

2013 Legislative Summary

The 2013 Legislative Session adjourned sine die at 2:48 p.m. on Monday, July 8, 2013.

This 2013 OSBA/COSA Legislative Summary is a brief synopsis of new laws impacting the personnel, operations, programs and finance of school districts, education service districts (ESDs), charter schools and community colleges. It is available online at www.cosa.k12.or.us and at www.osba.org, under the Legislative Action Network. Additional details on each bill, including effective date where available, are in the Bill Tracker at www.osba.org.

You will receive a more thorough description and analysis of legislation in the *2013 OSBA/COSA Legislative Report* set for release online in September. For questions or more information in the meantime, contact: Jim Green at OSBA (jgreen@osba.org, 503-588-2800 or 800-578-6722), or Chuck Bennett at COSA (chuck@cosa.k12.or.us or 503-581-3141).

PLEASE NOTE: Under the Oregon Constitution the Governor has until August 19, 2013, to veto some of the bills listed in this *Legislative Summary*. Please refer to the *2013 OSBA/COSA Legislative Report* for the final list of new laws impacting public education in Oregon.

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House Bill (HB) 2098: Adjusts method for calculating additional amount of weighted average daily membership attributed to students in poverty families for purposes of State School Fund distributions.

HB 2325: Directs Legislative Assembly to appropriate from General Fund to State School Fund amount equal to amount of corporate income and excise tax kicker calculated under Oregon Constitution.

HB 2501: Reestablishes Small School District Supplement Fund.

HB 2506: Establishes Task Force on School Funding.

HB 2632: Excludes local option taxes approved after January 1, 2013, from consolidated billing tax rate for purposes of computing urban renewal division of taxes for certain urban renewal plans.

HB 2730: Directs Department of Education to reimburse school district, government agency or community group for every breakfast served during summer as part of summer meal program.

HB 3401: Allows school district boards of school districts located in specified regions to request distribution of percentage of moneys available to education service district from State School Fund and local revenues.

HB 5010: Appropriates moneys from General Fund to Employment Relations Board for biennial expenses.

HB 5019: Appropriates moneys from General Fund to Department of Community Colleges and Workforce Development for biennial expenses.

HB 5033: Appropriates moneys from General Fund to Higher Education Coordinating Commission for biennial expenses.

HB 5046: Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by Teacher Standards and Practices Commission.

Senate Bill (SB) 24: Specifies certain moneys to be credited to Distributable Income Account within Common School Fund.

SB 529: Allows school districts from all education service districts to withdraw from education service district.

SB 552: Establishes Task Force on State Budget Process.

SB 817: Makes certain housekeeping changes to local budget law statutes.

SB 5506: Capital construction project bonding bill. Includes issuance of bonds/funding for community college and Oregon University System projects.

SB 5507: Authorization for expenditure of state agencies, community colleges and Oregon University System projects.

SB 5518: Appropriates moneys from General Fund to Department of Education for certain biennial expenses.

SB 5519: Appropriates moneys from General Fund to Department of Education for State School Fund.

SB 5532: Lottery funds allocation, including \$327 million transferred to the State School Fund.

SB 5533: Authorizes lottery backed bonds, including funding for digital switching equipment for North Central ESD.

SB 5537: Limits certain biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by Public Employees Retirement System.

SB 5543: Appropriates Tobacco Master Settlement Monies; \$4 million earmarked for physical education (PE) grants to K-12 districts.

SB 5548: Appropriates moneys from General Fund to Oregon Education Investment Board for biennial expenses.

Programs

HB 2013: Directs Early Learning Council and Department of Education to assist school districts in implementing process to assess children to determine their readiness for kindergarten.

HB 2099: Changes term “second languages” to “world languages” for purposes of elementary and secondary education requirements.

HB 2150: Modifies contents of and process for proposal to establish public charter school.

HB 2192: Establishes requirements for school policies related to discipline, suspension or expulsion.

HB 2193: Removes requirements related to assessments for extended diplomas.

HB 2264: Authorizes Department of Transportation to increase rate of reimbursement for reduced-tuition traffic safety education courses provided to low-income students by public school, commercial driver training school or county.

HB 2386: Directs State Board of Education to adopt standards for school district board to incorporate into any policy that requires student to wear, carry or use item with radio frequency identification device for purpose of locating or tracking student or taking attendance.

HB 2445: Requires Oregon Health Authority to adopt by rule procedures and criteria for certification, suspension and decertification of school-based health centers.

HB 2585: Directs State Board of Education to adopt by rule process to submit complaints about incidents involving use of physical restraint or seclusion in public education programs and process to investigate complaints.

