

2015 Legislative Summary

The Oregon Legislature adjourned its biennial long session Monday, July 6. Overall the session got mixed reviews and was initially marred by the resignation of Gov. John Kitzhaber. Secretary of State Kate Brown moved to the Capitol's middle office and lawmakers got back on track.

K-12 education had a reasonably good session garnering \$7.4 billion into the State School Fund. That's about a half billion more than was in the governor's recommended budget. The Legislature also created a new \$125 million school facilities bond fund and put \$175 million into a seismic upgrade fund for K-12 schools.

This is a short version look at bills passed this session related to K-12 education. Gov. Brown has until August 17, 2015, to decide whether to sign many of them. OSBA and COSA are preparing a more detailed analysis of the session in a full *Legislative Report*, set for release in advance of school opening.

The effective date for bills not containing an emergency clause or a specific effective date is January 1, 2016. If a bill contained an emergency clause or a different effective date, that date will be noted.

If you have any questions on the bills listed, please contact: Chuck Bennett at COSA (chuck@cosa.k12.or.us or 503-581-3141); or at OSBA: Jim Green (jgreen@osba.org), Morgan Allen (mallen@osba.org) or Lori Sattenspiel (lsattenspiel@osba.org), 503-588-2800.



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Finance

Senate Bill (SB) 129 – Modifies distribution of Gain Share Revenues. Declares an emergency, effective upon passage.

SB 135 – Directs Department of Education to pay for costs of education of students in eligible day treatment programs and eligible residential treatment programs by making grants in aid to school districts where programs are located. Effective July 1, 2015.

SB 439 – Directs Oregon State University Extension Service to assist school districts and education service districts in providing outdoor school programs. Effective July 1, 2015.

SB 501 – Program Change Bill. Among other program changes: Establishes Task Force on Capital Construction Budget Process. Modifies Department of Education Farm-to-School Grant Program. Repeals language requiring that 40 percent of the increase in General Fund revenue for the 2015-17 biennium (between the February and May 2015 revenue forecasts) be for the State School Fund (actually appropriated in SB 5507). Specifies that if amount of declared earnings from Education Stability Fund deposited in Oregon Education Fund exceeds amount needed to pay for education lottery bond debt service, amount of excess earnings is transferred to Higher Education Coordinating Commission for Oregon Opportunity Grant program. Declares an emergency, effective upon passage.

SB 667 – Extends sunset related to grants distributed to small school districts with one or more small high schools until June 30, 2020. Effective June 8, 2015.

SB 800 – Establishes Task Force on Reserve Funds to study performance of Education Stability Fund and Oregon Rainy Day Fund and make recommendations to the 2017 regular session of Legislative Assembly.

SB 898 – Creates a one-year moratorium on the creation of new fifth-year senior programs. Prohibits school districts from receiving State School Fund distributions for certain students who have satisfied requirements for high school diploma and who are enrolled in one or more college-level courses. Declares an emergency, effective upon passage.

Continued

- SB 5507** – Commonly referred to as the “Christmas Tree Bill.” Contains various appropriations, the most significant of which provides an additional \$118 million to the State School Fund for 2015-017. Declares an emergency, effective upon passage.
- SB 5509** – Appropriates funds to the Employee Relations Board for biennial expense. Effective July 1, 2015.
- SB 5538** – 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. Effective July 1, 2015.
- House Bill (HB) 2131** – Pledges revenues from ad valorem property taxes as security for general obligation indebtedness of public bodies. Effective May 12, 2015.
- HB 2148** – Exempts from state and local property taxes and fees, charges and assessments related to property taxation permanent improvements located on federal land held in trust for federally recognized Indian tribe or tribe member. Effective 90 days after session.
- HB 2171** – Extends sunsets for certain income and excise tax credits. Directs Legislative Revenue Officer to prepare analysis of options for restructuring state and local revenue system and to submit report on progress of analysis to interim committees of Legislative Assembly. Effective 90 days after session.
- HB 2405** – Allows Department of Education to solicit and accept gifts, grants, donations and other moneys from public and private sources for State School Fund. Effective May 14, 2015.
- HB 2486** – Removes statutory provisions relating to categorization of property tax revenue under Ballot Measure 5 (1990) that were held unconstitutional by Oregon courts. Effective 90 days after session.
- HB 2490** – Changes to August 31 end date for annual indexing of maximum aggregate amount that local government official or tribal government official may place in investment pool in custody of State Treasurer. Effective April 16, 2015.
- HB 2635** – Requires ballot title for measure proposing local option tax to state that estimated tax cost may reflect impact of early payment discounts, compression and collection rate. Effective 90 days after session.
- HB 2927** – Increases amount transferred from State School Fund to High-Cost Disabilities Account each fiscal year. Effective July 1, 2015.
- HB 3497** – Modifies method by which minimum amount distributed to education service districts is calculated. Effective July 1, 2015.
- HB 5005** – Provides state bond funds for K-12 capital construction. Declares an emergency, effective upon passage.
- HB 5006** – Provides state lottery bond funds for certain community college facility projects. Declares an emergency, effective upon passage.
- HB 5016** – Appropriates money from the General Fund to the Oregon Department of Education for biennial expenses. Declares an emergency, effective upon passage.
- HB 5017** – Appropriates money from the General Fund to the Oregon Department of Education for the State School Fund. Effective July 1, 2015.
- HB 5022** – Appropriates money from the General Fund to the Oregon Education Investment Board for biennial expenses. Effective July 1, 2015.
- HB 5034** – Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Public Employees Retirement System. Effective July 1, 2015.

