

2017 LEGISLATIVE SUMMARY

The Oregon Legislature adjourned July 7 after a session that was often characterized as overly partisan with legislators unwilling to take on several of the most troubling problems facing the state, including a restructuring of the state's tax system.

At the same time, it was a session that saw a State School Fund of \$8.2 billion despite a state General Fund shortfall for current service levels of \$1.4 billion. In addition, lawmakers passed \$170 million for Measure 98 programs, with added flexibility for small districts and language that allows up to 15 percent of the funds to go to eighth-grade programs. Outdoor School programs created under Measure 99 received \$24 million. Legislators also allocated \$6.2 million to help address chronic absenteeism, \$1.8 million to develop Native American curriculum for districts and \$6 million to fund the African American Education Plan.



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The state continued its commitment to school capital programs with \$101 million in state bonds to fund the Oregon School Capital Improvement Matching Program and another \$101 Million for the Seismic Rehabilitation Grant Program.

In addition, legislators resisted a number of unfunded mandates and cut back the impact of existing mandates. Most notable among the changed requirements was the decision to postpone and then phase in the physical education mandate. Relief was also provided on the dyslexia mandate.

Legislators consistently cited information developed by the Oregon Rising project and its coalition of school administrators, board members, teachers, parents and public school supporters. The arguments made by this broad-based coalition set the tone for future sessions in which legislators promised a continued effort to find a source of stable, adequate revenue for the State School Fund. This biennium's budget goal was \$8.4 billion throughout the session; it will continue to be the goal as legislators go into their short session in February, when they will review revenue projects and work to increase funding for the 2018-19 school year.



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This is a short look at bills passed this session related to K-12 education. Gov. Kate Brown has until mid-August 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 late summer.

FINANCE

[HB 2278A](#) authorizes municipal corporations to budget for estimated debt service payments when general obligation bonds are approved by voters at the May election. It authorizes municipal corporations to create a supplemental budget if the original budget did not include estimated requirements to pay debt service for general obligation bonds approved at the May election, or if actual requirements are different from estimated requirements in the original budget or previous supplemental budget. It takes effect on the 91st day following the Legislature's July 7 adjournment.

[HB 2391A](#) extends the hospital assessment to 2021. It imposes a 1.5 percent assessment on commercial health insurance premiums and premium equivalents. Sections of the bill become operative on different dates. It takes effect on the 91st day following the Legislature's July 7 adjournment.

[HB 3470A](#) is generally referred to as the "program change bill" that is passed as one of the last bills the Legislature uses to make any last statutory changes. The education portion of the bill modifies the operative date of a law related to the funding of science, technology, engineering and mathematics education. It was effective on passage.

[HB 5006A](#) is the budget reconciliation bill that implements the remaining pieces of the state budget for 2017-19 biennium. This bill is generally referred to as the "Christmas tree bill." It appropriates money from the General Fund to the Emergency Board for allocations during the biennium. It became effective July 1, 2017.

[HB 5020A](#) modifies projects for which issuance of certain general obligation bonds and revenue bonds is authorized for the 2015-17 biennium. It contains a specific project list. It was effective on passage.

[HB 5038A](#) limits biennial expenditures from fees, money or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Teacher Standards and Practices Commission. It became effective July 1, 2017.

[HB 5043A](#) is the Higher Education Coordinating Commission budget. It became effective July 1, 2017.

[HB 5045A](#) provides the expenditure limitation to begin implementation of the transportation package. It includes funding for Safe Routes to School. It was effective on passage.

[Senate Bill 754B](#) creates the offense of selling tobacco products or inhalant delivery systems to persons younger than 21. It punishes the violation by fine. It applies to conduct occurring on or after Jan. 1, 2018. It was effective on passage.

[SB 847A](#) creates a process for the State Land Board, the Department of State Lands and the Legislature to coordinate transfer of certain trust lands managed for the benefit of the Common School Fund that have limited performance potential as assets to other public bodies better positioned to manage the lands for public benefit. It establishes the Trust Lands Transfer Fund. It is effective Jan. 1, 2018.

[SB 5505A](#) establishes amounts authorized for issuance of general obligation bonds, revenue bonds, certificates of participation and other financing agreements for a biennium. It establishes amounts allocated for private activity bonds and includes a substantial project list. It became effective July 1, 2017.

[SB 5506A](#) limits for a six-year period beginning July 1, 2017, payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by various state agencies for capital construction. It includes a substantial project list. It became effective July 1, 2017.

[SB 5516A](#) appropriates money from the General Fund to the Oregon Department of Education for certain biennial expenses. It appropriates money from the General Fund to the ODE for distribution as grants-in-aid, for program costs and to purchase services. It became effective July 1, 2017.

