends ORS 3.012, 21.007, 171.072, 180.095, 180.160, 291.278, 292.406, 292.411, 292.416, 292.426, and 475B.759; and repeals ORS 9.577, section 5, chapter 775, Oregon Laws 2009, and section 3, chapter 81, Oregon Laws 2018.

Each legislative session the Joint Committee on Ways and Means has a "program change" measure to make the necessary changes to balance the state budget for the biennium. This legislation is not an appropriation bill but does transfer funds between state accounts.

HB 2430 (Chapter 107)

Effective Jan. 1, 2020

Operations

Creates provisions and amends ORS 192.461 and section 8, chapter 728, Oregon Laws 2017; and repeals sections 15 and 17, chapter 728, Oregon Laws 2017.

In response to calls for more transparency in public records, the Legislature created the position of public records advocate and the Public Records Advisory Council (PRAC) to consider issues and questions related to public records. Currently, the PRAC is scheduled to sunset on Jan. 1, 2021. The bill removes the sunset and sets two-year terms for members of the PRAC, with some exceptions for three- and four-year terms for current members retroactive to Jan. 1, 2018, to provide a transition to two-year terms.

HB 2444 (Chapter 588)

Effective July 23, 2019

Programs

Creates provisions.

The Future Farmers of America (FFA) is a national organization that promotes development opportunities for young people through agricultural education. House Bill 2444 requires the Oregon Department of Education (ODE) to coordinate with the Oregon FFA to increase student achievement and improve graduation rates, college preparation, and career placement for students enrolled in agricultural courses. It also requires students in grades 9-12 to be enrolled in the national FFA, if they are enrolled in agricultural education programs; and provides funding for ODE and the Oregon FFA to coordinate competitive events, conventions, and the Oregon State Fair. Furthermore, it establishes a grant program for personnel to manage agricultural programs during the summer months. It appropriates \$1,430,000 General Fund dollars for coordination and \$600,000 for the grant program. It applies to the 2019-20 school year.

HB 2457 (Chapter 195)

Effective May 30, 2019

Operations

Creates provisions.

The bill is designed to increase the number of educators in the Eastern Oregon Border Economic Development Region who can teach high school math and science related to a career and technical education program. It directs the Teacher Standards and Practices Commission (TSPC) to evaluate whether licensing requirements may be waived or modified to more closely match the licensing requirements of Idaho to increase competitiveness of positions in Oregon. It requires TSPC and the Oregon Department of Education (ODE) to jointly evaluate methods for promoting career advancement and mentorship opportunities for new teachers at schools in the region. Finally, the Office of Child Care is required to evaluate whether a streamlined process may be implemented to improve the availability of childcare. TSPC, ODE, and the Office of Child Care will report back to the Legislature no later than Sept. 15, 2024. The legislation sunsets Dec. 31, 2024.

HB 2496 (Chapter 160)

Effective Sept. 29, 2019

Operations

Creates provisions and amends 279C.527 and 279C.528.

The bill makes changes to the requirements of green energy technology (GET) when constructing public buildings, including raising the contract price to \$5 million or greater. The bill defines "total contract price" for purposes of determining application of green energy technology requirements.

Specific changes include:

- Expanding the allowable requirements to include battery storage that is part of on-site solar or geothermal energy in definition of GET;
- Modifying the threshold from 20 to 10 percent reduction of energy use for passive solar energy building design;
- Providing exemptions to airports are exempt from the GET requirement;
- Allows GET requirement to be satisfied by energy efficiency construction measures, or woody biomass that creates new energy generation capacity, when analysis determines the solar resource fraction is 75 percent or less; and

- Authorizing the contracting agency to consolidate GET requirements from multiple projects into one public building or off-site location if total expense is an aggregate amount of all GET requirements and the project meets specified standards.

The amendments of this act become operative on Jan. 1, 2020.

The Oregon Department of Energy will adopt rules to administer program changes.

HB 2512 (Chapter 404) Effective Jan. 1, 2020 **Personnel**
Creates provisions and amends ORS 326.021.

The bill requires that one of the two at-large members of the State Board of Education appointed by the governor be a licensed teacher in Oregon. It also removes the prohibition on active teachers and administrators serving on the State Board of Education. These changes apply to appointments made on or after the effective date.

HB 2514 (Chapter 196) Effective Jan. 1, 2020 **Operations; PACE**
Amends ORS 332.060.

The bill expands the provision that allows school district boards to hold executive sessions for matters pertaining to or examination of any confidential student records, not just medical records. The news media may be excluded from these executive sessions in accordance with ORS 192.660(4). This change aligns state law with the federal Family Educational Rights and Privacy Act (FERPA) and allows school districts to comply with both state and federal law when conducting these hearings. The law retains the ability for the student or the student’s parent or guardian to request a public hearing.

HB 2519 (Chapter 206) Effective Jan. 1, 2020 **Operations; PACE**
Creates provisions.

The measure requires institutions of higher education to adopt a written policy on hazing and provide annual, on-campus policy training for students. The training must include information on the harmful effects of hazing as well as the relevant laws and institution policies that prohibit hazing. By Dec. 31 of each year, each institution must report to the Legislative Assembly the number of hazing incidents reported to the institution and the number of hazing incidents that were investigated by the institution during the previous academic year. The bill allows the submission of one report for multiple institutions if the information is disaggregated by institution.

HB 2556 (Chapter 207) Effective July 1, 2019 **Operations**
Creates provisions and amends ORS 339.065 and 339.280.

This legislation requires that schools grant excused absences for up to seven days to a student who is a dependent of a member of the Armed Forces of the United States (including the Oregon National Guard) on active duty or called into active duty. Excused absences granted under this provision may not be counted toward calculating the number of permitted excused absences in a given three-month or six-month term. These provisions first apply to the 2019-20 school year.

HB 2579 (Chapter 580)

Effective July 23, 2019

Programs

Creates provisions and amends ORS 336.431.

The bill expands the types of entities that may receive Farm-to-School grants and expands the allowable usage of grant funds to include costs associated with identifying food sources or processing food. Grants can be distributed to school districts, providers of center-based programs for children in the Child and Adult Care Food Program, and entities that provide meals through the Summer Food Service Program. Grant funding may also be used to provide education or promotion about food produced or processed in Oregon. The bill also establishes a new competitive grant to encourage and sustain efforts to purchase or promote food produced or processed in-state and expands the types of entities that may receive a competitive grant for educational activities to include Child and Adult Care Food Program center-based providers and in-state food producers.

The bill directs the Oregon Department of Education (ODE) to evaluate the effectiveness of the Farm-to-School Grant Program, and to enter into an agreement with one or more statewide, regional, or community partners to provide technical assistance, training, and resources to grant winners. Additionally, ODE is directed to partner with the Department of Agriculture to distribute funding for certain purposes. The bill appropriates \$10,350,000 to ODE.

HB 2593 (Chapter 118)

Effective Sept. 29, 2019

Operations; Personnel

Amends ORS 653.077.

The bill removes limitations on the frequency and duration of rest periods an employer must provide an employee to express milk. The bill further limits the ability to claim undue hardship for employers who have 10 or fewer employees. Finally, the bill removes the exemption for employers with fewer than 25 employees.

HB 2660 (Chapter 407)

Effective Jan. 1, 2020

Operations; Personnel

Creates provisions and amends ORS 657.221.

Currently, most maintenance and janitorial employees are on a 12-month calendar. This bill allows eligible, unemployed maintenance and janitorial employees of public and nonprofit educational institutions and institutions of higher education to receive unemployment benefits during summer breaks, customary vacation periods, and holiday recesses.

HB 2769 (Chapter 55)

Effective Sept. 29, 2019

Operations

Creates provisions and amends ORS 279A.157 and 279C.110.

Modifies the Qualifications-Based Selection (QBS) procurement process to allow local government contracting agencies to consider pricing proposals of three top-ranked consultants when soliciting architectural, engineering, land surveying, photogrammetric mapping, or transportation planning services. The bill requires the local contracting agency to state in the solicitation documents the factors that will be used to evaluate proposals, including pricing information. The bill also limits the weight given to the price proposal to 15 percent and establishes rights to protest a state or local contracting agency's use of QBS. The changes apply to contracts advertised on or after Jan. 1, 2020.