Programs

- SB 215** – Changes name of Oregon Education Investment Board to Chief Education Office. Abolishes terms of board members and modifies duties of office. Extends sunset for office and Chief Education Officer. Declares an emergency, effective upon passage.
- SB 216** – Allows education service districts to receive funding from Department of Education to accomplish purposes of Network of Quality Teaching and Learning. Effective June 18, 2015.

Continued

- SB 217** – Modifies statutory requirements related to specific strategic education investments. Declares an emergency, effective upon passage.
- SB 295** – Requires Chief Education Officer, members of Oregon Education Investment Board to file verified statements of economic interest.
- SB 321** – Decreases compulsory school age from seven to six years of age. Effective July 1, 2016.
- SB 333** – Designates March 22 of each year as Tom McCall Day to commemorate Governor McCall and encourages school districts to educate children about Governor McCall’s legacy.
- SB 475** – Provides that students in youth care center within detention facility are to receive educational services through Juvenile Detention Education Program. Declares an emergency, effective upon passage.
- SB 521** – Permits coach to allow member of school athletic team and non-school athletic team to participate in athletic event or training at any time after athletic trainer determines that member has not suffered concussion. Effective June 11, 2015.
- SB 553** – Imposes limits on instances when student in fifth grade or lower may be subjected to out-of-school suspension or expulsion from school. Effective July 1, 2015.
- SB 556** – Prohibits use of expulsion to address truancy. Effective July 1, 2015.
- SB 588** – Allows school district and public charter school to be considered single legal entity for purpose of public charter school law if public charter school is the only school in school district and other conditions are met. Effective July 1, 2015.
- SB 612** – Directs Department of Education to designate dyslexia specialist and develop list of training opportunities related to dyslexia. Declares an emergency, effective upon passage.
- SB 660** – Directs Oregon Health Authority to promote oral health throughout this state by ensuring availability of dental sealant programs to students attending school in this state. Declares an emergency, effective upon passage.
- SB 686** – Provides that individual enrolled in alternative education program may be considered out-of-school youth for purposes of Workforce Innovation and Opportunity Act.
- SB 709** – Modifies provisions that allow students who are not residents of school district to attend school of school district when school district and resident school district give consent. This bill modifies the inter-district transfer law. Effective June 18, 2015.
- SB 790** – Requires Department of Justice to encourage and support services, programs and curricula to educate and inform students in grades 7 through 12 about domestic violence.
- SB 820** – Authorizes public charter school to implement weighted lottery for students who are historically underserved. Effective June 25, 2015.
- SB 856** – Establishes child sexual abuse prevention instructional program for public schools. Effective June 11, 2015.
- SB 895** – Requires schools and children’s facilities to make available certain information related to immunizations. Declares an emergency, effective upon passage.
- HB 2016** – Directs Department of Education to develop and implement statewide education plan for early childhood through post-secondary education students who are black, African-American or not covered by existing statewide education plan and have experienced disproportionate educational results. Declares an emergency, effective upon passage.
- HB 2150** – Requires district extended ADMw to be calculated by considering students in public charter schools to be students in non-chartered public schools. Declares an emergency, effective upon passage.
- HB 2186** – Provides that core teaching standards apply to public charter schools. Effective July 1 , 2016.
- HB 2404** – Adjusts school food and beverage nutritional standards to comply with federal food and beverage nutritional standards. Provides that standards apply only to food and beverage items sold to students. Effective July 1, 2015.
- HB 2465** – Modifies requirements related to school enrollment that person under 18 years of age must meet before being issued driving privileges. Effective 90 days after session.
- HB 2545** – Requires school district to provide lunch free of charge to students who are eligible for reduced price lunches. Declares an emergency, effective upon passage.

