

2022  
OSBA/COSA

# Legislative Report

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This OSBA/COSA Legislative Report describes the bills enacted during the 2022 regular session of the 81<sup>st</sup> Oregon Legislative Assembly 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 were especially powerful given the remote nature and compressed timelines of the short session. This direct outreach kept the pressure on at the Capitol and made success possible for our students and schools on several important priorities, including legislation to invest in school district employees, summer school, and wildfire-affected school districts.

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

We look forward to a successful session in 2023.

Sincerely,

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# 2022 LEGISLATIVE SESSION

The 2022 session was a short session of size and scope unlike any before.

With Sen. Peter Courtney as Senate President since 2003 and Rep. Tina Kotek as Speaker of the House since 2013, state legislative leadership has been in an unprecedented period of consistency. Even just a few weeks prior to the start of the February session, it seemed this streak would continue; however, Kotek's Jan. 21 resignation to focus on her gubernatorial campaign, just 10 days prior to the session's start, heralded the beginning of change.

The House elected Rep. Dan Rayfield as Speaker on the first day of session. He, along with Courtney, guided the chambers through a mostly remote short session. In the months leading up to the session, and in spite of the ongoing COVID-19 pandemic, Oregon's economy soared. The state collected a tax revenue windfall that meant lawmakers had billions of extra dollars to spend this session. Despite Republicans' use of procedural tools in both chambers to require the full reading of almost all bills, dozens of bills passed and billions of dollars were spent.

OSBA and COSA supported significant investments this session, including:

- \$150 million for summer learning: following the success of House Bill 5042 from the 2021 session, the Legislature again invested in summer programs in House Bill 5202, the end-of-session budget bill.
- \$100 million for education workforce retention and recruitment in House Bill 4030, with approximately \$78.2 million for a grant program for teacher retention and recruitment and \$19.5 million for substitute teacher and instructional assistant training.
- \$25 million via House Bill 4026 for school districts still struggling to recover from the 2020 wildfires. This funding will support the most-severely affected school districts through 2024-25 across the three main school funding accounts: State School Fund, Student Investment Account and High School Success (Measure 98).
- \$121 million to complete the decoupling of the Elliott State Forest from the Common School Fund in Senate Bill 1546. In the past the forest provided schools with significant revenue through timber sales, but in recent years, it has been a costly and distracting policy entanglement. The bill is the culmination of four years of discussions by stakeholder groups, including OSBA, and it allocated the final \$121 million of a total of \$221 million to the Common School Fund. The forest will become a publicly accessible research forest managed by Oregon State University.

On the policy front, the COSA/OSBA bill to expand school district leadership continuity and protect superintendents, Senate Bill 1521, passed both chambers. Discussions around the bill became contentious and political, but going forward, the passage of the bill should give students all the benefits of stable leadership while maintaining a school district's ability to find and keep the right person to lead.

Other education proposals could not gain traction this session. Many policy bills died in committee, including our priority bills on youth leadership and voice, school board training, and funding for professional development around the implementation of Ethnic Studies. Many other education bills, including those related to complaints processes and sign-language licensure, suffered a similar fate. The bills on these topics did not become law this session, but they may return in future sessions.

Looking ahead, it appears that the change from Speaker Kotek to Speaker Rayfield is just the beginning of a series of changes in state government. Courtney, who is in the last year of his term, did not file to run again, and Gov. Kate Brown, also in the last year of her term, is barred from running for governor again. More than 20 legislators across the House and Senate have indicated they will not return to their current legislative seats. This means the next long session will arrive with at least a new governor, a new senate president, and many new legislators. After a decade of the same leadership, 2022 appears to represent the end of that time, and we will wait to see what 2023 will bring.

# BILL INDEX

Bill summaries have been reported in numerical sequence, beginning with HB 4005 and ending with SB 5703. 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.

