



2021 OSBA/COSA  
**Legislative Report**



Published: August 10, 2021



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This 2021 OSBA/COSA Legislative Report describes the bills enacted by the 81<sup>st</sup> Oregon Legislative Assembly during the 2021 Legislative Session that affect Oregon students, educators, and public schools. It was prepared jointly by the Oregon School Boards Association (OSBA) and the Coalition of Oregon School Administrators (COSA), whose continuing collaboration ensures that the interests of students, board members, and school administrators are at the forefront when state laws affecting public education are drafted and enacted.

Oregon public schools are represented full time in Salem by Morgan Allen and Parasa Chanramy from COSA and Lori Sattenspiel and Richard Donovan from OSBA.

We thank all the education leaders from our school districts, education service districts, charter schools, and community colleges, and the education advocates and community partners around the state who work with our Salem team to represent the interests of Oregon public school students. Our special thanks go to those of you who contacted your lawmakers. Your effective advocacy and calls to action kept the pressure on at the Capitol and made success possible for our students and schools on several important priorities, including full funding for the Student Investment Account and Measure 98, and retaining culturally and linguistically diverse teachers.

Much work in service to our students and schools lies ahead, and we will continue to partner and collaborate in order to ensure student success, educational equity, and stable, adequate, and equitable funding across Oregon schools.

We look forward to a successful session in 2022.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Green", with a long horizontal flourish extending to the right.

**Jim Green**  
Executive Director  
OSBA

A handwritten signature in black ink, appearing to read "Craig Hawkins", with a large, stylized initial "C" and "H".

**Craig Hawkins**  
Executive Director  
COSA

# 2021 LEGISLATIVE SESSION

The 2021 legislative session came to an end and adjourned “Sine Die” on Saturday, June 26. We want to thank each and every one of you who called, emailed, and reached out to lawmakers about numerous budget and policy priorities. The progress we made would not have been possible without your support and advocacy.

This session was unlike any other. Our legislative assembly – like many around the country and the world – conducted the majority of its work virtually because of the ongoing global pandemic. Working virtually impacted the legislative process in a number of ways. Meetings, public hearings, and work sessions were all held online. This resulted in the loss of our most effective advocacy tool: face-to-face meetings with legislators and key policy makers.

Despite the virtual nature of the session, Oregon lawmakers worked diligently to tackle a number of critical issues to help Oregonians who have been disproportionately impacted by the pandemic. Lawmakers focused on racial justice, police reforms, policies to help Oregon recover from wildfires and the impacts of COVID-19, and made investments to address Oregon’s housing affordability and homeless crisis.

We adapted and made some significant progress to fully fund the Student Investment Account, High School Success (Measure 98), and to pass equitable policies. However, much work remains to be done as we prepare for the next legislative session and K-12 budgeting process, particularly with calculating current service level base funding for school districts and education service districts.

The legislative calculation of roll-up costs for K-12 schools – current service level funding – was \$8.97 billion. Education advocates disagreed with legislative assumptions and demonstrated that the actual allocation would have to be \$9.6 billion to avoid cuts at most school districts.

In December, Governor Kate Brown proposed a \$9.1 billion State School Fund (SSF). The Ways and Means co-chairs followed suit in March with an identical \$9.1 billion amount, seemingly more interested in placing excess revenue in budget reserves than adequately funding schools. By the close of session, Oregon lawmakers allocated \$9.3 billion to the SSF, an amount that will force many districts to choose between cutting services and staff or dipping into reserves to simply remain whole for the next two years.

Although the SSF allocation is disappointing, other budget bills had a positive finish. Revenue projections for the corporate activity tax that funds the Student Success Act soared. The Student Investment Account portion of the act, which funds payments directly to schools, finished at a projected revenue of \$892 million, more than \$90 million above previous expectations. The High School Success Fund, created by Ballot Measure 98, received the full funding amount of \$311 million from the Legislature. Many other targeted investments, referred to as “grant-in-aid” programs, received current service level funding or better. Additionally, the federal American Rescue Plan Act (ARPA) Coronavirus State Fiscal Recovery and Capital Projects Funds, in excess of \$2.3 billion, were included in the 2021-23 budget statewide – more than a billion of which are directed to education specifically.

This session, education committees and the Legislature spent much time and energy discussing matters of race, equity, and justice. In education, these discussions were underscored by a variety of bills that COSA and OSBA supported, including:

- House Bill 2001, which requires consideration of cultural or linguistic experience in certain layoff decisions;
- Senate Bill 732, which requires school districts to establish equity advisory committees and gives broad latitude to school boards about the composition of those committees;
- Senate Bill 52, which establishes a statewide LGBTQ2SIA+ plan; and
- House Bill 2697, which codifies existing Oregon Department of Education “Every Student Belongs” rules and prohibits the display of certain hate symbols.

After years of advocacy, House Bill 2330 passed and makes permanent the \$5 million Small High School Grant and allows several districts to host foreign exchange students in their dormitories. Passage was critical to many districts and resolves a lingering OSBA and COSA advocacy goal.

Unfortunately, some bills passed that we had serious concerns with, most notably Senate Bill 580. The bill mandates bargaining about class size in contract negotiations. After extensive lobbying by OSBA, COSA, and allies, the bill was amended so that the mandate will be required only at schools eligible for the federal Title I designation. These changes will help target all mandatory discussions toward the students who can benefit most from class-size reductions.

While we recognize and appreciate the historic investments our lawmakers have made in public schools over the past several years – from the passage of the Student Success Act passage in 2019, full funding of Measure 98, unprecedented investments in improving our school facilities and making them safe from earthquakes, to \$250 million to ensure summer programs are available across Oregon – we still have work to do.

Even with these significant investments, unprecedented federal funds, and record revenues and reserves, the conditions for a funding cliff in the next budget cycle loom. Between now and the 2023 Session, we must work together to ensure that we are able to secure stable, adequate, equitable, and sustainable funding for the State School Fund.

# BILL INDEX

Bill summaries have been reported in numerical sequence, beginning with HB 2001 and ending with SB 5539. For your convenience, the following bill index has been organized by category.

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

## Finance

[HB 2057 ... 8](#)  
[HB 2060... 8](#)  
[HB 2158....10](#)  
[HB 2247... 11](#)  
[HB 2330 ..12](#)  
[HB 2345 ..12](#)  
[HB 2457...13](#)  
[HB 2607 ..16](#)  
[HB 3082..21](#)  
[HB 3254 ..22](#)  
[HB 5006.24](#)  
[HB 5016..25](#)  
[HB 5035 ..26](#)  
[HB 5042..26](#)  
[SB 164.....31](#)  
[SB 743.....39](#)  
[SB 748....40](#)  
[SB 5505...41](#)  
[SB 5506...41](#)  
[SB 5513 ...42](#)  
[SB 5514 ...42](#)  
[SB 5533..43](#)  
[SB 5534..43](#)  
[SB 5536..43](#)  
[SB 5539..44](#)

## Operations

[HB 2026....6](#)  
[HB 2051.....6](#)  
[HB 2053....7](#)  
[HB 2054....7](#)  
[HB 2077 ....9](#)  
[HB 2105 .....9](#)  
[HB 2167.....11](#)  
[HB 2168 .....11](#)  
[HB 2323 .. 12](#)  
[HB 2411..... 13](#)  
[HB 2459..13](#)  
[HB 2474 ..13](#)  
[HB 2526 ..13](#)  
[HB 2560..14](#)  
[HB 2589..15](#)  
[HB 2591 ...15](#)  
[HB 2605..15](#)  
[HB 2631 ...16](#)  
[HB 2697 ..16](#)  
[HB 2817....16](#)  
[HB 2954..18](#)  
[HB 2993..18](#)  
[HB 3011....18](#)  
[HB 3021...19](#)  
[HB 3037..19](#)  
[HB 3041...19](#)  
[HB 3046 20](#)  
[HB 3073.20](#)  
[HB 3082.. 21](#)  
[HB 3109... 21](#)  
[HB 3139 .. 22](#)  
[HB 3255..22](#)  
[HB 3291 .. 23](#)  
[HB 3294..23](#)  
[HB 3354..23](#)  
[HB 3398..23](#)  
[SB 51..... 28](#)

## PACE

[HB 2077.... 9](#)  
[HB 2818....17](#)  
[HB 3071.. 20](#)  
[HB 3139...22](#)  
[HB 3255..22](#)  
[HB 3294..23](#)  
[HB 5008.25](#)  
[SB 135.....31](#)  
[SB 197.....32](#)  
[SB 483.....35](#)  
[SB 495 ...36](#)  
[SB 554.....37](#)  
[SB 569.....38](#)

## Personnel

[HB 2001....6](#)  
[HB 2136....10](#)  
[HB 2231..... 11](#)  
[HB 2315.... 12](#)  
[HB 2875 .. 17](#)  
[HB 2906..17](#)  
[HB 2935 .. 17](#)  
[HB 3071..20](#)  
[HB 3178.... 21](#)  
[HB 3389..23](#)  
[SB 111.....29](#)  
[SB 112.....30](#)  
[SB 113.....30](#)  
[SB 129.....30](#)  
[SB 172..... 31](#)  
[SB 184 ..... 31](#)  
[SB 197..... 32](#)  
[SB 232..... 32](#)  
[SB 242 ....34](#)  
[SB 495 ....36](#)  
[SB 496....36](#)  
[SB 562.....37](#)  
[SB 569 ....38](#)  
[SB 580....38](#)  
[SB 649....39](#)  
[SB 748 ... 40](#)

## Programs

[HB 2052.... 7](#)  
[HB 2053.... 7](#)  
[HB 2054.... 7](#)  
[HB 2055.... 7](#)  
[HB 2056.... 8](#)  
[HB 2059.... 8](#)  
[HB 2060... 8](#)  
[HB 2166...10](#)  
[HB 2536.. 14](#)  
[HB 2537 .. 14](#)  
[HB 2544.. 14](#)  
[HB 2817 ... 16](#)  
[HB 2969.. 18](#)  
[HB 3183...22](#)  
[HB 3234..22](#)  
[SB 4 .....27](#)  
[SB 53..... 28](#)  
[SB 54..... 28](#)  
[SB 64..... 29](#)  
[SB 222..... 32](#)  
[SB 225 .... 32](#)  
[SB 233 .... 33](#)  
[SB 486.... 35](#)  
[SB 513 ..... 37](#)  
[SB 702.... 39](#)  
[SB 744....40](#)  
[SB 843....40](#)  
[SB 846.... 41](#)

# BILL SUMMARIES

## **HB 2001 (Chapter 445)**

Effective July 14, 2021

**Personnel**

*Creates new provisions and amends ORS 342.845 and 342.934.*

The bill allows districts and education service districts to retain teachers based on their cultural or linguistic expertise during reduction in force decisions, if the release of the less senior teacher would result in a lesser proportion of teachers with cultural or linguistic expertise compared with teachers without cultural or linguistic expertise. The law establishes the following definition for cultural or linguistic expertise:

- A teacher's linguistic ability in relation to an in-district language, as determined by a school district using a method of verification;
- A teacher's completion of a teacher pathway program that is implemented by a teacher pathway partnership at the national, state, regional, or local level and that has the primary focus of increasing the number of culturally or linguistically diverse teachers; or
- A teacher's current work assignment that requires the teacher to work at least 50 percent of the teacher's time:
  - At a school where at least 25 percent of the student population consists of students from a historically underserved background, if the teacher is assigned to one school; or
  - At programs, schools, or school districts where at least 25 percent of the student population consists of students from a historically underserved background, if the teacher is assigned to multiple programs, schools, or school districts.

Districts may use one or more of these components of cultural or linguistic expertise to retain a teacher with less seniority. This new law applies to contracts entered into, renewed, or extended on or after the effective date of this 2021 act.

## **HB 2026 (Chapter 509)**

Effective July 19, 2021

**Operations**

*Creates new provisions and amends ORS 284.771 to 284.801.*

The bill establishes a preference in public employment for residents of Malheur County when the majority of the work will be performed within the region, conditional on the resident applicant maintaining residency in Malheur County for at least five consecutive years.

## **HB 2051 (Chapter 87)**

Effective July 1, 2021

**Operations**

*Amends ORS 417.859.*

The bill expands the definition of out-of-school youth to broaden eligibility and reach by serving youth who have not received a high school diploma or a General Educational Development certificate, not currently enrolled in school, not on track to graduate on time, or are recommended by partner agencies. This new law permits youth reengagement programs to serve youth up to age 24, which aligns with the Youth Development Division's current age range. The law also recognizes federally recognized Indian tribes as a potential

educational service provider and partner. When adopting rules, the bill requires the State Board of Education and Youth Development Council to consult or communicate with post-secondary institutions of education, school districts, and community-based organizations that have previously offered youth reengagement programs; providers of online courses and programs; federally recognized Indian tribes; and education service districts.

**HB 2052 (Chapter 45)**

Effective May 21, 2021

**Programs**

*Creates new provisions and amends ORS 329.451.*

The bill requires school districts to allow students participating in high school graduation ceremonies and other school events to wear Native American items of cultural significance. The bill defines “items of cultural significance” and “public school events,” and does not prevent school districts from prohibiting an item or object that would cause a disruption or replace a cap or gown.

