



GARRETT HEMANN ROBERTSON P.C.

School Law Update

JULY 2015

2015 LEGISLATIVE CHANGES

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PERSONNEL

HB 2007 - UNLAWFUL TO DISCIPLINE EMPLOYEE FOR WAGE INQUIRY

- It is now unlawful for employers to discipline, discriminate or retaliate in any way against an employee who has:
 - Inquired about, disclosed or disclosed the wages of the employee or another employee.
 - Filed a complaint based on the disclosure of wage information by the employee.
- Employees can file private civil action to enforce this law.
- This is the Legislature's attempt to make employee wages more transparent to address the issue of unequal pay between men and women.
- Employers can still discipline an employee who has access to wage information as part of the employee's position if the employee discloses the information in violation of employer policy.
- Effective January 1, 2016.
- **Action Item:** None.

HB 2680 - PROHIBITS USE OF SMARTER BALANCED RESULTS IN EVALUATIONS

- School districts are prohibited from using the 2014-15 Smarter Balanced results to evaluate schools, teachers and administrators.
- Work group established to determine how to implement Smarter Balanced results.
- Effective May 21, 2015.
- **Action Item:** None.



2015 LEGISLATIVE CHANGES, continued

HB 2939 - NEW SUBSTITUTE RATE FOR 4-DAY SCHOOL WEEK DISTRICTS

- The current substitute rate is based on the assumption that the school district is on a five-day school week.
- This law changes the daily salary multiplier to 1.125 from 1.25 for school districts on four-day school weeks. For four-day school week districts, the increase in pay for long-term substitutes must be made after eight consecutive days of work, rather than ten consecutive days of work for five-day school week districts.
- Effective July 1, 2015 for the 2015-16 school year.
- **Action Item:** If your four-day school week district runs its own substitute pool, update rate of pay and practice regarding long-term substitute pay.

HB 3058 - USE OF RETIREES FOR CTE INSTRUCTION

- Tier 1 and Tier 2 retirees who are TSPC licensed to teach a CTE course may teach such courses without jeopardizing PERS benefits.
- This law does not extend to teachers retired under the Oregon Public Service Retirement Plan (OPSRP).
- Effective June 18, 2015.
- **Action Item:** None.

HB 3375 - UPDATES TO MINORITY TEACHER ACT

- Renamed to “Educators Equity Act.”
- Previously, the Minority Teacher Act described the goal of the Act to be that the number of minority teachers and administrators be proportionate to the number of minority children enrolled in all Oregon schools. The Educators Equity Act changes the goal for diverse educator employment to be relative to the percentage of minority students within a school district, not within the state as a whole.
- Broadened the definition of “minority.”
- Effective January 1, 2016.
- **Action Item:** None.

HB 3557 - REQUEST FOR PERSONNEL INFORMATION

- If a public employer receives an information request for personal contact information of public employees, the information request must be forwarded to the public employee.
- The public body can only comply with the request after waiting seven days after providing the information request to the affected employee and only if the requestor has demonstrated with clear and convincing evidence that the public interest is served by disclosing such information.
- Effective upon passage.
- **Action Item:** Update public record request processes.



2015 LEGISLATIVE CHANGES, continued

SB 185 - SOCIAL MEDIA ACCOUNTS

- Previous legislation prohibited employers from requiring an employee to disclose his/her password or provide access to the employee's social media account.
- This legislation prohibits employers from requiring employees to establish or maintain a social media account to advertise or promote the employer.
- Effective date January 1, 2016.
- **Action Item:** None.

SB 287 - SPEECH LANGUAGE PATHOLOGIST LICENSURE

- After July 1, 2016, speech language pathologists (SLP) must be licensed by the State Board of Examiners for Speech-Language pathology and Audiology.
- Those that had a TSPC license and endorsement as of July 1, 2016, to work within the schools are grandfathered in and do not have to obtain a separate license.
- Effective date January 1, 2016.
- **Action Item:** Ensure human resources department confirms SLP licensure with State Board of Examiners, not just TSPC, if SLP is not grandfathered in.

SB 454 - MANDATED PAID SICK LEAVE

- Requires employers of 10 employees or more to provide paid sick leave to all employees paid on an hourly or salary basis at the rate of 1.33 hours per every 40 hours worked. Employees can accrue up to 40 hours of paid sick leave per year. This is less than the amount of sick leave school districts are required to provide employees pursuant to ORS 332.507 (10 days/school year or one day/month employed).
- If a collective bargaining agreement has a more generous provision for sick leave than the law, the CBA will rule; otherwise, the provisions of the law will apply to ALL district employees.
- Applies to temporary workers, coaches, student workers and substitute teachers if paid directly by the school district.
- Allows for filing of sick leave use retaliation claim with BOLI.
- Effective date January 1, 2016.
- **Action Item:** Prepare to account for accumulation and use of paid sick leave for all employees by effective date of bill, January 1, 2016. Review other requirements of bill to note any conflicts with current collective bargaining agreements and Board policy (e.g. expanded circumstances when an employee can use sick leave).