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# BILL SUMMARIES

## **HB 4005 (Chapter 27)**

Effective March 9, 2022

**Operations**

*Creates new provisions and amends ORS 307.480, 315.208, 327.274, 329A.010, 329A.030, 329A.120, 329A.135, 329A.250, 329A.270, 329A.310, 329A.500, 329A.992, 419B.005, 419B.035, 433.235, 609.652, 742.260, and 825.017; section 5, chapter 576, Oregon Laws 2021; and sections 10 and 64, chapter 631, Oregon Laws 2021.*

The bill is known as the Early Care and Education Governance Bill. It builds on HB 3073 (2021), which established the Department of Early Learning and Care (DELIC). It delays the establishment of DELIC to July 1, 2023, to align with the beginning of a new budgetary biennium and the transfer of Employment Related Day Care (ERDC) to DELIC. It also transfers the license-exempt child care background check process for subsidized care from the Oregon Department of Human Services to the Office of Child Care in the Early Learning Division. Among several other provisions, the bill increased ERDC reimbursement rates for child care providers and allocated \$26.6 million to fund those new rates for the remainder of this biennium.

## **HB 4013 (Chapter 42)**

Effective June 3, 2022

**Operations**

*Creates new provisions and amends ORS 350.300 and 418.475; and section 1, chapter 531, Oregon Laws 2021.*

This bill provides funding for programs to assist homeless youth:

- \$437,500 to the existing Unaccompanied Homeless Youth Grant Program for funding to communities where services for unaccompanied homeless youth are constrained or absent;
- \$35,000 to assist homeless youth in accessing tuition and fee waivers assistance for undergraduate education or the homeless youth independent residence facility program; and
- \$750,000 General Fund to expand eligibility for the homeless youth independent residence facility program to youth between the ages of 16 and 24 who were homeless six months or more since turning 14 years old and last received services through a homelessness or host home contracted with Oregon Department of Human Services since reaching age 16.

These programs were first enacted and funded in HB 2544 (2021), and this bill extends these provisions.

## **HB 4026 (Chapter 43)**

Effective March 23, 2022

**Finance**

*Creates new provisions.*

In 2020, wildfires raged across Oregon with devastating impacts for communities and families. Many students' lives were upended by the loss of their homes and belongings. The displacement of families means lost funding for local schools as our state's funding formula requires funds to follow students. Four districts - the

Phoenix-Talent School District in Jackson County, the Santiam Canyon School District in Linn County, the Lincoln County School District, and the McKenzie School District in Lane County - report the collective loss of over 500 students due to wildfire related impacts, affecting millions of dollars in funding.

This bill provides funding stability for wildfire impacted districts for the 2021-22 school year through the 2024-25 school year by transferring \$25 million from the Student Success Act's Statewide Education Initiatives Account to pay for grants to impacted school districts for four years. This funding will ensure wildfire impacted districts can use the higher of their pre-wildfire student enrollment counts in 2019-20 or their current enrollments to ensure the highest level of dollars from the three primary sources of K-12 funding: the State School Fund, the Student Investment Account (from the Student Success Act), and High School Success Fund (Measure 98). Since this is a grant program funded outside the three funding formulas, school district and ESD funding will not be impacted or changed as a result.

### **HB 4030 Chapter 116**

Effective April 15, 2022

**Operations**

*Creates new provisions and amends ORS 326.603.*

The bill is known as the Educator Workforce Bill. It is an omnibus bill that features a number of short-term policy changes and a \$100 million investment that is focused on helping address Oregon's educator workforce shortages. The Educator Workforce Workgroup helped develop the bill in collaboration with key lawmakers. [The workforce recommendations may be accessed here.](#)

Policy highlights include:

- Background Checks (Sec. 1 - operative July 1, 2024) - streamlines the background check process for individuals who have:
  - Completed a background check for their immediate employer (that is a school district or private school) and the individual has not lived out-of-state between two periods of employment;
  - Already completed a background check via the Teacher Standards and Practices Commission (TSPC) within the last three years; or
  - Remained continuously licensed or registered with TSPC.
- Licensure Reciprocity Review and Recommendations (Sec. 2 - will be repealed Jan. 2, 2023) - requires TSPC to:
  - Conduct a review of their process for licensing educators from other states;
  - Identify and implement changes to simplify the process for reciprocity; and
  - Identify any necessary statutory changes that would enable/encourage out-of-state educators to become licensed in Oregon. TSPC shall report their findings to the legislature no later than Sept. 1, 2022.