HB 2788 (Chapter 488)

Effective Jan. 1, 2020

Operations; Personnel

Amends ORS 656.506 and 656.790.

The Workers' Benefit Fund supports return-to-work programs and cost-of-living adjustments to permanently and totally disabled workers, and to the spouses and children of workers who died from an occupational injury or disease. The Fund revenue comes from an assessment of 2.4 cents per hour worked that is shared equally by employers and workers. In 2014, the Legislative Assembly reduced the required balance of the Workers' Benefit Fund from 12 months to six months of projected expenditures in response to issues with the solvency of several self-insured employer groups. House Bill 2788 reverses that and now requires the Department of Consumer and Business Services (DCBS) to increase the minimum fund balance of the Workers' Benefit Fund, from six months to twelve months, of projected operating expenditures. If the balance of the Fund falls below minimum requirements, DCBS is required to report to the Workers' Compensation Management-Labor Advisory Committee with a plan to increase the balance to the required amount and the committee must advise the director regarding the plan.

HB 2867 (Ch. not yet assigned)

Effective Aug. 9, 2019

Finance

Creates provisions and amends ORS 327.077.

Oregon's State School Fund formula includes extra resources for small, often rural, high schools to ensure students receive a well-rounded experience. There is currently a statutory cap of 8,500 ADMw for districts to receive the funding. The bill raises the cap to 9,500 ADMw, while keeping all the other current statutory requirements the same. At this time, the only eligible school district approaching the previous cap is Klamath County.

HB 2876 (Chapter 308)

Effective Jan. 1, 2020

Programs

Creates provisions.

School districts are currently required to offer a school counseling program based on the Oregon Department of Education's Framework for Comprehensive School Counseling Programs as part of OAR 581-022-2060. The legislation places this requirement in statute and outlines the staff members who are authorized to implement the requirements. The counseling program may be implemented by a person licensed by the Teacher Standards and Practices Commission (TSPC) as a school counselor, a person licensed by TSPC as a school social worker, or any combination of persons the State Board of Education designates by rule as qualified to implement the program.

HB 2892 (Chapter 210)

Effective June 4, 2019

Operations

Creates provisions and amends ORS 329.451.

This legislation requires that public schools allow students to wear a military dress uniform at high school graduation ceremonies, if the student qualifies to receive a diploma or certificate, and is an active member of the Armed Forces who has completed basic training.

HB 2910 (Chapter 596)

Effective Jan. 1, 2020

Programs

Creates provisions and amends ORS 341.522.

The Oregon Promise is a state grant program that covers the cost of tuition at Oregon community colleges for recent high school General Education Development (GED)

graduates. To enroll in the Oregon Promise program, students must apply within six months of degree or GED completion. House Bill 2910 allows students who have been detained in a correctional facility to apply for the grant program within six months of the date of release from detention. The bill appropriates \$200,000 for anticipated costs associated with this change.

HB 2964 (Chapter 211)

Effective Jan. 1, 2020

Programs

Creates provisions.

Directs the Oregon Department of Education, in collaboration with the Oregon State Lottery Commission, to create an Oregon Education Support Professional of the Year Program for pre-kindergarten through grade 12 support professionals. The State Board of Education will adopt rules specifying the application process and selection criteria.

HB 3077 (Chapter 442)

Effective July 1, 2020

Personnel

Creates provisions and amends ORS 342.704.

In 1997, the Legislative Assembly enacted statutes requiring school district policies for sexual harassment reporting and investigation. In the 2018 session, the Legislature passed House Bill 4150, which updated those protections. House Bill 3077 expands those policies. It requires a new definition of harassment, clarifies certain aspects of the reporting and investigation process, and requires allocation of resources to support individuals who report sexual harassment.

HB 3165 (Chapter 601)

Effective July 23, 2019

Operations; Programs

Creates provisions and amends ORS 413.225.

The bill allocates \$950,000 to the Oregon Health Authority (OHA) to award six grants to school districts or education service districts for planning and technical assistance to support school-based health centers (SBHC) and up to four grants to create an alternative model pilot project. The grant program will sunset on Jan. 2, 2026. Districts that are awarded grants will be required to evaluate the need for school-based health services and develop a plan to address those needs using a SBHC or an alternative model pilot project that meets a specific need. Grantees are required to consult with nonprofits to facilitate the planning process and provide technical assistance, and the OHA may contract with a statewide nonprofit to support grantees. Grantees must solicit community participation from local public health authorities, any federally qualified health centers in the district, every Coordinated Care Organization with members in the district, and a regional health equity coalition (defined in statute). The OHA will work with the Centers for Medicare and Medicaid Services to identify additional sources of funding for school-based health service expenditures.

HB 3261 (Chapter 216)

Effective Jan. 1, 2020

Operations

Creates provisions and amends ORS 133.400, 165.540, and 419C.270.

In the course of investigations, law enforcement officers sometimes have reason to question or interview young persons in custody. House Bill 3261 requires that law enforcement officers be equipped with a body camera to record custodial interviews with young persons

under the age of 18 in the course of investigating acts that would constitute a felony or misdemeanor, regardless of where the interview occurs.

HB 3310 (Chapter 449)

Effective Sept. 27, 2019

Operations

Amends ORS 255.

The bill amends current law to combat polarized voting and impact the elections process for school districts, education service districts, and community colleges. The bill requires that district elections be conducted in a manner that does not impair members of protected classes from having an equal opportunity to elect candidates of their choice, or an equal opportunity to influence the outcome of an election as a result of dilution or abridgement of rights of the members of the protected class. "Protected class" in this context means a class of electors who are distinguished by race or color, or are members of a language minority group, consistent with federal law.

The bill gives districts the ability to change the electoral system and outlines required procedures. It also gives individual electors the ability to challenge a district's system, recover fees for research, and file a claim alleging polarized voting in circuit court.

HB 3384 (Chapter 416)

Effective June 17, 2019

Operations

Amends ORS 215.135.

The state of Oregon requires that all agricultural properties and lands be inventoried and zoned as exclusive farm use (EFU). Schools are one of several non-farm uses allowed on these lands, but in 2009 the Legislature removed the outright EFU exception for public and private schools. Allowances were made for public or private schools that primarily serve the rural residents from the area where the school is located and allowed for the expansion of the school if certain conditions were met. House Bill 3384 makes changes to these exceptions and allows K-12 public or private school expansion, if the school was established on or before Jan. 1, 2009, and the expansion occurs on a tax lot on which the school was established; or is contiguous to and, on Jan. 1, 2015, under the same ownership as the tax lot on which the school was established. The law prohibits a county from denying a K-12 public or private school expansion on land zoned for exclusive farm use (EFU) based on a rule or condition that establishes a maximum capacity of people in the structure or group of structures, a minimum distance between structures, or a maximum density of structures per acre.

HB 3409 (Chapter 418)

Effective Sept. 1, 2019

Operations; Personnel

Amends ORS 332.075.

This legislation prohibits school districts from being a member of or paying fees to an interscholastic organization (i.e., the Oregon School Activities Association) unless the organization implements policies that address the use of derogatory or inappropriate behavior that occurs at events; maintains a complaint process; develops a system of sanctions against schools, students, coaches, and spectators for verified complaints; and performs an annual survey of students and parents. The bill takes effects for the 2019-20 school year.

Creates provisions.

In 2015, the Legislature enacted House Bill 3476, requiring higher education institutions to address sexual assault and harassment by providing students with trained advocates on campuses. In 2019, the U.S. Department of Education published a notice of proposed rulemaking that would require universities to change some of their current policies and practices, specifically narrowing the definition of harassment, limiting jurisdiction, and omitting constructive notice as a trigger for investigation. House Bill 3415 requires institutions of higher education to adopt written policies on sexual harassment and assault to maintain current practices and requires that staff continue to receive evidence-informed annual training on relevant topics.

Creates provisions and amends ORS 316.037, 327.008, 327.527, 327.535, 329.095, 417.790, and 417.847.

The bill is arguably the most important piece of K-12 related legislation to pass the Legislature in the last 30 years. The Student Success Act is the culmination of the work of the Joint Committee on Student Success and creates a dedicated source of funding for K-12 and early childhood programs, which is expected to net \$2 billion per biennium.