2015 LEGISLATIVE CHANGES, continued

SB 492 - USE OF SICK LEAVE FOR DOMESTIC VIOLENCE LEAVE

- Previously, employees eligible for domestic violence leave could use accrued **vacation** leave. This law allows employees to also use “accrued **sick leave** or personal business leave” to take domestic violence leave.
- Domestic violence leave is allowed for employees to seek services, assistance or treatment if they are a victim of domestic violence, criminal harassment, sexual assault or stalking.
- The order of use of leave may be designated by the District’s collective bargaining agreement or District policy.
- Effective date January 1, 2016.
- **Action Item:** Review collective bargaining agreements and OFLA/FMLA policies to determine if the District has designated an order for leave (e.g. vacation leave, personal leave, sick leave).

STUDENT ISSUES

HB 2465 – DISTRICT NO LONGER PROVIDING CERTIFICATION OF SCHOOL ENROLLMENT FOR DRIVER’S LICENSES

- Schools will no longer be required to provide students a proof of enrollment form so that a student may obtain a driver’s license. Instead, the students’ parents will provide a certification of school enrollment.
- Certification by a school will be required to reinstate a student’s suspended license, if the license was suspended at the school’s request.
- Effective October 5, 2015 (91 days after end of legislative session).
- **Action Item:** None.

HB 2545 – PROVIDE STUDENTS QUALIFYING FOR REDUCED COST MEALS WITH FREE MEALS

- School districts must pay the student’s cost for reduced-cost meals, resulting in a free meal for the student.
- ODE will reimburse districts for the actual amount the student would have been required to pay for the reduced price lunch.
- Effective July 1, 2015 for the 2015-2016 school year.
- **Action Item:** Update procedures for students qualifying for reduced cost meals. Prepare system to account for actual costs of program to provide to ODE for reimbursement.



2015 LEGISLATIVE CHANGES, continued

HB 2597 – NOTICE OF TRUANCY TO INCLUDE INFORMATION RE: IEP MEETINGS

- Notices of truancy must inform parents/guardians that they have a right to a special education evaluation or review of a current IEP.
- Truancy citations may not be issued during the pendency a requested evaluation or review of a current IEP.
- Effective July 1, 2015.
- **Action Item:** Update truancy forms to include the following:

You have the right to request an evaluation to determine if your child should have an individualized education program. If your student is currently on an individualized education program, you have the right to request a review of the individualized education program.

HB 2655 – STUDENT ASSESSMENT BILL OF RIGHTS

- ODE will create a form that tells parents about standardized testing. It will include an overview of testing, the value of testing, likely dates for testing, and will tell parents that they have a right to excuse their students from testing. School districts will have to send this form to parents at the beginning of every year, starting with the **2016-2017 school year**.
- At least 30 days prior to testing, school districts must send parents a notice about statewide testing that includes:
 - the purpose of the tests,
 - how the results will be used,
 - the dates of testing,
 - the amount of class time used for testing,
 - the learning targets that make up assessments,
 - the difference between a good and bad performance,
 - when results will be available, and
 - access to the opt-out form.
- Districts must provide supervised study time for students who are excused from testing.
- Annual parental notice requirement effective for the 2016-2017 school year; all other provisions effective for the 2015-2016 school year.
- **Action Item:** Prepare and send notice to parents at least 30 days prior to testing. Prepare to provide students supervised study time if excused from testing.



2015 LEGISLATIVE CHANGES, continued

HB 2661 – UPDATE ON REQUIREMENTS FOR SCHOOL SAFETY DRILLS

- Clarifies that only schools in a tsunami hazard zone must provide tsunami drills (prior law required this for any school in a “coastal zone”).
- Expands definition of lock down drills to include lockdown, lockout, shelter in place and evacuation drills.
- Changes public meetings law to allow a school board to enter into executive session to “consider matters relating to school safety or a plan that responds to safety threats made toward a school.”
- Effective July 1, 2015.
- **Action Item:** Incorporate these scenarios into safety drills and instruction.

HB 2715 – PROHIBITION ON PUBLICLY POSTING STUDENT-SPECIFIC ASSESSMENT RESULTS

- District employees and volunteers may not post or publish personally identifiable information about a student’s specific or comparative results of a test. The Legislature’s intent is to prevent schools from using test scores “punitively or to shame students.”
- Test score information can be released with parental consent (e.g. when a student has a perfect SAT score).
- Effective July 1, 2015.
- **Action Item:** Train staff regarding this requirement if there has been a practice of posting test scores (even with a student ID rather than a name).

HB 2846 – BREAKFAST CAN BE CONSIDERED INSTRUCTIONAL TIME

- For schools that make breakfast accessible to students, up to 15 minutes a day while a student is eating breakfast and receiving instruction may be considered “instructional time.”
- Effective for the 2015-2016 school year.
- **Action Item:** Consider implementing “breakfast after the bell” program.

HB 2847 – FINANCIAL AID INSTRUCTION

- ASPIRE programs must provide financial aid instruction to students, emphasizing the students’ stated interests, local apprenticeships, and technical career pathways.
- Effective January 1, 2016.
- **Action Item:** Incorporate financial aid instruction into ASPIRE curricula.