- Professional Development (Sec. 4 - rules adopted by TSPC apply to professional development needed to renew a license, registration, or certification from Jan. 1, 2022, to Dec. 31, 2023) - requires TSPC to adopt rules that provide for the reduction or suspension of professional development requirements that a person must complete before they may renew a license, registration, or certification.
- Statewide Portal for Jobs in Education (Sec. 5 - will be repealed on Jan. 2, 2024) - requires the Oregon Department of Education (ODE) and TSPC, in consultation with districts and ESDs, to review the job application process for educators and to evaluate options for establishing and maintaining a statewide portal for posting education jobs, a common background check, and an option for submitting a common application for education jobs in Oregon. ODE and TSPC shall report their findings to the Legislature no later than Sept. 1, 2023.
- Recruitment and Retention Grants (Sec. 7 - grant program will sunset Jan. 2, 2024) - requires the State Board of Education to adopt rules on how ODE will distribute recruitment and retention grants, with priority going to personnel (licensed or classified) in high-need specialties. Grants may be distributed to districts, ESDs, or an education personnel membership organization.
- Training Reimbursements for Substitute Teachers and Instructional Assistants (Sec. 10 - will be repealed Jan. 2, 2024) - requires the State Board of Education to adopt rules on how ODE will provide reimbursements to substitute teachers and instructional assistants for completing required training. Reimbursement funding from ODE may be distributed to school districts and ESDs, so that districts and ESDs can directly share those reimbursements with substitute teachers and instructional assistants.
- Nonessential Reporting Requirements (Sec. 13 - will be repealed on June 30, 2023) - requires the State Board of Education to suspend nonessential reporting requirements.
- Education Workforce Data System (Sec. 16 - will be repealed on Jan. 2, 2024) - requires TSPC, in partnership with the University of Oregon, to establish a workforce data system for gathering data on the needs of the K-12 educator workforce.

Budget highlights include:

- Educator Recruitment and Retention Grants and Efforts - a one-time \$100 million investment:
  - \$78.1 million for ODE to distribute grants to school districts, ESDs, or educational personnel membership organizations for recruiting and retaining personnel in education, and for ODE staffing and related costs.
  - \$19.5 million for reimbursing substitute teachers and instructional assistants for required trainings.

- o \$2.2 million for staffing at ODE and TSPC, as well as the University of Oregon for developing an education workforce data system.
- TSPC Capacity and Support - a one-time \$673,193 investment in the TSPC for staffing costs to conduct educator license reciprocity review, study the current educator application processes across Oregon districts, directly assist applicants with educator licensure requirements, and to establish an education workforce data system.

**HB 4031 (Chapter 44)**

Effective January 1, 2023

**Personnel**

*Amends ORS 342.437, 342.447, 342.448, and 348.295.*

This bill adds the staff of the Oregon Department of Education (ODE) to Oregon’s educator workforce goals for diversity established in ORS 342.437.

**HB 4033 (Chapter 13)**

Effective March 7, 2022

**Operations**

*Amends ORS 417.831.*

This bill is known as the Tribal Advisory Committee bill. It focuses on the Tribal Advisory Committee (TAC) that was established by HB 2055 (2021) to better reflect the government-to-government relationship fostered by the state and the nine federally recognized tribes within Oregon’s borders. The bill makes the representative from the Commission on Indian Services a nonvoting member and removes the four Early Learning Division appointed parents from the committee — who are not selected by the individual tribes — to respect tribal sovereignty and the consultative relationship with the state.