The legislation pays for these investments with a new commercial activity tax on business, coupled with a personal income tax reduction for most Oregonians. Major components of the revenue package include:

- Commercial activity tax on businesses with a tax rate of a \$250 flat fee, plus 0.57% tax on “taxable business receipts” above \$1,000,000;
- Businesses may subtract the cost of inputs or labor up to 35% of their commercial activity;
- Exemptions for groceries, utilities, petroleum/gasoline, and hospitals;
- 0.25% reduction in all personal income tax brackets except for the top-earning bracket;
- All net revenue is dedicated to education and the Fund for Student Success;
- Preemption of local taxes on business receipts (but grandfathers in existing taxes);
- Requires registration with Oregon Department of Revenue for all businesses with receipts exceeding \$750,000;
- Tax is effective and begins Jan. 1, 2020; and
- The Fund for Student Success is created separate from the State General Fund to deposit receipts from the collection of the tax.

The legislation includes two one-time appropriations for the 2019-21 biennium:

- A one-time \$200 million transfer to the State School Fund from the Fund for Student Success to increase State School Fund funding to \$9 billion for the 2019-21 biennium; and

- A one-time \$20 million transfer to the State School Fund from the Fund for Student Success to be added to the High Cost Disabilities Account for the 2019-21 biennium. (Please note that in future biennia this amount will be increased to \$40 million.)

The legislation also includes ongoing appropriations to backfill the loss of general fund revenue due to the personal income tax reduction in the bill. After these required appropriations are made, approximately \$1 billion per school year will be allocated in the following ways:

- At least 50% of the remaining Student Success Fund will be allocated to an equity-focused Student Investment Account. Student Investment Account funds will be distributed to school districts based on the current funding formula, with one change – the poverty weight will be doubled for these funds.

Student Investment Account funds could be spent in the following “buckets”:

- Additional instructional time, school days, summer school, and before and after school programs;
 - Student health and safety, including social and emotional determinants of health;
 - Reducing class size or staff ratios; or
 - Offering a well-rounded education program (e.g., art, music, physical education, Advanced Placement, International Baccalaureate, STEM, electives, etc.).
- At least 20% of the Student Success Fund would be allocated to the Early Learning Account (ELA).

Major highlights include:

- Full funding for Early Intervention/Early Childhood Special Education;
 - Expanding Oregon Pre-kindergarten, Head Start, and Preschool Promise;
 - Targeted investments in culturally specific early learning programs through an Early Childhood Equity Fund; and
 - Funding for relief nurseries.
- Up to 30% of the Student Success Fund would be allocated to the Statewide Education Initiatives Account.

The list of statewide initiatives is extensive; however, major highlights include:

- Full funding of Measure 98;
- Education service district funding to support school district planning and implementation;
- Funding for youth reengagement programs;
- Funding for school meals;
- Increased funding for the High Cost Disability Fund;
- Funding for multiple equity-focused initiatives, including funding for the African American/Black Student Success Plan, the Latino Student Success Plan and the Native American Student Success Plan; and
- Oregon Department of Education (ODE) technical support for districts.

To access Student Investment Account funds, districts must submit four-year plans that include a needs assessment and proposals to address students' mental and behavioral health. Districts would have to commit to using data for equity-based decision making, community engagement, and teacher collaboration time.

The bill contains a detailed application process and accountability framework, including school district growth targets in key areas; supports, interventions, and technical assistance for districts; and an intensive four-year support and funding system for high needs districts.

Because the collection of the tax will not begin until January 2020, school districts and education service districts should not expect to begin receiving funds from the Student Investment Account until the 2020-21 school year. Funding for statewide initiatives and early learning programs begins in 2020-21 as well. There is one major exception - ODE has notified districts of their intent to begin distribution of full funding for Measure 98 during the 2019-20 school year.

The business tax is projected to raise \$1.6 billion in the upcoming biennium. Final projections, which factor in the additional appropriation to the State School Fund, lost state revenue due to the personal income tax cut, funds for the High Cost Disability Fund, and other administrative costs for collection of the tax leave a net of approximately \$950 million. Of that amount, the following accounts are authorized to spend money by House Bill 5047 (rounded to the nearest millions):

- Early Learning Account - \$171 million;
- Statewide Education Initiative Account - \$265 million;
- Student Investment Account - \$473 million.

We expect ODE to release a major update with additional detailed information about the Student Success Act around the start of the 2019-20 school year. At the time of this writing, it appears that the effort to refer the Student Success Act to a vote of the people will not be moving forward (see Senate Bill 116 in this report).

HB 5005 (Ch. not yet assigned) Effective Aug. 9, 2019

Finance

Amends Section 1, Chapter 570 of Oregon Laws 2017.

The bill authorizes the issuance of general obligation bonds for the 2019-21 biennium. It includes limits on the maximum amount of bonds and third-party financing agreements state agencies may issue, and the amount of revenue state agencies may raise from such issuance.

There are several key bonds authorized for the benefit of K-12 schools and community colleges. These include:

- \$75,265,000 of Article XI-G general obligation bond authority to provide grants to community colleges to finance 11 new and continuing projects. The funds will be distributed through the Higher Education Coordinating Commission;
- \$101,240,000 (\$1,240,000 to cover costs of issuing the bonds) of Article XI-M general obligation bond authority to provide grants for the Seismic Rehabilitation Grant Program coordinated through Business Oregon; and

- \$126,090,000 (\$1,090,000 to cover costs of issuing the bonds) of Article XI-P general obligation bond authority to provide local bond matching grants through the Oregon School Capitol Improvement Matching Program (OSCIM) coordinated through the Oregon Department of Education.

HB 5006 (Ch. not yet assigned) Effective Aug. 9, 2019

Finance

Amends Section 3, Chapter 747 (Oregon Laws 2017).

The bill is the budget bill for capital construction projects across state government. It authorizes the planning and preparation of state projects and most notably includes additional capital construction expenditure limitations for the Higher Education Coordinating Commission of \$24,860,000 for the distribution of Article XI-G general obligation bond and lottery revenue bond proceeds to community colleges. These funds are related to three newly authorized community college projects and an increase in one reauthorized project that are included in House Bill 5005.

HB 5015 (Chapter 609)

Effective July 23, 2019

Finance

Creates provisions.

This bill is the budget bill for the Oregon Department of Education. The bulk of the \$3 billion allocation is distributed to school districts and education service districts in the form of grants-in-aid.

Other areas of investment include:

- Early Intervention/Early Childhood Special Education - \$194.4 million;
- Ballot Measure 98 grants - \$170 million;
- Educator Advancement Council - \$35.8 million;
- One-time special education “backfill” for lost federal funds - \$3.3 million; and
- Native American curriculum development: \$1.8 million.

Additionally, a variety of programs, including Regional Programs, other programs for low-incidence disabilities, and various Early Intervention and Early Childhood Special Education (EI/ECSE) programs, received an allocation sufficient to cover projected roll-up costs for 2019-21. These programs had been targeted for budget cuts in the Governor’s draft budget.

HB 5016 (Chapter 218)

Effective July 1, 2019

Finance

Creates provisions.

This is the State School Fund (SSF) bill, allocating \$9 billion to the Oregon Department of Education (ODE) for the 2019-21 biennium, a 9.7% increase over the 2017-2019 legislatively approved budget (\$8.2 billion). The sources for this funding include the general fund (e.g., income and capital gains taxes), lottery funds, and other funds (e.g., marijuana taxes, state timber taxes, etc.). The SSF is the state’s share of the School Funding Formula and does not reflect local revenues from property taxes; estimated by the Legislative Revenue Office to be about \$4.27 billion for the 2019-21 biennium. The \$9 billion number does reflect the dollars allocated to the SSF from the Fund for Student Success.

HB 5024 (Ch. not yet assigned) Effective Aug. 9, 2019

Finance

Creates provisions.

This is the budget bill for Higher Education Coordinating Commission (HECC). The bill appropriates \$2.4 billion to the HECC.

Major features of the HECC budget bill include:

- Public University Support Fund - \$836.9 million;
- The Community College Support Fund - \$641 million;
- Oregon Opportunity Grant funding - \$164.2 million;
- Oregon Promise program funding - \$40 million; and
- Outdoor School program funding - \$45.3 million in lottery funds, as required by Ballot Measure 99 (2016).