**HB 2053 (Chapter 93)**

Effective May 26, 2021

**Operations; Programs**

*Creates new provisions and amends ORS 329.172 and 417.784.*

The bill amends the community plans that Early Learning Hubs are required to complete biennially. Early Learning Hub Plan requirements are as follows:

- Identification of priority populations of children and families to enroll in the program;
- Assessment of the availability of high-quality preschool programs;
- Identification of existing preschool providers and opportunities to increase the number and enrollment capacity of preschool providers;
- Prioritization of local entities to serve as preschool providers based on community need and enrollment capacity;
- Identification of methods for increasing the enrollment capacity of preschool providers and for providing professional development to preschool providers; and
- Identification of other services related to preschool programs.

The new law also helps align program statutes for Preschool Promise and Baby Promise.

**HB 2054 (Chapter 88)**

Effective January 1, 2022

**Operations; Programs**

*Amends ORS 336.101 and 336.104.*

In 2013, House Bill 2013 established the Early Learning Kindergarten Readiness Partnership and Innovation Program. House Bill 2054 modifies the list of eligible grant recipients and allowable uses for grant funds under that program.

**HB 2055 (Chapter 510)**

Effective January 1, 2022

**Programs**

*Creates new provisions.*

The bill establishes Tribal Early Learning Hubs to coordinate early learning services provided to the tribal communities in Oregon. Under the new law, Tribal Early Learning Hubs shall be separate and distinct from the Early Learning Hubs and requires the Early Learning Division to establish a tribal advisory committee. The committee shall advise the Early Learning Council on the delivery of early care and education services to the tribal communities of this state in a culturally specific manner. The Early Learning Council shall adopt rules related to the Tribal Early Learning Hub in consultation with the tribal advisory committee, including rules that prescribe the requirements for accountability and services provided.

**HB 2056 (Chapter 178)**

Effective January 1, 2022

**Programs**

*Creates new provisions, amends ORS 329.007, 329.025, 329.045, 329.451, 329.485, 336.477, 338.115, 340.300, and 350.260; and repeals ORS 336.074.*

The bill updates “English” (also referred to as, English Language Arts), with “Language Arts” (which includes reading, writing, and other communication in any language, including English). This change impacts laws related to credits, standards, instruction, essential skills, accelerated college credits, and statewide assessment development and administration. The new law also amends the “World Languages” definition to include sign language, heritage languages, and languages other than a student’s primary language.

**HB 2057 (Chapter 511)**

Effective July 19, 2021

**Finance**

*Creates new provisions and amends ORS 326.051.*

The bill is a technical adjustment to allow the Oregon Department of Education (ODE) to distribute or spend federal or state funds related to grants, pass-throughs, and contracts, or in other manners that are consistent with legislation or policy. ODE needs this flexibility when there is not clarity or specific instruction included with appropriations. The bill does not give the agency authority to use funds for other purposes.

**HB 2059 (Chapter 89)**

Effective January 1, 2022

**Programs**

*Amends ORS 329A.261 and 329A.500.*

For the school districts with child care facilities, the bill makes some changes and modifies the rating system and financial incentives. Specifically, it modifies provisions relating to quality recognition and improvement system for childcare facilities, removes requirement that the system provide tiered ratings, and removes the requirement that subsidy recipients who choose programs that meet minimum standards may qualify for lower co-pays.

**HB 2060 (Chapter 350)**

Effective July 1, 2021

**Finance; Programs**

*Creates new provisions and amends ORS 327.180, 327.185, 327.190, 327.195, 327.235, 327.535, 327.545, 329.841, and 329.845.*

The bill amends the Student Success Act in a number of ways based on feedback during the early stages of implementation.

Under the Student Investment Account (SIA):

- Gives the State Board of Education the authority to establish optional targets districts may use for measuring progress around addressing student mental and behavioral health needs.
- Expands the list of entities that are eligible for SIA dollars so that more youth and students can be reached. With that, the Youth Corrections Education Program and Juvenile Detention Education Program are now eligible to receive Student Investment Account funding.
- Changes the definition of “economically disadvantaged students,” one of the focal student groups, from eligibility for free and reduced-price lunch to rules adopted by the State Board of Education. The board’s current definition will help include more students who are experiencing poverty.

Under the Statewide Education Initiatives Account:

- Expands the list of entities that are eligible for funding for different equity initiatives. These changes would allow education service districts to apply for the African American and Black Student Success Grants, and education service districts and tribal governments to receive grants under the Latino/a/x Indigenous Student Success Plan.
- Removes barriers when it comes to accessing and providing school meals. These changes help expand access to school meals and ensure that the meal reimbursement process is more equitable and consistent.

The bill also creates a dedicated treasury account for Student Success Team funding. Student Success Teams are responsible for implementing an Intensive Coaching Program in partnership with districts that may need additional support and technical assistance in improving outcomes for students.

Partnerships with Student Success Teams last a minimum of four years. Moving this funding to a treasury account will help allow for continuity in funding over time.

**HB 2077 (Chapter 49)**

Effective September 25, 2021

**Operations; PACE**

*Creates new provisions and amends ORS 431A.355 and 431A.363.*

The Oregon Construction Contractors Board and the Oregon Health Authority (OHA) jointly administer the federal Renovation, Repair, and Painting rule to mitigate the risks from lead based paint. The OHA's Lead-Based Paint Program regulates the activities of businesses, agencies, and individuals working with lead-based paint by enforcing state regulations, overseeing professional training and certification, and responding to concerns about the health effects from exposure to lead.

The bill increases the authority of the OHA and allows for the agency to contract with a third party to obtain a lead-based paint risk assessment or control paint hazards identified by a risk assessment. It also gives the OHA increased authority to impose penalties for negligent abatement activities and file property liens. Civil penalties will be used to fund lead poisoning prevention.

**HB 2105 (Chapter 210)**

Effective January 1, 2022

**Operations**

*Amends ORS 343.181.*

The bill requires school districts to provide students and parents with “information and training resources regarding supported decision-making as a less restrictive alternative to guardianship, and with information and resources regarding strategies to remain engaged in the child’s secondary education and post-school outcomes.” Districts are required to provide this information at relevant individualized education program (IEP) meetings that discuss post-secondary education goals and transition services.

**HB 2136 (Chapter 151)**

Effective January 1, 2022

**Personnel**

*Amends ORS 339.370, 339.374, 339.378, 339.388, 339.390, 339.391, 342.120, 342.175, and 342.176.*

The bill increases the investigative authority of the Teacher Standards and Practices Commission (TSPC) by creating a more expansive definition of "commission licensee." The new definition allows the TSPC to investigate and discipline (including suspension or revocation of license) any individual enrolled in an approved educator preparation program, applicants for a license or registration, individuals holding a license or registration, or anyone who has held a license or registration at any time during the previous five years.

**HB 2158 (Chapter 424)**

Effective July 1, 2021

**Finance**

*Creates new provisions; amends ORS 63.674, 65.674, 98.352, 98.386, 98.396, 98.992, 112.055, 116.193, 116.253, 178.050, 293.455, 293.701, 327.405, 652.405, 708A.430, 711.225, 711.590, 716.905 and 723.466 and section 85, chapter 678, Oregon Laws 2019; and repeals ORS 98.388.*

In 2019, Senate Bill 454, transferred administration of the Uniform Disposition of Trust Property Act, unclaimed estates, and escheated funds from the Department of State Lands to the Oregon State Treasurer. House Bill 2158 makes statutory adjustments to clarify the role of the state treasurer in overseeing the Uniform Disposition of Trust Property Act, unclaimed estates, and escheated funds, specifically in creating a fund structure distinct from the General Fund and clarifying requirements for fund transfers. Revenues from the unclaimed property transactions will still flow to the Common School Fund.

**HB 2166 (Chapter 518)**

Effective July 19, 2021

**Programs**

*Creates new provisions and amends ORS 326.051, 327.254, 329A.280, 329A.330, 342.120, 342.147, 342.437, 342.940, 348.295, and sections 4 and 5, chapter 756, Oregon Laws 2015.*

The bill is an omnibus program and policy package that was developed by the Governor's Racial Justice Council, in partnership with state education agencies. The omnibus package:

- Creates an Early Childhood Suspension and Expulsion Prevention Program administered by the Early Learning Division. The purpose of the program is to reduce expulsion or suspension in birth to age five programs; support welcoming, stable, and inclusive placements for children and families; and provide mental health consultation services to early childhood education providers. \$5.8 million is allocated from the General Fund for the Early Childhood Suspension and Expulsion Prevention Program.
- Requires the State Board of Education to adopt K-12 social emotional learning (SEL) standards no later than September 15, 2023. School districts shall implement the new standards no later than July 1, 2024. The Department of Education, in consultation with the Early Learning Division and the Teachers Standards and Practices Commission, shall convene an advisory group to propose K-12 SEL standards to the State Board of Education.
- Expands the Teacher Standards and Practices Commission's ability to approve educator preparation providers; integrate and recommend rules for educator pathway programs and licensing requirements; and collaborate and communicate with education pathway partners. The new law also allows accredited educator preparation providers to offer nontraditional pathways to licensure; increases the scholarship amount for diverse teacher candidates from \$5,000 to \$10,000; and

makes modifications to the intergovernmental agreement governing the Educator Advancement Council. \$527,792 is allocated from the General Fund for the development of standards for nontraditional pathways to licensure programs.

- Improves funding equity for public charter schools that serve highly diverse student populations. The new law allows additional funding through the Student Success Act's Statewide Education Initiatives Account to be available for these select public charter schools.

**HB 2167 (Chapter 612)**

Effective January 1, 2022

**Operations**

*Creates new provisions and amends ORS 291.206 and 291.216.*

The bill creates the Racial Justice Council within the Office of the Governor. The council will consist of the governor, as chairperson, and no more than 40 additional members appointed by, and serving at, the pleasure of the governor. This bill codifies in law the current practice.

**HB 2168 (Chapter 201)**

Effective September 25, 2021

**Operations**

*Amends ORS 187.010.*

The bill formally establishes Juneteenth on June 19 as a state holiday. Juneteenth commemorates the emancipation of slaves in the United States. June 19, 1865, is considered the date when the last slaves in America were freed, when Union General Gordon Granger rode into Galveston, Texas and issued General Order Number 3 announcing the end of the Civil War and the end of slavery.

**HB 2231 (Chapter 62)** Effective September 25, 2021

**Personnel**

*Amends ORS 408.240 and 659A.082.*

Under Oregon law, a member of the uniformed service has a right to return to a civilian job without penalty or discrimination as long as their cumulative time of voluntary service does not exceed five years. Involuntary call-ups do not count towards the five-year limit on these rights, but certain calculations for reservists may classify call-up time for voluntary service overseas and response to a domestic emergency or disaster as voluntary for purposes of this calculation. The bill exempts time spent in voluntary service overseas and domestic voluntary service responding to a declared emergency or disaster from the five-year calculation of reemployment rights.

**HB 2247 (Chapter 452)**

Effective September 25, 2021

**Finance**

*Creates new provisions.*

The bill is part of a package of legislation intended to provide financial relief to Oregonians impacted by COVID-19 and wildfires. It authorizes a county to waive interest penalties charged for not paying property taxes on time for the 2020-21 property tax year. It is not expected to have a major impact on local revenues or negatively impact property tax funded entities. It is included in this report so school district business managers are aware that this may happen in their community.

**HB 2315 (Chapter 114)**

Effective September 25, 2021

**Personnel***Creates new provisions and amends ORS 675.140, 675.597, 675.805, 676.860, and 676.863.*

The bill requires certain health and behavioral health care providers, including school counselors and peer support specialists, to complete a minimum amount of continuing education, defined as two hours every two years or three hours every three years, on suicide prevention and treatment pursuant to rules adopted by relevant governing boards and the Oregon Health Authority. The bill is effective on September 25, 2021, but operative dates within the bill make the requirements effective on July 1, 2022.

**HB 2323 (Chapter 291)**

Effective January 1, 2022

**Operations***Creates new provisions and amends ORS 250.048, 260.345, 260.532, 260.695, 260.993, and 260.995.*

The bill creates a civil penalty of up to \$10,000 for disseminating false information about an election in Oregon. Specifically, it prohibits an individual or entity from knowingly communicating a false statement intended to mislead voters about an election date, ballot deadline, voter registration deadline, voter registration method, ballot deposit locations, elector qualifications, or a voter's registration status within 30 days of a primary election or special election or within 60 days of a general election. The bill exempts broadcast advertising on radio, TV, or cable unless the advertisement is created by the owner, licensee, or operator of the station or company. It also requires voter guides or similar materials not produced by election officials to be clearly marked "THIS IS NOT THE OFFICIAL VOTERS' PAMPHLET."

