



Gov. Kate Brown signed a copy of the Student Success Act to Waldo Middle School students at a May 20, 2019 ceremony at Washington Elementary School.

A SUMMARY OF ENACTED EDUCATION LEGISLATION

2019 Regular Session

Summary of Enacted 2019 Education Legislation

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Summary of Enacted 2019 Education Legislation

SUMMARY

The 2019 regular legislative session was filled with excitement as we saw the passage of landmark legislation: the Student Success Act (House Bill 3427). This law alters the trajectory for Oregon's children, students, and youth. It aims to correct three decades of underinvestment in our schools and our children. The Student Success Act includes sweeping provisions for new and improved services for children and families. It includes significant investments in early learning, expanding instructional time, addressing student health and safety, reducing class size, providing a more well-rounded education, fully funding High School Success (Measure 98), increasing access to school meals, funding for equity in education, increasing access to summer school opportunities, introducing new youth reengagement programs, funding services for students with disabilities, and more. In addition, the Oregon Department of Education (ODE) created the new Office of Education Innovation and Improvement. This new office, in collaboration with many at ODE, will steward the Student Investment Account, under the Student Success Act.

ODE tracked approximately 600 education related bills that impacted state agencies, human resources, rules, Oregon School for the Deaf, public records requests, as well as bills that impacted early learning, K-12, and bills related to reengaging youths.

ODE introduced 12 bills, eight of those are now law and two more were absorbed into the Student Success Act. We also supported six bills sponsored by other legislative members that are now law or were absorbed into the Student Success Act.

Successful ODE sponsored legislation:

- **Senate Bill 13:** Changes Terminology for persons who are deaf or hard of hearing for the purposes of special education statutes.
- **Senate Bill 15:** Authorizes YDD to inspect and collect data from facilities in which juveniles are detained to ensure compliance with federal Juvenile Justice and Delinquency Prevention Act.
- **Senate Bill 16:** Specifies types of licensed health care practitioners authorized to perform assessments or examinations for purposes of determining SPED service eligibility.
- **Senate Bill 905:** Allows individual voluntarily placed in foster care to be resident of school district where individual resides due to placement by public or private agency if placement agreement provides that individual will no longer be considered resident of school district of origin.
- **House Bill 2022:** Changes name of Oregon Virtual School District to Oregon Digital Learning (ODL). Expands purposes of Oregon Digital Learning to require provisions of professional related to online learning.
- **House Bill 2023:** Directs State Board of Education to ensure that academic content standards for certain subjects include sufficient instruction on histories, contributions and perspectives of certain classifications of individuals.
- **House Bill 2027:** Permits Office of Child Care to consider any information obtained by office when reviewing enrollment in Central Background Registry.

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Successful legislation supported by ODE:

- **Senate Bill 415:** Adds Department of Education employees, school district board members, and public charter school governing body members to list of mandatory reporter abuse.
- **Senate Bill 664:** Requires SDs to provide instruction about Holocaust and genocide beginning with 20-21 school year. Directs Department of Education to provide technical assistance to SDs for instruction. Requires school district to provide instruction based on standards with 2025-2026 school year.
- **Senate Bill 690:** Modifies membership, meeting requirements and administrative support of State Council for Education Opportunity for Military Children.

Student Success Act (HB 3427):

The Student Success Act is a collaborative piece of legislation drawing from the voluminous information collected by the Joint Committee on Student Success during their statewide tour integrated with legislative priorities years in the making. The Act incorporates two pieces of ODE sponsored legislation, as well as far-reaching student nutrition, safety and equity initiatives from throughout the legislative body.

ODE bills absorbed by the Student Success Act:

- **Senate Bill 12:** The early interventions and early warnings systems is now a part of the Student Success Act. (Student Success Act, Section 46, Early Warning and Early Interventions part only).
- **Senate Bill 14:** Directs ODE to develop and implement statewide plan for early childhood through post-secondary education students who are American Indian or Alaska Natives and who have experienced disproportionate educational results. (Student Success Act, Section 38).

Other bills incorporated into the Student Success Act (HB 3427):

- **Senate Bill 217:** School Improvement Fund otherwise known as the Student Success Account (Student Success Act, Section 7)
- **Senate Bill 584:** Establishes Statewide School Safety & Prevention System. (Student Success Act, Section 36 and 37).
- **House Bill 2440:** Directs Department of Education to develop and implement statewide education plan for students in early childhood through post-secondary education who are Latino or Hispanic and have experienced disproportionate educational results. (Student Success Act, Section 39).
- **House Bill 2765:** Breakfast After the Bell (Section 26)
- **House Bill 2760:** Universal School Meal Account (Section 30)
- **House Bill 2939:** Statewide Youth Reengagement System (Section 33)
- **House Bill 2897:** Early Childhood Equity Fund (Section 53)

The State Board of Education will see a minor change in the appointment process to the board. Currently, there are seven board voting members appointed by the Governor and Senate confirmed. **House Bill 2512** requires that one of the at large members must be a licensed Oregon teacher. This position will also be appointed by the Governor and confirmed by the Senate.

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ODE's BUDGET

The 2019 Oregon Legislature adopted the Oregon Department of Education's (ODE) 2019-21 budget bill (HB 5015) and the State School Fund budget bill (HB 5016). In addition to this work, the Legislature approved six other pieces of legislation that resulted in budgetary increases for ODE. These included the following:

House Bill 5047 – Budget Bill for HB 3427 (Student Success Act)

House Bill 2579 – Farm to School Grant Program Expansion w/Fiscal Impact

House Bill 2444 – Future Farmers of America w/Fiscal Impact

House Bill 2346 – Task Force on Access to Quality Affordable Child Care w/Fiscal Impact

Senate Bill 155 – Sexual Misconduct Reporting Requirements in Schools w/Fiscal Impact

House Bill 5050 – End of Session Budget Reconciliation

In total, all bills increased the ODE's budget by \$1.96 billion above the previous 2017-19 Legislatively Approved Budget. This represents an increase of 17.7 percent to the ODE budget and includes a net growth of 109 agency staff positions (102.87 FTE).

