



CONFEDERATION
OF OREGON SCHOOL
ADMINISTRATORS

OSBA/COSA

2013 LEGISLATIVE REPORT



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This 2013 OSBA/COSA Legislative Report describes the bills enacted by the 2013 Oregon Legislative Assembly that affect public schools. It was prepared jointly by the Oregon School Boards Association and the Confederation of Oregon School Administrators, whose continuing collaboration ensure that the interests of board members and school administrators are at the forefront when state laws affecting public education are enacted.

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

We thank all those from school districts, education service districts 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 hundreds of school district, ESD and community college board members and administrators who contacted their legislators in person and by letter, phone, fax, e-mail 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 supplemental session in 2014.

Sincerely,

A handwritten signature in black ink that reads "Betsy Miller-Jones".

Betsy Miller-Jones
Executive Director
Oregon School Boards Association

A handwritten signature in black ink that reads "Craig Hawkins".

Craig Hawkins
Executive Director
Confederation of Oregon
School Administrators



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2013 LEGISLATIVE SESSION: Session in brief

No legislative session is an unmitigated success and the 2013 Session is no exception. Critics will focus on missed opportunities and a loss of the bi-partisanship that characterized the 2011 session where power in the House was evenly divided and required both parties agree on what to have for lunch in the House Lounge.

Politics aside, for education, particularly K-12 education, the 2013 Session was a watershed after at least a decade of disinvestment in the state's public school system by recession-stymied executives and lawmakers. The big turnaround came in a legislatively developed budget of \$6.55 billion in the State School Fund (SSF) and a Public Employees Retirement System (PERS) saving of about \$200 million. The total amount being aimed at the classroom was \$1 billion more than was budgeted in 2011.

Key to the funding increase over Gov. Kitzhaber's \$6.15 billion opener was legislative action to increase some revenue and make some changes in the PERS system – mainly aimed at Cost-of-Living Adjustments (COLAs) and out-of-state retiree participation in a tax rebate plan. Missing from the equation was a successful tax package to add another \$250 to \$300 million to the State School Fund. It failed in the House by one vote and never found the supermajority it needed.

The session closed on the PERS and tax matters with Gov. Kitzhaber working the halls in support of a "Grand Bargain" that would increase the SSF with new or remodeled taxes and add additional PERS savings to local budgets. Only one Republican could be found in either chamber willing to vote for new taxes. None of the legislators thought half a deal was better than none, so the Legislature adjourned with the expectation they would return in September.

Behind the scenes, work is ongoing to hold a Special Session at the end of September to revisit the tax and PERS package. Preliminary plans call for increased PERS savings, mainly through further limits on cost-of-living increases for retirees and an accompanying tax package that hits a range of interests from tobacco users to higher income earners. The plan would add \$113 million to the 2014-15 allocation of the State School Fund and an undetermined amount of PERS savings. Possible strings attached could be a requirement that spending be confined to adding teachers, school days or programs for students.

The 2013 Session included the debuts of the Oregon Education Investment Board (OEIB), Chief Education Officer (CEO) and Deputy Superintendent of Education. Reviews on the CEO were decidedly mixed and he resigned to take a new job as the session closed. The OEIB had varied results on the \$150 million worth of proposed investments coming from them and the Governor's office. The final investment spending was cut in half. The Oregon Department of Education (ODE) was back on its game under the leadership of former Tigard-Tualatin Superintendent Rob Saxton.

In education policy, the big strides were in career and technical education (CTE) and science, technology, engineering and mathematics (STEM) education programs and planning. Successful bills beefed up state level planning activities and moved beyond the ODE to include the Department of Community Colleges and Workforce Development and the Bureau of Labor and Industries in the process of developing long-term goals for K-12, community colleges and apprenticeship programs related to CTE. The new laws identify and address barriers inhibiting student movement from high schools to post-secondary school programs and workforce opportunities. A CTE Revitalization Grant Program under the

education and labor departments was also created along with funding the new STEM Advisory Council.

The Legislature established a task force to review the entire school funding formula. The task force, which will include legislators and representatives of the public and education communities, is expected to take each element of the formula and its weighting with an eye toward 2015 Session changes. There have been no major changes in the formula since its inception following passage of Measure 5.

The Legislature got down to business on early learning-related issues, particularly the testing of children for kindergarten readiness. Still unresolved is the 2015-16 beginning of all-day kindergarten and whether there will be additional financing to make that program successful in all districts.

In general, this Legislature was seen as a strongly pro-education group. At every turn, both sides of the aisle in both chambers called for more education funding for K-12 and other sectors of the P-20 system. The Legislature took a breather on passing sweeping new legislation related to education and did solid work in clarifying and improving on past initiatives.

Funding plans set during the session appear to be solid as revenue forecasts begin to be released. Oregon's general economy is making a steady comeback. The only dark cloud on the horizon is economic forecasting that shows state revenue growth running at about 10 percent over the next several years rather than the more robust 15 percent Oregon experienced in its pre-recession days.

The next regular session, lasting one month, begins and ends in February and generally focuses on non-controversial issues and any budget adjustments resulting from changing revenue conditions.

FINANCE BILLS

HB 2098 (CHAPTER 641), EFFECTIVE JULY 25, 2013, amends ORS 317.013 to modify the State School Fund (SSF) distribution formula for the determination of the additional weight (0.25) granted to students in poverty. It applies the changes to the distribution of the SSF beginning in the 2014-15 school year.

The bill also extends the ability of a limited number of small school districts to continue to claim SSF dollars for foreign exchange students living in a dormitory setting through the 2015 school year.

HB 2325 (CHAPTER 733), EFFECTIVE AUG. 14, 2013, creates new provisions to require the Legislature to direct any future 2 percent corporate kicker calculation to the State School Fund (SSF). It specifies the amount appropriated is in addition to the amount the Legislature would have appropriated to the SSF in the absence of a corporate kicker. This measure provides the implementation to the recently approved Ballot Measure 85 (2012).

HB 2501 (CHAPTER 735), EFFECTIVE AUG. 14, 2013, extends the Small School District Grants for two more years.

The bill also amends ORS 343.961 to require transportation for a student enrolled in an eligible day treatment program be provided by the school district where the student is a resident.

HB 2506 (CHAPTER 577), EFFECTIVE JULY 1, 2013, creates the Task Force on School Funding. The Task Force shall make recommendations regarding possible modifications to the funding formulas used to distribute State School Fund moneys to school districts and education service districts (ESDs). It requires the Task Force to submit a

report with recommendations to the Legislature by Oct. 1, 2014.

The bill also makes the following changes:

- Abolishes the Office of Regional Educational Services and the Regional Educational Services Account as well as repeals ORS 327.009, which transferred 0.25 percent of the school funding formula resources for the Regional Educational Services Account. The resulting “savings” of approximately \$24 million would be distributed to school districts and ESDs through the formula (95.5 percent to school districts and 4.5 percent to ESDs).
- Reduces the amount dedicated to the Facilities Grant Program in ORS 327.008 from \$25 million per biennium to \$20 million and redeploys the \$5 million to the Quality Teaching and Learning Network established in HB 3233.
- Allocates equal amounts from the formula amounts that are distributed to school districts and to ESDs (\$14 million each) for the Quality Teaching and Learning Network.
- Indexes the amounts dedicated to the Network to the change in the amount in the State School Fund (SSF), meaning if the SSF increased by 5 percent between biennia, the amounts would increase proportionately.

HB 2632 (CHAPTER 579), EFFECTIVE OCT. 7, 2013, amends various provisions of ORS Chapter 457 related to urban renewal districts to exclude local option taxes approved after Jan. 1, 2013, from the consolidated billing tax rate for purposes of computing the urban renewal division of taxes for certain urban renewal plans. It provides for an option in which an urban renewal agency may issue an impairment certificate if the removal of new local

option levies from the consolidated billing tax rate impairs the ability to meet contractual obligations with bondholders.

HB 2730 (CHAPTER 653), EFFECTIVE JULY 25, 2013, amends ORS 327.527 to require the Oregon Department of Education to reimburse school districts, governmental agencies and other community groups five cents for every breakfast served as part of the United States Department of Agriculture’s Summer Food Service Program or summer meals program through an existing national school lunch program.