**HB 2330 (Chapter 355)**

Effective June 23, 2021

**Finance***Amends ORS 327.006, 327.008, 327.019, 327.125, 327.137, 339.129, 339.133 and 340.045 and section 1, chapter 735, Oregon Laws 2013; and repeals sections 19 and 20, chapter 735, Oregon Laws 2013, and section 4, chapter 21, Oregon Laws 2020 (first special session).*

The bill makes permanent two provisions in the State School Fund (SSF) formula:

- Allows five school districts (Mitchell, Spray, Ukiah, Burnt River, and Paisley) to house foreign exchange students in their district dorms for a year and receive SSF funds for their education; and
- Ensures about 80 districts receive additional funding through a Small High School Grant in the SSF. This is a carveout that provides \$5 million a biennium (\$2.5 million per year) to these mostly small, rural districts to help support their students.

The legislation also increases the weighted average daily membership (ADMw) cap of a school district with eligible small high schools from 8,500 to 9,500 to qualify for small high school grants.

**HB 2345 (Chapter 614)**

Effective July 27, 2021

**Finance***Creates new provisions.*

The bill establishes the Oregon Rural Capacity Fund to provide resources to Oregon's Economic Development Districts for assisting rural jurisdictions in learning about, applying for, and managing grants and other funding opportunities that support workforce, infrastructure, economic development, and community development. It requires the Oregon Business Development Department to develop and communicate program policy and

purposes; determine moneys available; consult and coordinate with development districts on distribution; make distributions from the fund; and consult with the League of Oregon Cities, Association of Oregon Counties, Oregon School Boards Association, and Special Districts Association of Oregon on program implementation.

**HB 2411 (Chapter 524)**

Effective September 25, 2021

**Operations**

*Creates new provisions.*

The bill requires the Oregon Department of Transportation to notify and coordinate with interested telecommunications providers to determine if, in the course of undertaking certain statewide transportation projects, broadband infrastructure should also be modified or included as part of the project.

**HB 2457 (Chapter 456)**

Effective September 25, 2021

**Finance**

*Creates new provisions and amends ORS 178.300, 238.395, 238A.005, 238A.125, 238A.150, 238A.170, 238A.230, 238A.370, 238A.400, 238A.410, 238A.415, 238A.430, 238A.435, 305.230, 305.494, 305.690, 305.842, 314.011, 314.306, 315.004, 316.012, 316.147, 316.157, 317.010, 317.097, 317A.100, 458.670, 657.010, and 675B.010.*

The bill updates the connection date to the federal tax code to be in compliance with federal tax law. The most relevant change for districts is that the new law increases Oregon's statutory age requirements related to the Public Employees Retirement System from 70.5 years of age to 72 years of age, in alignment with federal law.

**HB 2459 (Chapter 357)**

Effective January 1, 2022

**Operations**

*Amends ORS 165.535 and 165.540.*

Oregon law generally prohibits secretly recording conversations with others and prescribes a number of exemptions from this prohibition. This bill changes the definition of "conversation" to include video conversations. The bill also includes exemptions, including recordings of public meetings, classes, or private meetings wherein the participants knew the conversation was being recorded.

**HB 2474 (Chapter 182)**

Effective January 1, 2022

**Operations**

*Amends ORS 659A.150, 659A.156, 659A.159, 659A.162, and 659A.168.*

The bill modifies the Oregon Family Leave Act (OFLA) by establishing eligibility for protected leave under OFLA for all employees of a covered employer during a public health emergency, unless they had been employed fewer than 30 days or worked less than 25 hours per week on average in the 30 days leading up to the leave. The bill also establishes eligibility for employees if they separate, are eligible, and are reemployed within 180 days, or because of a temporary cessation of scheduled hours. The bill allows for restoration of time worked after separation and reemployment under certain circumstances and allows employers to request verification of child care need.

**HB 2526 (Chapter 118)**

Effective June 1, 2021

**Operations**

*Creates new provisions.*

The bill designates the second Monday in October of each year as Indigenous Peoples' Day. The first Indigenous Peoples' Day in Oregon will be October 11, 2021.

**[HB 2536 \(Chapter 119\)](#)**

Effective July 1, 2021

**Programs***Amends ORS 327.531, 327.535, and 327.545.*

The U.S. Department of Agriculture is responsible for national school nutrition programs, including eligibility for certain free and reduced-price school nutrition programs based upon federal poverty data, including the Community Eligibility Provision (CEP). CEP allows schools and districts with high percentages of eligible children to offer meals at no charge to all children in the school without collecting applications from individual families. The bill requires schools to offer meals at no charge if they meet the eligibility requirements established by the U.S. Department of Agriculture and requires the Oregon Department of Education to reimburse districts for associated costs.

**[HB 2537 \(Chapter 227\)](#)**

Effective January 1, 2022

**Programs***Amends ORS 327.180.*

There are 11 not-for-profit career and technical student organizations authorized by the federal Perkins Vocational and Technical Education Act. These organizations teach students about careers in specific industries and industry sectors. The bill permits school districts to use funds from the Student Success Act to pay for membership fees and other related costs.

**[HB 2544 \(Chapter 531\)](#)**

Effective September 25, 2021

**Programs***Creates new provisions.*

The bill creates and funds two grant programs for unaccompanied homeless youth. The unaccompanied homeless youth services enhancement grant directs funding to organizations to increase programs and services for facilities such as shelters, outreach programs, transitional housing programs, and mental health or substance abuse services. The host home projects grant funds home-hosting of unaccompanied youth, with direction to improve school attendance, access to nutrition, and access to healthcare, mental health, and transportation services. The bill allocates a total of \$3.6 million for grants and associated increases in costs at the Department of Human Services. The bill defines “unaccompanied homeless youth” as a person 14-24 years of age who is not in the physical custody of a parent or guardian and who is homeless.

**[HB 2560 \(Chapter 228\)](#)**

Effective January 1, 2022

**Operations***Amends ORS 192.670.*

Oregon law generally requires access to meetings of all public bodies, with certain specific exceptions, and further lists requirements for notice, public testimony, electronic access, and telephonic participation in these meetings. The bill requires all meetings held by a governing body of a public body to reasonably provide the public with an opportunity to access and attend these meetings by telephone, video, or other electronic or virtual means. It also requires oral and written testimony to be accepted by electronic or virtual means if this testimony would otherwise be accepted in the meeting.

**HB 2589 (Chapter 68)**

Effective January 1, 2022

Operations

*Creates new provisions.*

The bill requires each of Oregon's public universities and community colleges to have the same developmental educational requirements and require the same subject placement tests for students who pass the General Educational Development (GED) or approved equivalency test and receive a "GED College Ready" score as those students who have completed high school and are deemed college ready by the institution. This will ensure that students with GED's are not treated any differently than their peers. The Higher Education Coordinating Commission is charged with adopting rules in time for the 2022-23 academic year.

**HB 2591 (Chapter 619)**

Effective July 27, 2021

Operations

*Creates new provisions and amends section 5, chapter 601, Oregon Laws 2019.*

The bill requires the Oregon Health Authority (OHA), in consultation with the Department of Education, to select 10 school districts or education service districts to receive two-year planning grants for district planning and technical assistance to address school-based health services needs in their respective communities. The bill requires the OHA to contract with a nonprofit organization with experience in facilitating school health planning initiatives and supporting school-based health centers to facilitate and oversee the planning process and to provide technical assistance to grantees.

**HB 2605 (Chapter 360)**

Effective January 1, 2022

Operations

*Creates new provisions and amends ORS 455.447 and 672.107.*

On January 1, 2020, the Legislature lifted a moratorium on constructing "essential buildings" like schools and hospitals in the tsunami inundation zone through the passage of House Bill 3309 (2019). Current state building codes do not include tsunamic resilient design standards for new buildings in the zone. The American Society of Civil Engineers (ASCE) provides minimum tsunami and earthquake design standards for certain buildings and structures, and Oregon's Structural Specialty Code categorizes buildings according to risk. Risk Category III includes buildings that would pose a substantial hazard to human life in the event of failure, such as schools, residential care facilities, power-generating stations, water and wastewater treatment facilities, other public utilities, and any building with more than 5,000 people. Risk Category IV includes essential facilities such as hospitals, police stations, fire stations, water storage facilities, and other critical infrastructure.

House Bill 2605 creates new requirements for construction, including projects implemented by school districts and education service districts, in the tsunami inundation zone beginning with permits issued January 1, 2022. Specifically, Risk Category III and IV buildings must meet minimum tsunami design criteria based on specified ASCE standards. The Department of Consumer and Business Services may evaluate the seismic vulnerability of certain building sites and developers of Risk Category III or IV structures must consult with the State Department of Geology and Mineral Industries (DOGAMI) before submitting design plans, and DOGAMI must communicate recommendations within 45 days of receiving development requests.

**HB 2607 (Chapter 361)**

Effective September 25, 2021

**Finance***Creates new provisions and amends ORS 320.173.*

The bill creates a permanent exemption from school district construction excise taxes when residential housing construction is replacing a home on the lot or parcel of land that was destroyed or damaged by wildfire or other events declared as emergencies under state law. The exemption is retroactive to properties impacted on or after January 1, 2020.

**HB 2631 (Chapter 232)**

Effective July 1, 2021

**Operations***Creates new provisions and amends ORS 339.356.*

The bill adds new notification and reporting requirements related to harassment, intimidation, bullying, and cyberbullying policies. Districts will be required to adopt policies that mandate school officials notify both the parents or guardians of students who were subject to acts of harassment, intimidation, bullying, or cyberbullying and the parents or guardians of students who may have conducted such acts. A district does not have to provide notification to the victim's parent or guardian if they believe it would endanger the student or if **all** the following occur:

- The student victim asks that notification not be provided to their parent or guardian;
- The school official determines that notification is not in the best interest of the student who was subjected to an act of harassment, intimidation or bullying, or an act of cyberbullying; and
- The school official informs the student that federal law may require the student's parents or guardians to have access to the student's education record.

If these exemptions are not met, the school official must inform the student of that determination prior to providing notification. Notification to parents or guardians must occur:

- Within a reasonable period of time; or
- Promptly, for acts that caused physical harm to the student.

**HB 2697 (Chapter 147)**

Effective January 1, 2022

**Operations***Creates new provisions.*

The bill requires education providers to prohibit the display of any symbols of hate on school property or in an education program. Under this new law, "symbols of hate" means nooses, symbols of neo-Nazi ideology, or the battle flag of the Confederacy. To comply with the prohibition on discrimination required by ORS 659.850, each education provider must adopt a policy to address bias incidents and displays of symbols of hate.

**HB 2817 (Chapter 70)**

Effective July 1, 2021

**Operations; Programs***Creates new provisions and amends ORS 339.450 and 339.460.*

The bill allows students - up to age 19 - who are enrolled in a general education development (GED) program to participate in interscholastic activities. Prior to beginning the interscholastic activity, eligible GED students must demonstrate that they passed at least one practice test administered through the GED program.

**HB 2818 (Chapter 363)**

Effective June 23, 2021

**PACE***Creates new provisions and amends ORS 652.210 and 652.414.*

The bill directs the commissioner to access the Wage Security Fund to pay up to \$10,000 of the wages due to a claimant when the commissioner obtains a judgment or issues a final order. Oregon's pay equity law makes it an unlawful employment practice for an employer to pay wages or other compensation to any employee at a rate greater than other employees of a protected class for work of a comparable character. Employers may not reduce compensation to comply and are liable for unpaid wages if they violate the pay equity law. The bill also clarifies, hiring and retention bonuses paid until March 1, 2022, along with incentives provided by employers to employees who have been immunized against infectious diseases for which a public health emergency has been declared are not compensation for the purposes of Oregon's pay equity laws.

**HB 2875 (Chapter 461)**

Effective September 25, 2021

**Personnel***Creates new provisions and amends ORS 238.005, 238.374, 238.376, and 238A.005.*

The bill requires the Public Employees Retirement System (PERS) to pay tax remedy no later than the first day of the second calendar month following notice by the retiree that their retirement benefits are subject to Oregon income taxes if a notice is received between January 1 and April 15; restores PERS membership and retirement credit forfeited in 2020 if a person performs at least 600 hours of service in 2021; and defines, for purposes of the PERS, that "firefighter" includes employees of the State Fire Marshal whose primary duties include fire investigation, fire prevention, fire safety, fire control, or fire suppression. The bill applies to current and future employees of the State Fire Marshal and provides that an employee of State Fire Marshal is entitled to service as a firefighter for service performed before, on, or after effective date.

**HB 2906 (Chapter 298)**

Effective January 1, 2022

**Personnel***Creates new provisions and amends ORS 238A.330.*

Increases the monthly salary threshold that triggers a portion of a Public Employees Retirement System (PERS) member's salary to be redirected from the Individual Account Program (IAP) to the employee's pension stability account from \$2,500 to \$3,333. This is an adjustment to the IAP redirect from SB 1049 (2019). This fix ensures that a worker who earns less than \$30,000 per year is not subject to the pension redirect and that their IAP retains the full 6 percent contribution.