Nearly 58 percent of our budget's \$1.96 billion increase comes from new resources generated through the passage of the Student Success Act. An additional 35 percent is from increased revenue or new General Fund resources added to both the ODE and State School Fund budget bills. The remaining 7 percent represents new General Fund and Capital Bonds appropriated for programs, grants, initiatives, and/or agency operations related to five other bills.

K-12 grant-in-aid programs are receiving the largest funding increase, mostly driven by the Student Success Act. The State School Fund has the next largest funding increase, partially impacted by the Student Success Act, but also the result of increased General Fund and Marijuana Tax Revenue. Some of the highlights include:

- Maintenance of the current service level for the majority of all existing operations and programs.
- Generation of \$914.5 million in dedicated funding for early learning, student investment, and statewide education initiatives (Student Success Act) that rolls up to \$1.88 billion in 2021-23.
- Nearly \$800 million (9.7 percent) increase in the State School Fund including \$220.0 million Student Success Act - \$20 million increase for High Cost Disability which rolls up to \$40 million in 2021-23.
- Increase in K-12 grant-in-aid funding which includes the full funding of the High School Success Fund (Measure 98), as well as \$704.5 million in both new grants and increases of existing grants aimed at improving outcomes for Oregon students
- Increases in both Early Learning Programs and Operations that enable the expansion of over 6,000 preschool slots in the state, and provide increased oversight for child care safety.
- Creation of a new student reengagement program administered by the Youth Development Division focused on providing increased support to students who have either drop out of school or are at high risk of dropping out.

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- Provision of one-time \$3.3 million in funding for special education programs to backfill projected reductions in the federal IDEA program over the next two years.
- Establishment of the Educator Advancement Council and grants focused on delivering statewide support for professional development for all educators.
- Establishment of funding to investigate complaints of sexual misconduct in schools.

Until next year!

Jessica Ventura, Legislative Director

Jennifer Donovan, Legislative Coordinator

Rick Crager, Assistant Superintendent of Finance & Information Technology

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

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STUDENT SUCCESS ACT

HB 3427: Relating to education funding; prescribing an effective date; and providing for revenue raising that requires approval by a three-fifths majority.

House Vote: 37-21

Senate Vote: 18-11

Establishes the Fund for Student Success (FSS). Allocates moneys in the FSS to the State School Fund, Student Investment Account (SIA), the Early Learning Account (ELA), and the Statewide Education Initiatives Account (SEIA).

Establishes grant program for moneys in the SIA. Requires funds to be spent on increasing learning time, decreasing class size, offering a well-rounded education, or student health or safety. Establishes ability for school districts and certain charter schools to apply for grants directly. Outlines grant application requirements and process, review and approval process, distribution formula, and oversight requirements. Requires Oregon Department of Education (ODE) to work with grant recipients to establish growth targets for the following metrics: percentage of third graders reading at grade-level proficiency, percentage of ninth graders completing that year with at least six credits toward graduation, percentage of students graduating or completing high school, and percentage of students attending school more than 90 percent of instructional days. Establishes reporting requirements for school districts and ODE. Requires financial audits of grant funds and reviews of district performance.

Establishes coaching program for districts not meeting performance growth targets and intensive program for chronically low-performing districts. Allocates additional funding for districts participating in the intensive program. Establishes Student Success Teams to assist participants in intensive program. Requires intensive program participants to implement certain recommendations made by the Student Success Teams. Requires ODE to offer technical assistance to school districts. Establishes needs assessment as part of school district continuous improvement plan. Establishes allowable uses for the SEIA and ELA.

Establishes the following new programs with funding from the Statewide Initiative Account:

- Expands access to free meals at school.
- Youth reengagement system for students who have left high school and wish to complete.
- Statewide school safety and prevention system. Enacts recommendations of School Safety Task Force.
- American Indian or Alaskan Native education plan.
- Latino or Hispanic education plan.
- Establishes summer learning programs for Title I schools. Allocates funding for early warning systems to assist school districts in keeping high school students on track to graduate on time.

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Requires ODE and the Educator Advancement Council, Teacher Standards and Practices Commission, school district representatives and education stakeholders to report to the 2020 Legislative Assembly on recommendations to increase educator diversity.

Establishes the Early Childhood Equity Fund.

Reduces personal income tax rates for the lowest three tax brackets by 0.25 percent. Establishes a modified commercial activities tax of 0.57 percent on Oregon commercial activity over \$1 million. Establishes a 35 percent subtraction. Defines business receipts. Delineates exceptions. Requires income from commercial activities tax be deposited in Fund for Student Success.

Effective Date: 91st day following adjournment sine die (September 29, 2019)

ABUSE AND INVESTIGATIONS

HB 3077: Relating to school sexual harassment policies

House Vote: 59-0

Senate Vote: 28-0

Requires school district policies to include new provisions related to sexual harassment of K-12 students, staff, individuals adjacent to school grounds, individuals at a school-sponsored activity or program, and individuals off school grounds if the harassment creates a hostile environment at school or a school activity. Clarifies definition of sexual harassment. Requires policies to state that when a staff member becomes aware of sexual harassment, they must contact a school district official to coordinate efforts to protect the student and promote a non-hostile environment and that participation in an investigation of sexual harassment may not adversely affect the educational assignment or environment of the student or staff. Requires policies to include notification of the initiation of an investigation by the school to the person who initiated the complaint or their parents to include the name of the person designated to receive complaints. Requires policies to prohibit disciplinary action for violations of a school district's drug and alcohol policy that occurred in connection with reported sexual harassment and was discovered as part of the report or investigation, unless the person gave another person alcohol or drugs without the other person's knowledge and with the intent of causing the other person to become incapacitated and vulnerable to prohibited conduct. Requires school districts to make available their policies on sexual harassment at each school office and school district office.