[SB 5517A](#) appropriates money from the General Fund to the Oregon Department of Education for the State School Fund. It became effective July 1, 2017.

[SB 5522A](#) appropriates money from the General Fund to the Chief Education Office for expenses incurred in the first year of the biennium. It appropriates money from the General Fund to the Emergency Board for allocation to the Chief Education Office for expenses incurred during the second year of the biennium. It became effective July 1, 2017.

[SB 5524A](#) appropriates money from the General Fund to the Higher Education Coordinating Commission for biennial expenses. It became effective July 1, 2017.

[SB 5525](#) approves certain new or increased fees adopted by the Higher Education Coordinating Commission. It became effective July 1, 2017.

[SB 5529A](#), among other things, directs distribution of money from the Oregon Marijuana Account. It became effective July 1, 2017.

[SB 5530A](#) increases the amount of lottery bonds authorized to be issued for the Oregon Business Development Department and the Housing and Community Services Department. It became effective July 1, 2017.

[SB 5537A](#) limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Department of State Lands for certain purposes. It became effective July 1, 2017.

[SB 5539A](#) requires the Oregon Department of Administrative Services to transfer certain amounts from the Tobacco Settlement Funds Account. It became effective July 1, 2017.

OPERATIONS

[HB 2005B](#) provides specific definitions to a range of unlawful wage and employment practices in the private and public sectors. It also sets penalties. It is effective Oct. 6, 2017.

[HB 2101B](#) sets up and funds the Oregon Sunshine Committee in the Department of Justice and creates two limited duration positions to review the state and local public record practices and report recommended changes to the Public Records Subcommittee of the Legislative Counsel Committee. It takes effect on the 91st day following the Legislature's July 7 adjournment.

[HB 2257](#) allows the Oregon Department of Education to waive, under limited circumstances, fees for some instructional materials. It was effective upon passage.

[HB 2457A](#) alters the process by which the Higher Education Coordinating Commission resolves student complaints against certain schools. It became effective July 1, 2017.

[HB 2648](#) adds school social worker to the list of professions included in the school-based system for which school districts or education service districts may receive money for decreasing rates of school absenteeism. It was effective on passage.

[HB 2687A](#) directs the Office of Emergency Management and the Oregon Homeland Security Council to develop and administer a grant program to distribute emergency preparedness equipment to local governments and other recipients. It was effective on passage.

[HB 2880A](#), for purposes of determining which public buildings must comply with existing requirement to display the Oregon flag and the National League of Families' POW/MIA flag, expands the definition of "public building" to include all other county, municipal, school district and special district buildings upon which or near which it is customary and suitable to display the U.S. flag. It requires all county, municipal, school district and special district buildings constructed on or after Jan. 1, 2018, to be able to properly display all three flags. It is effective Jan. 1, 2018.

[HB 2956A](#) directs the Early Learning Council to conduct evaluations of Early Learning Hubs and submit reports on the evaluations each odd-numbered year. It requires additional evaluations and reports in 2018. It was effective on passage.

[HB 3029A](#) increases compulsory school age from 6 to 7 years of age. It allows parents or legal guardians of a child whose sixth birthday occurred on or before Sept. 1 immediately preceding the beginning of the current school year to delay enrolling the child in public full-time school for one year for purposes of better meeting the child's needs for cognitive, social or physical development. It became effective July 1, 2017.

[HB 3047B](#) regulates drone aircraft. It was effective on passage.

[HB 3267B](#) directs school districts and public charter schools to waive high school diploma requirements that are not established by state law if a student is or was a foster child, homeless, a runaway, a child in a military family, a child of a migrant worker or enrolled in the Youth Corrections Education Program or the Juvenile Detention Education Program. It is effective Jan. 1, 2018.

[HB 3289A](#) establishes the Task Force on Competency-Based Education. It requires the task force to evaluate the efficacy of expanding competency-based education in post-secondary institutions in Oregon. It is effective Jan. 1, 2018.

[HB 3353A](#) expands access to in-school dental screening programs for students younger than 14 and affects screening during the 2017-18 school year. It takes effect on the 91st day following the Legislature's July 7 adjournment.

[HB 3409A](#) exempts from compulsory school attendance requirements children who are present in the United States on nonimmigrant visas and who are attending accredited English language learner programs in preparation for attending private high school or college. It is effective Jan. 1, 2018.

[HB 3454B](#) describes actions school districts are required to take or are prohibited from taking regarding students who are unable to pay for meals. It became effective July 1, 2017.