HB 3401 (CHAPTER 751), EFFECTIVE AUG. 14, 2013, creates new provisions and amends ORS 334.177 to allow certain school district boards to request in writing that monies otherwise expended on services or programs approved by a component school district of an education service district (ESD) be distributed to the school district for any identified purpose. The law applies to school districts within ESD Regions 1 (Clatsop, Columbia, Tillamook and Washington counties), 5 (Lane), and 9 (Hood River and Wasco).

For the 2014-15 school year, school districts may request up to 65 percent of the formula distribution for ESDs attributable to the requesting district or up to 75 percent if the school district is able to provide evidence that the additional amount will be spent on services purchased from other ESDs. For the 2015-16 school year the amounts are increased to 75 percent and 85 percent. Starting in the 2016-17 school year, there are no limits.

The law requires school district boards to make the request by November 1 of the year prior to the school year for which the request is being made. The law requires the ESD

board to approve the request submitted and make distribution amounts based on weighted average daily membership of the district for which the request was made.

The law states that a school district board may only act in an advisory capacity and not be part of the decision making process on the local service plan if the school district board designates a percentage greater than or equal to 50 but less than 100 percent.

The law also requires any of the ESDs and school districts that use this provision of the law to submit a report to the interim legislative committees related to education no later than Nov. 1, 2016.

The law also establishes a 10-member workgroup be established, with two members from each legislative chamber appointed by the presiding officers and remaining members from various education groups. The purpose of the workgroup is to explore options for optimal regional education delivery systems. The workgroup is to issue a report to interim committees on education by Nov. 20, 2013.

**HB 5010 (CHAPTER 498),
EFFECTIVE JULY 1, 2013,**

appropriates state resources to the Employment Relations Board (ERB). The ERB generates the majority of its Other Funds revenue through an assessment to state agencies based on the number of covered employees, including employees from the legislative and judicial branches and temporary employees. For the 2013-15 biennium, the state agency assessment is reduced from \$1.70 per month to \$1.65 per month.

The ERB budget contains \$1.9 million in General Fund revenue to support labor relations functions conducted on behalf of local governments (including school districts), and \$1.8 million in Other Funds which are comprised of fee

assessments and fees for service. These are fees assessed for contract mediation to local governments, grievance and Unfair Labor Practice (ULP) fees, interest-based bargaining training fees, and filing fees for ULP complaints and answers.

**HB 5019 (CHAPTER 562),
EFFECTIVE JULY 1, 2013,**

appropriates state resources to the Department of Community Colleges and Workforce Development Department (CCWD). The approved budget was a total of \$465 million. This includes \$450 million from the state's General Fund for the Community College Support Fund, which supports the operations of Oregon's 17 community colleges.

**HB 5033 (CHAPTER 634),
EFFECTIVE JULY 19, 2013,**

appropriates \$4.58 million in state resources to fund commission and operations staff of the Higher Education Coordinating Commission (HECC). In the 2013-15 biennium, HECC also receives a one-time General Fund appropriation to assist with the transition of the Private Career School program from the Oregon Department of Education.

**HB 5046 (CHAPTER 398),
EFFECTIVE JULY 1, 2013,**

appropriates resources to the Teacher Standards and Practices Commission (TSPC) for the 2013-15 biennium. The TSPC is entirely supported by Other Funds from licensing and other fees paid by regulated educational professionals.

**SB 24 (CHAPTER 358),
EFFECTIVE JUNE 11, 2013,**

amends ORS 273.105 and 327.405 to require that the moneys of the Common School Fund determined by the State Land Board to be available for distribution to school districts be credited to the Distributable Income Account within the Common School Fund. The law also requires that all proceeds derived from

the investment of the Common School Fund moneys become part of the Common School Fund.

**SB 529 (CHAPTER 13),
EFFECTIVE MARCH 21, 2013,** amends ORS 260.432, 334.105 and other provisions of state law to allow any school district to withdraw from its local education service district (ESD) by a two-thirds vote of the school board.

The law requires school district boards to provide a notice of intent to withdraw by November 1 of the year prior to the school year for which the request is being made. A school district board that submitted a notice of intent to withdraw must then submit a notice of withdrawal to the ESD no later than March 1 of the year in which the school district plans to withdraw from the ESD. Within 60 days of receiving the notice of withdrawal the board of directors of the ESD shall issue an order that recognizes the withdrawal of the school district from the ESD. The withdrawal of a school district from an ESD becomes effective on July 1.

The law also removes the sunset clause pertaining to the election process for the boards of three "pilot" ESDs (High Desert, Northwest Regional and Willamette) and allows their current elections process to continue.

**SB 552 (CHAPTER 601),
EFFECTIVE JULY 1, 2013,**

creates the Task Force on State Budget Process. It directs the Task Force to review existing statutory provisions governing the process of developing the state budget and identify statutory provisions that are outdated, unnecessary or in need of modification; and recommend comprehensive changes that will modernize and align the state budget process with the desired outcomes recommended by the Governor and adopted by the Legislature.

SB 817 (CHAPTER 420), EFFECTIVE OCT. 7, 2013, amends ORS Chapter 294, Oregon's local budget law, to make technical changes. In 2011 the Legislature approved HB 2425, the first comprehensive rewrite of local budget law since 1963. SB 817 is a follow-up to HB 2425, making some corrections and updating sections that were missed as part of the 2011 re-write.

SB 5506 (CHAPTER 705), EFFECTIVE JULY 1, 2013, allows issuance of general obligation bonds for various capital construction projects within Oregon, including 16 capital construction projects for Oregon community colleges.

SB 5507 (CHAPTER 727), EFFECTIVE AUG. 14, 2013, authorizes the expenditure of \$108,581,600 of state resources (state general obligation bonds) for 16 capital construction projects and deferred maintenance at Oregon community colleges.

SB 5518 (CHAPTER 637), EFFECTIVE JULY 19, 2013, appropriates state resources to the Oregon Department of Education (ODE) for operational expenses of the department for the 2013-15 biennium. The bill also appropriates state resources to the ODE for the Grant-in-Aid programs that provides various services to students and school districts across Oregon.

SB 5519 (CHAPTER 638), EFFECTIVE JULY 19, 2013, appropriates \$6.55 billion in state resources to the Oregon Department of Education (ODE) for the State School Fund (SSF) for the 2013-15 biennium. The SSF is distributed to school districts and education service districts according to the state school fund formula administered by ODE.

For the 2013-14 school year, ODE will allocate 49 percent of the SSF, or \$3.2 billion. For the 2014-15 school year ODE will allocate 51 percent of the SSF, or \$3.34 billion.

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

- \$968,000 for 10th grade assessments;
- \$1.6 million for the Oregon Virtual School District; and
- \$3,535,581 is transferred to the Local Option Equalization Grants account for allocation to eligible school districts.

SB 5532 (CHAPTER 785), EFFECTIVE AUG. 14, 2013, appropriates \$327.4 million in state Lottery Funds to the State School Fund.

SB 5533 (CHAPTER 786), EFFECTIVE AUG. 14, 2013, authorizes issuance of lottery revenue bonds for certain projects in Oregon. Included in the list of approved projects is \$1 million to the North Central ESD for digital switching equipment.

SB 5537 (CHAPTER 548), EFFECTIVE JULY 1, 2013, appropriates \$9.3 billion in Other Funds resources to the Public Employees Retirement System (PERS) in 2013-15 for the operation of the agency as well as authorization for payment of retirement benefits to PERS retirees.

SB 5543 (CHAPTER 787), EFFECTIVE AUG. 14, 2013, appropriates funds from the Tobacco Settlement Funds Account for various programs within Oregon. For the 2013-15 biennium, \$4 million of these funds are allocated to the Oregon Department of Education to distribute to school districts for physical education grants.

SB 5548 (CHAPTER 560), EFFECTIVE JULY 1, 2013, appropriates \$6.1 million in General Fund resources to the Oregon Education Investment Board (OEIB) for operational expenses. Within this budget is \$4.6 million for the operation of the OEIB and its staff, including the Chief Education Officer. Also included within this budget is:

- \$705,587 to provide staff and funding to create a research unit for the P-20 educational continuum; and
- \$950,000 to fund a portion of the Governor's strategic education investments that are spread among the Oregon Department of Education, the Oregon Student Access Commission and the OEIB. These investment packages include \$500,000 for grants to fund regional achievement compacts, \$200,000 for state education connections conferences, and \$250,000 for a statewide reading campaign.