HB 2636: Establishes Science, Technology, Engineering and Mathematics (STEM) Investment Council.

HB 2644: Directs public education programs to submit specified information about number of students and number of licensed or registered teachers regularly assigned to students.

HB 2649: Allows Department of Education to have limited discretion in determining percentages of grant moneys to be awarded to purchase Oregon food products and to fund certain educational activities.

HB 2665: Directs Department of Education to conduct evaluation of means by which impact of poverty on educational attainment is addressed by state law.

HB 2743: Establishes Task Force on High School and Transition Success for Students with Disabilities.

HB 2747: Describes student characteristics that district school board that admits nonresident students by giving consent or that charges nonresident students tuition is prohibited from considering when determining whether to give consent or accept nonresident student or when establishing terms of consent or amount of tuition.

HB 2749: Requires school district boards to allow certain medications to be kept in student's classroom if requested by student's parent or guardian and other conditions are met.

HB 2753: Removes sunset on provisions related to use of restraint or seclusion on student in public education program.

HB 2756: Prohibits public education program from purchasing, building or otherwise taking possession of seclusion cell or from using seclusion cells.

HB 2875: Provides that expiring charter remains in effect for public charter school until new charter is negotiated following approval of renewal of charter.

HB 2898: Allows student with disability to earn credit at community college or public university as part of transition services.

HB 2912: Requires Department of Education, Department of Community Colleges and Workforce Development and Bureau of Labor and Industries to develop and implement long-term goals that encourage establishment of joint advisory committees related to career and technical education and that address barriers inhibiting student movement from high schools to post-secondary school programs and workforce.

HB 2913: Clarifies that committee formed by Department of Education and Bureau of Labor and Industries is established to set goals, develop grant criteria, review grant applications and make recommendations related to awarding grants under Career and Technical Education Revitalization Grant Program.

HB 2958: Requires community colleges to annually make available for distribution specified information about community colleges to public school students in grades 11 and 12.

HB 3000: Requires public school students seven years of age or younger who are beginning educational program to have vision screening or eye examination.

HB 3014: Requires district school board to procure United States flag for and cause flag to be displayed in each classroom.

HB 3093: Requires school district that is sponsor of public charter school to include public charter school annual audit to Department of Education as part of audit report for school district.

HB 3120: Grants additional authorities to Higher Education Coordinating Commission.

HB 3231: Establishes Youth Development Division in Department of Education.

HB 3232: Directs Oregon Education Investment Board to design and implement programs that make strategic investments related to education.

HB 3233: Establishes Network of Quality Teaching and Learning.

HB 3234: Establishes Early Learning Division in Department of Education.

HB 3264: Establishes pilot program for purpose of assisting students with disabilities to make transition into life after high school.

HB 3296: Modifies, for purposes of regulating student athlete agents, definitions of “agency contract,” “athlete agent” and “athletic director.” Expands application of statutes regulating athlete agents to include agents representing student athletes at elementary and secondary schools.

HB 3474: Allows student or parent or legal guardian of student to request that student not participate in mental health screening conducted for all students in specified grade or classroom.

SB 215: Permits district school board to enter into written agreement with federally recognized Native American tribe in Oregon that is located closest to school district with respect to name, symbol or image of mascot associated with a Native American tribe, expected behavior of students and spectators at athletic events with respect to mascot, and training on cultural diversity that athletic directors or other persons identified by school board are required to complete.

SB 222: Establishes Accelerated Learning Committee.

SB 228: Modifies method for determining amount of grants-in-aid for beginning teacher and administrator mentorship program.

SB 271: Abolishes Oregon Educator Professional Development Commission.

SB 498: Appropriates moneys to Department of Education to be expended for purpose of awarding grants under Career and Technical Education Revitalization Grant Program.

SB 721: Imposes on nonschool athletic teams requirements for recognizing and responding to possible concussions.

SB 739: Directs Department of Education to consult with specified entities when developing academic content standards for Oregon Studies and preparing materials to support teacher training and classroom instruction in Oregon Studies.

Operations

HB 2079: Standardizes definitions of “member of the household” and “relative” for purposes of government ethics laws.

HB 2080: Modifies language relating to imposition of civil penalties for government ethics violations under Administrative Procedures Act.

HB 2148: Makes nonsubstantive and technical changes in Oregon law.

HB 2212: Raises amount used to classify public procurement as small procurement under Public Contracting Code from maximum of \$5,000 to maximum of \$10,000.

HB 2370: Requires that additional information be posted on Oregon transparency website.

HB 2426: Directs district school boards to adopt policies for use of personal electronic devices in schools of school district.