[HB 3464](#) prohibits public bodies from asking about citizenship or immigration status or from disclosing specific information about persons for the purpose of enforcing federal immigration laws unless required by state or federal law. It directs the attorney general to publish model policies for public bodies intended to limit, in a manner consistent with state and federal law, immigration enforcement in public facilities. It was effective on passage.

[Senate Bill 4A](#) phases in implementation of the number of required minutes of physical education and makes additional changes to the physical education requirement. It requires the Oregon Department of Education to submit recommendations for legislation no later than Nov. 15, 2018. It became effective July 1, 2017.

[SB 5](#) modifies laws related to student athlete agents. It is effective Jan. 1, 2018.

[SB 55B](#) provides that the Office of Student Access and Completion may award a total amount in Oregon Promise grants that exceeds \$10 million per fiscal year during the biennium ending June 30, 2017. It was effective on passage.

[SB 106B](#) creates the Public Records Advocate and Public Records Advisory Council, sets out duties and makes the program operative Jan. 1, 2018. It was effective on passage.

[SB 111B](#) establishes a pilot program to assist school districts and education service districts in increasing use of Medicaid billing. It became effective July 1, 2017.

[SB 187A](#) directs the Oregon Department of Education to reimburse education providers for expenses incurred from vision screenings. It establishes the Vision Health Account for the purpose of making reimbursements. It appropriates money to the ODE for deposit in the Vision Health Account. It became effective July 1, 2017.

[SB 263B](#) limits school districts' ability to require students to participate in abbreviated school day programs. It prescribes requirements when students do participate in these programs. It became effective July 1, 2017.

[SB 317A](#) requires public bodies that conduct public meetings to include locations within the Oregon lands of federally recognized Native American tribes. It is effective Jan. 1, 2018.

[SB 481A](#) defines "business day" for purposes of public records. It is effective Jan. 1, 2018.

[SB 850A](#) requires the Seismic Safety Policy Advisory Commission to establish a committee to assist the commission in reviewing policy options, preparing a summary of existing state agency reports and studies, and preparing recommendations for policy measures regarding life and property protection following a major earthquake or tsunami, including investigation of insurance issues related to earthquakes and tsunamis. It requires the commission to report to the State Resilience Officer no later than Sept. 30, 2018. It sunsets Jan. 2, 2019. It was effective on passage.

[SB 1008B](#) authorizes Oregon to receive money pursuant to the Volkswagen Environmental Mitigation Trust Agreement, deposit the money in the Clean Diesel Engine Fund and use it to award grants for reducing emissions from school buses powered by diesel engines. It specifies allocation of grants from the money. It became effective July 1, 2017.

[SB 1062B](#) requires school districts, education service districts and public charter schools to adopt a Healthy and Safe Schools Plan to address environmental conditions in facilities owned or leased by districts or schools where students or staff are present on a regular basis. It became effective July 1, 2017.

[Senate Joint Resolution 6](#) directs the deputy superintendent of public instruction to communicate to school districts information regarding backpack safety. It is effective Jan. 1, 2018.

PACE

[House Bill 2337A](#) increases workers' compensation benefits for permanent total disability and permanent partial disability. It is effective Jan. 1, 2018.

[Senate Bill 257B](#) modifies the crime of official misconduct in the first degree to include commission of official misconduct in the second degree when a public servant, while acting as a supervisory employee, is aware of and consciously disregards that violation and places a vulnerable person in danger of physical injury. It is punishable by a maximum of one year's imprisonment, a \$6,250 fine, or both. It is effective Jan. 1, 2018.

[SB 268A](#) requires the Department of Human Services and law enforcement agencies to investigate reports of abuse that occurred at schools or in educational settings or that are made by school employees. It was effective on passage.

[SB 327A](#) provides recreational immunity to holders of any legal or equitable title of land. It extends recreational immunity to employees and agents of the land owner when acting within the scope of duties and those with private property interests in the land. It was effective on passage.

PERSONNEL

[House Bill 2265A](#) allows parties to agree in writing to the starting date for a 150-day period, after which parties involved in negotiations over a collective bargaining agreement may notify the Employment Relations Board of the need for a mediator. It removes the requirement that parties receive initial proposal before the 150-day period begins. It is effective Jan. 1, 2018.

[HB 2992B](#) requires school district boards and public charter school governing bodies to adopt and implement policies that require volunteers to undergo a criminal records background check if the district or school allows volunteers to have direct, unsupervised contact with children. It takes effect on the 91st day following the Legislature's July 7 adjournment.