**HB 4057 (Chapter 4)**

Effective June 3, 2022

**Operations**

*Creates new provisions and amends ORS 469.229, 469.233, 469.238, and 469.239.*

This bill establishes energy efficiency standards for spray sprinkler bodies manufactured on or after January 1, 2023, and sold in Oregon. Spray sprinkler bodies manufactured on or after January 1, 2023, are included in the scope of the United States Environmental Protection Agency’s “WaterSense Specification for Spray Sprinkler Bodies, Version 1.0.” They must include an integral pressure regulator and meet the water efficiency and performance criteria along with the other requirements of the specification.

**HB 4086 (Chapter 6)**

Effective January 1, 2023

**PACE; Personnel**

*Amends ORS 656.005, 656.204, 656.226, 656.232, and 659A.040.*

This bill extends retaliation protections to all employees, clarifies that a person acting on behalf of the employer is also liable for retaliation, and protects workers who inquire about workers’ compensation benefits. It establishes that a worker inquiring about workers’ compensation benefits is a protected activity.



**HB 4114 (Chapter 66)**

Effective January 1, 2023

**Operations***Amends ORS 244.050.*

A May 2021 audit of the Oregon Government Ethics Commission by the Secretary of State Audits Division recommended adding school board members to the list of public officials required to submit an Annual Verified Statement of Economic Interest. The audit noted that since school board members manage a critical public function and allocate billions of dollars in revenue as part-time public officials with other employment and community connections, “it is important to provide the public with adequate information about these potential conflicts to maintain accountability and fairness.” This bill adds school board members to the list of public officials who must file an annual statement with the ethics commission.

**HB 4124 (Chapter 71)**

Effective January 1, 2023

**Operations***Creates new provisions.*

Federal and state laws require annual student assessments. Federal law specifically requires assessments in grades three through eight and once in high school in both mathematics and English language arts. In addition, local districts and individual teachers give their own assessments to determine students’ academic progress throughout the year. This bill requires the Oregon Department of Education to survey school districts, establish best practices related to district-level assessments, and make recommendations regarding the use of assessments. It also requires the timely transfer of educational records in certain circumstances.

**HB 4138 (Chapter 73)**

Effective January 1, 2023

**PACE; Personnel***Creates new provisions and amends ORS 656.262 and 656.268.*

Workers’ compensation law requires most employers to provide their workers with workers’ compensation insurance coverage; the law provides an exclusive remedy for job-related injuries and occupational diseases. This bill amends provisions of workers’ compensation laws related to payment of temporary disability benefits. It requires an insurer or self-insured employer to mail or deliver written notice to the worker or the worker’s attorney prior to ending benefits and requires the notice to state the reason the benefits are no longer due and payable. Sections 4 and 5 of the bill apply to all claims that exist on, or arise on or after, January 1, 2024, and clarifies that provisions do not apply to disputes with a final determination made prior to January 1, 2024.

**HB 5202 (Chapter 110)**

Effective April 4, 2022

**Finance***Creates new provisions and amends sections 196 and 299, chapter 669, Oregon Laws 2021.*

This bill is the omnibus budget reconciliation bill for the 2022 Session and includes dozens of budget appropriations to various programs throughout state government and across multiple state agencies.