Effective Date: July 1, 2020

SB 155: Relating to interpersonal boundary invasions affecting youth

House Vote: 54-0

Senate Vote: 27-0

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Amends the statutory definition of education provider, school board, student, and sexual conduct. Establishes requirements for law enforcement agencies and Department of Human Services to conduct investigations related to reports of abuse that involve child and person who is school employee, contractor, agent or volunteer. Establishes requirements and 90-day deadline for Teacher Standards and Practices Commission to conduct investigations related to reports of suspected sexual conduct that may have been committed by school employee, contractor, agent or volunteer who is licensed by commission. Establishes requirements for Department of Education to conduct investigations related to reports of suspected sexual conduct that may have been committed by school employee, contractor, agent or volunteer who is not licensed by commission within 90 days of report. Allows education provider to use findings of agencies when making employment determinations. Prescribes timelines for completing investigations and making employment determinations. Revises definitions of terms of "education provider," "sexual conduct" and "student" for purposes of certain laws related to abuse and sexual conduct by school employees, contractors, agents and volunteers. Prohibits individual who is school employee, contractor or agent from assisting other school employee, contractor or agent in obtaining new job if individual knows or has probable cause to believe school employee, contractor or agent engaged in abuse or sexual contact with student. Provides exceptions. Allows commission to discipline individual for any violations of prohibition. Prohibits certain agreements or contracts that have effect of terminating or impairing ongoing investigations or of suppressing information relating to substantiated report of abuse or sexual conduct. Directs Department of Human Services and law enforcement agencies that receive report of child abuse to notify Department of Education if alleged child abuse occurred in school or was related to school-sponsored activity. Modified definitions take effect July 1, 2019. Makes implementation requirements for DHS and TSPC take effect January 1, 2020. Makes implementation requirements for ODE take effect July 1, 2020.

Effective Date: July 1, 2019

SB 415: Relating to mandatory reporting of child abuse

House Vote: 59-0

Senate Vote: 26-0

Expands list of mandatory reporters of child abuse to include school district board members, public charter school governing body members, and employees of the Oregon Department of Education.

Effective Date: January 1, 2020

EDUCATION OVERSIGHT

HB 2018: Relating to education

House Vote: 58-0

Senate Vote: 27-0

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Provides language necessary to transfer the Education Statewide Longitudinal Data System (SLDS) from the Chief Education Office to the Higher Education Coordinating Commission (HECC). The Chief Education Office sunset on June 30, 2019. The HECC may share data which is a primary purpose of the SLDS. The HECC shall adopt rules to establish procedures for requesting or sharing data and may enter into written agreements for sharing data.

Effective Date: July 1, 2019

HB 2512: Relating to membership of state board of education

House Vote: 46-13

Senate Vote: 19-7

Requires one "at-large" member of the State Board of Education (SBE) to be engaged in teaching as a licensed teacher in the state. Removes requirement that appointed members may not be engaged in teaching or participate in the administration or operation of any school. Applies to appointments made on or after the effective date the act.

Effective Date: January 1, 2020

HB 2514: Relating to privacy

House Vote: 59-0

Senate Vote: 28-0

Requires any hearing conducted by a district school board or its hearings officer to be held in executive session or privately if hearing involves confidential student records. Provides exception if student, parent, or guardian requests a public hearing.

Effective Date: January 1, 2020

HB 2964: Relating to education

House Vote: 55-0

Senate Vote: 28-0

Directs the Oregon Department of Education (ODE) to create an Oregon Education Support Professional of the Year Program. Establishes qualifications for recipients. Requires ODE to collaborate with the Oregon State Lottery Commission to honor and recognize at least one education support professional who serves students in any grade from prekindergarten through grade 12. Authorizes the State Board of Education to adopt rules for the application process, the selection criteria, and any duties required of the recipient.

Effective Date: January 1, 2019

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SB 15: Relating to compliance monitoring authority of the Youth Development Council

House Vote: 56-0

Senate Vote: 27-1

Permits Youth Development Council (YDC) to collect data and inspect any facility in which juveniles are detained to ensure compliance with the federal Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPA). Provides rulemaking authority to YDC on facility inspection and data collection.

Effective Date: January 1, 2020

SB 151: Relating to Education Service District regions

House Vote: 53-0

Senate Vote: 29-0

Updates the statutory listing of education service districts (ESDs) to reflect the 2003 and 2011 ESD mergers.

Effective Date: January 1, 2020

SB 181: Relating to child-caring agencies that are county programs

House Vote: 54-6

Senate Vote: 22-7

Includes county programs that provide care or services to children in custody of Department of Human Services (DHS) or Oregon Youth Authority (OYA) in definition of "child-caring agency" that is subject to licensing by DHS. Adds definition of "county program" to include any county-operated program that provides care or services to children in the custody of DHS or OYA, excluding any local juvenile detention facility that receives state services provided and coordinated by the Department of Corrections.

Effective Date: June 27, 2019

EMPLOYMENT

HB 2016: Relating to collective bargaining

House Vote: 36-21

Senate Vote: 17-11

Makes changes to Public Employee Collective Bargaining Act. Designated Representative: Requires public employer to allow employee who is designated representative to engage in specified activities during employee's regularly scheduled work hours without loss of pay, seniority, or other benefits.

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Requires collective bargaining agreement be reopened, upon request of labor union, to negotiate terms and conditions for designated representative's release time, which is leave of absence to engage in labor union business. Requires labor union to reimburse employer for compensation paid to designated representative on release time unless otherwise agreed to. Entitles designated representative to receive retirement credit for release time and reinstatement to same position and location. Access and Communication: Requires public employer to provide exclusive representative reasonable access to employees within bargaining unit. Requires employer provide exclusive representative with specified personal information about employees in bargaining unit, including phone, address, title, and salary. Allows exclusive representative to use employer's electronic mail system to communicate with employees in unit. Makes labor organization's access to and communication with represented employees a mandatory subject of bargaining. Adds to Legislative Assembly's policy statement on collective bargaining the importance of exclusive representative's direct access to and communication with represented employees. Dues and Fees: Allows parties to agree to authorize public employer to deduct union dues and fees from employee's pay. Requires labor organization to provide employer with list of employees who provided authorization for deductions. Requires employer to deduct amount authorized by employee and remit payments to designated organization or entity. Requires labor organization to defend and indemnify employer who relied on list but made unauthorized deduction. Deletes requirement that employee make payment in lieu of dues to a charitable organization if employee does not associate with labor organization for religious reasons. Deletes requirement that employer deduct amount from employee's pay and remit to labor organization in accordance with fair-share agreement. Unfair Labor Practices: Expands list of acts that are unfair labor practices.