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- HB 2597** – Requires truancy notice to inform parent or person in parental relation of right to request evaluation for individualized education program or review of individualized education program. Effective July 1, 2015.
- HB 2655** – Directs State Board of Education to adopt specified standards related to student education records. Provides that parents have right to excuse student from statewide standardized summative assessment and that school districts must provide notice of that right to parents. Provides that students must receive certain information related to statewide standardized summative assessments.
- HB 2661** – Provides that school drills and instruction on safety threats include procedures related to lockdown, lockout, shelter in place and evacuation. Effective July 1, 2015.
- HB 2680** – Prohibits use of results of statewide summative assessment developed by multi-state consortium to establish summative ratings of schools or to make summative evaluations of teachers or administrators. Effective May 21, 2015.
- HB 2681** – Directs Higher Education Coordinating Commission and State Board of Education to oversee work group to examine and recommend effective processes and strategies for placing students in courses at community colleges. Effective May 26, 2015.
- HB 2713** – Prohibits school district employee or volunteer from posting, publishing or making publicly available personally identifiable information in relation to results of performance-based assessment. Allows exception if legally permissible and consent is given. Effective June 11, 2015.
- HB 2846** – Provides that time spent by students consuming breakfast is considered instructional time in certain circumstances. Effective July 1, 2015.
- HB 2847** – Requires ASPIRE programs to annually provide financial aid instruction to high school students and to make instruction available to students' families, including different types of loans available to students attending post-secondary institutions of education, potential use of individual development accounts and economic impact of each type of loan.
- HB 2928** – Establishes Task Force on Class Sizes to determine appropriate class sizes of students, identify methods to reduce class sizes and determine cost for methods to reduce class sizes. Declares an emergency, effective upon passage.
- HB 2955** – Directs Department of Education to administer process for providing funding for activities related to annual conference dedicated to Oregon civics and held on Oregon Civics Day for Teachers. Declares an emergency, effective upon passage.
- HB 2968** – Directs Chief Education Officer to convene work group to produce report on how State School Fund expenditures relate to educational achievements of students from families in poverty. Declares an emergency, effective upon passage.
- HB 2972** – Requires public school students seven years of age or younger who are beginning educational program to have dental screening. Effective June 25, 2015.
- HB 3041** – Directs school districts to allow students to use sun-protective clothing and sunscreen. Effective July 1, 2015.
- HB 3044** – Allows public charter school to use real property in other school district if school provides written notice of use to sponsor and to district.
- HB 3045** – Removes requirement that school district transfer moneys to other school district for student who attends public charter school in school district and is resident of other school district. Effective July 1, 2015.
- HB 3072** – Establishes funding mechanism for activities related to science, technology, engineering and mathematics education and activities related to career and technical education that can lead to high wage and high demand jobs. Directs Teacher Standards and Practices Commission and Department of Education to advance policy on career and technical education in specified manners. Directs Oregon Education Investment Board to develop and maintain website for teachers of career and technical education. Directs Department of Education to administer pilot program to increase students' exposure and access to career and technical education. Declares an emergency, effective upon passage.
- HB 3319** – Directs Department of Education to produce report that describes best practices used by school districts to reduce dropout rates. Effective June 25, 2015.
- HB 3371** – Prohibits retaliation against student of education program who makes good faith report regarding possible violation of state or federal law, rule or regulation. Effective June 16, 2015.

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HB 3380 – Directs Early Learning Division to administer preschool program. Prescribes requirements of program. Declares emergency, effective on passage.

HB 3499 – Directs Department of Education to convene advisory group related to budgets and spending for English language learner programs. Directs Department of Education to convene work group related to English language learner programs. Requires school districts to make annual report to Department of Education related to English language learner programs. Directs Department of Education to develop and implement statewide plan to support students eligible for English language learner programs. Adjusts methods by which State School Fund distributions are made to school districts for students enrolled in English language learner programs. Effective July 1, 2015.