Major investments related to education include:

- \$150 million for summer 2022 learning programs. The funding prioritizes academic learning, enrichment activities, and social-emotional and mental health services for students from kindergarten through grade 12. The General Fund appropriation for summer learning programs ends on January 1, 2023. Summer Learning Program Investment details include:
  - Summer High School Academic Grants will fund programs to enable high school students to make up academic credits needed to stay on track for on-time graduation. A total of \$32,857,331 General Fund is available to school districts to provide summer academic programs; this program requires a 25 percent local match from participating school districts;
  - Summer Kindergarten through Grade 8 Enrichment Grants are directed to students in grades K-8 for enrichment activities such as dance, art, and outdoor programs; academic learning and readiness supports, such as tutoring or kindergarten transition programs; and social-emotional and mental health services. A total of \$66,857,330 General Fund is available for the state's share of the programs, which require a 25 percent local match from participating school districts; and
  - Summer Community Activity Grants are funded with a one-time grant of \$50 million General Fund from the Oregon Department of Education to the Oregon Association of Education Service Districts. Grants will be awarded on a competitive basis for new and existing summer enrichment activities such as day camps, park programs, and tutoring for K-12 students.
- \$120 million to Portland Public Schools to relocate Harriet Tubman Middle School in order to complete expansion of Interstate 5 through the Rose Quarter in Portland;
- \$1 million for the Harmony Academy recovery school to develop a statewide expansion plan;
- \$430,000 to the Prairie City School District for the Bates Building renovation;
- \$750,000 to the Newberg School District for Old Renne Park improvements;
- \$2.25 million to the city of John Day to pay for roof improvements at Grant Union High School and HVAC projects at Humboldt Elementary;
- \$900,000 to the Wasco County School District to renovate South Wasco County High School track facilities;
- \$1.5 million to the Hermiston School District for the Columbia Basin Apprenticeship Center;
- \$500,000 to the Ukiah School District for teacher housing;
- \$17.3 million to the PERS Employer Incentive Fund for matching grants;
- \$1.4 million to the Oregon Department of Education to add 6.36 FTE to deal with procurement backlogs;

- \$3.2 million for 34 positions to continue the development of the Department of Early Learning and Care (DELIC). These positions were part of the Special Purpose Appropriation set aside in the 2021 Legislative Session. In planning for DELIC, the Early Learning Division determined a need for an additional 35 positions this biennium. The Legislature approved \$3.6 million for 32 positions but is allowing the division to request three other proposed positions at the September 2022 Emergency Board meeting, if needed, pending any updates in the grants management planning process;
- Allocation of the full \$5.8 million for the establishment of the Early Childhood Suspension and Expulsion Prevention Program. The Legislature held back \$5.2 million in the 2021 session, awaiting the implementation plan for the program;
- \$100 million for the expansion of access to child care in Oregon, including the following key investments:
  - \$8.2 million for Neighbor Impact’s Rebuild Child Care Plan, which will fund child care program expansions and support new child care programs in central Oregon;
  - \$1.2 million for Euvalcree’s Rebuild Child Care Plan, which will fund renovation of the Euvalcree Center in Ontario and will provide training, professional development, and start-up operating costs for an estimated 10 new in-home child care providers;
  - \$7.9 million for the United We Heal Training Trust’s Rebuild Child Care Plan, which will fund child care provider capital grants, equipment grants, training, coaching, and mentorship for new providers among other initiatives;
  - \$22 million for Seeding Justice’s Capacity Building Grant Fund for grants to culturally specific and other child care providers to become licensed, expand services, or to start new child care centers;
  - \$21 million for Portland State University’s Oregon Center for Career Development in Child Care to award two annual \$500 recruitment and retention payments to child care staff working in Oregon;
  - \$2 million for Relief Nurseries for increased wages;
  - \$2 million for Healthy Families Oregon for increased wages.
- \$237,389 for the development of a Student Success Plan for Native Hawaiian and Pacific Islander students;
- \$121 million to complete the decoupling of the Elliott State Forest from the Common School Fund in conjunction with the passage of SB 1546;
- \$5 million to increase funding for the African American/Black Student Success Plan; and
- A reduction of \$97.6 million in General Fund to the State School Fund, that was then replaced with \$61 million in Lottery Funds and \$36.6 million from the Fund

For Student Success. This fund shift does not change the total \$9.3 billion State School Fund allocation.