Effective Date: January 1, 2020

HB 3009: Relating to labor organization representation

House Vote: 50-9

Senate Vote: 24-2

Allows labor organization to charge reasonable fees and costs to police officers, sheriffs, or deputy sheriffs for representing them in matters unrelated to negotiation of a collective bargaining agreement if employee is not a member of the union and has not entered into fair-share agreement. Applies to contracts and agreements entered into, renewed, or extended on or after effective date.

Effective Date: June 20, 2019

SB 123: Relating to unlawful employment practices

House Vote: 59-0

Senate Vote: 27-0

Provides that employer is not in violation of pay equity requirements for paying different level of compensation to employee for modified work in certain circumstances. Provides that employer may pay employees for work of comparable character at different compensation levels on basis of certain factors

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contained in collective bargaining agreement. Provides that equal pay analysis demonstrating employer's pay practices in good faith in civil action include review of certain employer practices. Requires court to order employer to eliminate unlawful wage differential for prevailing plaintiff and award back pay or unpaid wages as provided under state laws that provide for right of civil action against employer for violation of pay equity requirements. Provides that evidence that employer has increased employee's pay as result of pay equity analysis may not be considered admission of liability in civil action.

Effective Date: January 1, 2020

SB 370: Relating to federal inspections of records that employers use to verify the employment eligibility of an employee

House Vote: 40-13

Senate Vote: 19-8

Requires employer to provide notice to employees containing specified information regarding upcoming federal inspection of documentation used by the employer to verify identity and employment eligibility of employees. Mandates employee notification occur within three business days of employer receipt of federal inspection notice. Requires employers to make reasonable attempts to individually distribute required notification to employees as well as post notice in an accessible and conspicuous location. Directs Commissioner of Bureau of Labor and Industries (BOLI) to generate standardized notice template for use by employers with specified information, including a BOLI prescribed telephone number for a hotline operated by an organization that provides information and advocacy related to immigrant and refugee workers' rights. Requires BOLI to translate notice template into five most commonly spoken non-English languages in Oregon. Declares emergency, effective on passage.

Effective Date: June 6, 2019

SB 726: Relating to unlawful conduct in the workplace

House Vote: 60-0

Senate Vote: 23-6

Makes it an unlawful employment practice for an employer to enter into a nondisclosure agreement as a condition of employment, continued employment, promotion, compensation, or receipt of benefits if agreement prevents employee from disclosing or discussing employment discrimination or sexual assault. Specifies conditions for entering into a settlement, separation, or severance agreement between employer and employee. Requires employee claiming to be aggrieved by prohibited conduct request to enter agreement and provides seven days in which employee may revoke agreement after entering into it. Allows employer to enter into settlement, separation, or severance agreement, including agreements with no-rehire provisions, with employee who, after good faith investigation, is determined to have engaged in employment discrimination or sexual assault. Allows employment action based on violation of nondisclosure agreement provisions. Defines sexual assault. Requires every

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employer in state to adopt a written policy codifying their procedures and practices for reducing and preventing discrimination and sexual assault. Requires policy to contain at least: 1) a process for employees to report prohibited conduct; 2) identification of the individual responsible for receiving reports; 3) the statute of limitations for actions arising out of prohibited conduct; 4) a statement that the employer cannot coerce or require employees to enter into nondisclosure agreements; 5) an explanation of process for requesting agreement, including a statement that employee has at least seven days to revoke an agreement; and 6) a statement advising employers and employees to document any incidents involving prohibited conduct. Requires Bureau of Labor and Industries to provide model policy on website. Requires employer make policies available to employees and provide copy to each employee upon hire. Provides five-year statute of limitations for action based on prohibited conduct.

Effective Date: 91st day following adjournment sine die (September 29, 2019)

SB 796: Relating to benefit protection for living organ donors

House Vote: 60-0

Senate Vote: 28-1

Adds period of absence for the donation of a body part, organ, or tissue to the definition of "serious health condition" for the purposes of family leave. Prohibits insurer offering a policy or certificate of life insurance, health insurance, or long term care insurance from discriminating against, declining, or limiting insurance coverage solely on the status that the applicant or insured is a living donor or potential donor of a body part, organ, or tissue.

Effective Date: January 1, 2020

SB 917 Relating to employers of care providers

House Vote: 59-0

Senate Vote: 29-0

Prohibits employers who care for children, youth, individuals with disabilities, or older adults, from interfering with employees' or volunteers' good faith disclosures about abuse or mistreatment, violations of licensing or certification, criminal activity, violations of state or federal laws, or practices threatening health and safety, to regulatory agencies, law enforcement authorities, and others, as specified. Deems such interference an unlawful employment practice. Specifies actions constituting interference. Authorizes revocation or suspension of permission to operate and authorizes civil penalties for violations.

Effective Date: July 1, 2019

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EQUITY

HB 2023: Relating to inclusive education

Senate Vote: 21-5

House Vote: 51-7

Directs district school boards, State Board of Education, and committees or officers responsible for adoption of textbooks and other instructional materials by September 30, 2026, to ensure academic content standards for history, geography, economics, and civics include instruction on the histories, contributions and perspectives of individuals who are of Native American, African, Asian, Pacific Islander, Chicano, Latino or Middle Eastern descent; are women; or are disabled; immigrants or refugees; or are lesbian, gay bisexual or transgender. Requires the State Board of Education review existing academic content standards no later than September 30, 2026, to determine if academic content standards comply with Common Curriculum Goals, performance indicators, and diploma requirements. Requires textbooks and instructional materials address the roles and contributions to Oregon by men and women, as specified. Requires Oregon Department of Education provide professional development to teachers and administrators relating to academic content standards during 2026-2027 and 2027-2028 school years.