Personnel

SB 78 – Modifies requirements for becoming approved teacher education program. Declares an emergency, effective upon passage.

SB 83 – Establishes supervised clinical practice experience requirements for applicants for initial teaching license. Effective June 8, 2015.

SB 185 – Establishes unlawful employment practice of employer requiring employee or applicant for employment to establish and maintain personal social media account or to authorize employer to advertise on personal social media account of employee or applicant.

SB 287 – Deletes provision that authorizes teachers who are licensed and properly endorsed by Teacher Standards and Practices Commission to practice speech-language pathology without obtaining license from State Board of Examiners for Speech-Language Pathology and Audiology.

SB 370 – Provides that certain death benefits available to members of Public Employees Retirement System and other public employer retirement plans may be paid to former spouse and dependent child as provided in judgment of annulment or dissolution of marriage or of separation. Effective June 19, 2015.

SB 454 – Requires employers to implement sick time for employees.

SB 492 – Authorizes use of accrued sick leave or personal business leave by certain employees who are victims of domestic violence, harassment, sexual assault or stalking.

HB 2007 – Makes imposition of disciplinary action against employee that inquires about or discloses wage information unlawful employment practice.

HB 2214 – Includes Oregon nonprofit corporations as public employer for purposes of transfers of certain public employees.

HB 2228 – Requires Department of State Police to establish voluntary program through which department retains fingerprint cards or creates facsimiles of fingerprints received from Federal Bureau of Investigation, or created during state criminal records check, for purpose of notifying agencies and districts that subscribe to program of receipt of fingerprints or other identifying information by department for reasons related to administration of criminal justice.

HB 2411 – Updates terms for teacher education programs and institutions. Streamlines licensure structure for teachers and administrators. Increases maximum amount allowed for fees for issuance of license. Declares an emergency, effective upon passage.

HB 2412 – Removes outdated provisions and updates terminology related to teachers.

HB 2600 – Requires continuation of group health insurance coverage for employee on family leave on same terms as when employee is not on leave.

HB 2715 – Prohibits school district employee or volunteer from posting, publishing or making publicly available personally identifiable information in relation to results of performance-based assessment. Effective July 1, 2015.

HB 2763 – Removes provision that public officer or employee who leaves position to perform military duty may not, while performing military duty, receive amount of pay entitled to before leave of absence. Effective April 22, 2015.

HB 2939 – Prescribes salary calculation for substitute teachers in school district that has class schedule based on four-day week. Effective July 1, 2015.

- HB 3058** – Permits certain Public Employee Retirement System members who are retired to be employed by school district or education service district as teachers of career and technical education without loss of retirement benefits. Effective June 18, 2015.
- HB 3069** – Requires teacher education programs to demonstrate that students enrolled in programs receive certain training related to teaching reading. Effective July 1, 2016.
- HB 3149** – Provides that registered nurse who is employed by public or private school may accept order from physician licensed to practice medicine or osteopathy in another state or territory of United States if order is related to treatment of student who has been enrolled at school for not more than 90 days.
- HB 3166** – Establishes teacher authorization pilot program for purpose of determining effectiveness of alternative requirements for teachers of noncore courses. Declares an emergency, effective upon passage.
- HB 3339** – Directs Secretary of State to conduct audit related to Teacher Standards and Practices Commission. Effective June 18, 2015.
- HB 3375** – Revises and renames the Minority Teacher Act of 1991.
- HB 3495** – Provides for employer and employee contributions to pension program and individual account program of Oregon Public Service Retirement Plan to first be made for new members for wages that are attributable to services performed during first full pay period following six-month probationary period, without regard to when wages are considered earned for other purposes.
- HB 3557** – Requires public bodies that receive requests for disclosure of specified personal contact information of public employees or certain other persons to forward copy of request to affected persons whose information is subject of request or their representatives. Declares emergency, effective upon passage.
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Operations