PROGRAM BILLS

HB 2013 (CHAPTER 728), EFFECTIVE AUG. 14, 2013,

creates new provisions and amends ORS 343.475, and ORS Chapter 417 to direct the Early Learning Council (ELC) and the Oregon Department of Education to provide assistance to school districts when implementing new kindergarten readiness assessments. In addition to several projects and goals related to children from birth to three years of age, the bill directs the ELC to establish at least 23 Early Learning Hub Demonstration projects during the 2013-15 biennium (and includes \$4.3 million in funding). The ELC is responsible for administering the new Early Learning Kindergarten Readiness Partnership and Innovation Program (\$4 million) and distributing these funds through grants.

HB 2099 (CHAPTER 15), EFFECTIVE JULY 1, 2013,

amends ORS 329.007, 329.025, 329.045 and 329.451 to change the term "second language" to "world languages" when referring to K-12 education. This change was necessary to make terminology consistent with state and federal uses of the terms and to avoid confusion when students are learning English as a second language.

HB 2150 CHAPTER 265,

EFFECTIVE JAN. 1, 2014, amends ORS 338.025, 338.035, 338.045, 338.055, 338.065, 338.075, 338.095, 338.105 and 338.115 to modify the contents and the process for a proposal to establish a public charter school and for renewal and termination of a charter school.

The bill modifies many sections of Oregon's charter school law. The most important changes contained in the bill are:

- Prohibiting a school board member from being a voting member of a charter school in the school district where the school board member

serves, unless the school district is a charter school district;

- Requiring school districts to identify a date that is at least 180 days prior to the date the public charter school would begin operating to submit the charter school proposal to the school board;
- Allowing school boards to require a charter school applicant to submit a written letter of intent before submitting a charter school proposal;
- Requiring proposed charter school board members to submit an acknowledgment and understanding of the standards, conduct and liabilities of a nonprofit organization;
- Modifying timelines for approval of renewal of a charter school;
- Allowing a charter school applicant to appeal to the State Board a decision by a local school board on whether the application is complete; and
- Requiring public charter schools to comply with the Oregon Public Contracting code (ORS Chapters 279A, 279B and 279C).

The bill further clarifies that these changes apply to applications to create a new charter school, or proposals for renewal of an existing charter school that are submitted after the effective date of the bill.

HB 2192 (CHAPTER 267),

EFFECTIVE JUNE 4, 2013, creates new provisions and amends ORS 161.205, 336.665, 338.115, 339.115, 339.250 and 339.252 to modify the statutes related to school discipline, suspension and expulsion. Key changes include: removal of "zero tolerance" language in statute that required mandatory expulsion for non-firearm weapons; limiting expulsion to the most serious behaviors that pose a threat to health or safety when

student behaviors have not responded to other interventions or when required by law; the addition of a 10-school day limit to complete mental health risk assessments (which can be exceeded for good cause); and reiteration that school discipline policies need to foster a positive learning environment and set clear expectations for all students, impose discipline without bias and comply with all laws related to students with disabilities. The bill states that these changes are effective beginning in the 2014-15 school year.

The bill also removes the sunset on changes to seclusion and restraint laws passed by the 2011 Legislature.

HB 2193 (CHAPTER 64), EFFECTIVE JULY 1, 2013,

creates new provisions and amends ORS 329.451 to eliminate the current statutory requirement that a student have multiple alternate assessments to qualify for the extended diploma track. In order to be considered for an extended diploma a student now must only have a documented history of:

- An inability to maintain grade level achievement due to significant learning and instructional barriers;
- A medical condition that creates a barrier to achievement; or
- A change in the student's ability to participate in grade level activities as a result of a serious illness or injury that occurred after grade 8.

Districts must begin providing information to parents about modified or extended diplomas in grade 5 or when a student displays any of the criteria listed above, whichever is sooner.

HB 2264 (CHAPTER 102), EFFECTIVE JAN. 1, 2014,

creates new provisions and amends ORS 336.805 to allow the Oregon Department of Transportation (ODOT) to increase the current rate of tuition reimbursement (a maximum of \$210) for driver education classes provided to

low-income students by public schools, counties or commercial driving schools. The reimbursements and conditions for reimbursement are to be adopted by ODOT through the rule-making process.

HB 2386 (CHAPTER 427), EFFECTIVE JULY 1, 2013, creates new provisions related to the use of radio frequency identification devices (RFID) on student ID cards or school property, such as books or computers to track the location of students or property. If a district wishes to use RFID tags, it must notify the State Board of Education, which will then generate rules for their use. The bill requires that the rules created by the State Board include provisions requiring parental notification and student opt-out. A district may not use the RFID tags until the State Board has promulgated rules related to their use.

HB 2445 (CHAPTER 683), EFFECTIVE JULY 29, 2013, creates new provisions and amends ORS 413.225 to give the Oregon Health Authority the responsibility to establish criteria and procedures for the certification of school-based health centers. It includes the commission of a workgroup to recommend best practices and expands the definition of "school-based health center." The legislation includes \$4 million in additional funding to help existing centers across the state reach funding parity, assist in planning and construction of centers and provide incentives to improve business practices. The workgroup is to report back by Dec. 31, 2013, to the interim legislative committees related to health.

HB 2585 (CHAPTER 650), EFFECTIVE JULY 25, 2013, creates new provisions and amends section 5, chapter 665, Oregon Laws 2011 to require the State Board of Education to create rules allowing individuals or organizations to submit a complaint regarding the use of seclusion

or restraint in public schools and creating a subsequent process for the investigation of such complaints. The Board is also required to create rules which set standards for the design of rooms or physical space used for seclusion or restraint that take into consideration the safety and health of both students and staff. These standards will be effective for the 2014-15 school year.

Currently, school districts are required to prepare an annual report detailing the use of physical restraint and seclusion for the preceding school year. The bill adds a requirement that this report be submitted annually to the State Department of Education. In addition to information currently collected, the report must include the number of rooms used for seclusion and restraint and a description of their design and dimensions.

HB 2636 (CHAPTER 739), EFFECTIVE AUG. 14, 2013, creates new provisions and amends section 10, chapter 519, Oregon Laws 2011 to create the Science, Technology, Engineering and Mathematics (STEM) Council. The Council consists of nine members of the private sector who are charged with providing recommendations for the advancement of STEM education initiatives. The bill also establishes a STEM Investment Grant Program and Account, but no monies were appropriated for the 2013-15 biennium. The Council must also provide regular updates to the Legislature.

HB 2644 (CHAPTER 651), EFFECTIVE JULY 25, 2013, creates new provisions to change the way student-to-teacher ratios are collected and calculated, beginning with the 2014-15 school year. Each year the Oregon Department of Education shall collect information in classes for grades K-12, including:

- The total number of students in the classes; and
- The total number of licensed or registered teachers regularly assigned to the students in each class.

The bill also requires the State Board of Education to define, by rule, what constitutes a "class," what constitutes the assignment of teachers to students, and the classes where student-teacher ratios must be reported.

HB 2649 (CHAPTER 652), EFFECTIVE JULY 1, 2013, amends ORS 336.431, to appropriate \$500,000 to the "Farm-to-School" grant programs administered by the Oregon Department of Education. Grants can be used for the purchase of Oregon food products to supplement the USDA school lunch program and/or for food-based, agriculture-based and garden-based educational activities in school districts.

HB 2665 (CHAPTER 278), EFFECTIVE JUNE 4, 2013, creates new provisions to direct the Oregon Department of Education to conduct "an evaluation of the means by which the impact of poverty on educational attainment is addressed by state law." The bill requires the study to consider an analysis of the State School Fund, educational opportunities for low-income students in their communities and opportunities to improve the education of students in poverty beyond the traditional school day or year. The report is due back to the Legislature by July 1, 2014.