Effective Date: January 1, 2020

HB 3409: Relating to behavior related to interscholastic activities

House Vote: 57-0

Senate Vote: 25-0

Authorizes a school district to be a member of and pay fees to an interscholastic organization only if that organization implements policies that address the use of derogatory or inappropriate behavior that occurs at interscholastic activities, maintains a transparent complaint process, develops and implements a sanction system, and performs an annual survey of students and their parents to understand and respond to potential policy violations. Requires complaint process to have a reporting system, to respond to a complaint within 48 hours, and to strive to resolve a complaint within 30 days.

Effective Date: September 1, 2019

SB 13: Relating to special education terminology

House Vote: 58-1

Senate Vote: 28-0

Updates terms within special education statutes. Changes the term "hearing impairment" to "deafness and being hard of hearing," "autism" to "autism spectrum disorder," "deaf-blindness" to "deafblindness," and "emotional disturbance" to "emotional behavior disability." Separates the term

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"other health impairment" from "orthopedic impairment." Changes age range for children with developmental delay from "in third grade or lower" to "three through nine years of age."

Effective Date: January 1, 2020

SB 496: Relating to access to educational facilities

House Vote: 56-0

Senate Vote: 29-0

Requires school districts to provide special education students, alternative education students, or English language learners with the same access to specialized or common areas as traditional students. Provides exception for behavioral issues or compliance with an order from a court or law enforcement agency.

Effective Date: July 1, 2019

SB 664: Relating to instruction in public schools about genocide

Senate Vote: 27-0

House Vote: 58-0

Requires school districts to provide instruction about the Holocaust and genocide. Designates specific learning outcomes. Directs Oregon Department of Education to provide technical assistance to school districts on the implementation of curriculum. Requires instruction begin in the 2020-2021 school year. Directs the State Board of Education to adopt content standards for Holocaust and genocide studies in consultation with local Holocaust education organizations. Requires school districts to provide instruction based on the adopted standards starting on September 1, 2025.

Effective Date: January 1, 2020

FUNDING

HB 2867 Relating to small high schools

House Vote: 59-0

Senate Vote: 29-0

Modifies a requirement for a high school to qualify as a small high school for the purpose of State School Fund distributions. This measure increases the ADMw upper bound from 8,500 to 9,500. All other requirements, including the average daily membership (ADM) cap, remain the same. First applies to the 2019-20 distributions.

Effective Date: July 1, 2019

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HB 5005: Relating to state financial administration

House Vote: 54-2

Senate Vote: 28-0

Establishes amounts authorized for issuance of general obligation bonds, revenue bonds, certificates of participation and other financing agreements for biennium. Establishes amounts allocated for private activity bonds. Makes legislative findings regarding benefits to higher education institutions and community colleges from issuance of certain general obligation bonds. Modifies law authorizing issuance of general obligation bonds for biennium ending June 30, 2019.

Effective Date: July 3, 2019

HB 5006: Relating to state financial administration

House Vote: 50-5

Senate Vote: 28-0

Limits for six-year period beginning July 1, 2019, payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by various state agencies for capital construction.

Effective Date: July 1, 2019

HB 5015: Relating to the financial administration of the Department of Education

House Vote: 56-3

Senate Vote: 25-2

The budget bill for the Oregon Department of Education. This agency provides technical assistance, funding, and oversight of programs relating to K-12 education, early learning, and youth development. The agency also is responsible for distributing the State School Fund and operating the School for the Deaf. The Education Subcommittee recommends a budget of \$3.0 billion total funds, with \$881.0 million General Fund and \$692,870 Lottery Funds. This represents a 6.7% General Fund increase over 2017-19.

Major features of this budget include:

- The recognition of the new Educator Advancement Council, which is charged with professional development of K-12 and early learning educators.
- Funding for the Council's programs is from the redirected Network for Quality Teaching and Learning funds.
- An increase of 42 positions for the Early Learning Division, of which 26 of the positions represent positions already approved by the Emergency Board in 2018. Most of the positions are related to the licensure, inspection, and investigations of child care providers.

Summary of Enacted 2019 Education Legislation

- An increase in staff resources to address civil rights issues including training of district personnel and the continuation of the \$1.8 million Native American Curriculum project.

Effective Date: July 1, 2019

HB 5016: Relating to state financial administration

House Vote: 56-3

Senate Vote: 25-2

This bill appropriates \$9,000.0 million for the 2019-21 State School Fund (SSF), with \$7,713.6 million allocated from the General Fund, \$535.7 million from the Lottery revenues, \$103.3 million from marijuana taxes, \$643.0 million from the Fund for Student Success, and \$4.4 million from other sources. This SSF is combined with local revenues from school districts (SDs) and education service districts (ESDs) to form the total formula revenue available for distribution.

Effective Date: July 1, 2019

HB 5038: Relating to the financial administration of the Tobacco Settlement Funds Account

House Vote: 51-5

Senate Vote: 27-1

Requires Oregon Department of Administrative Services to transfer certain amounts from Tobacco Settlement Funds Account for certain purposes. Including \$3,116,100 to the Department of Education for physical education related grants.

Effective Date: July 1, 2019

HB 5046: Relating to state financial administration

House Vote: 56-3

Senate Vote: 29-0

Modifies certain biennial appropriations made from General Fund to specified state agencies and Emergency Board.

Effective Date: April 3, 2019

Summary of Enacted 2019 Education Legislation

HEALTH AND SAFETY

HB 2007: Relating to engine emissions

House Vote: 44-15

Senate Vote: 17-11

Extends authorized uses of moneys received by state pursuant to Volkswagen Environmental Mitigation Trust Agreement and deposited in Clean Diesel Engine Fund. Prohibits titling of certain motor vehicles powered by certain model year diesel engines on and after January 1, 2025, if owner of motor vehicle is located in Multnomah, Clackamas or Washington County. Prohibits registration of certain motor vehicles with certain model year diesel engines after certain dates, if owner of motor vehicle is located within Multnomah, Clackamas or Washington County. Creates exception from titling and registration prohibitions for motor vehicles powered by diesel engines retrofitted with approved retrofit technology. Directs Environmental Quality Commission to adopt by rule criteria for certification of approved retrofit technologies. Directs Department of Transportation to annually report on registration of certain motor vehicles to interim committees of Legislative Assembly related to transportation and environment. Requires certain public improvement contracts to require use of motor vehicles with 2010 model year or newer diesel engines and equipment that meets certain emission standards in performance of contract. Applies to public improvement contracts advertised, solicited or entered into on or after January 1, 2022, with exceptions. Establishes Supporting Businesses in Reducing Diesel Emissions Task Force. Directs task force to consider public funding strategies and develop incentive strategies for supporting businesses in reducing emissions from diesel engines used in conducting business activities.