HB 5025 (Ch. not yet assigned) Effective Aug. 9, 2019

Finance

Creates provisions.

This bill is the fee modifications bill for the Private Career School program at the Higher Education Coordinating Commission. The program licenses approximately 180 career schools, including those related to cosmetology, tax, truck driving, health care, and real estate. The Private Career School Advisory Committee, which includes representatives of the schools, recommended these increases. The Commission's budget projects \$117,703 annually in the 2019-21 biennium.

HB 5029 (Ch. not yet assigned) Effective Aug. 9, 2019

Finance

Creates provisions.

The bill allocates Lottery Funds, money in the Oregon Marijuana Account, and money in the Criminal Fine Account to various state and local programs. In addition to any discretionary appropriations, there are several education related expenditures mandated by the Oregon Constitution or state statute.

Key allocations related to education during the 2019-21 biennium include:

- Constitutional requirement - 18% of net lottery proceeds are distributed to the Education Stability Fund;
- Statutory requirement - 4% of net lottery proceeds (capped at \$5.5 million per quarter with an inflationary increase) are distributed to Outdoor School. The Legislature allocated \$45.3 million for Outdoor School for the 19-21 biennium;
- Discretionary distribution - \$530.1 million is transferred to the State School Fund;
- Discretionary distribution - \$263.7 million to pay for debt service on outstanding lottery revenue bonds (this includes funds for community college projects through the Higher Education Coordinating Commission); and
- Statutory distribution - 40% of the Oregon Marijuana Account money is allocated to the State School Fund, which is projected to be \$103.7 million during the biennium.

HB 5030 (Ch. not yet assigned) Effective Aug. 9, 2019 Finance

Creates provisions and amends ORS 285B.551; sections 13 and 14, chapter 746, Oregon Laws 2007; sections 4 and 10, chapter 906, Oregon Laws 2009; section 6, chapter 786, Oregon Laws 2013; and section 28, chapter 748, Oregon Laws 2017.

The bill authorizes the issuance of lottery backed bonds during the 2019-21 biennium of \$273,211,872 (plus \$24,252,637 for bond issuance costs) for 37 projects across Oregon.

There are two education related projects:

- \$2,331,872 million for a School Health Center at Reynolds High School; and
- \$6,500,000 million for an Agricultural Resource Management facility at Blue Mountain Community College.

HB 5032 (Chapter 611) Effective July 23, 2019 Finance

Creates provisions.

This is the budget bill for the Public Employees Retirement System (PERS). PERS is responsible for administering retirement programs for public employees, including state, school, and local government workers. In support of its mission, PERS manages the Tier 1 and Tier 2 Retirement programs, the Oregon Public Service Retirement Program (OPSRP), the Individual Account Program (IAP), two health insurance programs, Social Security Administration activities, and the Oregon Savings Growth Plan deferred compensation program. The five-member Public Employees Retirement Board (PERB) provides administrative oversight for all PERS programs. The bill appropriates \$163.7 million for operations and \$12.5 billion for benefit payments. The agency has 415 FTE. The budget includes \$100 million for the School Districts Unfunded Liability Fund.

HB 5035 (Chapter 454) Effective July 1, 2019 Finance

Creates provisions.

This is the budget bill for the Oregon Department of State Lands. The department generates revenue for the Common School Fund through the management of state-owned lands and investment activities. The department provides administrative support to the State Land Board, which is comprised of the governor, the treasurer, and the secretary of state. It implements the policies of the State Land Board in management of the Common School Fund and its assets. The bill appropriates \$61.5 million to the department, which has 113 positions that support its work.

HB 5038 (Chapter 613) Effective July 23, 2019 Finance

Creates provisions.

The bill distributes payments made to the State of Oregon through the Tobacco Master Settlement Agreement (MSA). As part of a settlement not to sue cigarette manufacturers, Oregon receives annual payments from tobacco companies in perpetuity - tobacco companies owe Oregon over \$132 million in the 2019-21 biennium. Most of the funds help pay for the Oregon Health Plan, but \$3.1 million is distributed to the Oregon Department of Education to pay for physical education grants in the upcoming biennium.

HB 5046 (Chapter 18)

Effective April 3, 2019

Finance

Creates provisions and amends Section 2, Chapter 592, Oregon Laws 2017, and repeals Section 123, Chapter 702, Oregon Laws 2017.

During long legislative sessions, in odd-numbered years, the Legislature passes an omnibus bill to rebalance and close out the previous biennial budget. This bill makes some minor changes to many state programs to close out the 2017-19 budget cycle. No adjustments to agency budgets or debt service for K-12 or community colleges resulted in the loss of any funds. One expenditure was not endorsed by K-12 advocates: \$12 million from the Common School Fund was allocated as part of a package to pay for the Portland Harbor Cleanup Fund for the Portland Harbor Superfund Site. While likely allowable under the Oregon Constitution, COSA and OSBA do not believe this is the most prudent use of these funds.

HB 5047 (Chapter 220)

Effective July 1, 2019

Finance

Creates provisions.

This legislation includes the budget expenditure authority to fund the programs created by the Student Success Act (House Bill 3427). It provides authority to the Oregon Department of Education (ODE), Oregon Department of Revenue, and Oregon Department of Justice to pay for the requirements of the Student Success Act, including staffing and implementation costs. The bill includes spending authority for 72 new positions at ODE (51.95 FTE) and resources for the Department of Revenue to collect the new corporate activity tax. It authorizes the expenditure of the following amounts in the funding buckets created by the Student Success Act (rounded to the nearest millions):

- Early Learning Account - \$171 million;
- Statewide Education Initiative Account - \$265 million; and
- Student Investment Account - \$473 million.

HB 5050 (Ch. not yet assigned) Effective Aug. 9, 2019

Finance

Creates provisions.

The bill appropriates state resources to a wide variety of programs and state agencies and is generally referred to as the “Christmas tree bill.” It is the budget reconciliation bill that passes at the end of each legislative session. It includes allocations made to the Emergency Board.

For the education portion of the 2019-21 biennial budget, major education-related allocations include:

- \$125 million in bond proceeds for Oregon School Capital Improvement Matching program, corresponding to the bond authorizations in House Bill 5005;
- \$100 million in bond proceeds to the Oregon Business Development Department for seismic rehabilitation grants, corresponding to the bond authorizations in House Bill 5005;
- \$4.2 million to the Higher Education Coordinating Commission for management of the Statewide Longitudinal Data System;
- \$2.4 million to the Department of Administrative Services for the Reynolds High School Health Center;

- \$1 million for costs associated with the issuance of general obligation bonds benefiting education; and
- \$975,000 to the Higher Education Coordinating Commission for a grant to Treasure Valley Community College for the Career and Technical Center.

HCR 2

Adopted May 7, 2019

Programs

This resolution commemorates the 150th anniversary of Lincoln High School in Portland, one of the oldest and most celebrated public schools West of the Mississippi River. The resolution recognizes the school for many accomplishments, including academics (high graduation rates and participation in International Baccalaureate programs), extracurricular activities (20 constitution team state championships and the oldest student newspaper on the West Coast), and athletics (38 state championships). It concludes by congratulating Lincoln students, faculty, and alumni for their achievements and legacy of public service and global thinking.

HCR 17

Adopted May 23, 2019

Programs

This resolution honors and recognizes Mr. Alter Wiener, 1926-2018, for sharing his life story and experiences during the Holocaust with thousands of Oregon students and community members. Mr. Wiener was born on Oct. 8, 1926, in Chrzanów, Poland. In June 1942, Mr. Wiener was deported from his home to the Blechhammer forced labor camp. Over the subsequent three years, he was imprisoned in five different forced labor camps. In May 1945, Mr. Wiener was liberated by Soviet armed forces from the Waldenburg concentration camp. He was 18 years old and weighed approximately 80 pounds. In 1960, he moved to New York. In 1966, he became a U.S. citizen. After coming to Oregon in 2000, Mr. Wiener began to give presentations on his life story and his experiences in the Holocaust to Oregon high school students. In the following years, he made nearly a thousand appearances in schools and other community organizations. He passed away on Dec. 11, 2018, in Hillsboro, Oregon.