**HB 2935 (Chapter 239)**

Effective January 1, 2022

**Personnel***Amends ORS 332.075, 659.850, 659A.001, and 659A.030.*

Oregon law prohibits school and workplace discrimination based on various immutable characteristics, including race. The bill adds discrimination based on hair type, texture, and style within the definition of race in school policies, interscholastic competitions and activities, and unlawful employment practices. It also prohibits schools or employers from establishing dress codes or policies that disproportionately impact members of a protected class, such as race.

**HB 2954 (Chapter 364)**

Effective June 23, 2021

Operations

*Amends ORS 338.125.*

Oregon public charter schools are permitted to use a lottery admission system in circumstances where there are more applicants for the charter school than there are seats available. The lottery process may not be discriminatory, but siblings of current students are permitted to be given preference in admissions. In 2015, Senate Bill 820 permitted charter lotteries to be weighted to prioritize “historically underserved students” and defined those students as those at risk because of various factors, including race, ethnicity, gender, sexual orientation, disability, and geography. The weighted lottery permissions in Senate Bill 820 expired in the 2020-21 school year. House Bill 2954 reinstates and updates these weighted lottery permissions.

**HB 2969 (Chapter 245)**

Effective June 11, 2021

Programs

*Creates new provisions.*

The bill requires that oral health standards be added to health education curriculum. It directs the State Board of Education to add age-appropriate oral health standards to the health content standards by September 1, 2024, and requires school districts to provide oral health instruction beginning in the 2025-26 school year. Many districts already include this in their health education curriculum and will likely not need to make many changes. The bill also contains a provision that prohibits the Oregon Health Authority from denying reimbursement for costs claimed by coordinated care organizations related to improving access for students to school-based oral health services.

**HB 2993 (Chapter 463)**

Effective January 1, 2022

Operations

*Creates new provisions and amends ORS 183.333 and 183.335.*

The bill adds new requirements to the state agency process for administrative rulemaking. It requires inclusion of a statement identifying how adoption of the rule will affect racial equity in Oregon to the list of materials that must be included in a notice prior to adoption, amendment, or repeal of any administrative rule. The legislation also prohibits agencies from appointing staff to fiscal impact advisory committees. Finally, it includes a requirement that when convening rulemaking or fiscal impact advisory committees, agencies must ensure the membership of the committee is representative of the interests of persons and communities affected by the rule. The provisions apply to rules filed on or after January 1, 2022.

**HB 3011 (Ch. not yet assigned)** Effective

Operations

*Creates new provisions; amends ORS 3.012, 151.225, 173.420, 326.125, 327.001, 327.008 and 652.409 and sections 6 and 8, chapter 527, Oregon Laws 2019, and section 9, chapter 671, Oregon Laws 2019; and repeals section 67, chapter \_\_\_\_, Oregon Laws 2021 (Enrolled Senate Bill 817), and section 5, chapter \_\_\_\_, Oregon Laws 2021 (Enrolled Senate Bill 5514).*

The bill is the “program change” legislation necessary to implement and support the 2021-23 budget adopted by the Legislature. It is not a budget appropriation bill but is enabling legislation for House Bill 5006, commonly known as the “Christmas tree bill.”

There are several important changes related to public education:

- Repeals the \$200 million Education Stability fund transfer that was originally contained in Senate Bill 5514 and was subject to a line-item veto by Governor Kate Brown;
- Adds language to the Office of School Facilities that allows the use of funds to administer a statewide facilities assessment;
- Reduces the facility grant carveout in the State School Fund from \$7 million to \$3 million and increases the Office of School Facilities carveout to \$10 million;
- Authorizes and creates a reserve account fund for the Fund for Student Success (the account for the commercial activity tax money collected by the Student Success Act); and
- Expands uses of the Early Learning Account to fund the construction, renovation, and equipping of early learning centers.

**HB 3021 (Chapter 464)**

Effective September 25, 2021

**Operations**

*Creates new provisions and amends ORS 251.026, 251.055, and 251.315.*

The bill requires the Secretary of State to create and make publicly available a list of the five most common languages spoken, other than English, by residents of the state and each of Oregon's 36 counties. State and local voters' pamphlets must be translated into these five languages, posted on the web and include, in each listed language, the website address for the translated voters' pamphlet, candidate statements, and arguments for and against ballot measures. The measure establishes the Translation Advisory Council, which will consist of five at-large members and at least one translator member for each listed language to provide feedback and input on translation services and implementation. The measure impacts voters' pamphlets distributed on or after June 30, 2022.

**HB 3037 (Chapter 185)**

Effective September 25, 2021

**Operations**

*Amends ORS 146.100 and 418.735.*

In 2015, Senate Bill 561 required local mental health authorities (LMHAs) to engage in post-suicide interventions. House Bill 3037 requires medical examiners and death investigators to notify LMHAs of cases of suicide involving individuals 24 years of age and younger and allows that notice to identify the decedent's education institution or extracurricular activities, as necessary, to protect public health. The bill also clarifies that the Oregon Health Authority is responsible for creating uniform, statewide response protocols for LMHAs to be implemented after a youth suicide.

**HB 3041 (Chapter 367)**

Effective June 23, 2021

**Operations**

*Amends ORS 10.030, 20.107, 30.860, 93.270, 101.115, 109.035, 131.915, 131.930, 174.100, 179.750, 181A.470, 192.630, 240.306, 338.125, 339.127, 339.128, 339.329, 339.351, 352.274, 418.648, 418.731, 418.925, 418.976, 430.550, 443.739, 458.505, 646A.787, 652.210, 653.547, 658.427, 659.850, 659A.003, 659A.006, 659A.030, 659A.130, 659A.403, 659A.406, 659A.409, 659A.421, 659A.425, 659A.805, 659A.815, 659A.885, 660.139 and 744.382 and section 2, chapter 629, Oregon Laws 2019, section 2, chapter 5, Oregon Laws 2020 (first special session), and sections 4 and 6, chapter \_\_\_\_\_, Oregon Laws 2021 (Enrolled House Bill 2534) and repeals ORS 659.870.*

Oregon law prohibits discrimination based on various immutable characteristics, including sexual orientation. The bill adds "gender identity" to all statutes that reference "sexual

orientation.” It also repeals ORS 659.870, which prohibited certain political subdivisions from enacting or enforcing certain laws related to sexual orientation.

**HB 3046 (Chapter 629)**

Effective January 1, 2022

**Operations**

*Creates new provisions and amends ORS 414.766, 743A.168, and 743B.505.*

The bill is designed to help streamline behavioral health treatment benefits by requiring behavioral health benefit carriers to conduct an annual analysis of nonquantitative treatment limitations for behavioral health benefits. The bill also requires Coordinated Care Organizations (CCOs) to report to the Oregon Health Authority each year on their compliance with mental health parity requirements. Additionally, the bill defines required behavioral health treatment requirements for CCOs and group health insurance policies or individual health benefit plans. For CCOs, the Oregon Health Authority is required to adopt a list of behavioral health services that may not be subject to prior authorization.

**HB 3071 (Chapter 251)**

Effective January 1, 2022

**PACE; Personnel**

*Amends ORS 124.050, 419B.005, 430.735, and 441.630.*

Oregon law requires certain individuals to report suspicions of abuse of children and other vulnerable persons. These individuals are commonly referred to as “mandatory reporters,” and existing law includes educators, administrators, and school board members. The bill expands the list of mandatory reporters to include all state and local elected officials.

**HB 3073 (Chapter 631)**

Effective July 27, 2021

**Operations**

*Creates new provisions; amends ORS 131A.360, 131A.365, 183.459, 279A.050, 315.264, 326.425, 326.430, 326.435, 327.269, 327.274, 329.155, 329.156, 329.165, 329.170, 329.172, 329.175, 329.181, 329.183, 329.185, 329.195, 329.200, 329.219, 329.841, 329.843, 329.845, 329A.010, 329A.120, 329A.135, 329A.250, 329A.261, 329A.500, 329A.505, 329A.712, 336.101, 336.104, 343.465, 343.475, 343.499, 406.072, 411.882, 417.723, 417.727, 417.728, 417.781, 417.782, 417.784, 417.788, 417.790, 417.793, 417.795, 417.796, 417.827, 417.829, 419B.005, 433.301, 609.652, 805.205 and 805.207; and repeals ORS 329.145, 329.150, 329.190, 329A.490 and 329A.493 and section 2, chapter 89, Oregon Laws 2021 (Enrolled House Bill 2059).*

The bill builds on Oregon’s work to increase access to affordable, high-quality early learning experiences and supports for children and families by establishing a new early learning agency. The bill establishes, the Department of Early Learning and Care (DELIC), which will consolidate all early child care services into one state agency, including licensing, registration, and the distribution of state and federal child care funds, including Employment Related Day Care (ERDC). Most of these key functions currently exist in the Early Learning Division (ELD), which is part of the Oregon Department of Education. The bill creates DELIC beginning January 1, 2023, and the transfer of ERDC from Oregon Department of Human Services (ODHS) to DELIC by July 1, 2023. The bill also requires progress reports to the Legislature on the different transitions.

- September 15, 2021: Legislative Report submitted by ELD in collaboration with ODHS and ODE, to include:
  - Transfer of background checks inspections for ERDC to ELD;
  - Progress on transfer of child care assistance programs, including ERDC to ELD;

- o Recommendations to strengthen alignment of Early Intervention/Early Childhood Special Education services;
  - o Progress on the adoption of rules related to school-age child care;
  - o Fiscal Impacts of Plan; and
  - o Budgetary impacts or recommendations for legislation.
- December 31, 2021: Legislative Report submitted by ODHS in collaboration with ELD on timelines and fiscal impact of the eligibility requirements in ERDC.
  - September 30, 2022: Legislative Report submitted by ELD in collaboration with ODHS and ODE updating the plan's implementation and progress.

**HB 3178 (Chapter 30)**

Effective May 17, 2021

**Personnel**

*Creates new provisions and amends ORS 657.100 and section 63, chapter 700, Oregon Laws 2019.* Eligible unemployed Oregonians may receive a weekly unemployment insurance (UI) benefit. A worker is eligible to receive partial UI benefits if they work less than full time. If the part-time worker's weekly earnings exceed the weekly UI benefit, then the worker is not considered unemployed. Senate Bill 1701 (2020, Second Special Session) allowed a worker to earn up to \$300 per week before their weekly UI benefit would be reduced. House Bill 3178 clarifies the law established by Senate Bill 1701, declaring that an individual is considered unemployed in any week in which the individual performs no services or works less than full-time until January 2, 2022.

**HB 3082 (Chapter 127)**

Effective September 25, 2021

**Finance; Operations**

*Amends ORS 279C.335.*

The bill raises the contract price at which public improvement contract solicitations are exempt from competitive bidding requirement from \$5,000 to \$10,000. The Oregon Public Contracting Code requires competitive bidding for all public improvement contracts and provides exceptions from this requirement. The operative date for this change is January 1, 2022.

**HB 3109 (Chapter 369)**

Effective January 1, 2022

**Operations**

*Amends ORS 215.213, 215.283, 329A.030, 329A.250, 329A.280, and 329A.440.*

The bill is designed to remove barriers for child care centers when it comes to securing, accessing, and maintaining facilities. The bill prohibits local governments from enacting, enforcing, or imposing any land use regulations or fees that prohibit or place conditions on the use of a residential dwelling for a family child care home. For child care centers in areas zoned for commercial or industrial use, the bill prohibits local governments from placing more restrictive measures on child care centers than those imposed on other uses in the same zone. Additionally, House Bill 3109 establishes child care centers as permitted use in all commercial or industrial zoned areas, except in areas specifically designated by the local government for heavy industrial use.

**HB 3139 (Chapter 301)**

Effective January 1, 2022

**Operations; PACE***Amends ORS 109.680.*

Oregon law gives treatment providers discretion in whether to inform parents or guardians when a minor receives suicide assessment, intervention, treatment, or support services. The bill requires these providers to disclose certain suicide-related health information to parents or guardians without the minor's consent.

**HB 3183 (Chapter 255)**

Effective January 1, 2022

**Programs***Amends ORS 343.*

The bill requires the State Board of Education to establish by rule that whenever an individualized family service plan or individualized education program is developed, revised, or reviewed for a child who is deaf, deafblind, or hard of hearing, the parents must be provided information about relevant services and placements offered by the school district, the education service district, regional programs, and the Oregon School for the Deaf.

**HB 3234 (Chapter 373)**

Effective January 1, 2022

**Programs***Creates new provisions.*

The bill requires school districts to provide instruction and information about organ and tissue donation as part of the health curriculum in grades 9-12. It must include information about the lifesaving potential of organ and tissue donations and is not required to be taught at each grade level. The State Board of Education must adopt updated health education content standards by September 1, 2024. School districts must begin offering this instruction in the 2025-26 school year.

**HB 3254 (Chapter 304)**

Effective July 1, 2021

**Finance***Amends ORS 327.023 and 343.961.*

Because of changes in the residential care options for students, the Oak Grove Academy in the Forest Grove School District became ineligible to receive Long Term Care and Treatment funding for the program under current Oregon statute. House Bill 3254 creates a "safe harbor" for the program to continue receiving funds by modifying the definition of an eligible residential treatment program. This expanded eligibility also includes a requirement that the educational services be provided in the facilities of the Forest Grove School District.