Effective on passage

HB 2191: Relating to excused absences from school

House Vote: 54-6

Senate Vote: 22-6

Includes mental or behavioral health of the pupil within the term "sickness of pupil" for purposes of excused school absences. Prohibits student grading policies that reduce grades or deny credit based on excused absences provided by ORS 339.065. First applies to 2019-2020 school year.

Effective Date: July 1, 2019

HB 2876: Relating to school counseling

House Vote: 59-0

Senate Vote: 23-4

Requires school districts to provide coordinated, comprehensive school counseling program to support academic, career, personal, and social development of students, and sense of community involvement.

Summary of Enacted 2019 Education Legislation

Authorizes persons licensed as school counselor or social worker, or who meet qualifications adopted by rule of State Board of Education, to design, deliver, or implement program.

Effective Date: January 1, 2020

HB 3165: Relating to school-based health services

House Vote: 56-2

Senate Vote: 24-3

Directs the Oregon Health Authority (OHA) to consult with the Department of Education (DOE) to select 10 school or education service districts to receive grants for planning and technical assistance to support school-based health care. Specifies grant criteria. Requires grantees to contract with a nonprofit organization with experience in community projects to facilitate planning and provide technical assistance. Requires grantees to solicit community participation in the planning process including federally qualified health centers (FQHCs) and coordinated care organizations (CCOs) in the education service district. Directs OHA to contract with a statewide nonprofit organization to create tools and provide support to grantees. Directs OHA to select six school-based health center (SBHC) medical sponsors to receive operating funds to open a state-certified SBHC after two years of planning. Allows OHA to select up to four school or education service districts for a five-year pilot program to provide services in an alternative model. Requires entities selected for pilot program to partner with a CCO, FQHC, a local public health authority or other major medical sponsor, and to identify funding for service costs. Requires selected districts to establish a school-based health center or propose an alternative model to OHA and the Legislative Assembly by end of fourth year of pilot. Requires OHA to work with the Centers for Medicare and Medicaid Services to identify additional federal funding for SBHC expenditures. Appropriates \$950,000 from the General Fund.

Effective Date: July 23, 2019

SB 52: Relating to policies on student suicide prevention

House Vote: 55-0

Senate Vote: 29-0

Adi's Act. Directs school districts to adopt a policy requiring a comprehensive district plan on student suicide prevention for students in kindergarten through grade 12. Directs the State Board of Education to adopt rules in consultation with the Oregon Health Authority to govern these policies. Provides plan requirements. School district policies must be made available annually to the community of the school district and must be available at the district office and on the district website. School districts must adopt policy for the 2020-2021 school year. School districts not in compliance with this law are considered nonstandard and may be subject to withholding of State School Fund monies.

Effective Date: May 24, 2019

Summary of Enacted 2019 Education Legislation

SB 283: Relating to exposure to radiation in schools in this state

House Vote: 50-8

Senate Vote: 25-0

Directs Oregon Health Authority to review peer-reviewed, independently funded scientific studies of health effects of exposure to microwave radiation, particularly exposure that results from use of wireless network technologies in schools and to report results of review to interim committee of Legislative Assembly related to education not later than January 2, 2021. Specifies requirements for review. Directs Department of Education to develop recommendations to schools in this state for practices and alternative technologies that reduce students' exposure to microwave radiation that Oregon Health Authority report identifies as harmful.

Effective on passage

SB 485: Relating to suicide

House Vote: 51-3

Senate Vote: 27-3

Directs Oregon Health Authority to collaborate with public school districts, public universities and private post-secondary institutions of education when the death involves an individual 24 years of age or younger, and any facility that provides services or resources to runaway or homeless youth when developing a plan for communication following suspected suicide. Requires any public school district, public university or private post-secondary institution of education the individual was attending at the time of the individual's death to inform the Oregon Health Authority of activities implemented to support local entities and individuals affected by the suicide and to prevent the risk of contagion and the Oregon Health Authority shall serve as a resource.

Effective Date: January 1, 2020

SB 665: Relating to responses to opioid overdoses in schools

House Vote: 55-0

Senate Vote: 26-0

Adds naloxone to the definition of medication for purposes of administering medicine to students and other individuals on school premises. Directs the State Board of Education to adopt rules for the administration of naloxone or any similar medication to rapidly reverse opioid overdoses. Establishes requirements for administration. Permits school district boards to adopt policies for administering medications if policies are consistent with State Board of Education rules. Provides immunity from criminal actions or civil damages related to the good faith and proper administration of the medication if administered on school premises or activity under jurisdiction of school district.

Effective Date: January 1, 2020

Summary of Enacted 2019 Education Legislation

SB 963: Relating to safe classrooms

House Vote: 58-1

Senate Vote: 26-0

Modifies permissible uses of restraint for students in public education programs. Adds supine restraints and other actions to list of prohibited restraints. Prohibits retaliation as a reason to use restraint or seclusion. Permits the Department of Education to determine that a school district is deficient and not eligible for state school funds if it fails to comply with restraint reporting requirements.

Effective Date: July 1, 2019

MILITARY STUDENTS AND FAMILIES

HB 2556: Relating to excused absences from school

House Vote: 55-0

Senate Vote: 28-0

Requires a principal or teacher to excuse a student for up to seven days if student is a dependent of an active-duty member of the U.S. Armed Forces. Defines Armed Forces of the United States to include Army, Navy, Air Force, Marine Corps, Coast Guard, reserve components, U.S. and Oregon National Guards. Exempts the seven days of absences from the maximum number of excused absences that a school board may provide to a student. First applies to 2019-2020 school year.