HB 2743 (CHAPTER 654), EFFECTIVE JULY 25, 2013, creates new provisions to establish the Task Force on High School and Transition Success for Students with Disabilities. The task force was created in response to continued concern over low numbers of students with disabilities who graduate from high school with a

regular, modified or extended diploma, the ability of students with disabilities to enter the post-secondary system and the welfare of students who have exited the K-12 system.

The task force consists of 21 members who are empowered to make recommendations, including but not limited to:

- The use and understanding of modified and extended diplomas;
- Dual credit participation rates for students with disabilities;
- Strategies for improving access and affordability of post-secondary options;
- The use of technology by students with disabilities;
- Methods to improve graduation rates for students with disabilities;
- Recommendations to the Oregon Education Investment Board about specific goals for achievement compacts for students who have Individualized Education Programs (IEPs); and
- Legislation to implement any of the recommendations.

The task force shall submit a final report, and make any recommendations for legislation, to the interim committees of the Legislative Assembly related to education and higher education no later than July 1, 2014.

HB 2747 (CHAPTER 655), EFFECTIVE JULY 1, 2013, creates new provisions and amends section 20, chapter 718, Oregon Laws 2011 to make changes to the inter-district transfer process beginning with students who seek admission in the 2014-15 school year. Districts may not consider a list of student characteristics such as race, religion or sexual orientation when making admission decisions. The bill prohibits districts from considering a student's disability or the district of residence when deciding whether or not to approve the transfer. The practical effect of this

change is that a district may no longer have "reciprocity" agreements with neighboring districts or deny a transfer because the district believes it cannot serve the student's special education needs. School districts may also not request information about prospective transfers such as academic records or special education status prior to granting admission.

Much like the open enrollment law, school districts are required to annually determine whether or not they will accept transfers and may establish limits (such as which schools or grade levels have openings); if more students apply than there are slots available, a lottery must be held. School districts are not required to accept or release transfers and may still establish attendance, behavioral or academic standards.

The bill also includes a provision that specifies if a student is admitted to the Providence Hospital long-term care facility in Portland, that student is considered a resident of the Portland Public School District for purposes of providing educational services and State School Fund appropriations for the 2013-14 school year.

HB 2749 (CHAPTER 318), EFFECTIVE JULY 1, 2013, amends ORS 339.866 and 339.871 to require school districts to establish a policy and procedure whereby parents may request an epinephrine-pen (epi-pen) be kept in the student's classroom if certain conditions are met. The bill also extends "Good Samaritan" protections from legal liability to the school district and school district board if an epi-pen mishap occurs.

HB 2753 (CHAPTER 133), EFFECTIVE JULY 1, 2013, repeals section 7, chapter 665, Oregon Laws 2011. The 2011 Legislature passed a law prohibiting the use of mechanical,

chemical and prone restraint on students in public schools (HB 2939). The bill also specified the conditions for the use of seclusion or physical restraint in public schools. The original law included a "sunset" provision for the law to expire in 2017. This bill removes the 2017 sunset provision.

HB 2756 (CHAPTER 30), EFFECTIVE APRIL 5, 2013, creates new provisions and amends section 7, chapter 665, Oregon Laws 2011 to prohibit the use of "seclusion cells" in Oregon's public schools and requires their removal from buildings no later than Sept. 1, 2013.

The bill defines "seclusion cell" as a freestanding, self-contained unit that is used to:

- Isolate a student from other students; or
- Physically prevent a student from leaving the unit or cause the student to believe that the student is physically prevented from leaving the unit.

HB 2875 (CHAPTER 136), EFFECTIVE MAY 16, 2013, amends ORS 338.065 to allow an expiring public charter to remain in effect until a new contract is signed.

HB 2898 (CHAPTER 725), EFFECTIVE AUG. 14, 2013, creates new provisions and amends ORS 343.035 to allow K-12 students with a disability to earn college credit at Oregon's public universities or community colleges as part of their transition services. It also prohibits public and private colleges in Oregon from denying financial aid to a student with a disability because he or she does not have a regular high school diploma.

The bill also includes a provision unrelated to K-12 that sites a public safety training facility for Portland Community College.

HB 2912 (CHAPTER 745), EFFECTIVE AUG. 14, 2013, creates new provisions and amends ORS 344.125 to encourage the Oregon Department of Education, the Department of Community Colleges and Workforce Development and the Bureau of Labor and Industries to work together to establish joint high school and community college advisory committees.

The bill also creates the Career and Technical Student Organization Grant Program and appropriates \$500,000 for grants to school districts and nonprofit entities to support career and technical student organizations. Grants may only be used for expenses related to participation in career and technical student organizations.

HB 2913 (CHAPTER 138), EFFECTIVE MAY 16, 2013, amends ORS 344.075 to direct the Oregon Department of Education and the Bureau of Labor and Industries to jointly establish a committee to review grant applications, make award recommendations and set criteria and goals for the Career and Technical Education Revitalization Grant Program created by the 2011 Legislature. The bill requires the committee to include representatives from business, education and labor.

HB 2958 (CHAPTER 354), EFFECTIVE JULY 1, 2013, creates new provisions to require community colleges to annually make available for distribution information about community colleges to public school students in grades 11 and 12 at the beginning of each school year.

HB 3000 (CHAPTER 585), EFFECTIVE JULY 1, 2013, creates new provisions and amends ORS 326.580 and 683.030 to require students age seven or younger who are entering a public education program for the first time (including Head Start),

beginning with the 2014-15 school year, to submit documentation that they have had a vision exam or screening and have followed up with necessary treatments (such as glasses) within 120 days of enrollment. Education providers must also keep vision records for the student and notify parents of possible vision problems. Students may not be kept out of school for lack of compliance, but school districts may withhold report cards if a screening or exam is not completed.

The bill requires a vision screening to be provided by a person licensed by the Oregon Board of Optometry, Oregon Medical Board, a health care practitioner or a school nurse or employee of the education provider. The bill defines an "eye exam" as a diagnosis which must be conducted by a person licensed by the Oregon Board of Optometry or a person licensed by the Oregon Medical Board and trained in eye surgery and eye disease; the "eye exam" involves any diagnosis of the eye and any measurement or assistance of the powers or range of vision of the eye.

The bill also requires the Oregon Department of Education to submit a report to the Legislature by Dec. 1, 2013, with recommendations for the resources needed to administer regular vision screenings in public schools through 8th grade.

HB 3014 (CHAPTER 466), EFFECTIVE JULY 1, 2013, creates new provisions and amends ORS 339.875 to require public charter schools to procure a United States flag and an Oregon state flag for each classroom and give students the opportunity to salute the flag by reciting the Pledge of Allegiance at least once a week. The bill also adds a new provision requiring the display of an American flag in each school district classroom.

HB 3093 (CHAPTER 327), EFFECTIVE JUNE 6, 2013, creates new provisions and amends ORS 327.137, 338.055, 338.105 and 338.135 to change certain requirements related to financial operations of charter schools and clarifies when a for-profit may employ employees in a public charter school.

The bill requires a school district that sponsors a charter school to include the charter school's annual audit to the Oregon Department of Education as part of the school district's audit report and allows the State Superintendent of Public Instruction to withhold funds that are due to a school district related to the charter school if the audit is not submitted to the district and the department. The bill also allows a sponsor, when evaluating the charter school proposal, to look at the prior history, if any, of the applicant in operating a public charter school or in providing educational services. The bill also allows a charter school sponsor to terminate a charter school if the charter school fails to have a sound financial management system for one year and also allows a charter school sponsor to develop a plan to correct any financial deficiencies.

Finally, the bill removes the prohibition on virtual charter schools related to the employment of persons employed by a for-profit entity contracting to operate the virtual charter school if the employee is an administrator who does not have any teaching responsibilities, and both the executive officer of the sponsor and the governing body of the charter school approve of the employment by the for-profit entity.

HB 3120 (CHAPTER 747), EFFECTIVE AUG. 14, 2013, creates new provisions and amends various statutes related to the Higher Education Coordinating Commission (HECC). The bill significantly modifies the HECC's duties and responsibilities. The HECC is now charged with providing integrated leadership, regulation and support for community colleges, universities, private career schools and state post-secondary financial aid programs. The restructuring of HECC is intended to streamline the number of state agencies and boards that oversee Oregon's system of post-secondary education. In sum, HECC has oversight and control of this system.

