



2018

A SUMMARY OF ENACTED EDUCATION LEGISLATION



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SUMMARY

The 2018 Legislative Short Session is now over. One of the most exciting developments this session was the creation of the Joint Committee on Student Success (JCSS). This committee, created by Senate President Peter Courtney and Speaker of the House Tina Kotek, brings together Senators and Representatives from both parties and various backgrounds to take a focused look at Oregon's education system. Now that session has ended, they will embark on a statewide listening tour. The Speaker and President have emphasized their desire that this committee take the information they learn on this tour to develop a comprehensive education revenue package. The Oregon Department of Education (ODE) has been asked to travel with them to provide support and guidance during this journey.

ODE's top priority bills were [House Bill \(HB\) 4023 Enrolled](#) and [Senate Bill \(SB\) 1522](#). [HB 4023 Enrolled](#) directs the Oregon Broadband Advisory Council to study options for a local broadband champion programs and report findings to the Legislative Assembly by December 1, 2018. Additionally, it creates the Connecting Oregon Schools Fund for the purpose of providing matching funds for federal moneys received by school districts for broadband access. This match will come to ODE and will allow us to assist rural and low income school district get digitally connected. This is an exciting program! The bill also tasks the State Chief Information Officer (CIO) to provide broadband communications services upon request to local governments, special districts and federally recognized Indian tribes in Oregon.

[Senate Bill \(SB\) 1522](#) returns language in ORS 339.115 to status prior to passage of [SB 20 \(2017\)](#), requiring districts to admit students who have already received a modified diploma. The bill makes modified diploma recipients in Youth Corrections Education Programs eligible for transition services and allows modified diploma recipients to be eligible for the Expanded Options Program. At the heart of [HB 4023 Enrolled](#) and [SB 1522](#), was the drive to increase outcomes for underrepresented communities across Oregon. We believe these bill align with ODE's mission and equity values.

ODE also received the following funding:

- a matching grant increase for the Oregon School Capital Improvement Matching program of \$39,312,315.
- \$1,980,708 for staffing of the Office of Child Care.
- an increase of \$750,000 for child care worker professional development.



- an increase of \$70,961,313 for the State School Fund.
- an increase of \$250,000 for the Mike McLaran Center for Student Success in Salem-Keizer School District

ODE was also asked to use one-time funding from the Network for Teaching and Learning to provide up to \$100,000 to support the Civic Scholars program under [HB 2955 \(2015\)](#) for the annual Oregon Civics Day for Teachers for the 2018-19 school year.

In addition to participation in the JCSS and providing information to legislators, committee staff, and providing testimony, ODE's legislative team tracked 65 bills that would have affected K-12 education policy and the agency. Out of those, 20 bills became law. The following pages provide short bill summaries of all the bills that became law and will affect Oregon's education system.

Until next year!

Jessica Nguyen Ventura, Legislative Director
Jennifer Donovan, Acting Legislative Coordinator
ODE Legislative Team

A special thank you to all the legislative coordinators and bill managers within ODE.



HB 4012

RELATING TO REEMPLOYMENT OF RETIRED MEMBERS OF PUBLIC EMPLOYEES RETIREMENT SYSTEM.

House Vote: 56-3
Senate Vote: 28-2

Extends sunset to June 30, 2023, on provision allowing certain PERS retirees to work as career and technical education (CTE) teachers without loss of retirement benefits. Takes effect 91 days following adjournment sine die.

Effective Date: June 3, 2018; 91 days after session adjourns.

HB 4022 A

RELATING TO ELECTRICITY FOR MOTOR VEHICLES

House Vote: 53-5
Senate Vote: 22-7

Allows a parent or legal guardian of a six-year-old child to delay enrolling their child in a public full-time school for one year if that delay better meets the child's needs for cognition, social, or physical development.

Effective Date: June 20, 2017

HB 4023 ENROLLED

RELATING TO BROADBAND TECHNOLOGY

House Vote: 58-0
Senate Vote: 21-0

Directs Oregon Broadband Advisory Council to study options for a local broadband champion program and report findings to Legislative Assembly by December 1, 2018. Creates the Connecting Oregon Schools Fund for the purpose of providing matching funds for federal moneys received by school districts (SD) for broadband access. Allows the State Chief Information Officer (CIO) to provide broadband communications services upon request to local governments, special districts and federally recognized Indian tribes in Oregon via one of two paths: 1) A process to be described in rule; 2) Following a public hearing and adoption of a resolution by governing body of a municipality or other public body in the area to be served by the State CIO.

Budget Note: ODE to consult with CIO's office prior to releasing funds to SD and provide a report of which SD's were provided a match to the Joint Committee (JC) on Information Management & Technology.