[HB 3060A](#) prohibits a state contracting agency from entering into a public contract with a prospective contractor that has not certified it has policies and practices preventing sexual harassment, sexual assault and discrimination against members of protected classes of workers. It takes effect on the 91st day following the Legislature's July 7 adjournment.

[HB 3351](#) directs the Teacher Standards and Practices Commission to prepare an annual report related to duties, powers and functions of the commission. It revises the process for filing complaints with the commission. It is effective Jan. 1, 2018.

[Senate Bill 42](#) reverses amendments to statute made by Enrolled Senate Bill 1534 (2016) that were determined by the U.S. secretary of labor to be out of conformity with federal law. It is effective Jan. 1, 2018.

[SB 46](#) removes authority of the Department of Consumer and Business Services to enforce specified health benefit plan coverage requirements applicable to the Public Employees' Benefit Board and the Oregon Educators Benefit Board. It is effective Jan. 1, 2018.

[SB 101C](#) authorizes child abuse investigations on school premises if the investigation involves interview of a suspected victim or witnesses but not the person suspected of committing the abuse. It was effective on passage.

[SB 200](#) allows members of the Public Employees Retirement System to purchase retirement credit for periods of service in uniformed services. It was effective on passage.

[SB 205B](#) allows a person with a pending application for a teaching license to teach in public school for a limited time if certain requirements are met. It was effective on passage.

[SB 221A](#) revises requirements for approval of educator preparation programs. It allows programs to phase in requirements. It was effective on passage.

[SB 225A](#) provides that the treasurer of a political committee or the treasurer of a petition committee is personally responsible for performance of specified duties. It takes effect on the 91st day following the Legislature's July 7 adjournment.

[SB 269](#) permits nonresident nurses to practice in Oregon if staffing school-sponsored events. It is effective Jan. 1, 2018.

[SB 712A](#) provides hours of service credit for vesting purposes and retirement credit to members of the Oregon Public Service Retirement Plan who receive workers' compensation disability payments and subsequently are re-employed by any participating public employer. It was effective on passage.

[SB 1067A](#) is the Legislature's "cost saving" plan. It establishes reporting requirements to ensure legislative review of potential state government workforce costs. It includes changes in the Public Employees Retirement System, the Oregon Educators Benefit Board and the Public Employees' Benefit Board. It was effective on passage.

PROGRAMS

[House Bill 2013](#) modifies some Early Learning Division preschool program requirements. It instructs the ELD to evaluate accessibility and quality of early learning programs and requires a report to legislative education committees by February 2018. It was effective upon passage.

[HB 2038B](#) allocates \$4.5 million to the Department of Education for the Farm-to-School Program. This will fund only the competitive and non-competitive grants to purchase Oregon agricultural products. The grant program also provides funding for agriculture-based or garden-based educational programs. It became effective July 1, 2017.

[HB 2147B](#) requires each post-secondary institution of education to provide the Higher Education Coordinating Commission with the number of Oregon high school graduates from each school district enrolled at the institution and the graduation rate at the institution for Oregon high school graduates from each school district. It takes effect on the 91st day following the Legislature's July 7 adjournment.

[HB 2219B](#) encourages school districts and public charter schools to offer courses or other educational opportunities in civics. It is effective July 1, 2018.

[HB 2220A](#) removes certain requirements veterans must meet prior to receiving a high school diploma. It is effective Jan. 1, 2018.

[HB 2229A](#) encourages school districts and public charter schools to offer courses or other educational opportunities in financial literacy. It is effective Jan. 1, 2018.

[HB 2246A](#) amends Measure 98, including giving small districts more flexibility in using funds and allowing districts to use 15 percent of their funding on eighth-grade programs. It was effective upon passage.

[HB 2258](#) expands types of entities that may receive funding for certain activities related to science, technology, engineering and mathematics education and to career and technical education. It was effective upon passage.

[HB 2262A](#) makes a series of changes at the Employment Relations Board. It is effective Jan. 1, 2018.

[**HB 2263**](#) increases the fee from \$500 to \$625 for the third mediation session conducted by a mediator assigned by the Employment Relations Board to resolve a labor dispute or labor controversy. It decreases the fee from \$750 to \$625 for the fourth mediation session. It allows the board to establish fees for providing labor relations and negotiation training. It is effective Jan. 1, 2018.

[**HB 2311**](#) makes 40-40-20 higher education goals relate to only Oregonians completing education, rather than to all adult Oregonians. It is effective Jan. 1, 2018.

[**HB 2314A**](#) among other things, requires ASPIRE programs to provide financial aid instruction to middle school, high school and college students. It updates statutory references to the General Educational Development (GED) test to clarify that the test is an example and not the only possibility of approved high school equivalency tests. It was effective upon passage.