- SB 79** – Requires school district to provide instruction in cardiopulmonary resuscitation and uses of automated external defibrillators. Effective July 1, 2015.
- SB 81** – Requires tuition for certain courses offered at community college to be waived if person meets specified criteria. Declares an emergency, effective upon passage.
- SB 137** – Changes definition of public works for purpose of applying prevailing rate of wage to include project that uses \$750,000 or more of funds of public agency for constructing, reconstructing, painting or performing major renovation on road, highway, building, structure or improvement of any type. Effective June 18, 2015.
- SB 187** – Establishes Oregon Student Information Protection Act. Effective July 1, 2016.
- SB 213** – Requires Early Learning Council to develop metrics for funding Early Learning Hubs. Declares an emergency, effective upon passage.
- SB 293** – Expands exemption from statutory gift limit to include admission provided to, or cost of food or beverage consumed by, relative of public official who accompanies public official at reception, meal or meeting.
- SB 294** – Grants Oregon Government Ethics Commission administrative rulemaking authority to assist in commission's enforcement of executive session provisions of public meeting laws.
- SB 418** – Directs Higher Education Coordinating Commission to convene work group to identify methods for improving success rate of, and educational outcomes for, students receiving state-administered waiver of tuition, or state-administered grant for amount of tuition, for courses taken at community college. Declares an emergency, effective upon passage.
- SB 447** – Establishes grant program to provide matching fund grants to school districts for capital costs of school districts. Declares an emergency, effective upon passage.
- SB 519** – Directs Department of Community Colleges and Workforce Development to select and implement uniform budget and accounting system for community college districts. Effective July 1, 2016.
- SB 584** – Directs public contracting agency to suspend right of certified disadvantaged minority, women or emerging small business enterprise to bid on or participate in public contract if certified disadvantaged minority, women or emerging small business enterprise exhibits pattern of failing to perform commercially useful function in public contract. Effective May 21, 2015.

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- SB 675** – Requires bidder or proposer for public contract to demonstrate responsibility by attesting in any way contracting agency deems credible and convenient that bidder or proposer complied with tax laws of this state. Effective June 22, 2015.
- SB 875** – Requires State Board of Education to adopt rules under which school personnel may administer medications that treat adrenal insufficiency to students experiencing adrenal crisis.
- SB 953** – Establishes process by which future interests in specified properties in Klamath County may be extinguished. Effective June 16, 2015.
- HB 2174** – Deletes requirement that Secretary of State prescribe form of contract for conduct of municipal audits. Effective April 16, 2015.
- HB 2644** – Provides that public body and its officers, employees and agents are not immune from liability for wrongful death of person who is covered by workers' compensation law if death occurred in course and scope of decedent's employment; death occurred as result of conduct of another person who is subsequently convicted of murder or found guilty except for insanity of murder; and decedent was not employed by public body at time of death. Effective June 16, 2015.
- HB 2716** – Requires public contracting agencies to provide as material condition of public contract that contractor remain certified as disadvantaged, minority, women or emerging small business enterprise during entire term of public contract if contracting agency awarded public contract, in whole or in part, on basis of contractor's certification. Effective June 10, 2015.
- HB 2762** – Requires school district to eliminate use of polystyrene foam plates, trays, food containers or food packaging in service of any meal unless school district recycles polystyrene foam. Effective July 1, 2015.
- HB 2931** – Directs Oregon Health Authority to disseminate to school districts information related to elevated levels of radon. Declares an emergency, effective upon passage.
- HB 2987** – Removes requirement for contracting agency to hold in account or otherwise reserve moneys for including green energy technology in constructing, reconstructing or performing major renovation on public building if contracting agency determines that including green energy technology is not appropriate. Effective June 16, 2015.
- HB 3035** – Allows increased use of flashing lights in certain school zones. Effective May 21, 2015.
- HB 3037** – Modifies public records law exemption from required disclosure of certain personal information of public employees and public body volunteers to remove mandated disclosure upon showing that public interest would require disclosure in particular instance. Effective April 9, 2015.
- HB 3039** – Allows district school board to enter into transactions that are expected to reduce cost to district for school facilities. Effective June 19, 2015.
- HB 3303** – Permits Certification Office for Business Inclusion and Diversity to certify business that service-disabled veteran owns as business enterprise that is eligible for certain preferences in public contracting. Effective June 25, 2015.
- HB 3329** – Modifies standard by which geothermal energy qualifies as type of green energy technology for which at least 1.5 percent of total contract price of certain public improvement contract for construction or certain reconstruction or major renovation of public school building must be spent. Effective 90 days after session.