**SB 1514 (Chapter 23)**                      Effective March 7, 2022                      **Finance; Operations; PACE**

*Creates new provisions and amends ORS 652.210.*

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. This bill extends the exception for employers to pay compensation as a bonus, retention, or recruitment type payments that would not be a part of the pay equity act. It also specifies that the inclusion also applies to complaints filed with the commissioner of the Bureau of Labor and Industries on or after March 1, 2022, until 180 days following the expiration of the declared state of emergency by the governor on March 8, 2020, and any extension of that declaration.

**SB 1515 (Chapter 24)**                      Effective January 1, 2023                      **PACE; Personnel**

*Amends ORS 657B.010 and 657B.340.*

The Oregon Family Leave Act (OFLA) provides employees with 12 weeks of protected leave per year for qualifying events including parental, serious health condition, pregnancy disability, military family, sick child, and bereavement leave. OFLA leave is unpaid unless the employee uses vacation, sick, or other forms of paid leave. House Bill 2005 (2019) established the Paid Family Medical Leave Insurance (PFMLI). PFMLI leave must be taken concurrently with protected leave under OFLA. This bill defines "benefit year" for purposes of the PFMLI program to mean a period of 52 consecutive weeks beginning the Sunday before leave commences, or 53 weeks if necessary to avoid overlap with any quarter of the base year of a previously filed valid claim.

**SB 1518 (Chapter 35)**                      Effective March 17, 2022                      **Operations; PACE**

*Creates new provisions.*

This bill establishes the Task Force on Resilient Efficient Buildings. The 27-member task force must identify and evaluate policies related to building codes and building decarbonization for new and existing buildings that would enable Oregon to meet its greenhouse gas emissions reduction goals; receive testimony, perform research, consult experts, review appropriate literature, and solicit feedback from disproportionately impacted communities around the state; make policy recommendations for legislation before the 2023 legislative session; and employ a contractor to provide process facilitation, necessary data, and technical expertise or advice on best practices.

**SB 1521 (Chapter 36)**

Effective March 17, 2022

**PACE; Personnel***Amends ORS 332.505.*

This bill provides basic employment protections for school district superintendents by adding the following provisions to statute:

- Prohibiting school boards from ordering school district superintendents to ignore or violate federal, state, or local laws or directives (or other legal requirements that have the force of law such as Oregon Administrative Rules, emergency directives or executive orders) that apply to school districts and have the force of law. It also prohibits the school board from taking any adverse employment action against the superintendent for following any federal, state, or local requirement that has the force of law.
- Explicitly requiring both the board and superintendent to agree to any “without cause” termination language in school district superintendent contracts and requiring a minimum of one year’s notice for a school district superintendent to be fired “without cause.”

**SB 1522 (Chapter 81)**

Effective March 23, 2022

**Operations***Creates new provisions and amends ORS 326.545, 326.700, 329.451, 329.496, 336.585, 336.590, 338.135, 339.450, 339.460, 341.522, 350.290, 350.355, 350.426, 352.287, 475C.097, 475C.101, 475C.105, 475C.833, 475C.840, and 475C.847.*

This bill is the omnibus Senate Education Committee policy bill to make changes to education related statutes and programs. Relevant sections of the bill include:

- Transfer Council Membership (Sec. 1): Changes the makeup of the Higher Education Coordinating Commission (HECC) Transfer Council by allowing teachers who are employed by Education Service Districts (ESD) to serve on the Council.
- Changes to Youth Corrections Education Programs (YCEP) and Juvenile Detention Education Programs (JDEP) Programs (Sec. 5 through Sec. 10): School districts and charter schools will now be required to accept credits toward graduation that were earned by students while they were being served by YCEP, JDEP, and programs under the umbrella of long-term care, treatment facilities, or hospital programs. The bill also allows YCEP and JDEP programs to use their State School Fund appropriations to provide transition services for their students. These changes are effective for the 2022-23 school year.
- Modifications to Oregon’s Menstrual Dignity Act (Sec. 11): The requirement to provide menstrual products in bathrooms is changed to exclude early learning program bathrooms and apply to bathrooms accessible for kindergarten-aged students and above only. It also allows education providers to locate menstrual products in “alternative locations” when the provider does not have control of student access to bathroom facilities (i.e., specialized treatment facilities for students like day treatment options and residential facilities).