**HB 3255 (Chapter 261)**

Effective September 25, 2021

**Operations; PACE***Creates new provisions.*

The bill requires education employers to provide eligible employees with materials and assistance that increase awareness of, and participation in, federal public service loan forgiveness programs. The bill defines an "education employer," modifies the definition of "education employer" to clarify employment in a full-time capacity, specifies requirements for materials, and requires education employers to direct employees to become familiar with federal public service loan forgiveness programs and to assist other employees with determining eligibility and applying for public service loan forgiveness programs.

**HB 3291 (Chapter 551)**

Effective January 1, 2022

**Operations**

*Creates new provisions; amends ORS 171.185, 203.085, 221.230, 253.065, 253.070, 253.080, 253.585, 253.690, 254.095, 254.103, 254.408, 254.431, 254.458, 254.470, 254.478, 254.485, 254.529, 254.545, 254.546, 254.548, 254.555, 255.085, 255.295, 255.345, 258.075, 260.695, 294.474 and 450.905; and repeals ORS 251.358.*

Under Oregon law, ballots for elections may be returned to county elections officials either by mail or at a drop site within the county. Ballots must be returned to county elections officials by 8 p.m. on election day. The bill changes the law to permit ballots returned by mail to be counted if they are postmarked by election day, even if they are received by county elections officials up to seven days following election day.

**HB 3294 (Chapter 635)**

Effective July 27, 2021

**Operations; PACE**

*Creates new provisions and amends ORS 327.008.*

The bill requires school districts, education service districts, public charter schools, community colleges, and public universities to provide menstrual products in bathrooms. This requirement extends to two bathrooms in each facility in the 2021-22 school year and to every bathroom in each facility thereafter. The bill also appropriates approximately \$5.6 million from the State School Fund to pay for projected costs associated with these requirements in public schools and requires costs associated with public universities and community colleges to be paid out of their respective support funds.

**HB 3354 (Chapter 637)**

Effective January 1, 2022

**Operations**

*Creates new provisions and amends ORS 342.147 and section 3, chapter 317, Oregon Laws 2017.*

The bill eliminates the requirement for teacher candidates to pass the edTPA as a prerequisite for licensure. The new law requires the Teacher Standards and Practices Commission to develop a framework that: i) uses multiple measures to determine if a licensing candidate's knowledge, skills, and competencies qualify the candidate for a license; and ii) includes at least one measure that is locally determined and adopted by the educator preparation provider and approved by the commission. The new framework will replace current measures used by educator preparation programs.

**HB 3389 (Chapter 638)**

Effective September 25, 2021

**Personnel**

*Creates new provisions and amends ORS 657.439, 657.458, 657.462, 657.463, and 657.805.*

The bill extends the look-back period used to determine the Unemployment Compensation Trust Fund solvency level from 10 years to 20 years. The bill specifies that employer experience ratings that were used for determination of 2020 Unemployment Insurance tax amounts can be used to determine rates for tax years 2022-24 and provides for deferral of unemployment insurance taxes in certain circumstances for qualifying employers.

**HB 3398 (Chapter 639)**

Effective September 25, 2021

**Operations**

*Amends ORS 657B.340 and sections 50, 51, 60, 62 and 63, chapter 700, Oregon Laws 2019.*

The bill delays the implementation requirements for the paid family and medical leave program. The bill extends deadlines for the Employment Department to adopt rules, submit reports to the Legislative Assembly, and reimburse General Fund moneys for start-up costs.

The measure changes the start date for the employer and the employee contributions to January 1, 2023, and changes the start date for benefit payments to September 3, 2023.

**HB 5006 (Ch. not yet assigned)** Effective

**Finance**

*Creates new provisions and amends section 2, chapter \_\_\_\_, Oregon Laws 2021 (Enrolled Senate Bill 5544).*

The bill appropriates state resources to a wide variety of programs and state agencies. It is the budget reconciliation bill that passes at the end of each legislative session to facilitate, among other things, the constitutional requirement to pass a balanced budget. It is often referred to as the “Christmas tree bill” and includes allocations made to the Emergency Board. This session, the bill was also used to direct a variety of one-time federal American Rescue Plan Act (ARPA) and Coronavirus Aid, Relief and Economic Security Act (CARES) allocations delivered in response the COVID-19 pandemic, making the bill considerably more robust than in other years.

The bill makes accounting changes to the General, Lottery, Student Success, and Other Funds which, in total, bring the final allocation to the State School Fund to \$9.3 billion, corresponding to the allocations in Senate Bill 5514.

Other major education-related allocations include:

- \$125 million in bond proceeds for the Oregon School Capital Improvement Matching program, corresponding to the bond authorizations in Senate Bill 5505;
- \$110 million in bond proceeds to the Oregon Business Development Department for seismic rehabilitation grants, corresponding to approved General Obligation Bond issuance;
- \$17.5 million for the Connecting Oregon School Fund for expanding internet connectivity in schools, corresponding to the bond authorizations in Senate Bill 5534 and taking advantage of federal e-rate matching funds.
- \$5.1 million to the Oregon Department of Education (ODE) for the establishment of the new Early Learning and Care agency, which previously was the Early Learning Division within ODE;
- \$2.3 million to Reynolds School District for the Reynold High School Health Center;
- \$1.9 million to the Sheridan School District for CTEC West;
- \$6.9 million to Willamette Education Service District for the Willamette Career Academy;
- \$3 million to the Rogue River School District for the Rogue River Wimer Wellness Center; and
- \$500,000 to the ODE to study the impacts of State School Fund spending to determine if the spending pattern results in disparities for BIPOC and non-BIPOC students.

The Legislature allocated \$240 million in federal ARPA funds to be distributed as \$4 million per Senate district (SD) and \$2 million per House district (HD), to then be dispersed at the discretion of the district’s legislator. Among the projects identified, the following are school district-related allocations:

- SD 3, Sen. Jeff Golden: \$1.3 million for the Armadillo Technical School;
- SD 14, Sen. Kate Lieber: \$300,000 for the Forth Mobility non-profit electric school bus pilot;
- SD 15, Sen. Chuck Riley: \$1 million for the Hillsboro School District electric bus project;

- SD 25, Sen. Chris Gorsek: \$500,000 for the Gresham-Barlow School District school-based health center;
- HD 1, Rep. David Brock Smith:
  - \$100,000 for the Coquille School District Lincoln School of Early Learning;
  - \$250,000 for the Central Curry School District Early Learning Center.
- HD 2, Rep. Gary Leif: \$2 million for the Douglas Education Service District;
- HD 3, Rep. Lily Morgan: \$200,000 for the Three Rivers School wastewater treatment facility;
- HD 19, Rep. Raquel Moore-Green: \$150,000 for the Willamette Career Academy;
- HD 30, Rep. Janeen Sollman: \$200,000 for the Hillsboro School Foundation bilingual career kits;
- HD 37, Rep. Rachel Prusak: \$500,000 for clubs run by the Foundation for Tigard-Tualatin Schools;
- HD 50, Rep. Ricki Ruiz: \$1 million for the Gresham-Barlow School District school-based health center development.

Other relevant allocations include:

- \$16.8 million for the Public Employee Retirement System (PERS) Employer Incentive Fund matching contribution for 25 percent state match program for employers; and
- \$3.2 million federal ARPA funding for the Crane Union School District community water and sewer system.

Many other allocations in the bill will benefit school districts, including early learning and higher education programs that will benefit the P-20 spectrum, and additional allocations to other county and local governments. For the sake of brevity, they are not included in this report.

### **HB 5008 (Chapter 166)**

Effective July 1, 2021

**PACE**

*Creates new provisions.*

The Employment Relations Board’s mission is to resolve disputes concerning employment relations for an estimated 3,000 employers and 250,000 employees in public and private employment in the state. The board consists of a three-member panel appointed by the governor and approved by the Senate. The board acts as the state’s appeals court for labor and management disputes within state government. Additionally, the board issues final orders and administers labor laws covering the small number of private sector employees exempt from the National Labor Relations Act. The board’s orders can be appealed to the Oregon Court of Appeals. The bill appropriates \$3,335,757 to the board for the biennium.

### **HB 5016 (Chapter 559)**

Effective July 19, 2021

**Finance**

*Creates new provisions.*

The bill is the budget bill for the Legislature and all legislative branch agencies. This budget allocates new funding for enhanced language support, including in-house Spanish language interpretation and translation, and improved access for the deaf and hard of hearing. It also includes funding for a staff position for the new BIPOC caucus and a budget note directing

legislative agencies to incorporate a civics education unit for Capitol visitors in compliance with Oregon Department of Education civics education curricular standards.

**HB 5035 (Chapter 641)**

Effective July 27, 2021

**Finance**

*Creates new provisions.*

The bill is the budget bill for the Teachers Standards and Practices Commission (TSPC). The TSPC is responsible for licensure, professional conduct standards and enforcement, and education preparation program approval for educators and administrators statewide. Notable in the budget is funding for the Oregon Administrator’s Scholars Program, designed to increase educator diversity, and staffing changes aimed at further developing eLicensing systems. The bill also includes a reference to targeted fee increases contained in the companion fee bill, Senate Bill 129, and an indication that the agency may be forced to increase licensure fees for educators in upcoming biennia from the current five-year licensure cost of \$187 or \$37 per year.

**HB 5042 (Chapter 4)**

Effective April 15, 2021

**Finance**

*Creates new provisions.*

The bill invests \$250 million in one-time stimulus dollars for summer learning and child care to help support districts, schools, early learning and care providers, and community-based partners in helping children and families recover from the COVID-19 pandemic.

The state and federal stimulus dollars are allocated as follows:

- Summer Enrichment and Academic Program Grants (K-8) – \$93.7 million  
The Summer Enrichment/Academic Program Grant provides grant funding to offer services for K-8 students:
  - Enrichment activities (e.g., robotics, dance, martial arts, art, music, outdoor programs, etc.);
  - Academic learning and readiness supports (e.g., summer school, bridge programs, transition programs, etc.); and/or
  - Social, emotional, and mental health services.
- Summer Academic Support Grants (High School) – \$71.9 million  
The Summer Academic Support Grant provides grant funding to support summer programs for high school students to acquire academic credits needed to stay on track for graduation.
- Summer Activity Grants (Oregon Community Foundation) – \$40 million (+\$1.2 million for parent and child support)  
The Oregon Community Foundation will administer \$40 million in competitive grants for community organizations to provide summer enrichment activities for K-12 students, as well as \$1.2 million for parent-child summer programming for families with young children.
- School Child Care Grants (K-5 Level) – \$30 million (+\$10 million in federal funds)  
The School Child Care Grant provides a supplemental grant opportunity to recipients that wish to provide wraparound child care services for K-5 students who participate

in summer academic and enrichment programs supported through the Summer Enrichment/Academic Program Grants.

- Early Learning Programs – \$12 million (+\$11.2 million in federal funds)  
The Early Learning Grant provides additional one-time funding for summer preschool programs, programs that support children and families with the transition into kindergarten, and employment related day care.
  - Summer Preschool Programs: Invests \$8 million for an estimated additional 2,900 children to be served during the summer by expansion of the Preschool Promise program, Oregon Prekindergarten program, and the Early Childhood Equity Fund.
  - Kindergarten Transition: Increases the Kindergarten Readiness Partnership and Innovation Program contracts with Early Learning Hubs by \$4 million to expand kindergarten transition programming to reach an additional 2,000 children and families and schools statewide.
  - Employment Related Day Care Investment: Invests \$8.2 million to enable the Oregon Department of Human Services to expand the Employment Related Day Care program to more providers, increase supports for providers serving children with special needs, and serve 1,000 additional families, beginning this summer.

**SB 4 (Ch. not yet assigned)**

Effective

**Programs**

*Creates new provisions and amends ORS 418.976, 418.978, 418.979, and 418.983.*

The bill outlines the duties and authorities of the governor’s System of Care Advisory Council. The council was established in 2019 and acts as a central, impartial forum for statewide policy development, funding strategy recommendations and planning, with the goal of improving the effectiveness and efficacy of child-serving state agencies and the continuum of care that provides services to youth (ages 0-25). “System of care” is a philosophy based on cross-system collaboration that supports youth and families who have complex and significant mental health needs. The goal is to create an array of services and supports that are youth- and family- driven, community-based, and culturally and linguistically responsive. Under this new law, the council is directed to appoint an executive director; award grants; and to issue an annual report to the Legislative Assembly and the governor that may include recommendations for legislation and changes to council structure, composition, and operating processes. The bill also requires the Department of Human Services (DHS), Oregon Health Authority (OHA), and the council to submit a joint biennial report to the Legislative Assembly on how funding was appropriated or otherwise made available to DHS, OHA, and the council for services and supports. The first biennial report is due by December 31, 2021. The council and participating state agencies may also enter into interagency agreements to provide staff and resources to assist the council; to share computer systems and technologies, to the extent allowed by law; to collect and analyze data; and to investigate the effectiveness of the council’s proposals and recommendations.