HJM 3

Adopted April 29, 2019

Finance

This memorial urges the President of the United States and the United States Congress to enact the Individuals with Disabilities Education Full Funding Act, which would fully fund the Individuals with Disabilities Education Act (IDEA). The legislation describes the federal government’s failure to pay its promised 40% share of the IDEA mandate and the growth of Oregon’s student population requiring special education services, leading to program cuts, and tax increases. The memorial was sent to the president, the senate majority leader, the speaker of the house, and each member of Oregon’s congressional delegation.

SB 1 (Chapter 616)

Effective Jan. 1, 2020

Operations

Creates provisions and repeals ORS 418.975, 418.977, 418.980, 418.982, and 418.985.

The bill is a result of the work done by the Children and Youth with Specialized Needs work group, formed at the direction of the governor, the president of the senate, and the chief justice of the supreme court in January 2018. The bill establishes a System of Care Advisory Council to improve the effectiveness and efficacy of state and local systems of care that provide services to youth with distinctive mental or behavioral health needs who come to the attention of different systems, such as the juvenile justice system, the child welfare

system, or the health system. The measure directs the council to develop and maintain a state system of care policy and a comprehensive, long-range plan for a coordinated state system of care for these young people. Senate Bill 1 allows the Oregon Health Authority, the Oregon Youth Authority, and the Department of Human Services to contract for interdisciplinary assessment teams to provide these services.

SB 3 (Chapter 225)

Effective Jan. 1, 2020

Operations; Programs

Creates provisions and amends ORS 341.005 and 341.009.

Previously, Oregon law prohibited community colleges from offering four-year baccalaureate programs, including applied baccalaureate programs. ORS 348.910 defines an applied “baccalaureate degree” as a bachelor’s degree designed to incorporate applied associate courses and degrees with additional coursework emphasizing higher-order thinking skills and advanced technical knowledge and skills. Senate Bill 3 allows community colleges to offer applied baccalaureate degrees upon approval from the Higher Education Coordinating Commission.

SB 13 (Chapter 310)

Effective Jan. 1, 2020

Operations

Amends ORS 343.035 and 343.236.

The bill was requested by the Oregon Department of Education to make technical changes and update multiple terms, including changing the term “hearing impairment” to “deafness and being hard of hearing” in Oregon’s special education statutes. The bill also remedies a conflict of laws with federal special education requirements that occurred in error as part of House Bill 4067 (2018).

SB 16 (Chapter 171)

Effective May 24, 2019

Operations

Creates provisions and amends ORS 343.146.

The bill was requested by the Oregon Department of Education to make technical changes. The measure eliminates inconsistent terms and clarifies the types of licensed health care practitioners that are authorized to perform assessments or examinations for purposes of determining special education services eligibility. As a result of this bill, audiologists will be permitted to forward audiological information to school districts as part of an evaluation under the categories of Hearing Impairment and Deafblindness.

SB 20 (Chapter 276)

Effective Jan. 1, 2020

Operations

Amends ORS 427.101, 427.107, 427.115, 427.121, 427.154, 430.662, and 430.664; and repeals ORS 427.160.

The Office of Developmental Disability Services, within the Department of Human Services, works to provide services to any eligible child or adult with developmental disabilities. Senate Bill 20 consolidates eligibility for these services by eliminating the definition of “adult” and refers instead to “individuals.” It also modifies other definitions, including definitions of “self-determination” and “community living setting.” Finally, it requires the department to use case management entities, and to contract with support service brokerages and with each community developmental disabilities program for the provision of services.

SB 52 (Chapter 172)

Effective May 24, 2019

PACE; Personnel

Creates provisions.

The bill is named Adi's Act in honor of Adi Staub, a transgender student who died by suicide as a senior in high school in 2017. She had expressed suicidal thoughts and language to adults in her life, including to educators at her school in the course of school assignments. Senate Bill 52 requires school districts to adopt a policy for a plan to address student suicide prevention no later than the beginning of the 2020-21 school year.

SB 79 (Chapter 359)

Effective Jan. 1, 2020

Finance

Amends ORS 137.118, 156.315, 293.250, and 314.415.

The Department of Revenue (DOR) collects delinquent debt for more than 280 state agencies, boards, and commissions. Senate Bill 79 clarifies the existing authority of the DOR to collect delinquent debt of state agencies, public universities, community colleges, and the Oregon Health & Science University. It also expands the authority of the DOR to collect debt, originating from local and special government bodies, including school districts and many special districts.

SB 116 (Ch. not yet assigned)

Effective Aug. 9, 2019

Operations

Creates provisions.

During the 2019 legislative session, some opponents of the Student Success Act (HB 3427) announced their intentions to refer the bill to a vote of the people by citizen petition. Senate Bill 116 creates the parameters for that election in the event of a successful referral. It sets the special election date as Jan. 21, 2020, and describes the process for creating a ballot title and disseminating other relevant election information. At the time of this writing, opponents have announced that they are dropping efforts to collect signatures to refer the Student Success Act and an election in January is not expected.

SB 123 (Chapter 617)

Effective Jan. 1, 2020

Operations; PACE; Personnel

Amends ORS 652.210, 652.220, and 652.235.

The 2017 Equal Pay Act expanded existing equal pay protections to make it an unlawful employment practice to discriminate between employees or applicants in the payment of compensation based on race, color, religion, sex, sexual orientation, national origin, marital status, veteran status, disability, or age. The act prohibited an employer or prospective employer from using salary history to screen applicants or to determine compensation; or from acquiring the salary history of an applicant or employee from a current or former employer, unless the applicant chose to disclose salary history when negotiating compensation. Senate Bill 123 clarifies certain areas to smooth implementation, including adding employment agencies to the act, modifying the standard applicable to award of compensatory and punitive damages, prohibiting the use of an employer's implementation of equal pay analysis as admission of liability, describing circumstances under which an employer may pay compensation to an employee who is performing modified work as a result of a medical condition, and allowing an employer to pay employees for work of comparable character at different compensation levels based on certain factors contained in a collective bargaining agreement.

Amends ORS 334.013.

The bill updates the statutory listing of education service districts (ESDs) to reflect the current ESD boundaries. It eliminates Region 13 by adding Union County and Baker County to Region 12, and it eliminates Region 16 by adding Yamhill County to Region 3.

Creates provisions and amends ORS 338.115, 339.370, 339.372, 339.374, 339.378, 339.384, 339.388, 339.392, 339.400, 342.175, 342.176, 342.177, 342.183, 342.390, 419B.005, 419B.020, and 419B.035.

The federal Every Student Succeeds Act (ESSA) contains provisions prohibiting school districts, state departments of education, school employees, contractors, or agents from assisting school employees, contractors, or agents investigated for sexual misconduct from obtaining new jobs unless certain reporting requirements are met. In 2018, Portland Public Schools released a report detailing how former employees stayed employed despite multiple reports of sexual conduct by employees towards students.

Senate Bill 155 aligns Oregon law with federal law, further changes Oregon law to address sexual misconduct by school employees towards students, and implements recommendations contained in the report.

The bill includes the following changes:

- Significantly expands the definition of “sexual conduct” in ORS 339.370 to prohibit any verbal, physical, written, or electronic communications by school employees towards young people, with narrow exceptions for conduct required by job responsibilities and occurring without sexual intent;
- Expands and clarifies responsibilities of certain state agencies to investigate allegations of abuse or sexual conduct in schools by specifically creating a tiered structure for reports of potential sexual abuse and conduct: first to law enforcement; then to the Department of Human Services (DHS); then to the Teacher Standards and Practices Commission (TSPC) or the Oregon Department of Education (ODE); and then to school districts;
- Places a 90-day timeline on investigations by the TSPC and ODE;
- Requires school districts to establish policies on appropriate electronic communications between students and staff;
- Prohibits any termination or resignation agreements between the district and employees that may delay, impair, or suppress an investigation; and
- Changes several definitions to bring Oregon statutes into compliance with federal law.
- All initial reports of suspected abuse or sexual conduct must be first reported to a licensed administrator. This is a major change from current law which allows reports to be given to any designated school employee.

The bill also appropriates more than \$5 million for the expansion of investigatory capability at the ODE, DHS, and TSPC in compliance with the requirements of the measure.

SB 160 (Chapter 235)

Effective Jan. 1, 2020

Programs

Creates provisions and amends ORS 350.417.