For example, community colleges would no longer be under the authority of the State Board of Education; authority is transferred to the HECC. The bill transfers the duties and responsibilities of the Oregon Student Access Commission (OSAC) for the oversight of the commission's programs to HECC. In addition to several other governance changes, the bill requires that community colleges and public universities form achievement compact advisory committees.

HB 3231 (CHAPTER 623), EFFECTIVE JULY 19, 2013, creates new provisions to create a Youth Development Division housed at the Oregon Department of Education (ODE). The division is responsible for delivering services from birth through age 20 that are "integrated, measurable, and accountable and support academic success and reduce criminal involvement." The bill creates a Youth Development Director position, appointed by the Governor, to oversee the programs. ODE is also responsible for the Youth Development Council under the provisions of the bill.

HB 3232 (CHAPTER 660), EFFECTIVE JULY 1, 2013, creates new provisions and amends section 10, chapter 519, Oregon Laws 2011

to implement three strategic initiatives and investments in public education advanced by the Oregon Education Investment Board (OEIB) and supported by Governor Kitzhaber to help reach the state's 40/40/20 goal by 2025.

The bill directs OEIB to establish three programs:

- **Guidance and Support for Postsecondary Aspirations:** The goal of this program is to increase the number of students on track for graduation and focus on increasing post-secondary enrollment for "underserved" students.
- **Oregon Early Reading Program (Oregon Reads):** The goal of this program is to increase early literacy opportunities for children, with a particular focus on increasing the number of kindergartners "ready for school" and increasing the number of students K-3 that are reading at grade level.
- **Connecting to the World of Work:** The goal of this program is to increase access to and proficiency in science, technology, engineering and mathematics (STEM), science, technology, engineering, arts and mathematics (STEAM) and career technical education programs while helping prepare students for the workforce.

A total of \$27 million in general fund monies were appropriated to the Oregon Department of Education in Senate Bill 5518 to provide the funding for the various grants available through the three initiatives. The OEIB must report back to the Legislature by January 2015 describing the outcomes that result from these investments.

HB 3233 (CHAPTER 661), EFFECTIVE JULY 1, 2013, creates new provisions and amends ORS 329.838 and section 10, chapter 519, Oregon Laws 2011 to establish the Network for Quality Teaching and Learning; the network consists of the

Oregon Education Investment Board (OEIB), the Oregon Department of Education (ODE) and public and private entities. The purposes of the network include:

- To enhance a culture of leadership and collaborative responsibility for advancing the profession of teaching;
- To strengthen and enhance existing evidence-based practices that improve student achievement; and
- To improve recruitment, preparation, induction, career advancement opportunities and support of educators.

The Network and ODE may distribute funds to school districts, schools, non-profits, colleges and other consortia to:

- Help implement Common Core Standards;
- Comply with Core Teaching Standards;
- Provide professional development and collaboration opportunities to teachers;
- Provide mentors to beginning teachers and administrators;
- Close achievement gaps;
- Develop proficiency based practices or assessments;
- Build, maintain or sustain partnerships between early learning service providers and postsecondary institutions; and
- Other proposals that meet these goals

The OEIB is required to support the Network by preparing a plan to recruit culturally diverse educators, researching best practices, working with educator prep programs and supporting programs that further the goals laid out by the Minority Teacher Act of 1991. ODE must also provide needed support services to disseminate best practices and support for development of standards-based curriculum and assessments.

The ODE budget bill (SB 5518) and HB 5008 contain \$33 million for this program. The monies were taken off the top of the State School Fund via HB 2506 (\$14 million from ESDs, \$14 million from school districts and \$5 million from capital construction matching grants); this carve-out was made permanent by the bill. Additionally, the State Land Board may transfer an additional \$12 million to the program in the 2013-15 biennium.

HB 3234 (CHAPTER 624), EFFECTIVE JULY 19, 2013, creates new provisions and amends various provision of state law to create the Early Learning Division in the Oregon Department of Education (ODE) under the control of the Early Learning Council. An Early Learning Director will lead the new division.

The bill transfers several state programs housed in other agencies and departments to the Early Learning Division, including:

- The Child Care Division of the Employment Department;
- Pre-Kindergarten (Head Start) and Early Head Start programs previously housed in different offices of the ODE and;
- Programs for children previously housed in the Governor's office and/or administered by the Commission on Children and Families (such as Relief Nurseries, Healthy Start and the Race to the Top federal grants).

The bill eliminates one of the "at-large" positions on the State Board of Education to be replaced by a member of the Oregon Education Investment Board. Finally, the bill transfers the Child Care Division of the Employment Department to the Early Learning Division at ODE and renames it the Office of Child Care.

HB 3264 (CHAPTER 662), EFFECTIVE JULY 25, 2013, creates new provisions to require the Oregon Department of Education (ODE) to create a pilot program to help students with disabilities make the transition to adult life after high school.

The goal is to find five pilot districts (which must include one rural district, one small district, and one district with more than 10,000 students). The goals of the pilot program are to develop and implement strategies for:

- Providing students with disabilities information about opportunities available after high school;
- Assisting in applying for post-secondary funding;
- Securing employment; and
- Accessing support services.

The pilot programs will be open for the 2013-14 and 2014-15 school years. The bill also appropriates a small amount of grant money available to districts wishing to participate (\$50,000 total).

HB 3296 (CHAPTER 54), EFFECTIVE JAN. 1, 2014, creates new provisions and amends ORS 646.608, 702.005, 702.012, 702.027, 702.047, 702.052 and 702.065 to change the definition of "athlete agent." Current law defines an athlete agent as someone who enters into an agency contract with a student athlete or recruits or solicits a student athlete in order to represent that student athlete to the public.

The bill changes the definition to the following: "athlete agent means an individual who, directly or indirectly, represents or attempts to represent a student athlete for the purpose of marketing the student athlete's athletic ability or reputation for financial gain; or seeks to obtain a type of financial gain or benefit from securing a prospective

student athlete's enrollment at an educational institution or from a student athlete's potential earnings as a professional athlete."

The bill also makes it clear that the athlete agent provisions of state law apply to elementary and secondary school students.

HB 3474 (CHAPTER 441), EFFECTIVE JAN. 1, 2014, creates new provisions to require school districts who may be giving mental health screenings to a class, school or grade in the district to notify district families in writing at least two weeks prior to the screening that the parent, legal guardian or student can request in writing or verbally that the student be excused from the screening.

SB 222 (CHAPTER 761), EFFECTIVE AUG. 14, 2013, creates new provisions and amends ORS 329.451 and 341.450 to create the Accelerated Learning Committee. The seven-member committee (which includes the chief education officer) is charged with examining "methods to encourage and enable students to obtain college credits while still in high school. The committee shall emphasize the alignment of funding, assessments and procedures between high schools and post-secondary institutions of higher education to encourage efficiencies and to make post-secondary education more affordable for families." The committee is to report back to the Legislature by October 2014.

The bill also specifies that school districts or charter schools that require more than 24 credits to graduate must limit those credits (beyond the 24 required) to subjects for which the State Board of Education has established academic content standards, courses that are part of a career and technical education program or courses that qualify for or provide credit at a post-secondary institution.

Finally, the bill requires community colleges to collaborate with school districts in their boundaries to "to facilitate the delivery of a dual-credit program, a two-plus-two program or other accelerated college credit program."

SB 228 (CHAPTER 521), EFFECTIVE JUNE 26, 2013, creates new provisions and amends ORS 329.805 to remove the \$5,000 cap in the beginning teacher and administrator mentorship programs.

SB 271 (CHAPTER 769), EFFECTIVE AUG. 14, 2013, creates new provisions; amends ORS 329.824 and repeals ORS 329.822.

The bill abolishes the Oregon Educator Professional Development Commission and transfers the functions of the commission to the Oregon Department of Education (ODE).

The bill now requires ODE to administer an educator professional development program which "provides statewide collaborative leadership in educator professional development for prekindergarten through post-secondary education and that emphasizes school improvement."

SB 498 (CHAPTER 772), EFFECTIVE AUG. 14, 2013, creates new provisions and appropriates \$7.5 million to the Oregon Department of Education (in SB 5518) to be used for the purpose of awarding grants under the Career and Technical Education Revitalization Grant Program (CTE).