**SB 51 (Chapter 386)**

Effective June 23, 2021

**Operations**

*Creates new provisions, amends ORS 339.370, 339.391, 419B.019, 419B.020, and 419B.035.*

In 2019, the Legislature passed Senate Bill 155, a bill that greatly enhanced responsibilities of school districts and state agencies with respect to complaints and investigations of alleged child abuse or sexual conduct towards students. Senate Bill 51 makes clarifying changes to the statutes originating with Senate Bill 155, notably giving permissions to agencies for better records sharing and mandating that Oregon Department of Education retain records of all cases of suspect sexual conduct or child abuse in an education setting for 75 years.

**SB 52 (Ch. not yet assigned)**

Effective July 1, 2021

**Operations**

*Creates new provisions.*

The bill directs the Oregon Department of Education (ODE) to implement the LGBTQ2SIA+ Student Success Plan. The ODE partnered with students, families, educators, and community partners to develop this plan. The plan details key recommendations on how:

- Educators, families, and peers can affirm and support LGBTQ2SIA+ students;
- Institutions can develop policies and facilities that can help make a space feel safe and inclusive; and
- State systems can play a role in both holding institutions accountable to serving all students.

The plan also provides technical assistance and guidance to proactively reduce ignorance and increase student-centered capacity across the state.

**SB 53 (Chapter 190)**

Effective July 1, 2021

**Programs**

*Creates new provisions, amends ORS 327.023 and 343.236, and repeals ORS 343.239.*

The bill updates terminology for Oregon's Regional Inclusive Services Programs that serve children and students with low incidence, high needs disabilities. There are eight regional programs providing specialized services and support across Oregon for over 11,000 children from birth to 21 with low incidence/high need disabilities that include: autism spectrum disorder, blind and visually impaired, deaf and hard of hearing, deafblindness, orthopedic impairment, and traumatic brain injury. The changes outlined in the bill were necessary to meet federal Individuals with Disabilities Education Act requirements and assure continued federal funding for regional programs. The new law also requires the Oregon Department of Education to conduct a study on how special education is provided to students with low incidence disabilities; changes in law or practice that would improve how special education is provided; and efficient and effective funding methods for providing special education. The department shall report no later than April 1, 2022.

**SB 54 (Chapter 315)**

Effective June 15, 2021

**Programs**

*Amends ORS 417.847 and 417.850, and repeals ORS 417.857.*

The bill clarifies the Youth Development Council's role and modifies language to comply with federal requirements. The new law:

- Changes "State Advisory Committee" to "State Advisory Group" in ORS 417.847 to align with the federal Juvenile Justice and Delinquency Prevention Act's terminology;

- Corrects the Youth Development Council’s role to “review local high-risk juvenile crime prevention plans and ensure alignment of the plans with diversion plans and basic services grants of county juvenile departments;” and
- Repeals ORS 417.857 - the Deschutes County Exemption. The exemption for Deschutes was created at the behest of the Deschutes County Commission on Children and Families, to permit them to use Juvenile Crime Prevention funds for early learning programming. The last time a waiver was provided was 2006 (expired 2010). This exception has not been used since the dissolution of the Oregon Commission on Children and Families and the commission system.

**SB 61 (Chapter 264)**

Effective January 1, 2022

**Operations**

*Amends ORS 192.660, 244.280, 244.282, and 244.284.*

The bill allows the Oregon Government Ethics Commission to issue written commission advisory opinions, written staff advisory opinions, or oral and written staff advice regarding executive session provisions of Oregon public meetings law. The commission is also prohibited from issuing penalties against anyone who acted on the advice given in good faith.

**SB 64 (Chapter 191)**

Effective September 25 2021

**Programs**

*Creates new provisions; amends ORS 167.760, 413.101, 431A.358, 431A.880, 433.006, 433.080, 452.010, 452.080, 452.120 and 452.160 and section 23, chapter 456, Oregon Laws 2019, and section 1, chapter 601, Oregon Laws 2019; and repeals ORS 431A.885.*

The bill is a public health omnibus measure that makes changes to law across a number of topic areas related to public health, including tobacco products, public health administration, and school-based health centers. Relevant to school districts are the portions of the bill that give the Oregon Health Authority (OHA) the authorization to issue grants to up to ten, rather than six, school or education service districts for the operation of school-based health centers. The bill also gives the OHA the ability to funding pilot programs for alternative models of school-based health delivery.

**SB 111 (Chapter 135)**

Effective January 1, 2022

**Personnel**

*Creates new provisions and amends ORS 238.082, 238.105, 238.395, 238.730, 238A.005, 238A.120, 238A.230, 238A.375, 338.135 and 353.100 and section 2, chapter 105, Oregon Laws 2018, and sections 35 and 37, chapter 355, Oregon Laws 2019.*

The bill contains several technical adjustments needed to address the implementation of Senate Bill 1049 (2019):

- Clarifies and standardizes requirements for the reemployment of a Public Employee Retirement System (PERS) retiree member;
- Addresses the redirect requirements by clarifying how certain withdrawal and redeposit mechanisms operate;
- Clarifies the criteria for approving employer applications for the Employer Incentive Fund and removes the requirement for the board to provide technical assistance for the development of individual employer funding plans;

- Clarifies how death benefits options enacted in 2019 are funded in light of changes made in Senate Bill 1049 (2019);
- Amends the definition of salary to capture PERS members who are not subject to the Oregon income tax. The bill clarifies determination of salary paid between August 29, 2003, and January 1, 2020, for employees of public charter schools and employees of Oregon Health and Sciences University who are PERS members.
- Increases spousal death benefit for a PERS member who dies after earliest retirement date and while employed in the service of a participating public employer or within 120 days after termination from service from 50 percent of the actuarial equivalent to the full actuarial equivalent of the service retirement allowance that would otherwise have been paid to the deceased member.

**SB 112 (Chapter 136)**

Effective June 1, 2021

**Personnel**

*Amends ORS 238.005 and 238A.005.*

The bill aligns the definitions of "employee" and "eligible employee" for the purposes of Public Employee Retirement System (PERS) eligibility with the definition of "employee" under the Federal Insurance Contributions Act. The definition now includes any individual who, under the usual common law rules, has the status of an employee. An individual is considered a common law employee if the individual works under the direction and control of an employer. PERS will convene a stakeholder group to write rules to clarify the intent of the bill.

**SB 113 (Chapter 137)**

Effective June 1, 2021

**Personnel**

*Amends ORS 238A.330, 238A.335, and 238A.340.*

Current law requires all Public Employee Retirement System (PERS) employers to contribute six percent of each member employee's salary to the board for distribution to the member's individual account and the pension stability account. The board has statutory authority to recover lost earnings if an employer makes late contributions that deprive Tier I and II members of accrued earnings but does not have express authority to recover lost earnings for Oregon Public Service Retirement Plan (OPSRP) members. The bill grants the board express authority to charge a participating public employer accrued earnings for the late payment of contributions to an OPSRP member account.

**SB 129 (Ch. not yet assigned)**

Effective

**Personnel**

*Creates new provisions and amends ORS 342.127.*

The bill is the Teachers Standards and Practices Commission (TSPC) fee bill, a companion bill to the TSPC budget bill, House Bill 5035. Senate Bill 129 raises fees on reinstatement costs for cases of gross neglect from \$300 to \$1,000 and gives the TSPC authority to charge a new fee to educator preparation programs based on the number and type of license applications the program provider offers. These fee changes expire in 2026. The bill also requires the TSPC to deliver a report to the Legislature about all fees collected no later than March 1, 2022.

**SB 135 (Chapter 194)**

Effective January 1, 2022

**PACE***Amends ORS 419B.035.*

Oregon law generally protects records compiled regarding the reporting and investigations of suspected child abuse, with specific exemptions. The bill adds the Oregon Youth Authority (OYA) to the list of entities to which law enforcement may disclose information regarding investigations of suspected child abuse. The measure also authorizes further disclosure between OYA and the Department of Corrections, courts, district attorneys, and attorneys for persons in custody for the purposes of automatic “second look” hearing, which are convened to review sentences.

**SB 164 (Chapter 572)**

Effective September 25, 2021

**Finance***Creates new provisions and amends ORS 317A.100, 317A.103, 317A.106, 317A.116, 317A.119, 317A.125, 317A.131, 317A.137, 317A.146, and 317A.161.*

In 2019, the Legislature passed the Student Success Act, House Bill 3427. That act included the Corporate Activity Tax (CAT) to provide a dedicated source of education funding. Senate Bill 164 makes small, technical changes to the CAT that do not significantly impact collection projections.

**SB 172 (Chapter 388)**

Effective June 23, 2021

**Personnel***Creates new provisions and amends ORS 657.150, 657.176, 657.310, 657.315, 657.317, and 657B.010.*

The bill allows the director of the Oregon Employment Department to deduct all or part of unemployment insurance (UI) benefit overpayments against future weekly benefits within five years following final decision. It establishes an exemption to the five-year recovery window for overpayments subject to penalty for misrepresentation. It provides that notice of liability for recovery of overpayments must include the basis for the decision and consequences of overpayment. It authorizes the director to waive all or part of an outstanding overpayment, if the director finds recovery would be against equity and good conscience, and clarifies that the waiver extinguishes all debtor liability. It establishes that back pay must be considered as earnings in determination of UI benefits and the amount may not be reduced to reflect benefits received during a period for which back pay was paid or awarded. It defines “bias crime” and replaces references to crime of intimidation to bias crime to align with Senate Bill 577 (2019).

**SB 184 (Chapter 195)**

Effective January 1, 2022

**Personnel***Amends ORS 408.230 and 408.235.*

Eligible veterans may receive preference in public employment at the state and federal levels. The preference applies to eligible veterans and eligible disabled veterans. Eligibility for the preference requires honorable discharge from service, as defined by rules established by the Oregon Department of Veterans’ Affairs. The bill modifies eligibility requirements to allow applicants to be eligible for this preference in public employment if they certify that they expect to be discharged under honorable conditions within 120 days.

**SB 197 (Chapter 479)**

Effective January 1, 2022

**Operations; PACE; Personnel***Creates new provisions and amends ORS 339.366, 339.368, and 342.704.*

In 2019, the Legislature passed Senate Bill 155, a bill that greatly enhanced responsibilities of school districts and state agencies with respect to complaints and investigations of alleged child abuse or sexual conduct towards students. Senate Bill 155 built upon existing requirements for public schools regarding topics including teen dating violence, sexual harassment, and others. Senate Bill 197 allows a person to bring a legal action against a private school to compel the school to comply with requirements of statutes on teen dating violence, sexual harassment, and reporting of suspected child abuse or sexual conduct toward students.

**SB 222 (Ch. not yet assigned)**

Effective July 1, 2021

**Programs***Creates new provisions and amends ORS 336.211 and 336.212.*

The bill directs the Oregon Department of Education to provide reimbursements for vision screenings. Under this law, \$1.5 million (2021-23) is allocated to the Department's Vision Health Account to reimburse for vision screenings.

**SB 225 (Chapter 574)**

Effective July 1, 2021

**Programs***Creates new provisions and amends ORS 327.254, and sections 1 and 2, chapter 93, Oregon Laws 2014.*

The bill establishes a funding floor for education service districts from the Student Success Act's Statewide Education Initiatives Account beginning July 1, 2021. The new law also makes several updates to the Task Force on School Safety:

- Expands membership of the Task Force on School Safety to include five members who represent historically, traditionally, and currently disadvantaged or underrepresented groups;
- Revises the task force's charge by specifying that it shall examine existing and emerging: school safety issues using an all-hazards and equity driven approach; models of education and training programs for law enforcement officers, first responders, and school employees on school safety, security, and emergency management; and models for protocols for school safety, security, and emergency management and to what extent protocols are appropriate;
- Removes the charge on database recommendations;
- Specifies that the task force should meet by phone or video conference to the extent possible but may meet in-person;
- Extends sunset of task force from December 31, 2021, to December 31, 2023;
- Adds an additional report to the Legislative Assembly no later than September 1, 2022.

**SB 232 (Chapter 331)**

Effective June 15, 2021

**Personnel***Amends ORS 342.448.*

The bill makes changes to Oregon's Educator Equity Report and adds new responsibilities for the Educator Advancement Council, including changing the report due date to September 1 of each even-numbered year. It gives the council the opportunity to add goals

to the report related to diversifying Oregon’s educator workforce and recommend legislative or policy changes. The council must also consult with Oregon’s education preparation schools and providers and may engage in strategic planning to diversify the workforce.

**SB 233 (Chapter 575)**

Effective July 19, 2021

**Programs**

*Creates new provisions and amends ORS 350.395, 350.404, and 350.412.*

The bill is designed to help support students by working to simplify the transfer of academic credit from college to university, college to college, university to university, and dual credit earned in high school to post-secondary. The new law requires the Higher Education Coordinating Commission (HECC) to establish a common course numbering system for introductory level courses that are taught in accelerated college credit programs, public post-secondary institutions of education, and participating nonpublic post-secondary institutions of education in Oregon. Once the system is established, all public colleges and universities are required to adopt the common course numbering system and accept transfers of academic credit that share the common course numbering. Public colleges and universities shall accept a transfer of academic credit for each course that is subject to the common course numbering system as if the academic credit was earned at the institution that is accepting the transfer of academic credit with respect to:

- The total amount of academic credit awarded;
- Satisfying general education requirements for graduation; and
- Satisfying any requirements for a major in a baccalaureate or associate degree program.