The International Baccalaureate (IB) program is an internationally recognized system of high school instruction and curricular standards. To receive an accredited diploma, high school students must complete a standardized exam for each IB course. Scores on these exams range from one (lowest) to seven (highest). Many universities and colleges choose to offer college credit to students who receive a minimum score, typically five or higher, on an IB exam. Senate Bill 160 requires Oregon public universities and community colleges to award credit for IB scores of four or higher, unless an institution is granted an exception by the Higher Education Coordinating Commission. A similar measure was enacted in 2017 for students achieving a score of three on Advanced Placement (AP) examinations.

SB 163 (Chapter 511)

Effective Sept. 29, 2019

Programs

Creates provisions and amends ORS 178.380.

The ABLE program is a tax-free, state-based savings account to pay for disability-related expenses. Senate Bill 163 permits the Oregon 529 Savings Board to collect fees for applications, accounts, or administration to defray the costs of the ABLE program.

SB 186 (Chapter 12)

Effective March 27, 2019

Operations; PACE

Creates provisions and amends ORS 30.271 – 30.273.

Tort claims against a public body, or the employee, officer, or agent of a public body, that occur when the employee, officer, or agent is acting within the scope of their employment or duties are covered by the Oregon Tort Claims Act. Under the act, the public body indemnifies the employee, officer, or agent. The act sets limits on the liability that can be imposed on the public body. Currently, those monetary figures are subject to an annual adjustment by the State Court Administrator to adjust for cost of living changes. Statute directs use of the Portland-Salem Consumer Price Index, All Items, for All Urban Consumers in order to make that adjustment. The Consumer Price Indexes are maintained by the U.S. Department of Labor Bureau of Statistics, which has discontinued use of the index specified in statute. Senate Bill 186 directs the State Court Administrator to use the Consumer Price Index for All Urban Consumers, West Region, for adjustments to the limits on liability.

SB 216 (Chapter 150)

Effective Jan. 1, 2020

Personnel

Creates provisions and amends ORS 342.125.

In 2017, the Legislature passed Senate Bill 205, a licensing bill that permitted teachers to teach for 90 days without a license if they submitted an application for licensure and completed all required background checks. The purpose of this legislation was to allow school districts to employ teachers while their applications were being processed. Some districts have used this law, and subsequent related laws, to serially employ educators on 90-day licenses. SB 216 updates the law to permit school districts to employ an unlicensed educator with a pending application for 90 days only if the unlicensed educator has not been employed during the previous year with a pending application for the same license.

SB 283 (Ch. not yet assigned) Effective Aug. 9, 2019

Operations

Creates provisions.

This legislation requires the Oregon Health Authority (OHA) to review peer-reviewed, independently funded scientific studies of the health effects of exposure to microwave radiation, particularly exposure that results from the use of wireless network technologies in schools. The OHA will report the results of the review to the Legislature by 2021.

Subsequently, the Oregon Department of Education will develop recommendations for schools to reduce students' exposure to microwave radiation that the review identifies as harmful.

SB 370 (Chapter 260) Effective June 6, 2019

Operations

Creates provisions.

Immigration and Customs Enforcement, a federal agency established in 2003, implements the Immigration Reform and Control Act of 1986. That act requires employers to verify the identity and employment eligibility of their employees using the Employment Eligibility Verification Form I-9. Employers are also required to maintain for inspection original I-9 forms. Any person or entity required to retain I-9 forms must be provided at least three business days' notice prior to an inspection of the forms by an officer of an authorized agency of the United States. Senate Bill 370 requires an employer to notify employees that an inspection of I-9 forms, or other employment records used by the employer to verify the identity and employment eligibility, will be conducted by a federal agency. The Bureau of Labor and Industries will create and make available a template for this purpose and translate the notice template into the five most common non-English languages in Oregon.

SB 415 (Chapter 176) Effective Jan. 1, 2020

Operations; PACE; Personnel

Amends ORS 419B.005 and ORS 419B.005.

The bill lists individuals who are required, by law, to report child abuse as mandatory reporters. "Mandatory reporters" include physicians, dentists, school employees, health care professionals, members of the clergy, attorneys, and childcare providers. Senate Bill 415 adds school district board members, public charter school governing body members, and employees of the Oregon Department of Education to the list of mandatory reporters.

SB 454 (Ch. not yet assigned) Effective Sept. 29, 2019

Operations

Creates provisions and amends ORS 60.674, 62.720, 63.674, 65.674, 87.691, 90.425, 97.170, 98.050, 98.302, 98.329, 98.348, 98.352, 98.353, 98.354, 98.356, 98.362, 98.366, 98.372, 98.376, 98.382, 98.384, 98.386, 98.388, 98.392, 98.396, 98.402, 98.412, 98.416, 98.422, 98.424, 98.991, 98.992, 112.055, 113.045, 113.075, 113.085, 113.105, 113.235, 113.238, 113.242, 114.325, 114.505, 114.520, 114.535, 116.193, 116.203, 116.243, 116.253, 146.125, 183.635, 273.125, 273.141, 273.183, 287A.474, 293.450, 293.455, 293.460, 293.701, 314.840, 327.405, 652.405, 657.665, 708A.430, 708A.655, 711.225, 711.230, 711.235, 711.590, 716.905, 716.910, 723.466, and 723.844; section 2, chapter 91, Oregon Laws 2018; section 2, chapter 95, Oregon Laws 2018; sections 22 and 23, chapter 105, Oregon Laws 2018; and section 6, chapter 166, Oregon Laws 2019 (Enrolled House Bill 3008).

The Unclaimed Property Program has been operated by the Department of State Lands (DSL) for the past 62 years, since being assigned the administration of the program by the Legislature in 1957. Senate Bill 454 transfers administration of the Uniform Disposition of Unclaimed Property Act, from the Department of State Lands to the State Treasurer. The Unclaimed Property Program requires entities to report and remit certain tangible and intangible property to the state when the owner of such property cannot be located. The program also administers estates for people who die without a will or without known heirs. Currently over \$600 million of the Common School Fund (CSF) is unclaimed property held in trust and invested by the State Treasury as part of the CSF. Operative dates for specific sections of this bill range from Jan. 1, 2021, to Jan. 1, 2023.

SB 475 (Chapter 295)

Effective Jan. 2, 2019

Operations; Programs

Creates provision and amends ORS 343.161.

Senate Bill 263 passed during the 2017 legislative session and added new requirements relating to the placement of students on abbreviated school day programs. Generally, with certain exceptions, students who do not have Individual Education Plans (IEPs) may not be placed on abbreviated school day programs without parent consent. For a student with an IEP, abbreviated school day programs can be implemented only if the IEP team completes certain requirements. The legislation also required regular notice to be given to parents regarding abbreviated school days. The Oregon Department of Education (ODE) Executive Numbered Memo 004-2017-18 contains a full explanation of the law.

Senate Bill 475 makes changes to the law and adds additional requirements related to foster parents and surrogates:

- Foster parents and surrogates are added to the SB 263 (2017) process;
- School districts are required to make sure that foster parents are able to be present physically and participate in the IEP placement meeting;
- Districts must share, in writing and at the meeting, that the student has a presumptive right to a full day, the right to request a reevaluation at any time, and provide other information to the foster parent; and
- Foster parents will receive regular written notification and acknowledgement forms about the presumptive right to a full day, the right to request a reevaluation at any time, etc.

SB 479 (Chapter 463)

Effective Sept. 29, 2019

PACE; Personnel

Creates provisions and amends ORS 659A.820, 659A.875, and 659.885.

The bill requires public employers to establish and adopt a written policy to prevent workplace harassment, including sexual harassment. Policies must include a prohibition on workplace harassment; information about the rights of a victim to seek redress, including internal processes, the Bureau of Labor and Industries' complaint process, and other relevant information; a statement of protection from retaliation for reporting harassment; a statement of the scope of the policy to include elected officials, volunteers, and interns; and information to connect victims with resources and services, as well as other provisions and required information outlined in statute.

The policy must be provided to each employee and included in orientation materials.

Additionally, public employers must adopt a written policy for prompt investigation of reports of workplace harassment that includes instructions for maintaining records, the complaint process, and a designated receiver of complaints (and an alternate). Public employers are prohibited from entering into agreements with employees and prospective employees that seek to prevent the employee from disclosing or discussing harassment, with some exceptions. The bill also establishes a five-year statute of limitations for complaints and civil actions based on prohibited conduct described in the measure. The provisions prohibiting workplace harassment are operative on Jan. 1, 2020; the nondisclosure agreement provisions are operative on Oct. 1, 2020.