SB 721 (CHAPTER 489), EFFECTIVE JAN. 1, 2014, creates new provisions to expand the requirements of "Max's Law" (which requires, among other things, that coaches and referees receive training

and certification on how to recognize and respond to athletes that are exhibiting signs of a concussion) to include club sports run by organizations and leagues that are not under the authority or control of K-12 school districts.

SB 739 (CHAPTER 777), EFFECTIVE AUG. 14, 2013, creates new provisions and amends ORS 329.492 to require the Oregon Department of Education (ODE) to develop academic content standards for Oregon Studies.

The bill also requires ODE to prepare materials to support teacher training and classroom instruction in Oregon Studies. When developing the standards and materials, ODE must consult with, at a minimum, the Oregon Historical Society, the Commission on Black Affairs, the Commission on Hispanic Affairs, the Commission on Indian Services and the Commission on Asian and Pacific Islander Affairs.

The bill also requires that any new standards and materials for Oregon Studies must be ready for the 2014-15 school year.

PERSONNEL BILLS

HB 2096 (CHAPTER 18), EFFECTIVE JULY 1, 2013, amends ORS 342.930 to increase the number of people who can serve on the Fair Dismissal and Appeals Board (FDAB) from 20 to 24, and to allow retirees to serve on the FDAB.

HB 2128 (CHAPTER 421), EFFECTIVE JAN. 1, 2014, amends ORS 741.310, to require the Oregon Health Insurance Exchange Corporation to consult with the Oregon Educators Benefit Board and other specified stakeholders on health insurance plans offered through the exchange for educators.

HB 2184 (CHAPTER 21), EFFECTIVE APRIL 2, 2013, amends 339.374 and 339.375 to clarify the applicability of the provisions relating to misconduct of school employees.

The bill requires all substantiated abuse claims to be disclosed to a potential employer and prohibits parties from entering into agreements that limit disclosure of abuse claims, whether the conduct occurred before, on, or after July 1, 2010.

HB 2279 (CHAPTER 731), EFFECTIVE JAN. 1, 2014, creates new provisions and amends ORS Chapter 243 to allow the employees of a city, county or special district to elect to participate in the benefit plans provided by the Public Employees' Benefit Board (PEBB) or the Oregon Educators Benefit Board (OEBB) through their collective bargaining agreement.

Currently, Oregon cities, counties and special districts each negotiate their own benefits with individual carriers, but would like the opportunity to come to a decision to join PEBB or OEBB based on their collective bargaining agreements.

HB 2654 (CHAPTER 204), EFFECTIVE JAN. 1, 2014, creates new provisions in ORS chapter 659A to declare it an unlawful employment practice if an employer requires or requests that an employee or applicant for employment: provide access to a personal social media account, add the employer to a social media contact list, or to allow the employer to view the employee's or applicant's personal social media account.

HB 2669 (CHAPTER 379), EFFECTIVE JUNE 13, 2013, creates new provisions and amends ORS 659A.001 to extend certain workplace employment protections for intern workers.

The bill extends the following protections to interns:

- 659A.030: Discrimination based on race, color, religion, sex, sexual orientation, national origin, marital status or age prohibited.
- 659A.082: Discrimination based on military service.
- 659A.109, 659A.112, and 659A.142: Discrimination based on a disability.
- 659A.136: Medical examinations and inquiries of employees.
- 659A.199: Discrimination for reporting a violation of law.
- 659A.230: Discrimination for participating in a legal proceeding.
- 659A.233: Discrimination for reporting unemployment violation.
- 659A.236: Discrimination for testifying before a Legislative Assembly.
- 659A.290: Discrimination based on being a victim of domestic violence, sexual assault, harassment or stalking.
- 659A.300: Requiring an invasive medical test.

- 659A.303: Obtaining or using genetic information.
- 659A.306: Requiring employee to pay for medical exam as a condition of employment.
- 659A.315: Restricting use of tobacco in nonworking hours.
The bills defines intern as:
 - A person who performs work for an employer for the purpose of training if:
 - The employer is not committed to hire the person performing the work at the conclusion of the training period;
 - The employer and the person performing the work agree in writing that the person performing the work is not entitled to wages for the work performed; and
 - The work performed:
 - (1) Supplements training given in an educational environment that may enhance the employability of the intern;
 - (2) Provides experience for the benefit of the person performing the work;
 - (3) Does not displace regular employees;
 - (4) Is performed under the close supervision of existing staff; and
 - (5) Provides no immediate advantage to the employer providing the training and may occasionally impede the operations of the employer.

The bill does not create an employment relationship for purposes of wage and hour laws, minimum wages, child labor laws, occupational safety and health laws, workers' compensation, unemployment, Oregon Family Leave Act, or other leave laws.

HB 2903 (CHAPTER 321), EFFECTIVE JAN. 1, 2014, creates new provisions and amends ORS 659A.270 to require employers with six or more employees to post a summary of statutes and related administrative rules regarding employment rights of victims of domestic violence, harassment, sexual assault or stalking.

The bill modifies the definition of “eligible employee” by deleting the requirement that an employee must have worked an average of more than 25 hours per week for at least 180 days to be eligible for protections.

The bill also requires that the employer post, in a conspicuous and accessible place, a summary of the statutes and administrative rules that govern protected leave. The Bureau of Labor and Industries (BOLI) will make a summary available to employers; currently, all mandated workplace posters can be downloaded at no charge from BOLI’s website.

HB 2950 (CHAPTER 384), EFFECTIVE JAN. 1, 2014, amends ORS Chapter 659A to allow eligible employees to take family leave to deal with a death of a family member.

The bill allows an employee eligible for leave under the Oregon Family Leave Act (OFLA) to take up to two weeks (of the 12-week total) of unpaid leave to attend the service for a deceased family member, to make arrangements for a deceased family member, or to grieve the death of a family member. Eligible employees are entitled to a total of two weeks of leave for this purpose during any one-year period, and the leave is counted toward the 12-week limit. The leave must be taken within 60 days of the death of the family member.

HB 3254 (CHAPTER 286), EFFECTIVE JAN. 1, 2014, creates new provisions and amends ORS 336.635, 342.125, 342.136, 342.138 and 681.360 to create two new license

categories (professional teacher and teacher leader) and abolishes a third (continuing teacher).

The bill also requires the Oregon Education Investment Board determine a career pathway structure for educational assistants to become licensed teachers, no later than July 1, 2014.

HB 3342 (CHAPTER 663), EFFECTIVE JULY 1, 2013, creates new provisions and amends ORS 243.672, 243.676 and 243.682 to prohibit a public employer from using public funds to deter, support, assist or promote union organizing.

SB 104 (CHAPTER 26), EFFECTIVE JULY 1, 2013, amends ORS 326.603 to allow the Oregon Department of Education to require the fingerprints of a person who is a community college faculty member providing instruction at the site of an early childhood education program or at a school site as part of an early childhood education program.

SB 365 (CHAPTER 771), EFFECTIVE AUG. 14, 2013, creates new provisions and amends ORS 676.610, 676.612, 676.613, 676.622, 676.625, 676.992, 743A.190 and 750.055 to create 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 (CHAPTER 778), EFFECTIVE AUG. 13, 2013, creates new provisions and amends ORS Chapter 342 to broaden the definition of term “minority” for purpose of the Minority Teacher Act to include in the definition a person whose first language is not English.

The bill also states that Oregon shall be committed to ethnic-racial equality, and states that by July 1,

2015, the following shall be increased by 10 percent as compared to July 1, 2012:

- The number of minority teachers and administrators employed by school districts and education service districts; and
- The number of minority students enrolled in public teacher education programs.

The bill also requires that representatives of the Oregon Education Investment Board, the Oregon University System, the Oregon Department of Education and the Teacher Standards and Practices Commission shall jointly submit a report on the Minority Teacher Act of 1991 to the interim legislative committees on education by July 1, 2014.

SB 789 (CHAPTER 780), EFFECTIVE JAN. 1, 2014, amends ORS 243.886 to limit the total period of time school districts or educational service districts are subject to an actuarial analysis to six years, when the district provides health benefit plans other than those provided by Oregon Educators Benefit Board. The bill also clarifies the requirement that an actuarial analysis does not apply to certain self-insured school districts, or school districts with independent health insurance trusts, or community college districts. The bill also removes the current requirement that an actuarial analysis be performed at least once every two years.