[**HB 2729B**](#) establishes official name of the open resources program as "Oregon's Open Educational Resources (OER) Program" and sets up an evaluation program by the Higher Education Coordinating Commission. It became effective July 1, 2017.

[**HB 2763B**](#) authorizes the Teacher Standards and Practices Commission to disburse money from the National Board Certification Fund for reimbursement of certain costs related to national board certification of teachers. It is effective Jan. 1, 2018.

[**HB 2845B**](#) directs the Oregon Department of Education to convene an advisory group to develop statewide ethnic studies standards for adoption into existing statewide social studies standards for public kindergarten through grade 12. It directs the department to adopt ethnic studies standards into existing statewide social studies standards for public kindergarten through grade 12. It was effective on passage.

[**HB 2997**](#) provides for distribution of amounts collected upon conviction for violation of compulsory attendance laws. It is effective Jan. 1, 2018.

[**HB 2998B**](#) requires community colleges and public universities to establish foundational curricula for the first year of course work at a public post-secondary institution and establishes requirements for foundational curricula. It was effective on passage.

[**HB 3106A**](#) modifies requirements for participation as a preschool provider in a preschool program administered by the Early Learning Division. It directs Early Learning Hubs to convene annual meetings among representatives of preschool programs administered by the Early Learning Division for purposes of coordinating enrollment of eligible children in programs and allows half-day prekindergarten programs or full-day kindergarten programs. It is effective Jan. 1, 2018.

[**HB 3216**](#) directs the Chief Education Office to study practices that assist students in poverty families. It directs the office to submit a report to interim committees of the Legislature related to education no later than Sept. 15, 2018. It became effective July 1, 2017.

[**HB 3313A**](#) allows public charter schools to give priority in admission to students who reside within attendance boundaries of nonchartered public schools if specified conditions are met. It is effective Jan. 1, 2018.

[**HB 3318B**](#) establishes procedures for conducting functional behavioral assessments and for developing, reviewing and revising behavior intervention plans for students with individualized education programs or 504 plans. It takes effect July 1, 2018.

[**HB 3340A**](#) requires the Oregon Department of Education to develop and provide to public high schools written materials regarding apprenticeship opportunities. It was effective on passage.

[**HB 3358A**](#) directs the Oregon Department of Education to convene an advisory group related to English language learner programs. It was effective on passage.

[**House Concurrent Resolution 18**](#) recognizes National Speech and Debate Education Day.

[**Senate Bill 13**](#) directs the Oregon Department of Education to develop curriculum relating to the Native American experience in Oregon and to provide professional development related to curriculum and requires school districts to implement the curriculum. It was effective on passage.

[**SB 20B**](#) updates references to federal education law to reflect passage of the Every Student Succeeds Act. It aligns provisions related to modified diplomas and students in foster care with federal law. It became effective July 1, 2017.

[**SB 182B**](#) establishes the Educator Advancement Council and prescribes its duties. It became effective July 1, 2017.

[**SB 207B**](#) requires public institutions of higher education to provide credit to each student who receives a grade on advanced placement examinations indicating the student is fully qualified to receive credit. Section 1 applies to the 2019-20 academic year. It is effective Jan. 1, 2018.

[**SB 208C**](#) provides that school districts may not deny participation in interscholastic activities by students who attend public charter schools. It specifies requirements that students must meet to participate in interscholastic activities and fees that public charter schools must pay to school districts for students who participate in interscholastic activities. It was effective on passage.

[**SB 231B**](#) establishes the Task Force on Student Mental Health Support. It directs the task force to investigate mental health issues and substance abuse disorders among students, with emphasis on college recruitment, retention and completion. It takes effect on the 91st day following the Legislature's July 7 adjournment.

[**SB 314B**](#) directs the Early Learning Division to support Relief Nursery programs statewide. It was effective on passage.

[**SB 803A**](#) was amended from its original language and now considers foreign exchange students who reside in dormitories operated by school districts in Oregon to be residents of the school district for the purposes of allocation of the State School Fund. It sunsets July 1, 2018, and directs the Oregon Department of Education to report to the Legislature on the program. It affects about 40 students in small, rural districts. It became effective July 1, 2017.

[**SB 1003B**](#) prescribes requirements for screening tests related to dyslexia. It directs the Oregon Department of Education to develop guidance regarding best practices related to dyslexia intervention. It delays the timeline by which a specified number of grade school teachers are required to have received training related to dyslexia. It is effective July 1, 2018.

[**SB 1032B**](#) amends the Oregon Promise program to remove prohibition on awarding more than \$10 million in grants per fiscal year. It was effective on passage.