The new law also requires the HECC to establish a Transfer Council. The Transfer Council shall:

- Advise the HECC on the development, coordination, and maintenance of the common course numbering system;
- Serve as the primary venue for community colleges and public universities to collaborate to develop foundational curricula and unified statewide transfer agreements;
- Develop best practices to improve program planning; increase communication among all participants; facilitate student acceleration; and ease the transfer of students and academic credits between public school districts, public post-secondary institutions of education, and participating nonpublic post-secondary institutions of education; and
- Make recommendations to the HECC on the adoption of rules necessary to:
  - Establish and maintain the common course numbering system;
  - Establish an auditing process to determine how well public post-secondary institutions of education are complying with the common course numbering system;
  - Establish a process that enables a student to appeal a decision by a public post-secondary institution of education to refuse the transfer of academic credit;
  - Ensure the cooperation and successful implementation of the common course numbering system by all public post-secondary institutions of education;

- o Ensure the coordination, establishment, alignment, effectiveness, and maintenance of foundational curricula and unified statewide transfer agreements; and
- o Ensure that each community college and each public university submits an annual report to the HECC that includes all information necessary for the commission to determine the effect of common course numbering, foundational curricula, and unified statewide transfer agreements on a demographically and institutionally disaggregated basis.

The common course numbering system shall be fully implemented no later than September 1, 2024.

**SB 236 (Chapter 576)**

Effective July 1, 2021

**Operations**

*Creates new provisions.*

The bill directs the Early Learning Division to study the use of suspension and expulsion in early childhood care and education programs and efforts to reduce it. Under the new law, the division shall report the study results no later than September 15, 2024. And beginning July 1, 2026, an early childhood care or education program may not suspend or expel any child if the program receives state public funds from the Early Learning Division or the program is certified under ORS 329A.280 or registered under ORS 329A.330.

**SB 242 (Chapter 391)**

Effective June 23, 2021

**Personnel**

*Creates new provisions; amends ORS 339.370, 339.390 and 419B.005; and repeals section 8, chapter \_\_, Oregon Laws 2021 (Enrolled House Bill 2136).*

In 2015, the United States Congress passed the Every Student Succeeds Act, which contains provisions prohibiting school districts from employing or assisting any person suspected of sexual misconduct unless certain reporting requirements are met. In 2019, the Legislature passed Senate Bill 155, a bill that greatly enhanced the responsibilities of school districts and state agencies with respect to complaints and investigations of alleged child abuse or sexual conduct toward students. Senate Bill 242 makes technical changes to the statutes created by Senate Bill 155, including modifications to the definition of sexual conduct and the addition of an exemption for consensual student-to-student conduct in specific circumstances. It also ensures that the Teachers Standards and Practices Commission can send investigative reports to school districts and adds a requirement that recipients of investigative reports maintain confidentiality of those reports. Additionally, it allows the subject of a report to receive a copy and to share it with an attorney or union representative. The bill also adds education service district board members to the list of mandatory reporters of suspected child abuse.

**SB 279 (Chapter 333)**

Effective June 15, 2021

**Operations**

*Creates new provisions.*

The bill directs the Oregon Department of Human Services (DHS) to minimize scheduled visitations with parents that cause a student to miss school. It also requires DHS to track visitation related absences, including noting each semester a student misses all or part of four or more days and the reason for the absence. This data must be collected and reported

to the Legislature for the 2021-22 and 2022-23 school years. The requirement to collect and report data sunsets January 1, 2024.

**SB 420 (Chapter 488)**

Effective September 25, 2021

**Operations**

*Creates new provisions and amends ORS 279C.375 and 279C.430.*

The bill amends the public contracting code to allow a state contracting agency or a local contract review board to designate a public improvement contract as a “community benefit contract.” A public improvement contract that a contracting agency or local contract review board designates as a community benefit contract may include, but need not be limited to, terms and conditions that require a contractor to qualify as an apprentice training agent, employ apprentices to perform a specified percentage of work hours in occupations that can have viable apprenticeships, provide employer-paid family health benefits for each worker, and meet any other requirements established by the contracting agency. The measure allows a contracting agency or, if appropriate, a local contract review board, to adopt a rule, resolution, ordinance, or other regulation that permits or requires a prospective bidder or proposer to prequalify for public improvement contracts, including community benefit contracts, for which the contracting agency intends to conduct a procurement. The rule, resolution, ordinance, or other regulation must include the time for submitting prequalification applications and a general description of the type and nature of the contracts for which the contracting agency intends to conduct a procurement. A person who wishes to prequalify must submit a prequalification application to the contracting agency, and the contracting agency must determine whether the applicant is qualified within 30 days of receipt.

**SB 483 (Chapter 336)**

Effective June 15, 2021

**PACE**

*Creates new provisions and amends ORS 654.062.*

The bill creates a rebuttable presumption that a person has violated a prohibition against retaliation or discrimination against an employee or prospective employee, if a person takes certain action against an employee or prospective employee within 60 days after the employee or prospective employee has engaged in certain protected activities. The measure also provides that an employee or prospective employee bears the burden of proof when a person takes certain action against the employee or prospective employee more than 60 days after the employee or prospective employee has engaged in protected activities. The bill also specifies that these provisions apply to complaints filed with the Commissioner of the Bureau of Labor and Industries in which a decision on the complaint is made on or after June 15, 2021, and to civil actions brought in a circuit court in which judgment is entered on or after June 15, 2021.

**SB 486 (Chapter 337)**

Effective January 1, 2022

**Programs**

*Amends ORS 343.397.*

The bill changes Oregon’s Talented and Gifted (TAG) statutes. It includes two changes to district TAG plan requirements:

- Adds a requirement that each talented and gifted child and the child’s parents have the opportunity to discuss with the school district the programs and services available

to the child and to provide input on the programs and services to be made available to the child; and

- Adds a requirement ensuring the plan includes the name and contact information for the school district’s coordinator of special educational services and programs for talented and gifted children.

It also requires school districts to make information about the plan and TAG services readily available, including:

- Providing a copy of the plan when requested at any of the schools of the school district or at the school district’s main office;
- Providing a copy of the plan on the school district’s website;
- Providing Oregon Department of Education (ODE) the name and contact information for the school district’s coordinator of special educational services and programs for talented and gifted children annually; and
- Providing the name and contact information for the school district’s coordinator of special educational services and programs for talented and gifted children on the school district’s website as prescribed by ODE.

**SB 493 (Chapter 104)**

Effective September 25, 2021

**Operations**

*Creates new provisions and amends ORS 279C.800 and 279C.815.*

The bill provides that the prevailing wage rate for a trade or occupation is the wage established in a collective bargaining agreement for that locality. If there is more than one agreement in a locality, then the highest wage rate prevails. If an agreement does not exist for a given trade or occupation in a locality, the commissioner must determine the prevailing wage rate using an independent wage survey. The measure applies to all public works procurements advertised and contracts entered into on or after January 1, 2022.

**SB 495 (Chapter 43)**

Effective September 1, 2021

**PACE; Personnel**

*Amends ORS 657.010.*

In Oregon, the unemployment insurance (UI) program has special provisions detailing treatment of employees of educational institutions, generally restricting these employees, including employees categorized as instructional assistants under ORS 341.120, from receiving UI benefits during school breaks, including summer breaks. The bill changes statutes to provide consistent treatment of instructional assistants who apply for UI benefits. The bill maintains the existing “reasonable assurance” test but clarifies that performing services in an instructional capacity does not include work performed as an instructional assistant.

**SB 496 (Chapter 79)**

Effective September 1, 2021

**Personnel**

*Creates new provisions, amends ORS 657.221 and section 5, chapter 407, Oregon Laws 2019.*

In Oregon, the unemployment insurance (UI) program has special provisions detailing treatment of employees of educational institutions, generally restricting these employees from receiving UI benefits during school breaks, including summer breaks. Existing law exempts certain employees, including individuals providing janitorial or facilities maintenance services, from this prohibition. The bill extends this exemption to employees of

educational institutions who provide food preparation and service, early intervention services and related support services, and prekindergarten services and related support services. The bill also includes a provision that it would no longer have any force or effect if found to be out of conformity by the U.S. Department of Labor.

**SB 500 (Chapter 582)**

Effective July 19, 2021

**Operations**

*Creates new provisions and amends ORS 192.461, 192.481 and 192.483.*

The bill creates the office of the Public Records Advocate as an independent executive-branch office. The bill specifies the advocate will be appointed by the Public Records Advisory Council; an agency housed within the Department of Administrative Services. Prior to the passage of the bill, a similar public records advocate position was subject to appointment by the governor.

**SB 513 (Chapter 175)**

Effective January 1, 2022

**Programs**

*Creates new provisions and amends ORS 329.451.*

The bill changes Oregon's credit requirements for high school graduation and receipt of a diploma. Beginning with the class of 2026 (and any diplomas offered on or after January 1, 2026) students will be required to complete one half-credit of civics education.

**SB 554 (Chapter 146)**

Effective September 25, 2021

**Operations; PACE**

*Creates new provisions and amends ORS 166.262, 166.291, 166.360, and 166.370.*

Oregon variously regulates use and possession of weapons, including firearms. Specific penalties include using a loaded or unloaded firearm as a deadly weapon while on or in a public building, with a specific exemption for licensed carriers of a concealed handgun. The bill updates and expands the authority of local governments, including schools, ports, airports, state agencies, and the Legislature to prohibit the possession of firearms, licensed and concealed or otherwise, on the local government property and in buildings. The bill requires public school districts and education service districts to adopt policies in accordance with these prohibitions and to post notice of these prohibitions for them to take effect.

**SB 562 (Chapter 398)**

Effective September 25, 2021

**Personnel**

*Creates new provisions and amends ORS 109.092, 109.096, 109.098, 109.252, 109.304, 109.308, 109.309, 109.315, 109.317, 109.319, 109.321, 109.322, 109.323, 109.324, 109.326, 109.330, 109.350, 109.385, 418.270, 418.312, 419A.116, 419B.090, 419B.100, 419B.150, 419B.171, 419B.185, 419B.234, 419B.305, 419B.310, 419B.325, 419B.328, 419B.365, 419B.366, 419B.368, 419B.395, 419B.449, 419B.452, 419B.470, 419B.476, 419B.498, 419B.500, 419B.517, 419B.521, 419B.524, 419B.529, 419B.532, 419B.875, 419B.878, 419B.923 and 419C.626 and sections 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 61 and 64, chapter 14, Oregon Laws 2020 (first special session).*

The bill prohibits retaliation against any youth for communicating their experience receiving child welfare services. The new law also prohibits disqualification of persons from being child welfare service providers; because, they have experience in the child welfare system. It also makes technical fixes to align Oregon law with the federal Indian Child Welfare Act.

**SB 563 (Chapter 80)**

Effective May 2, 2021

Operations

*Amends ORS 418.726 and 418.731.*

The Oregon Health Authority houses a Youth Suicide Intervention and Prevention Advisory Committee, which advises the youth suicide intervention and prevention coordinator. They develop and maintain a variety of strategies to address youth mental health and suicide prevention. The bill lowers the age range of statutes governing youth suicide and prevention from the current ages 10 to 24 to include people ages 5 to 24.

**SB 569 (Chapter 279)**

Effective January 1, 2022

PACE; Personnel

*Creates new provisions in ORS chapter 659A.*

The bill stipulates that it is unlawful employment practice for an employer to require an employee or a prospective employee to possess or present valid driver's license as condition of employment or continuation of employment unless the ability to legally drive is an essential function of the job or is related to a legitimate business purpose.

**SB 580 (Chapter 490)**

Effective January 1, 2022

Personnel

*Amends ORS 243.650.*

The Public Employee Collective Bargaining Agreement (PECBA), enacted in 1973, governs relations between public employers and employees in Oregon, including collective bargaining content, processes, and timeline. PECBA defines certain subjects of collective bargaining as prohibited, permissive, or mandatory. The bill elevates "class size" and "caseload limits" from permissive to mandatory subject of bargaining for employees of schools that qualify for assistance under Title I of the federal Elementary and Secondary Education Act of 1965.

**SB 602 (Chapter 401)**

Effective June 23, 2021

Operations

*Creates new provisions, amends ORS 329.479, and repeals section 6, chapter 519, Oregon Laws 2015.*

The bill removes the sunset on provisions in state law (HB 2166 (2015)) that establish the right of parents and adult students to opt out of statewide summative assessments. The new law specifies the methods by which parents and adult students may communicate their decision to opt out of assessments. Each year, a parent or an adult student may choose to excuse the student from taking a statewide summative assessment by:

- Completing a form established by the Department of Education; and
- Submitting the completed form to the school district for the school that the student attends.