SB 485 (Chapter 178)

Effective Jan. 1, 2020

Operations; Programs

Amends ORS 418.735.

The bill requires the Oregon Health Authority (OHA) to collaborate with multiple education entities on a communication plan for responding to suspected suicides of those 24 years of age or younger. Prior to passage of the bill, OHA was permitted, but not required, to collaborate with educational institutions in such a fashion.

SB 490 (Ch. not yet assigned) Effective Aug. 9, 2019

Personnel

Creates provisions and amends ORS 329A.030, 329A.252, and 329A.992; and repeals section 3, chapter 187, Oregon Laws 2019 (Enrolled House Bill 2027).

Childcare facilities include day nurseries, nursery schools, childcare centers, certified or registered family childcare homes, or similar entities operating under any name. Childcare providers must be licensed, registered, or certified with the Office of Child Care (OCC) within the Early Learning Division of the Department of Education. All childcare staff and any individual who may have unsupervised access to children, including adults living in the home, volunteers, maintenance staff, office staff, and regular visitors must enroll in the Central Background Registry (registry) administered by the OCC. Senate Bill 490:

- Expands the list of individuals prohibited from providing childcare for five years to include those who have a suspended certification, registration, or enrollment in the registry and those whose certification or registration has been revoked or denied under specified circumstances;
- Permanently prohibits certain individuals from providing childcare or enrolling in the registry, including individuals who are required to report as sex offenders, or individuals who have been the subject of a substantiated report of child abuse in which the victim suffered serious harm or death;
- Requires individuals who have been the subject of a founded or substantiated report of child abuse to apply and enroll in the registry prior to providing childcare;
- Requires the OCC to remove individuals from the registry who are prohibited from enrolling; and
- Authorizes the OCC to impose civil penalties for violations.

Creates provisions.

The bill requires school districts to provide access to common areas to all students. Specifically, the legislation prohibits school districts from restricting access to specialized learning areas, common lunch areas, common gathering areas, or recreational areas to alternative education students, English language learners, or special education students that is not consistent with restrictions imposed on other students in the same grade. The bill allows exceptions if the school district is implementing a student behavior support or safety plan, a student is being disciplined and access is limited for a defined period of time, or if the school district is complying with any order from a law enforcement agency or court.

SB 576 (Chapter 152)

Effective May 24, 2019

PACE; Personnel

Creates provisions and amends ORS 238.082 and 352.118.

The bill establishes Kaylee's Law. Kaylee's law adds restrictions to campus vehicles and applies limitations to private security professionals, special campus safety officers who are employed at institutions of higher education.

The bill includes the following requirements:

- Private security professionals and special campus safety officers do not have stop and frisk authority;
- Nationwide criminal records checks of all private security providers or special campus security officers providing security services on campus;
- Uniforms be easily differentiated from the uniform of any law enforcement officer certified by Department of Public Safety Standards and Training (DPSST), including, but not limited to, prominent designation of "campus security", "school logo" or "school colors."

The bill has additional restrictions and requirements on campus security vehicles, including:

- Equipping campus vehicles with the institution's choice of global positioning system devices (GPS), video cameras, or a dispatch system that records calls;
- Clearly identifying the vehicle as campus security;
- Prohibiting the use of red and blue light bars;
- Prohibiting the use of ramming bumpers; and
- Prohibiting the use of cages.

The bill also requires public universities that employ special campus safety officers to ensure that each officer undergoes psychological testing to determine the officer's fitness to serve as a special campus security officer, requires prompt notification to local law enforcement when campus security makes probable cause arrest, and prohibits retention of evidence. The bill allows employment of retirees as special campus security officers without hour limitations as specified in ORS 238.082. The operative provisions of the bill will become effective Jan. 1, 2020.

SB 581 (Chapter 337)

Effective Jan. 1, 2020

PACE; Programs

Creates provisions and amends ORS 837.360 and 837.374.

The bill increases criminal penalties for offenses relating to the use of an unmanned aircraft system (UAS) to interfere with an aircraft. A second or subsequent conviction for recklessly controlling a UAS in such a manner increases from a Class A violation to a Class A misdemeanor. The bill directs the court to declare the UAS used in an offense to be contraband and to be forfeited upon a person's second or subsequent conviction. Finally, the measure directs an educational institution to register as a user of a UAS with the Oregon Department of Aviation prior to operation of a UAS in the airspace over this state and maintain records of use of UASs. The bill specifies that an individual UAS is not required to be registered with the Oregon Department of Aviation.

SB 664 (Chapter 253)

Effective Jan. 1, 2020

Programs

Creates provisions and amends ORS 329.007.

“The Holocaust” refers to the systematic state-sponsored killing of 6 million Jewish men, women, and children and millions of others by Nazi Germany and its collaborators during World War II. Senate Bill 664 requires school districts to provide instruction on the Holocaust and genocide, in compliance with standards adopted by the State Board of Education.

SB 665 (Chapter 375)

Effective Jan. 1, 2020

Operations; PACE

Amends ORS 339.867, 339.869, 339.871, and 689.684.

Naloxone is a medication designed to rapidly reverse opioid overdose temporarily. It can very quickly restore normal respiration to a person whose breathing has slowed or stopped as a result of opioid overdose. Senate Bill 665 directs the Department of Education to undertake rulemaking to permit school districts to adopt rules to allow trained school personnel to administer naloxone and similar medications if a student or other individual overdoses on opioids at school, on school property, or at a school-sponsored activity.

SB 690 (Chapter 339)

Effective June 11, 2019

Programs

Amends sections 3, 4, and 5, chapter 110, Oregon Laws 2014; and repeals section 8, chapter 10, Oregon Laws 2014.

The bill repeals the sunset on the Interstate Compact on Educational Opportunity for Military Children. Additionally, the deputy superintendent of public instruction and the members of the Oregon State Board of Education are added as members of the State Council for Educational Opportunity for Military Children. The Oregon Department of Education replaces the Oregon Military Department as the agency in charge of administration and staffing of the state council. The state council will now meet annually, rather than every three months.

SB 707 (Chapter 342)

Effective Sept. 29, 2019

Operations

Creates provisions and amends ORS 418.731 and 418.733.

According to the Oregon Health Authority (OHA), suicide was the second leading cause of death among 10- to 24-year-olds in Oregon in 2016. Senate Bill 707 establishes a Youth Suicide Intervention and Prevention Advisory Committee to advise the OHA on suicide intervention and prevention for youth, 10 to 24 years of age. The measure directs the work

of the committee and requires a report back to the Legislature to address statutory remedies for gaps in service.

SB 726 (Chapter 343)

Effective Sept. 29, 2019

PACE; Personnel

Amends ORS 659A.820, 659A.875, and 659A.885.

Oregon law prohibits workplace harassment and discrimination in the workplace based on individual characteristics, including, but not limited to, race, color, religion, sex, sexual orientation, and age. Senate Bill 726 expands existing protections and creates a new cause of action to combat workplace harassment. The bill prohibits employers from entering into a nondisclosure or nondisparagement agreement (NDA) with an employee or prospective employee, with exceptions, that seeks to prevent the individual from discussing conduct that:

- Constitutes discrimination under various sections of Oregon law;
- Occurred between employees or between an employer and an employee in the workplace or at a work-related event; and
- Occurred between an employer and employee off the employment premises.

The bill also extends the statute of limitations for filing claims of harassment from one to five years.

The bill permits an employer and an employee to enter into a settlement or separation agreement in which some of the employee rights are precluded, including the no-rehire provisions and prohibitions on discussion of past conduct, only if the employee requests this kind of agreement. The employee maintains the right to revoke this agreement for seven days.

SB 742 (Chapter 378)

Effective Sept. 29, 2019

Personnel

Creates provisions and amends ORS 336.485, 417.875, 688.701, 688.709, 688.715, 688.718, 688.720, 688.730, and 688.734.