- Interscholastic Activity Eligibility (Sec. 13): Replaces the reference to GED programs in statute with “high school equivalency program,” providing more equitable access to interscholastic activities for students pursuing their high school equivalency. Expands access to all students enrolled in programs to earn a certificate for passing an approved high school equivalency test, such as the GED test, not just those operated by a school district or ESD. Modifies the procedure for an academically ineligible homeschool or high school equivalency student to regain academic eligibility by taking required examinations or practice tests and meeting standards outlined in the law. The period of academic ineligibility has also been reduced to align more closely with academic eligibility timelines for traditional students.
- Physical Education Waivers (Sec. 20): The Superintendent of Public Instruction, based on rules adopted by the State Board of Education, will be allowed to grant waivers of physical education instructional minute requirements if the district can demonstrate that failure to meet the requirements was due to a human-created disaster or a natural disaster (i.e., wildfires or COVID-19). Waiver applications may be made retroactively for the 20-21 school year and may be granted for up to one year; waivers may be renewed.
- Location of Marijuana Retailers (Sec. 22-28): Prohibits marijuana retailers from operating within 1,000 feet of a public prekindergarten or kindergarten program that is operated by school district or education service district. Allows marijuana retailers to operate not less than 500 feet from a prekindergarten or kindergarten program under certain circumstances.

**SB 1545 (Chapter 28)**

Effective March 17, 2022

**Programs**

*Creates new provisions and amends ORS 660.300.*

This bill is known as the “Future Ready Oregon” bill and was a priority of Gov. Kate Brown. The bill invests \$200 million (\$76.9 million General Fund and \$123.1 million federal American Rescue Plan Act funds) to expand existing programs and establish new programs to develop Oregon’s workforce to meet the needs of Oregon’s employers. The funds will be distributed by the Higher Education Coordinating Commission, the Oregon Department of Education, and the Bureau of Labor and Industries, in collaboration with local workforce development boards, community-based organizations, culturally specific organizations, labor organizations, and education and training providers. Specific allocations include:

- \$14.9 million General Fund to expand the post-secondary career pathways program;
- \$20 million total funds to expand the registered apprenticeship and pre-apprenticeship programs;
- \$10.5 million total funds to expand youth workforce and reengagement initiatives;
- \$10 million General Fund to expand capacity for prior learning credit.

**SB 1546 (Chapter 89)**

Effective June 3, 2022

**Finance***Creates new provisions and amends ORS 30.949, 283.085, 530.450, 530.480, 530.490, 530.510, and 530.520.*

The Oregon Common School Fund is a budgetary asset managed by the Department of State Lands (DSL) with the responsibility to fund the current and future students of Oregon. The Elliott State Forest is a 91,000-acre forest located in Coos and Douglas counties. It was established as Oregon's first state forest in 1930. It is overseen by the State Land Board, managed by the DSL, and is a land asset of the Common School Fund. For most of the existence of the forest, it generated substantial revenue for Oregon's public school system through the harvest of forest timber. Logging restrictions now limit the potential timber harvest. Since the 2010s the forest is no longer generating enough revenue to cover the forest's maintenance costs.

In 2017, the State Land Board directed DSL to initiate a process to keep the forest publicly owned with public access while simultaneously removing the forest as an asset from the Common School Fund and compensating the school fund for the forest's value. In December 2018, DSL convened the Elliott State Research Forest Advisory Committee, and Oregon State University established an exploratory committee within its College of Forestry to explore transforming the Elliott State Forest into a publicly owned state research forest. The Elliott State Research Forest Proposal was presented to the State Land Board in December 2020 and the State Land Board affirmed the Elliott State Forest's future as a research forest and directed continued collaboration and engagement to finalize remaining details.