Effective Date: July 1, 2019

HB 2892: Relating to high school graduation ceremonies

House Vote: 52-0

Senate Vote: 28-0

Requires school districts and public charter schools to allow a student to wear a military dress uniform at high school graduation ceremony. Requires student wearing military uniform at a graduation to be qualified to receive a high school diploma or alternative certificate and to have completed basic training for, and be an active member of, a branch of the U.S. Armed Forces. Applies to high school graduation ceremonies occurring on or after effective date of act.

Effective Date: June 4, 2019

Summary of Enacted 2019 Education Legislation

SB 690: Relating to Interstate Compact on Educational Opportunity for Military Children

House Vote: 57-0

Senate Vote: 28-0

Repeals sunset on the Interstate Compact on Educational Opportunity for Military Children. Adds Deputy Superintendent of Public Instruction and members of State Board of Education to Compact council. Changes meetings from every three months, to annually. Replaces Oregon Military Department with Department of Education for administration and staffing.

Effective Date: June 11, 2019

SB 802: Relating to school residency of military children

House Vote: 57-0

Senate Vote: 26-0

Provides school residency to nonresident military children in cases of official military transfers. Applies to military families covered in Interstate Compact on Educational Opportunity for Military Children as determined by rules adopted by the State Board of Education. Requires school districts to provide same enrollment and class placement rights to eligible military children. Requires proof of residency within 10 days of transfer. Delays attendance requirements until 10 days after transfer. Allows school district to receive state funding after child arrives at school. Authorizes State Board of Education to adopt rules.

Effective Date: January 1, 2020

NUTRITION

HB 2579: Relating to the Farm-to-School Grant Program

House Vote: 58-0

Senate Vote: 27-0

Expands purposes for which non-competitive grant may be used to include provider of center-based programs for children in the Child and Adult Care Food Program, and entities that provide food through the Summer Food Service Program to assist in paying for costs incurred by the entity to purchase food produced or processed in this state or to pay for costs incurred to identify sources of those foods or to process those foods. Creates competitive grant to school district, provider of center-based programs for children in the Child and Adult Care Food Program and entities that provide meals through the Summer Food Service Program to encourage and sustain successful efforts to purchase or promote food produced or processed in this state. Adds to list of entities eligible for competitive grant for moneys to pay the costs incurred to coordinate and implement food-based, agriculture-based, or garden-based educational activities in a school district to include providers of center-based programs for children in

Summary of Enacted 2019 Education Legislation

the Child and Adult Care Food Program and producers of food produced or processed in this state to include farmers, ranchers, and seafood harvesters. Directs Department of Education to evaluate effectiveness of program and to ensure that technical assistance, training and resources are provided to certain entities. Directs Department of Education to enter into an agreement with the State Department of Agriculture for the SDA to distribute funding for infrastructure and equipment to persons who intend to sell food produced or processed in this state to a school district, provider of center-based programs for children in the Child and Adult Care Food Program and entities that provide meals through the Summer Food Service Program.

Effective Date: July 1, 2019

STATE AGENCIES

HB 2353: Relating to Public Records

House Vote: 54-5

Senate Vote: 26-4

Authorizes the Attorney General, district attorney, or court to require a public body to pay a \$200 penalty and reasonable attorney fees to a person who requested a public record upon determining that the public body failed to respond to the request or responded to the request with undue delay. Allows the Attorney General, district attorney, or court granting a petition filed under this section to provide for a fee waiver or fee reduction in the order granting the petition.

Effective Date: June 4, 2019

HB 2430: Relating to the Public Records Advisory Council

House Vote: 58-1

Senate Vote: 28-0

Eliminates sunset date of Public Records Advisory Council.

Effective Date: January 1, 2020

SB 72: Relating to the administration of state agencies

House Vote: 53-7

Senate Vote: 22-8

Modifies statutes relating to administration of state agencies. Removes declaration that travel awards obtained while conducting state business are personal gain. Deletes requirement that state agencies manage travel awards earned by their employees traveling on state business. Allows Department of Administrative Services (DAS) to rent unused office space to private persons at prescribed rates, unused

Summary of Enacted 2019 Education Legislation

non-office space to any person at market rate, and meeting spaces to any person engaged in specified activities. Expands state exemption from local parking codes to newly acquired state buildings. Standardizes definition of "state agency" for purposes of collecting debts owed to the state. Exempts Judicial Department, Secretary of State, and State Treasurer from requirement to report liquidated and delinquent debt to DAS. Removes provisions related to consumer price index. Requires DAS to identify barriers to telecommuting for state employees and solutions to promote telecommuting.

Effective Date: January 1, 2020

SB 933: Relating to inquiries issued by public bodies about race or ethnicity

House Vote: 57-0

Senate Vote: 30-0

Requires that form or document issued by public body asking person to identify person's race or ethnicity allow person to select multiple races or ethnicities.

Effective Date: January 1, 2023

TEACHING, LEARNING, AND SERVICES

HB 2022: Relating to the Oregon Virtual School District

House Vote: 59-1

Senate Vote: 28-0

Renames Oregon Virtual School District (ORVSD) to Oregon Digital Learning. Expands program to include professional development related to online learning for public school teachers. Directs program to provide professional development to support school districts with online learning, including helping school districts to identify and support students who will benefit from online learning opportunities. Permits Superintendent of Public Instruction to contract with a public or private entity to offer professional development.

Effective Date: January 1, 2020

HB 2173: Relating to broadband

House Vote: 54-5

Senate Vote: 27-1

Repeals sunset on Oregon Broadband Advisory Council. Changes composition of council. Broadens duties of council to include recommending public policy and solutions to address state's broadband needs and goals. Directs council to champion statewide access to broadband services. Modifies uses of

Summary of Enacted 2019 Education Legislation

Connecting Oregon Schools Fund to include education service districts, public charter schools or a consortium that is any combination of school districts, education service districts and public charter schools.

Effective Date: July 1, 2019

HB 2263: Relating to accelerated college credit programs

House Vote: 59-0

Senate Vote: 28-0

Directs Oregon Department of Education (ODE), in collaboration with the Higher Education Coordinating Commission (HECC), to administer the Accelerated College Credit Planning Partnership Grant Program. Defines accelerated college credit programs as dual credit, two-plus-two, advanced placement, and International Baccalaureate programs. Requires grants to be distributed to encourage partnerships between school districts and post-secondary institutions to offer accelerated college credit programs.