The Oregon Health Licensing Office (HLO) oversees licensing and regulation of multiple health and related professions. The Board of Athletic Trainers is the volunteer board that oversees the practice of athletic trainers. Currently, the HLO provides registration of athletic trainer applicants who meet specified qualifications, and the Oregon Athletic Trainers' Society (OATS) is the professional organization that certifies and registers them. Senate Bill 742 changes an existing registration process for qualifying athletic trainers to require licensure by the Health Licensing Office.

SB 802 (Chapter 347)

Effective Jan. 1, 2020

Operations

Creates provisions.

The bill permits families to use a military order to enroll children in school prior to moving into the school district. It directs schools and school districts to consider a child of a military family covered by the Interstate Compact on Educational Opportunity for Military Children as a resident of the district if the district is the school district of military residence for the child. Parents of such children are required to provide proof of residency within 10 days after the date of military transfer indicated in the official military order; students are not required to comply with school attendance requirements until 10 days after the transfer. The bill

clarifies that military children are entitled to the same processes and rights of enrollment and class placement as any other resident child of the district.

SB 804 (Chapter 181) Effective May 24, 2019 **Personnel**
Amends ORS 419B.015 and 419B.017.

The bill expands existing reporting requirements between the Department of Human Services (DHS) and law enforcement to include the law enforcement agency in the county where the abuse allegedly occurred, where the child resides, or where the reporter came into contact with the child or the alleged perpetrator, rather than in the county where the report was received. The measure also requires law enforcement agencies to notify DHS of reports of suspected child abuse using the child abuse reporting hotline.

SB 905 (Chapter 561) Effective July 15, 2019 **Operations; Programs**
Amends ORS 339.133 and 339.134.

When Oregon updated education statutes to implement the Every Student Succeeds Act (ESSA) it inadvertently created confusion about residency for students voluntarily placed in substitute care. Senate Bill 905 clarifies that the default resident district is where the student is voluntarily placed. It allows a student to remain in the district where their parent or guardian resides if the placement is within 20 miles of the school; a plan exists for the child to return home; parents, guardians, and staff at the previous school determine it is in the best interest of the child to attend the school; the parent or guardian retains legal guardianship; and the preferences of the child are taken into consideration. Transportation is the responsibility of the district that is determined to be the resident district. The resident district is ultimately where the student attends school, either by location of voluntary placement or remaining in the district where the parent or guardian resides.

SB 918 (Chapter 471) Effective Jan. 1, 2020 **Operations**
Amends ORS 418.735.

The bill expands existing information sharing requirements about youth suicide. It directs local mental health authorities to notify other local entities that have had contact with a person 24 years of age or younger who is suspected to have committed suicide, and requires that the notification include the name, date of birth, date of death of the deceased person, and other information not otherwise protected from public disclosure.

SB 933 (Chapter 352) Effective Jan. 1, 2020 **Personnel**
Creates provisions.

The U.S. Census Bureau first allowed respondents to choose more than one racial category in 2000. A 2015 Pew Research study estimated that nearly 7 percent of the U.S. adult population could be considered multiracial. Senate Bill 933 requires forms or documents issued by a public body asking a person to identify the person's race or ethnicity allow respondents to select multiple races or ethnicities.

SB 963 (Chapter 267)

Effective July 1, 2019

Operations; Personnel

Amends ORS 161.205, 339.250, 339.285, 339.288, 339.291, 339.294, 339.297, and 339.300.

Beginning in 2011, the Legislature passed a series of limitations on the use of physical restraint and seclusion for students in Oregon schools and youth services, limiting physical restraint to circumstances wherein a student's behavior imposes a threat of serious bodily injury to the student or others and less restrictive interventions would not be effective. Senate Bill 963 expands the circumstances in which school employees may use restraint in schools, including breaking up a physical fight, interrupting a student's impulsive behavior, or to effectively prevent oneself or another person from bodily harm. The bill specifically prohibits the following forms of restraint: supine restraint; chemical restraint; mechanical restraint; prone restraint; and a variety of other restraints under other names that use physical objects, target a student's neck, throat, genitals, or other specified parts of the body; or may inhibit breathing. It also permits the Department of Education to determine that a school district is deficient and not eligible for state school funds if it fails to comply with restraint reporting requirements. Reports are now a Division 22 requirement.

SB 1005 (Ch. not yet assigned) Effective Aug. 9, 2019

Operations

Amends sections 1 and 2, chapter 93, Oregon Laws 2014, and section 32, chapter _____, Oregon Laws 2019 (Enrolled Senate Bill 1008).

The bill updates statutes related to the Task Force on School Safety. It adds two members to the task force, one from the Oregon Health Authority and one from the Office of Emergency Management. The bill also requires the task force to submit a third report concerning the floor plan database to the Legislative Assembly by no later than Sept. 1, 2021.

SB 1044 (Chapter 565) Effective Jan. 1, 2020

Operations

Creates provisions and amends ORS 283.327, 283.337, 283.343, and 757.612.

The bill establishes goals to promote zero-emission vehicle use while directing the Department of Energy to submit a biennial report on adoption of zero-emission vehicles and greenhouse gas reductions, including recommendations if the department determines the state is not on course to meet its reduction goals. The bill allows funds received by school districts from electric companies to be used for fleet audits and allows districts that have completed fleet audits to purchase zero-emission vehicles and charging stations. Finally, the bill requires 25 percent of new light-duty vehicles purchased or leased by state agencies to be zero-emission vehicles by 2025, with some exceptions, and to include information on these purchases in annual reports.

SB 1049 (Chapter 355) Effective June 11, 2019

Finance; Personnel

Creates provisions and amends ORS 238.005, 238.105, 238.115, 238.265, 238.300, 238.305, 238.320, 238.325, 238.395, 238.580, 238.694, 238.695, 238.698, 238A.005, 238A.110, 238A.120, 238A.320, 238A.330, 238A.335, 238A.375, 238A.410, 243.800, 341.551, and 461.010; sections 1, 2, 3, 3b, 13, 15, 24, 26, and 29, chapter 105, Oregon Laws 2018; and sections 2 and 3, chapter 118, Oregon Laws 2018; and repeals section 4, chapter 118, Oregon Laws 2018.

The bill relates to Public Employee Retirement System (PERS) and contains several provisions to address system funding.

- Redirects a portion of PERS system employee contributions to the employee pension stability account. Tier 1 and 2 redirected at 2.5%, OPSRP redirected at .75%. Employees earning less than \$2,500 per month are exempt.
- Eliminates restrictions on reemployment of retired members of the PERS system until Dec. 31, 2024, and requires employers of retired members to make an additional employer contribution to the system.
- Beginning in 2020, the calculation for final average salary will be capped at \$195,000.
- Allows certain participating public employers making a lump sum payment of employer contributions to choose the year in which they begin using a lump sum payment to offset employer contributions required of an employer.
- Extends the amortization of liabilities attributable to Tier 1 and 2 members, setting employer contribution rates based on a 22-year amortization.
- Modifies provisions relating to investment options available under individual account program.
- Transfers proceeds of sports betting games to the Employer Incentive Fund.
- Modifies provisions relating to the Employer Incentive Fund, School Districts Unfunded Liability Fund, and Unfunded Actuarial Liability Resolution Program.
- Requires the PERS board to report to the Joint Committee on Ways and Means or Joint Interim Committee on Ways and Means on proposed changes to actuarial methods and assumptions.
- Appropriates money for deposit into the Employer Incentive Fund to match certain employer contributions.
- Provides for expedited review of the act by the Oregon Supreme Court upon petition by adversely affected party.

Directs PERS board to study issues relating to PERS and report to the appropriate committee or interim committee of the Legislative Assembly no later than Sept. 15, 2020.

SB 5509 (Chapter 39)

Effective July 1, 2019

Finance

Creates provisions.

This is the budget bill for the Employment Relations Board (ERB). ERB's mission is to resolve disputes concerning labor relations by providing labor mediation and training, contested case hearings, union representation elections, and labor appeal cases. The bill appropriates \$5.4 million for operations of the agency, which has 13 positions (FTE).

SB 5537 (Chapter 569)

Effective July 15, 2019

Finance

Creates provisions.

This bill is the budget bill for the Teacher Standards and Practices Commission (TSPC). This legislation caps their total budget at approximately \$8.9 million, a slight decrease from the previous biennium. This includes an effective annual rate of \$34 for a five-year license. Internally, TSPC is adding another principal executive manager position (a new director of program approval).