This bill establishes the Elliott State Research Forest consisting of lands formerly constituting the Elliott State Forest and establishes mission and management policies for the forest. It also delivers \$121 million to the Common School Fund, on top of the \$100 million allocated in 2017, to bring the total allocation to the fund to \$221 million, the full value of the 2016 valuation of the forest.

**SB 1547 (Chapter 90)**

Effective March 23, 2022

**Personnel***Creates new provisions and amends ORS 329A.030, 329A.250, 329A.252, 329A.255, 329A.390, 418.205, 418.322, 418.359, 418.992, 419B.005, and 419B.035; repeals ORS 329A.257.*

The bill is known as the Recorded Programs Oversight bill. It requires the staff and volunteers of recorded programs to enroll in the Central Background Registry, in accordance with recommendations from a 2020 Secretary of State audit on child care background checks.

**SB 1583 (Chapter 104)**

Effective March 23, 2022

**Operations; Programs***Creates new provisions and amends.*

Federal law requires state student assessments annually in grades three through eight and once in high school, in both mathematics and English language arts. States are also required to assess students periodically in science and social studies. States

are allowed to permit some students and families to opt out of assessments, but the U.S. Department of Education requires a 95 percent participation rate from the state student population. This bill requires the Oregon Department of Education to administer assessments only at the minimum level required by federal law and to apply annually for a waiver of federal testing requirements.

**SB 1585 (Chapter 106)**

Effective March 23, 2022

**PACE; Personnel**

*Creates new provisions.*

Under Oregon's Workers' Compensation plan, the surviving spouse, children, and other eligible dependents of a deceased worker who was accidentally injured at the workplace may receive benefits. Those benefits include the cost of final disposition of the deceased's body and funeral expenses. A surviving spouse may receive monthly benefits until the surviving spouse remarries. This bill directs the Department of Consumer and Business Services (DCBS), the Employment Department (OED), and the Oregon Health Authority (OHA) to enter into an intergovernmental agreement to share information necessary to enable the DCBS to inform beneficiaries of worker's compensation death benefits of their rights, requires the shared information to be the minimum necessary to inform beneficiaries of their rights, and limits the shared information to deaths from COVID-19 workplace outbreaks.

**SB 1586 (Chapter 107)**

Effective January 1, 2023

**PACE; Personnel**

*Creates new provisions and amends ORS 243.319, 243.323, 659A.370, and 659A.375.*

The Legislative Assembly passed the Workplace Fairness Act (WFA) in 2019. Under the WFA, a private employer must adopt a written policy outlining their procedures and practices for reducing and preventing discrimination and sexual assault. Later in 2019, the Legislative Assembly also passed Senate Bill 479 which applied the same requirements and prohibitions to public employers. The act prohibits employers from entering into a nondisclosure agreement (NDA) as a condition of employment, continued employment, promotion, compensation, or receipt of benefits if the NDA prevents an employee or prospective employee from disclosing or discussing employment discrimination or sexual assault that occurred between employees or between the employer and the employee. This bill extends the prohibition regarding certain nondisclosure agreements to cover former employees of private and public employers.

**SB 5703 (Chapter 113)**

Effective April 4, 2022

**Finance**

*Amends sections 3, 4, 5, 6, 7, 9, 13, 14, 14a, 14c, 17 and 23 of chapter 661, Oregon Laws 2021.*

This bill is the appropriation bill for lottery proceeds. There is one provision relevant to K-12 education. The amount of Lottery Funds allocated to the State School Fund is increased by \$60 million; however, this does not increase the overall State School Fund allocation above \$9.3 billion as House Bill 5202 reduces the State School Fund by a corresponding amount of General Funds for no net impact.