SB 822 (CHAPTER 53), EFFECTIVE MAY 6, 2013, creates new provisions and amends ORS Chapter 238 and 238A to reduce costs associated with the Public Employees Retirement System (PERS).

The bill reduces the amount of the Cost-of-Living Adjustment (COLA) a PERS retiree will receive in the future. Effective Aug. 1, 2013, the COLA will be capped at 1.5 percent – effective for one year – for everyone. Effective

Aug. 1, 2014, the COLA will vary based on one's annual benefit. The COLA will vary as follows:

- Anyone receiving a benefit of less than \$20,000 will receive a 2 percent COLA;
- Anyone receiving a benefit between \$20,001 and \$40,000 will receive a 1.5 percent COLA;
- Anyone receiving a benefit between \$40,001 and \$60,000 will receive a 1 percent COLA;
- Anyone receiving a benefit above \$60,000 will receive a 0.25 percent COLA.

This means that a retiree receiving a benefit between \$20,000 and \$40,000 will receive a COLA of \$400 on the first \$20,000 and a 1.5 percent COLA on anything over \$20,000. If a retiree is receiving a benefit between \$40,000 and \$60,000, the retiree will receive a COLA of \$700 on the first \$40,000 and a 1 percent COLA on anything over \$40,000. If a retiree receives more than \$60,000 in an annual retirement benefit, the retiree will receive a COLA of \$900 on the first \$60,000 and a 0.25 percent COLA on anything over \$60,000.

The bill also eliminates the out-of-state tax remedy for individuals who do not reside or pay income taxes in Oregon. Finally, the bill provides for direct appeal of any legal challenges to the bill to the Oregon Supreme Court.

OPERATIONS BILLS

HB 2079 (CHAPTER 42),
EFFECTIVE JAN. 1, 2014, amends ORS 244.020 and 244.175 to standardize and clarify the statutory definitions of "relative" for Oregon ethics law. Under the law the definition of "relative" means:

- The spouse, parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the public official or candidate; and
- The parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the spouse of the public official or candidate.

HB 2080 (CHAPTER 43),
EFFECTIVE APRIL 18, 2013, amends ORS 244.370 to change statutory language related to government ethics violations to make it consistent with the Oregon Administrative Procedures Act. The bill does not change current practice when the Oregon Government Ethics Commission encounters a contested case. This is a technical adjustment to make statute similar to practice.

HB 2148 (CHAPTER 1),
EFFECTIVE JAN. 1, 2014, amends various sections of Oregon statutes and laws to correct grammar and punctuation errors in statutes. The bill conforms language within the Oregon statutes to existing statute and legislative style and deletes obsolete statutory references.

HB 2212 (CHAPTER 66),
EFFECTIVE JAN. 1, 2014, amends ORS 279B.065 and 279B.070, to raise the amount used to classify a public procurement as a small procurement under the Public Contracting Code from a maximum of \$5,000 to \$10,000.

HB 2370 (CHAPTER 645),
EFFECTIVE JAN. 1, 2014, amends ORS 184.483 and 184.484 to require education service districts to submit

the following information regarding contracts and subcontracts, to the extent available, to the Oregon Transparency Website:

- Information on professional, personal and material contracts;
- The date of each contract and the amount payable under the contract;
- The period during which the contract is or was in effect; and
- The names and addresses of vendors.

HB 2426 (CHAPTER 98),
EFFECTIVE JAN. 1, 2014, creates new provisions and amends ORS 337.120, 338.025, 338.115 and 343.223 to require each district school board to adopt policies for the use of student personal electronic devices, effective for the 2014-15 school year. The policy may allow students to use these devices for academic activity or independent communication (via the use of an electronic device), but districts retain control over the use of devices in most instances, such as prohibiting phone calls or use of social media.

If a district adopts a curriculum that uses technology, it must grant access to applications and electronic materials free of charge to students who are allowed to use their own devices. If a student is denied the use of his/her electronic device, the bill requires an appeals process.

The bill requires school personnel and administrators who work with students who have print disabilities to receive professional development related to helping students access online resources and materials free of charge. It also requires the district to consider whether textbooks and instructional materials are available free of charge to students with print disabilities.

HB 2560 (CHAPTER 273),
EFFECTIVE JAN. 1, 2014, creates new provisions and amends ORS 183.333 to prohibit state agencies from appointing someone who is an employee, agent or officer of the agency with rulemaking authority to the rulemaking advisory committee.

HB 2668 (CHAPTER 429),
EFFECTIVE JAN. 1, 2014, creates new provisions and amends ORS 346.680 and 659A.400 to change the definitions in Oregon's Public Accommodations Law to clarify that a place of public accommodation does not have to be commercial in nature to be covered under the law. There are several exclusions to this new definition but they do not include school districts or education service districts.

HB 2689 (CHAPTER 131),
EFFECTIVE JAN. 1, 2014, creates new provisions and amends ORS 344.070, 344.075, 344.125 and 418.205 to establish a streamlined, collaborative, project-based process, whereby public bodies can enter into agreements with youth job development organizations allowing youth participants (age 13 to 22) to work on public resource projects for job training, experience or as part of an academic program.

The bill defines a youth job development organization as a nonprofit entity exempt from taxation, operating or doing business in Oregon, that provides a program of job training, skill development and academic credit for youth in this state.

The bill also adds youth job development organizations to the types of entities eligible to receive funding (ORS 344.070 and 344.075) through the Career and Technical Education Revitalization Grant Program.

HB 2729 (CHAPTER 743), EFFECTIVE AUG. 14, 2013, appropriates \$300,000 in state General Funds to the Oregon Department of Education to pay for grants for the Afterschool Meal and Snack Program. An additional \$60,000 was appropriated to set up an administrative system to review the grants.

HB 2789 (CHAPTER 463), EFFECTIVE DATE JULY 1, 2013, creates new provisions and amends ORS 336.071 to require school districts, beginning with the 2013-14 school year, to conduct emergency drills for safety threats at least twice per year; this is in addition to current requirements. It also changes the safety procedure for earthquake drills from "duck, cover and hold" to "drop, cover and hold."

HB 3034 (CHAPTER 282), EFFECTIVE JAN. 1, 2014, amends ORS 329.175 to require Oregon Prekindergarten Programs (Head Start) that receive grants from the Oregon Department of Education to be subject to portions of Oregon's public meetings and public records laws in order to be eligible for funding.

HB 3035 (CHAPTER 746), EFFECTIVE AUG. 14, 2013, creates new provisions to require the Oregon Department of Administrative Services to develop a plan for including additional information on the Oregon Transparency Website. Specific to public education, the plan must include a proposal for collecting data related to the annual revenues, expenditures and contracting information of community colleges and school districts. The proposed plan is due to the Legislature by Jan. 1, 2015.

HB 3045 (CHAPTER 283), EFFECTIVE JULY 1, 2013, creates new provisions to require school districts and education service districts to collect and report on incidents where employees are injured while working.

The bill requires that each board adopt a board policy for the reporting of injuries.

HB 3075 (CHAPTER 434), EFFECTIVE JUNE 18, 2013, creates new provisions and amends ORS 329.498 and 332.505 to make several important changes to current mandates on school districts and education service districts, including:

- Previously, achievement compact advisory committees had to report to the board by February 1. Final compacts needed to be submitted annually by July 1. The bill changes those deadlines to May 1 and October 15 respectively. The change in dates allows school boards and district staff to make fully informed decisions about goal setting with the most recent student data available. This change went into effect immediately for 2013-14 achievement compacts.
- Previously, districts were required to annually report on "the physical capacity" of their schools to provide physical education. The bill will require that school districts only submit this report when they have actual changes to their facilities due to construction, remodeling or demolition. This change also goes into effect for the 2013-14 school year.
- Oregon statute previously required that school districts maintain a physical, paper copy of the district's personnel policies in the business office and library of every school in the district. The bill immediately deletes this requirement and instead allows the policies to be made available to employees or the public by other means, such as posting on the internet or printing a copy on demand.