The Department of Education shall establish a form to excuse a student from taking a statewide summative assessment. The form must have at least the following:

- An explanation of the right of a parent or an adult student to excuse the student from taking a statewide summative assessment; and
- An explanation of the purpose and value of statewide summative assessments.

**SB 649 (Chapter 403)**

Effective January 1, 2022

**Personnel***Amends ORS 163.425 and 163.426*

The bill expands the definition of the felony crime of sexual abuse in the second degree to include certain sexual abuses and conduct committed against a minor when the offender is the victim's teacher. Previously, this conduct by a teacher rose to the level of misdemeanor sexual conduct. The bill aligns the penalties for this conduct to those currently faced by coaches under other portions of Oregon law.

**SB 702 (Chapter 406)**

Effective January 1, 2022

**Programs***Creates new provisions.*

The bill requires the State Board of Education to review Oregon's social studies standards for kindergarten through grade 12 by December 31, 2025. The board is required to consult with at least one of each of the following:

- A public school student in any grade from grade 9 through 12;
- The parent of a public school student in any grade;
- A person who graduated from a public high school in 2015 or any subsequent year;
- A public school teacher in any grade from grade 9 through 12;
- An education advocate;
- A voting rights advocate;
- A representative of a culturally specific organization; and
- A representative of the Department of Education.

The board is directed to emphasize civics education and review instruction related to:

- Voting rights and how to vote;
- Current and historical social movements;
- The roles of local governments and tribal governments; and
- The United States Constitution, the Oregon Constitution, and the constitutional form of government in the United States of America.

**SB 732 (Chapter 493)**

Effective July 1, 2021

**Operations***Creates new provisions and amends ORS 328.542 and 329.095.*

The bill requires school districts to establish education equity advisory committees to advise the school board and administration about potential impacts of policy decisions on traditionally underrepresented students in the district. The bill details the duties and responsibilities of the committee, including some budget functions. It also gives broad latitude to the school board and administration to appoint committee members and decide how to receive input from the committee. The bill requires these committees be convened no later than September 15, 2022, unless the district has an average daily membership of less than 10,000, in which case the committee must be convened by September 15, 2025.

**SB 743 (Chapter 494)**

Effective July 1, 2021

**Finance***Creates new provisions and amends ORS 338.155.*

As school districts move to reopen in-person learning, COSA, OSBA, and others anticipate many students will return to their neighborhood school from virtual charter schools. School

district funding is significantly impacted by enrollment and the bill is intended to protect the State School Fund from financial disruptions. Specifically, it makes two changes to the State School Fund formula:

- The bill amends the current State School Fund statute to permanently change the calculation of extended weighted average daily membership (ADMw) for school districts that sponsor virtual charter schools. This would create an extended ADMw calculation for the brick and mortar students in the district, if their student count is declining, and would ensure school districts that have declining brick and mortar enrollment would receive extended ADMw payments even if the virtual charter school growth would normally prevent it using previous calculation methods; and
- For the 2021-23 biennium (2021-22 and 2022-23 school years only), the bill caps the extended ADMw payments for virtual charter schools at 10 percent of the previous statutory calculation. The bill makes this a two-year temporary change that sunsets after the 2022-23 school year.

**SB 744 (Chapter 495)**

Effective July 14, 2021

**Programs**

*Creates new provisions.*

The bill requires the Department of Education to conduct a comprehensive review of Oregon's high school diploma requirements and "Essential Learning Skills" and report back to the Legislature and State Board of Education by September 1, 2022, with the required information and any recommendations for changes to Oregon statute or rule governing diploma requirements. The bill also suspends the "Essential Learning Skills" requirement for the 2021-22, 2022-23, and 2023-24 school years.

**SB 748 (Chapter 342)**

Effective January 1, 2022

**Finance; Personnel**

*Creates new provisions and amends ORS 743A.090.*

The bill requires Public Employees' Benefit Board (PEBB), the Oregon Educators Benefit Board (OEBB), and individual and small group insurance plans that offer coverage for family members to provide insurance coverage to adult disabled children when the disability prevents the adult child from engaging in self-sustaining employment, the adult child had insurance coverage immediately before exceeding the age for eligibility, and the insured claims the disabled adult child as a dependent for tax purposes.

**SB 843 (Chapter 86)**

Effective May 21, 2021

**Programs**

*Repeals section 9, chapter 109, Oregon Laws 2016.*

The Legislature established the post-graduate scholar program through the passage of Senate Bill 1537 (2016). The program allows school districts to use State School Fund dollars for certain students who have received a high school diploma to stay in high school and enroll in community college for one additional year. Students who earned below a 2.5 cumulative grade point average while in high school qualify (they are not eligible for Oregon Promise) and students who are ineligible for a federal Pell Grant may also participate.

**SB 846 (Chapter 10)**

Effective April 30, 2021

**Programs**

*Creates new provisions; amends section 44, chapter 355, Oregon Laws 2019, sections 2, 3, 4, 5, 7 and 8, chapter 643, Oregon Laws 2019, sections 56, 58, 59, 60, 62 and 63, chapter 10, Oregon Laws 2020 (second special session), and sections 2, 4 and 23, chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020)); and repeals section 1, chapter 643, Oregon Laws 2019, and sections 53, 54 and 55, chapter 10, Oregon Laws 2020 (second special session).*

The bill is an omnibus piece of legislation (“program change”) for the 2019-21 biennium and includes several education related components. It establishes the Summer Learning Program Account in the State Treasury to deposit funds from House Bill 5042 for 2020 summer programs (including \$195.6 million for school district grants). It also changes the effective dates for two State School Fund transfers from May 31 to June 30, 2021: i) the State School Fund transfer from moneys allocated to the Youth Corrections Education Program and the Juvenile Detention Education Program to the General Fund for general governmental purposes; and ii) a transfer from the Blind and Visually Impaired Student Fund to the General Fund for general governmental purposes. There are no negative budget impacts.

**SB 5505 (Ch. not yet assigned)** Effective July 1, 2021**Finance**

*Creates new provisions.*

The bill authorizes the issuance of general obligation bonds for the 2021-23 biennium and establishes limits on the maximum amount of bonds and third-party financing agreements state agencies may issue, as well as the amount of revenue state agencies may raise from such issuance. The functions of the bill interact closely with Senate Bill 5506 (the Capital Construction financing bill) and Senate Bill 5534 (the Lottery Bond issuance bill).

The bill authorized several bonds for the benefit of K-12 schools and community colleges. These include:

- \$162.1 million of Article XI-M and Article XI-N bonds for seismic rehabilitation grants to K-12 school districts and emergency services facilities;
- \$126.1 million of Article XI-P bonds to fund matching grants to school districts for capital improvements through the Oregon School Capitol Improvement Matching Program coordinated through the Oregon Department of Education; and
- \$77.2 million of Article XI-P bonds to finance 11 new- and continuing-community college projects The funds will be distributed through the Higher Education Coordinating Commission.

**SB 5506 (Ch. not yet assigned)** Effective July 1, 2021**Finance**

*Creates new provisions and amends section 4, chapter 747, Oregon Laws 2017, and sections 2 and 4, chapter 662, Oregon Laws 2019.*

The bill is the budget bill for the finance of capital construction projects across state government. It authorizes the planning and preparation of state projects and notably includes additional capital construction expenditure limitations of:

- \$56.5 million of Article XI-G bonds for the Higher Education Coordinating Commission for six newly authorized and two continuing community college projects; and

- \$5.5 million of Article XI-Q bonds for the Department of Education for various capital improvements to the Oregon School for the Deaf.

**SB 5513 (Chapter 603)**

Effective July 1, 2021

**Finance**

*Creates new provisions.*

The bill is the budget bill for the Oregon Department of Education (ODE) and includes budget appropriations and expenditure authority for Grant-In Aid programs, the Student Success Act, federal funds (including Elementary and Secondary School Emergency Relief (ESSER)), Common School Fund distributions, Early Learning Grant-In-Aid, and several other funding sources; it does not include the State School Fund.

Biennial appropriations for key programs (from all funding sources unless otherwise noted):

- EI/ECSE - \$328.9 million
- Oregon Prekindergarten - \$273.2 million
- Preschool Promise - \$146.8 million
- Early Head Start - \$54.2 million
- Educator Advancement Council - \$50.4 million
- Student Investment Account of the Student Success Act - \$892.3 million
- High School Success (Measure 98) - \$311 million
- ESD Funds to Support Student Success Act Implementation - \$41.1 million
- Black and African American Student Success Plan - \$14.4 million
- Latino/a/x Student Success Plan - \$6.1 million
- American Indian/Alaska Native Student Success Plan - \$6.7 million
- LGBTQ2SIA+ Student Success Plan - \$2 million
- Regional Programs - \$65.2 million
- Youth Corrections Education Program (YCEP)/Juvenile Detention Education Program (JDEP) - \$25.4 million
- Long Term Care and Treatment - \$43.5 million

The budget included several budget notes to the ODE including:

- Convening a group to study media program standards and report back to the Legislature by December 31, 2021;
- Direction to equitably distribute a \$5.2 million increase in JDEP funding and develop a new funding model to pay for the program;
- Expenditure updates from the Early Learning Division's Child Care Development Fund.

**SB 5514 (Chapter 289)**

Effective July 1, 2021

**Finance**

*Creates new provisions.*

The bill is the appropriation for the State School Fund (SSF). In combination with the changes in Senate Bill 5006 and House Bill 3011, it appropriates \$9.3 billion to the SSF for the 21-23 biennium. It does not prescribe a split, and ODE will distribute on a 49-51 basis.

**SB 5533 (Ch. not yet assigned)** Effective July 1, 2021

**Finance**

*Creates new provisions.*

The bill directs lottery and marijuana revenues, beginning July 1, 2021. The two education-related allocations to highlight are:

- \$589,526,746 for the State School Fund from Administrative Services Economic Development Fund; and
- \$36,000,000 for the State School Fund from the Oregon Marijuana Account.

**SB 5534 (Ch. not yet assigned)** Effective July 1, 2021

**Finance**

*Creates new provisions; amends ORS 285B.551 and sections 13 and 14, chapter 746, Oregon Laws 2007, sections 4 and 10, chapter 906, Oregon Laws 2009, section 6, chapter 786, Oregon Laws 2013, section 28, chapter 748, Oregon Laws 2017, and sections 2, 3, 4, 5, 10, 11, 15, 17, 19, 20, 33, 37, 39, 40 and 41, chapter 671, Oregon Laws 2019; and repeals sections 8, 13, 18, 22, 24, 25, 26, 27, 31 and 35, chapter 671, Oregon Laws 2019.*

The bill issues \$445.2 million of net lottery bond proceeds for 55 specific projects. The education-related projects include:

- \$17.5 million for the Oregon Department of Education's Broadband Connecting Oregon Schools Grants to:
  - Assist school districts with matching funds to promote expansion of access to high speed broadband for public education; and
  - Provide financial assistance to school districts for building connections to broadband infrastructure that will enhance community efforts to promote economic growth.
- \$6.9 million for Willamette Education Service District's Willamette Career Academy;
- \$3 million for Rogue River School District's Rogue River Wimer Wellness Center.

**SB 5536 (Chapter 145)** Effective July 1, 2021

**Finance**

*Creates new provisions.*

The bill is the budget bill for the Public Employees Retirement System (PERS), which administers retirement plans for most of Oregon's public employees. The agency administers benefit trusts funded primarily through a combination of earnings generated on the investment of trust assets and from employer or employee contributions. Specific programs and offices are funded through relatively small amounts of additional revenue from service fees, lottery funds, excess revenues from debt collection, estate taxes, capital gains, and interest on unclaimed property. The bill allocates approximately \$13 billion, including approximately \$12.9 billion for benefit payments to retirees and \$150.6 million for agency administrative operations. The budget includes an increase of \$22.8 million for 35 positions necessary for the continued implementation of Senate Bill 1049 (2019), and includes additional funding for cybersecurity, disaster recovery, and the agency's move to the State Data Center. Two budget notes included in the measure require reports back to the Legislature in 2022 on Senate Bill 1049 (2019) implementation and reporting on efforts to move to the State Data Center.

*Creates new provisions.*

This is the budget bill for the Oregon Department of State Lands. The department generates revenue for the Common School Fund through the management of state-owned lands and investment activities. The department provides administrative support to the State Land Board, which is comprised of the governor, the treasurer, and the secretary of state. It implements the policies of the State Land Board in management of the Common School Fund and its assets. This bill appropriates \$62.1 million to the department, which has 104 positions that support its work. Notably, the bill:

- Continues funding for state lands administration responsibilities that fund the Common School Fund, including management of the Elliot State Forest and other state-owned properties; and
- Transfers 14 positions associated with the transfer of the administration of Oregon's Uniform Disposition of Unclaimed Property Act from the agency budget to the Oregon State Treasury. This transfer results from Senate Bill 454 (2019) and includes responsibility for administration of all unclaimed property, estates, and escheats in Oregon.