Effective Date: Immediately.



HB 4026 A

RELATING TO BROADBAND TECHNOLOGY

House Vote: 59-0

Senate Vote: 27-0

Prevents the Department of Revenue from considering charitable contributions or activities as a factor when determining the residency of a personal income tax filer. Applies to tax years beginning on or after January 1, 2019.

HB 4036 ENROLLED

RELATING TO PARTICIPATION IN INTERSCHOLASTIC ACTIVITIES

House Vote: 50-8

Senate Vote: 21-8

Modifies definition of "interscholastic activities" for purposes of homeschooled and charter school student participation in school district activities, specifying that existing definition of athletics, music, speech, and similar or related activities applies to students in any grade from kindergarten through grade 12 and adding that activities from kindergarten through grade eight offered before or after school may, but are not required to, involve interaction among other schools. Clarifies current interpretation and practice that fees are required on an annual basis, and that charter schools pay up to 5 percent of the school district's General Purpose Grant weighted Average Daily Membership

(ADMw) to participate in the activity and an additional 5 percent if the student enrolls in a course for credit. Clarifies current interpretation and practice that a public charter school pay a fee once per year, per student, regardless of the number of activities, if the school district or school requires payment. Requires a student attending a public charter school be allowed to participate in the same manner as a resident of the school district. Prevents school districts from prioritizing residents of a district, but requires students satisfy any standards for participation. Requires those activities available to non-chartered public school students be available to charter school and homeschooled students.

Effective date upon passage

HB 4044

RELATING TO STUDY ABOUT EDUCATORS

House Vote: 51-0

Senate Vote: 29-0

Requires Chief Education Office (CEdO) to conduct a study on the recruitment, retention, mentoring, and professional development of educators who serve at-risk students in preschool through grade 12. Defines student groups at risk for experiencing an achievement gap as: diverse; enrolled in schools that rank low in performance; enrolled in alternative education programs; enrolled in English language learner programs; enrolled in early childhood special education services or special education services; and enrolled in Talented and Gifted programs. Requires CEdO to review programs supporting educators in education



service districts and school districts. Requires identification of effective programs in improving recruitment, retention, mentoring, and professional development of educators. Requires the identification of effective or efficient programs for educators. Requires report be submitted to the Legislative Assembly before June 30, 2019.

Repeals the Act on June 30, 2019
Effective 91 days after sine die.

HB 4047 ENROLLED
RELATING TO HIGH SCHOOL
DIPLOMAS REQUIREMENTS

House Vote: 59-0
Senate Vote: 29-0

Prevents Education Service Districts (ESDs) from imposing additional high school diploma requirements on students enrolled in a Youth Corrections Education Program (YCEP) or Juvenile Detention Education Program (JDEP). Requires that ESDs accept any credits a student earned in other Oregon educational programs and apply those credits toward the student's Oregon Diploma requirements.

Effective upon passage

HB 4026 A
RELATING TO
ADMINISTRATIVE RULES

Senate Vote: 28-0
House Vote: 57-0

Establishes the Small Business Rules Advisory Committee to assist agencies adopting new administrative rules. Prescribes membership and requires State Archives to provide administrative support. Allows agencies to ask the Committee to complete the rule review that is required five years after rule adoption. Requires Secretary of State to compile and submit annual rule review reports to the legislature.

Effective 91 days after sine die.

HB 4053 ENROLLED
RELATING TO ACCELERATED
COLLEGE CREDIT PROGRAMS

Senate Vote: 28-0
House Vote: 57-0

Requires the Chief Education Office (CEdO) to prepare an annual report on accelerated college credit programs. Specifies the report must include the number of students who attempted to transfer credits from an accelerated college credit program to a public post-secondary institution, among other report requirements. Requires information be disaggregated by certain demographic and program participation factors to the extent practicable. Requires the CEdO to collaborate with the Higher Education Coordinating Commission (HECC) and public post-secondary institutions to determine a representative sampling methodology for the required information. Requires institutions provide the required data to the HECC, and that



the HECC provide the required data to the CEEdO annually by September 1.

Declares emergency, effective on passage.

HB 4067 ENROLLED
RELATING TO
DEVELOPMENTAL DELAYS

House Vote: 57-0
Senate Vote: 27-1

Adds developmental delays to the list of conditions eligible for special education services for children in kindergarten through 3rd grade.