At the request of OSBA, COSA and other education groups, the bill included language to make four immediate adjustments to the open enrollment

law passed during the 2011 Legislative Session. They include:

- Previously, a district using the open enrollment law could choose to only accept students from specific school districts, cities or even neighborhoods. The bill prohibits school districts from setting geographic limitations on student enrollment; this was an oversight by the Legislature when the law was passed.
- The previous law made students who transfer under open enrollment permanent resident students of the enrolling district. Students retain the option of leaving at their discretion and enrolling in the school district where they maintain residence. The bill prohibits districts from asking or encouraging students to leave and return to their home district if they are facing disciplinary issues.
- The bill prohibits school bus miles traveled outside of the school district to bus open enrollment students to and from school from being eligible for reimbursement from the State School Fund if there are only open enrollment students on the bus. No other bus routes or reimbursements would be impacted by this change.
- The bill prohibits State School Fund dollars from being spent to promote open enrollment outside of the school district's boundary. This includes, but is not limited to, spending on television, radio, direct mail, signage or billboards, or on online direct marketing efforts. This would not impact any materials not directly related to open enrollment or any traditional public information practices or campaigns of school districts.

HB 3169 (CHAPTER 612), EFFECTIVE JULY 2, 2013, amends 279C.527 and 279C.528, to change the requirement that a public contracting agency dedicate a certain amount of a contract price towards the inclusion of green energy technology in a public building.

In 2012, Senate Bill 1533 was enacted and created the requirement that 1.5 percent of the total contract price of a public building must include use of solar technologies in construction or renovation of public buildings. The bill included the option of using geothermal energy or geothermal electricity generation.

HB 3169 spells out what geothermal energy technology does and does not mean. Green energy technology is defined as technology or a system that employs: solar or geothermal energy directly for space or water heating or to generate electricity; or building design that uses solar energy passively to reduce energy use from other sources by at least 20 percent from a level required under ORS 276.900 to 276.915. Green energy technology does not include a system that uses groundwater or the ground as a heat source at temperatures less than 140 degrees Fahrenheit.

The bill directs public contracting agencies to collect and maintain information relating to compliance of the requirement to devote 1.5 percent of the contract price to be used for solar technologies. The Oregon Department of Energy will deliver an annual report to the Legislature showing compliance with the law by public contracting agencies.

HB 3294 (CHAPTER 587), EFFECTIVE JAN. 1, 2014, amends ORS 192.502 to make email addresses in the possession of state and local governments exempt from disclosure

under public records law. Email addresses assigned by a school district to an employee are not exempted from disclosure under the bill.

HB 3394 (CHAPTER 212), EFFECTIVE JAN. 1, 2014, amends ORS 801.462 to add language to the current "school zone" statutory definition to include the designated roads and walkways around all public and private K-12 schools and publicly funded early childhood programs (such as Head Start).

HB 3434 (CHAPTER 588), EFFECTIVE JAN. 1, 2014, creates new provisions and amends ORS 430.590 and 475.005 to define "within 1,000 feet of a school" as the radius from any point on a boundary of elementary school, secondary school, career school or child care facility for purposes of determining whether certain activities and operations are unlawful.

HB 3438 (CHAPTER 697), EFFECTIVE JAN. 1, 2014, creates new provisions to allow the City of Fairview to operate photo radar in school zones and give citations for violations during the time when school is in session. This is considered a pilot program; it begins on Jan. 1, 2014, and expires Jan. 2, 2022.

HB 3537 (CHAPTER 702), EFFECTIVE JAN. 1, 2014, amends ORS 249.013 to remove the current prohibition against an individual from seeking election to more than one unpaid, volunteer board during the same election. Under the bill, a person may run for more than one position simultaneously on many different boards, including, but not limited to: water supply district boards, parks and recreation district boards, transportation district boards, metropolitan service district boards, rural fire protection district boards or school district boards.

SB 132 (CHAPTER 516), EFFECTIVE JUNE 26, 2013, creates new provisions and amends ORS 433.267, 433.273 and 433.284 to make some changes to the "religious exemption" vaccination opt-out process for students.

The bill requires that, beginning March 1, 2014, parents must sign a document on behalf of their child if they wish to decline immunizations. The document may state that the opt-out is due to a religious objection or philosophical belief. However, the document must include a signature from a health care practitioner verifying that the parent has reviewed information about the risks and benefits of immunization or include certification verifying that the parent has completed an online educational program related to childhood vaccines approved by the Oregon Health Authority.

SB 193 (CHAPTER 163), EFFECTIVE JAN. 1, 2014, creates new provisions and amends ORS 802.200 and 802.202 to require motor carriers to have a drug and alcohol testing program that meets the requirements of the Federal Motor Carrier Safety Regulations. Current law does not explicitly include school bus drivers. The bill fixes this inconsistency by mandating bus driver participation in drug and alcohol testing programs and reporting of positive tests to the Department of Motor Vehicles and the Oregon Department of Education.

SB 254 (CHAPTER 522), EFFECTIVE JUNE 26, 2013, creates new provisions and amends ORS 279A.065, 279A.070, 279C.307, 279C.330, 279C.335 and 279C.380 to specify conditions when a public contracting agency (school districts) may use an alternative contracting method to award a public improvement contract for construction manager/general contractor (CMGC) services. The bill requires the Attorney General

to adopt model rules to specify procedures for procuring such services and requires contracting agencies to procure such services in accordance with model rules.

The bill also adds a more formalized process to be used for obtaining a CMGC for services and prescribes the documentation that must be completed, including the criteria to be used, interviewing, scoring and selection of the bidder.

The bill defines several terms, including "affiliate," "construction manager/general contractor" and "construction manager/general contractor services." Finally, the bill represents the consensus work product of an interim work group; it becomes operative July 1, 2014.

SB 540 (CHAPTER 773), EFFECTIVE AUG. 14, 2013, creates a 12-member Task Force on School Capital Improvement Planning charged with making recommendations to the Oregon Education Investment Board by October 2014 related to programs and funding sources that:

- Allow providers of public education to respond to evolving methods for delivering education and for funding and maintaining capital infrastructures; and
- Establish a more efficient and integrated capital infrastructure system for preschool through grade 12.

The bill also creates a school facility database housed at the Oregon Department of Education (ODE). The ODE may request information from school districts and education service districts related to their facilities for inclusion in the database. A district may request a hardship waiver if the facility information requested does not exist or would cause the district to expend funds to create or collect.

SB 600 (CHAPTER 775), EFFECTIVE AUG. 14, 2013, creates new provisions in ORS Chapter 330 to direct the Beaverton and Hillsboro School Districts to mediate a boundary dispute.

The bill requires the Beaverton School District and the Hillsboro School District to attempt resolution of a boundary dispute via mediation within 30 days of the effective date of this Act and instructs the school districts to report on the mediation to the interim committees on education by Nov. 1, 2013.

SB 611 (CHAPTER 486), EFFECTIVE JULY 1, 2013, creates new provisions and amends ORS 339.867, 339.869, 339.871, 433.810, 433.820, 433.825 and 433.830 to require the State Board of Education to adopt additional rules related to the use of epinephrine-pens (epi-pens) in consultation with the State Board of Pharmacy and the Oregon State Board of Nursing. These must include rules for the administration of epi-pens by school staff to students believed to be having an allergic reaction and guidelines for dealing with students who have a life-threatening food allergy.

The bill also includes a "Good Samaritan" provision for staff trained to use epi-pens that protects them from liability and allows schools to obtain epi-pens for their first aid kits without a student-specific prescription.

SB 813 (CHAPTER 782), EFFECTIVE AUG. 14, 2013, creates new provisions and amends ORS 285A.093, 286A.760, 286A.762, 286A.766, 286A.768, 286A.780, 286A.782, 286A.786, 286A.788, 401.092 and 401.910 to transfer administration of the Seismic Rehabilitation Grant Program from the Office of Emergency Management to the Oregon Business Development Department.

**For more information on these bills, go to OSBA's
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Some laws enacted by the legislature require changes to policy. OSBA has created sample policies to help you make these changes.

Contact Policy Services, 800-578-6722 or 503-588-2800 or go to www.osba.org/policyservices.



**CONFEDERATION
OF OREGON SCHOOL
ADMINISTRATORS**