HB 2560: Prohibits agency from appointing officer, employee or other agent of agency to serve as member of rulemaking advisory committee if appointment of committee is required by law.

HB 2668: Expands definition of “place of public accommodation” to include places owned or maintained by public body and services provided by public body.

HB 2689: Permits public bodies to enter into cooperative agreements with youth job development organizations for provision of services by youth participants on public resource projects.

HB 2729: Appropriates moneys from General Fund to Department of Education for purpose of United States Department of Agriculture's Afterschool Meal and Snack Program.

HB 2789: Directs schools to provide drills and instruction on safety threats.

HB 3034: Requires Oregon prekindergarten programs that receive grants from Department of Education to be subject to public meetings law.

HB 3035: Directs Oregon Department of Administrative Services to develop plan for providing information, on Oregon transparency website, relating to contracts entered into by state agencies, school districts and community colleges.

HB 3045: Directs district school boards to establish policy for reporting of incidents that result in injury.

HB 3075: Reduces frequency by which Department of Education collects information related to physical education.

HB 3169: Revises requirement that contracting agency dedicate certain amount of contract price toward including green energy technology in public building.

HB 3294: Exempts electronic mail addresses in possession or custody of executive department, local government, local service district or special government body from required disclosure under public records law, except for electronic mail addresses assigned by public body to public employees for use in ordinary course of employment.

HB 3394: Defines “school” for purposes of defining “school zone.”

HB 3434: Defines “within 1,000 feet” as straight line measurement in radius extending 1,000 feet or less in every direction from a specified location or from boundary line of property for purposes of determining whether certain activities and operations are unlawful.

HB 3438: Permits City of Fairview to operate photo radar in school zone while school is in session.

HB 3537: Permits elector to simultaneously run as candidate for more than one district office.

SB 132: Changes certain documentation that must be submitted to school administrator for purpose of opting out of immunizations.

SB 193: Requires school transportation providers to have in-house drug and alcohol testing program or be members of consortium that provides testing.

SB 254: Specifies conditions under which contracting agency may use alternative contracting method to award public improvement contract for construction manager/general contractor services.

SB 540: Establishes Task Force on School Capital Improvement Planning.

SB 600: Directs Beaverton School District and Hillsboro School District to mediate boundary disputes.

SB 611: Directs State Board of Education to adopt rules for administration of premeasured doses of epinephrine and to adopt guidelines for management of students with life-threatening food allergies.

SB 813: Transfers responsibility for seismic rehabilitation grant program from Director of Office of Emergency Management to Oregon Business Development Department.

Personnel

HB 2096: Increases number of members of Fair Dismissal Appeals Board.

HB 2128: Requires Oregon Health Insurance Exchange Corporation to consult Oregon Educators Benefit Board and other specified stakeholders on plans offered through exchange to educators.

HB 2184: Clarifies applicability of provisions relating to misconduct of school employees.

HB 2279: Allows employees of local governments to participate in benefit plans provided by Public Employees' Benefit Board and Oregon Educators Benefit Board.

HB 2654: Prohibits employer from requiring or requesting employee or applicant for employment to provide access to personal social media account, to add employer to social media contact list or to allow employer to view employee's or applicant's personal social media account.

HB 2669: Extends certain employee protections to interns performing work for educational purposes.

HB 2903: Requires certain employers to post in premises where employees are employed summary of statutes and rules related to employment rights of victims of domestic violence, harassment, sexual assault or stalking.

HB 2950: Allows eligible employees to take family leave to deal with death of family member.

HB 3254: Establishes teacher leader license.

HB 3342: Prohibits public employer from assisting, promoting or deterring union organizing.

SB 1: Requires employer to provide paid or unpaid time off for Veterans Day to employees who are veterans.

SB 104: Allows Department of Education to require fingerprints of person who is community college faculty member providing instruction at site of early childhood education program or at school site as part of early childhood education program.

SB 344: Establishes unlawful employment practice for certain actions taken by employer to access employee's or prospective employee's personal account on social networking website for employment purposes.

SB 365: Establishes requirements for coverage of applied behavior analysis for treatment of autism spectrum disorders by health benefit plans, health care service contractors, Public Employees' Benefit Board and Oregon Educators Benefit Board.

SB 755: Broadens definition of term "minority" for purpose of Minority Teacher Act.

SB 789: Clarifies that only certain districts claiming exception from requirement to offer benefits provided and administered by Oregon Educators Benefit Board must undergo actuarial analysis by board to maintain exception.

SB 822: Modifies cost-of-living adjustment under Public Employees Retirement System.