Effective Date: July 1, 2019

HB 4082 ENROLLED
RELATING TO THE JUVENILE
JUSTICE INFORMATION
SYSTEM

House Vote: 54-0
Senate Vote: 29-1

Directs the Oregon Youth Authority (OYA) to administer the Juvenile Justice Information System in partnership with county juvenile departments through a steering committee. Allows disclosure of certain juvenile records to a government agency; public or private post-secondary educational institution; or person with whom OYA, a county, or a county juvenile department has entered into an agreement for disclosure for certain purposes, such as program planning. Specifies that persons who

receive these records are responsible for preserving confidentiality.

Effective upon passage.

HB 4117 ENROLLED
RELATING TO CALCULATIONS
OF LOCAL REVENUES FOR
THE PURPOSE OF THE STATE
SCHOOL FUND

House Vote: 57-0
Senate Vote: 24-4

Per ORS 327.011, there are limits in the State School Fund pertaining to Local-Option levies and if they are exceeded, those revenues received in excess are considered local revenues and thus reduce a school district's State School Fund Grant. HB 4117 increases the amount of moneys received by school districts that aren't considered Local Revenues for purposes of State School Fund calculations.

Effective Date: October 6, 2017

HB 4130 ENROLLED
RELATING TO STUDENT
TRANSPORTATION

House Vote: 59-0
Senate Vote: 28-0

Establishes a grant program for extra-curricular transportation costs beyond distributions from the State School Fund. ODE may award grants



for up to 50 percent of the additional transportation costs for grades nine through twelve. The bill makes a one-time General Fund appropriation of \$250,000 to ODE for this program.

Effective Date: July 1, 2018

HB 4150 ENROLLED

RELATING TO SCHOOL SEXUAL HARASSMENT POLICIES

House Vote: 56-0
Senate Vote: 29-0

Expands the information provided in student sexual harassment complaints. Specifies that school district policy include disclosure to student, parents, and staff member, as appropriate, whether violation of policy was found, to extent allowed under state and federal confidentiality laws. Extends protections in school district policies to persons on or immediately adjacent to school properties, at school-sponsored events, utilizing school transportation, or at school bus stop. Requires written notification to include sections detailing the rights of students or staff members who filed the complaint and information on legal and disciplinary options, school services, outside services, and privacy rights. Specifies the notice must be in plain language that is easy to understand.

Effective Date: July 1, 2018.

HB 5201 ENROLLED

RELATING TO STATE FINANCIAL ADMINISTRATION

House Vote: 58-0
Senate Vote: 29-0

HB 5201 is the 2018 session omnibus budget reconciliation bill adjusting the state budget for the 2017-19 biennium. Along with 2018 session budget decisions, the bill includes technical adjustments and actions recommended by the Interim Joint Committee on Ways and Means. No changes were made to the general purpose Emergency Fund, which is preserved at just under \$50 million. Based on the current revenue forecast, after all budget actions and adjustments the General Fund ending balance is projected to be about \$293 million. The \$100 million special purpose appropriation for state employee compensation was eliminated with \$96.9 million allocated to state agencies. This amount is expected to cover almost all, if not all, costs associated with compensation plan changes. Lottery Funds, Other Funds, and Federal Funds are also adjusted to cover costs. Specifically, for ODE:

- ODE matching grants made to school districts for construction or improvement to school facilities through the Oregon School Capital Improvement Matching program, is increased by \$39,312,315.
- \$1,980,708 for staffing of the Office of Child Care.
- An increase of \$750,000 for child care worker professional development.
- An increase of \$70,961,313 for the State School Fund.
- An increase of \$250,000 for the Mike McLaran Center for Student Success in Salem-Keizer School District.



Budget Notes:

- The Oregon Department of Education is instructed to use one-time funding from the Network for Teaching and Learning to provide up to \$100,000 to support the Civic Scholars program under HB 2955 (2015) for the annual Oregon Civics Day for Teachers for the 2018-19 school year. This program provides ongoing professional development for civics teachers across the state.
- Before disbursing any matching funds from the Connecting Oregon Schools Fund to provide schools with broadband access, the Oregon Department of Education shall consult with the Office of the State CIO in order to prioritize the disbursement of matching funds so as to leverage existing public fiber assets to the greatest extent possible. The Oregon Department of Education shall provide a report on the disbursement of funds to the Joint Committee on Information Management and Technology during the first Legislative Days after the disbursement of funds. The report shall identify the schools benefitting from the matching funds, the status of any broadband deployments, the broadband speed available per user, and the extent to which the disbursements leverage existing public fiber.

SB 1520 ENROLLED

RELATING TO EDUCATION

Senate Vote: 26-3

House Vote: 56-2

Implements technical fixes in ten areas of state law.