Effective Date: June 4, 2019

HB 2444: Relating to agricultural education

House Vote: 60-0

Senate Vote: 27-0

Requires Oregon Department of Education (ODE) to coordinate with Oregon Future Farmers of America (FFA) to increase student achievement and improve graduation rates, college preparation, and career placement for students enrolled in secondary agricultural courses. Requires students enrolled in agricultural education programs in grades 9 through 12 to be enrolled in national FFA organization. Requires coordination between ODE and Oregon FFA to provide financial support for leadership and development, host competitive events and conventions for student award programs, and work with the Oregon State Fair to plan FFA participation. Appropriates \$1,430,000 out of the General Fund to ODE to be expended on Oregon FFA. Establishes grant program with certain criteria to be administered by ODE for agricultural programs during summer months. Specifies data collection and reporting requirements. Appropriates \$600,000 out of General Fund for grant program.

Effective Date: July 1, 2019

HB 2457: Relating to educators in the Eastern Oregon border economic development region

House Vote: 59-0

Senate Vote: 28-0

Requires the Teacher Standards and Practices Commission (TSPC) to evaluate whether licensing requirements may be waived or modified to more closely match requirements in Idaho and to make

Summary of Enacted 2019 Education Legislation

educator positions in the Eastern Oregon Border Economic Development Region more competitive with similar positions in Idaho. Requires TSPC and the Oregon Department of Education (ODE) to evaluate career advancement and mentorship of new teachers in the border region. Establishes that the purpose of the evaluations is to increase the number of teachers for math, science, and career and technical education (CTE) courses in the border region. Requires the Office of Child Care to evaluate whether a streamlined process can increase the availability of in-home and family-provided child care in the border region. Requires TSPC, ODE, and the Office of Child Care to report evaluation results to the Legislative Assembly no later than September 15, 2024. Sunsets on December 31, 2024.

Effective Date: May 30, 2019

SB 16: Relating to special education services

House Vote: 54-0

Senate Vote: 30-0

Current law permits licensed physicians to perform medical exams and licensed nurses to perform health assessments for special education evaluations. In practice, medical exams and health assessments are the same type of exam. This bill removes references to health assessments to provide clarity. Expands list of health practitioners that may conduct medical exams for special education evaluations including, physicians, naturopathic physicians, nurse practitioners, physician assistants, licensed in Oregon or the appropriate authority in another state. Adds audiology assessment and specifies those licensed to conduct exam. Requires health practitioners to report exam results to school district where the child is enrolled. Applies to exams conducted on or after effective date.

Effective Date: May 24, 2019

SB 160: Relating to college credit for courses taken in high school

House Vote: 50-6

Senate Vote: 30-0

Requires Oregon public universities and community colleges to award academic credit to students who earn a score of 4 or higher on IB exam. Allows university to require higher score with approval from HECC.

Effective Date: January 1, 2020

SB 216: Relating to teaching without a license

House Vote: 57-0

Senate Vote: 26-3

Summary of Enacted 2019 Education Legislation

Permits school district to employ an unlicensed educator with a pending application for 90 days only if the unlicensed educator has not been employed during the previous year with a pending application for the same license.

Effective Date: January 1, 2020

SB 905: Relating to school district residency for Children in foster care

Senate Vote: 28-0

House Vote: 57-0

Clarifies that care for children whose parent or guardian has voluntarily placed the child outside the child's home with a public or private agency and for whom the child's parent or guardian retains legal guardianship does not meet the definition of "foster care". Establishes general rule that child, whose parent or guardian voluntarily places child in substitute care while retaining legal guardianship, is resident of school district where substitute care program is located. Provides exception to allow child to attend school in district where parents or guardian reside, under specified circumstances.

Effective Date: July 1, 2019

SB 686: Relating to student athlete agents

House Vote: 50-0

Senate Vote: 22-0

Allows a certified athlete agent to pay for certain expenses in connection with recruiting and signing student-athletes by incorporating National Collegiate Athletic Association (NCAA) bylaws adopted on or before January 1, 2019, into the Revised Uniform Athlete Agents Act.

Effective Date: January 1, 2020

BUDGET NOTES

Educator Advancement Council:

Prior to the distribution of any of the Formula Fund to a Regional Educator Network (REN), the Educator Advancement Council (EAC) and its staff must determine that the REN has demonstrated its capacity to provide the administrative, fiscal and policy related responsibilities to carry out a set of professional development programs in its region. The plan and other required documents must meet all the requirements established by the Council.

The EAC shall report to the Legislature no later than February 1, 2020 on the progress of the development of the programs of the Council and the RENs. The report shall include: (1) the results of the

Summary of Enacted 2019 Education Legislation

Request for Proposal and selection of the Regional Educator Networks; (2) their organization and activities to date; (3) the organization and activities of the Educator Advancement Council staff; and (4) the amount of funds distributed to each Regional Educator Network by the spending category above in the table.

K-12 Grant-in-Aid Programs:

The Oregon Department of Education is instructed to study the various K-12 Grant-in-Aid programs to determine if further programs can be combined with other programs or eliminated. The Department is to identify any barriers or required statutory changes in its study. Groups representing the various K-12 interest groups should be consulted in this effort. The Department is to submit a preliminary report to the Interim Ways and Means Committee by February 1, 2020 with a final report as part of their Ways and Means presentation to the 2021 legislative session.

ODE GENERATED REPORTS

Bill #	Summary	Report Due
HB 2263	Relating to accelerated college credit programs.	12/01/2019
HB 2457	Relating to educators in Eastern Oregon Border Economic Development Region	09/15/2024
HB 3427	Establishes Fund for Student Success	<ul style="list-style-type: none"> • ODE interim Reporting Requirement- No later than 2/1/2020 • Educator Professional Development report no later than January 15, 2020 • No later 2/1/2022 (sec. 20) for Students Investment account • Concerning development of statewide education plans no later than January 1, 2021 (sec. 40).
SB 72	Relating to state administration of agencies	October 1 each year (sec. 16)