1. Expands 90-day grace period for employment to all licensees who are licensed by Teacher Standards and Practices Commission (TSPC). Allows TSPC to adopt the same expedited process for issuance of licenses as was in place prior to passage of Senate Bill 205 (2017);
2. Removes moot references to institutions of higher education in public charter school law;
3. Consolidates reporting requirements for Higher Education Coordinating Commission based on recommendations of work group resulting from Senate Bill 113 (2015);
4. Clarifies school district obligations related to offering of half-day kindergarten;
5. Provides that Network of Quality Teaching and Learning is established within Chief Education Office;
6. Extends by two years sunset on provisions that allow individuals who are foreign exchange students and who are residing in Oregon in dormitory operated by school district to be considered residents of school district in which dormitory is located;
7. Extends by three years the time by which educator preparation programs must comply with certain national organization accreditation requirements;
8. Provides that moneys in National Board Certification Fund may be distributed only to persons who are licensed by TSPC and who are employed with public educational program;
9. Removes sunset on provision that virtual public charter schools may contract with for-profit entity to provide educational services if employee is administrator and meets other requirements; and



10. Clarifies requirements for Oregon Department of Education mentoring grants.

Effective upon passage.

SB 1540 ENROLLED
RELATING TO CHILDREN

Senate Vote: 25-4
House Vote: 49-0

Clarifies provisions related to child abuse investigations conducted on school premises and modifies definitions of "adult," "community program," and "sexual abuse" for purpose of reporting abuse of adults with mental illness or development disabilities. Requires Department of Human Services (DHS) or law enforcement agency conducting child abuse investigations on school premises to present adequate identification to school personnel. Requires school personnel to cooperate with investigation and, at a minimum, allow access to subject children in a private interview space. Prohibits school personnel from disclosing the investigation outside DHS, law enforcement, and other school personnel necessary to enable the investigation. Clarifies that information obtained during the investigation is not part of the child's school record. Includes persons receiving mental health treatment in a community program or facility, or treatment of substance use disorders or mental illness at a state hospital within mandatory reporting requirements that apply to adults with mental illness or developmental disabilities. Includes providers whose services are paid for by the Oregon Health Authority within the definition of "community program." Clarifies that the definition of "sexual abuse" applies to sexual contact between a recipient of mental health or

substance use disorder treatment and the provider of the treatment. Effective upon passage.

SB 1547 ENROLLED
RELATING TO CONCUSSION
SUSTAINED BY YOUTH

House Vote: 52-8
Senate Vote: 27-0

Expands list of qualified health professionals who can provide medical release of a student athlete suspected of having a concussion to include licensed chiropractic physicians, naturopathic physicians, psychologists, physical therapists, occupational therapists, physician assistants, nurse practitioners, and athletic trainers. Specifies requirements for qualified health professionals to obtain a certificate after completion of an online program and other requirements

Effective Date: Upon Governor's signature

SB 1565 ENROLLED
RELATING TO METHODS OF
PUBLIC PROCUREMENT

House Vote: 58-00
Senate Vote: 29-0

Directs the Oregon Department of Transportation, the Department of Administrative Services, and the Department of Justice to designate a statewide electronic procurement system and write rules for implementation. Effective upon 91 days after sine die



BUDGET NOTES

FROM [HB 5201](#)

1. The Oregon Department of Education is instructed to use one-time funding from the Network for Teaching and Learning to provide up to \$100,000 to support the Civic Scholars program under HB 2955 (2015) for the annual Oregon Civics Day for Teachers for the 2018-19 school year. This program provides ongoing professional development for civics teachers across the state.
2. Before disbursing any matching funds from the Connecting Oregon Schools Fund to provide schools with broadband access, the Oregon Department of Education shall consult with the Office of the State CIO in order to prioritize the disbursement of matching funds so as to leverage existing public fiber assets to the greatest extent possible. The Oregon Department of Education shall provide a report on the disbursement of funds to the Joint Committee on Information Management and Technology during the first Legislative Days after the disbursement of funds. The report shall identify the schools benefitting from the matching funds, the status of any broadband deployments, the broadband speed available per user, and the extent to which the disbursements leverage existing public fiber. (HB 4023, Connecting Oregon’s School Fund)

WORK GROUPS & TASKFORCES

NONE

ODE-GENERATED REPORTS

NOTE: THESE ARE IN ADDITION TO EARLIER-MANDATED REPORTS

<i>Bill #</i>	<i>Description</i>	<i>Due Date</i>
HB 4023	The Oregon Department of Education shall provide a report on the disbursement of funds. The report shall identify the schools benefitting from the matching funds, the status of any broadband deployments, the broadband speed available per user, and the extent to which the disbursements leverage existing public fiber.	Due to the Joint Committee on Information Management and Technology during the first Legislative Days after the disbursement of funds.