GARRETT HEMANN ROBERTSON PC.

2015 LEGISLATIVE CHANGES, continued

HB 2972 – DENTAL SCREENING

- Parent/guardians of students who are age 7 or younger and are new to the district must submit certification that the student received a dental screening within the last 12 months, unless the parent/guardian provides certification that:
 - the student submitted certification to prior education provider;
 - a dental screen violates religious beliefs of student, parent, or guardian; or
 - a dental screen is a burden. (ODE will write a rule that defines burden).
- Certification must be received within 120 days of a student starting at the district.
- By October 1 each year, districts must tell ODE how many students failed to submit certification the previous year. The first due date is **October 1, 2017**.
- Districts must provide student or parent/guardian with information about screening, further examinations or necessary treatments, and preventative care.
- Effective July 1, 2016.
- **Action Item:** Prepare to implement dental screening certification for the 2016-2017 school year.

HB 3041 – SUN PROTECTION

- During outdoor activities, schools must allow students to wear hats and nonprescription sunscreen. Staff may be allowed (but not required) to assist students to apply sunscreen. Sunscreen is not considered a “medication” for purposes of district policy.
- This does not affect schools’ ability to regulate the graphics, color or message of hats and clothing.
- Effective July 1, 2015.
- **Action Item:** Notify staff of change in law regarding sunscreen.

HB 3149 – DOCTOR’S ORDERS FOR TRANSFER STUDENTS

- A school nurse may accept an order from an out-of-state doctor for the care of a student who has been enrolled at the school for 90 or fewer days.
- Effective January 1, 2016.
- **Action Item:** Notify school nurse of new provision for transfer students.



2015 LEGISLATIVE CHANGES, continued

HB 3371 – WHISTLEBLOWER PROTECTIONS FOR STUDENTS

- A student who makes a good faith report of a potential violation of state or federal law may not be retaliated against by the district. Legislature was addressing a report that a student was expelled from school for complaining to the attorney general about suspected misuse of financial aid funds.
- A student can bring a lawsuit against the district if the student believes s/he has experienced whistle-blower retaliation.
- Effective January 1, 2016.
- **Action Item:** Update all building administrators regarding new law.

SB 79 – CPR AND AED CURRICULUM REQUIREMENTS

- As part of health education for 7th – 12th graders, schools must teach students CPR and how to use a defibrillator.
- Effective for the 2015-2016 school year.
- **Action Item:** Incorporate these goals into health education material.

SB 135 – PAYMENTS FOR DAY TREATMENT AND RESIDENTIAL TREATMENT PROGRAMS

- If a student is receiving services in another district, the resident district may designate ODE to pay that district directly. Currently, the resident district makes the payments itself and then seeks reimbursement from ODE.
- Effective July 1, 2015.
- **Action Item:** Update contracts with districts in which these programs are located to reflect new funding mechanism.

SB 321 – DECREASE IN AGE FOR COMPULSORY EDUCATION

- Reduces age for compulsory education from 7 to 6.
- Effective July 1, 2016.
- **Action Item:** Update enrollment paperwork as needed.





GARRETT HEMANN ROBERTSON PC.

2015 LEGISLATIVE CHANGES, continued

SB 521 – CHANGE TO CONCUSSION LAW

- Prior to this law, public school athletes were permitted to return to play after it had been determined that they had not suffered a concussion by a certified athletic trainer. Private school athletes were not allowed to return to play even if a trainer determined the player had not suffered a concussion.
- This law clarifies that both public and private school athletes may return to play if a trainer determines the player has not suffered a concussion. The trainer may, but is not required to, consult with a health care professional in making this determination.
- Effective June 11, 2015.
- **Action Item:** None.

SB 553 – LIMITATION ON DISCIPLINARY ACTIONS FOR YOUNG STUDENTS

- For students who are in fifth grade or below, schools may not impose out-of-school suspensions or expulsions except in cases of:
 - The student intentionally causing serious harm to another student or to a school employee;
 - If a school administrator believes that a student's conduct poses a direct threat to the safety of students/employees; or
 - When a suspension or expulsion is required by law.
- When a young student is suspended, the school must take steps to prevent a recurrence of the behavior and return the student to a classroom setting so that the disruption of the student's academic instruction is minimized.
- Effective July 1, 2015.
- **Action Item:** Train elementary school administrators regarding these limitations. Update student handbooks and Board policy related to student discipline, suspension and expulsion.

SB 556 – PROHIBITION OF USE OF EXPULSION TO ADDRESS TRUANCY

- Expulsion can no longer be used to address truancy and student attendance issues.
- Effective July 1, 2015.
- **Action Item:** Train school administrators regarding these limitations. Update student handbooks and Board policy related to student discipline and expulsion.





2015 LEGISLATIVE CHANGES, continued

SB 612 – DYSLEXIA SCREENING AND SUPPORT

- At least one K-5 teacher in each K-5 school must have received dyslexia training.
- Dyslexia training must:
 - Comply with knowledge and practice standards of an international dyslexia organization.
 - Enable the teacher to understand and recognize dyslexia; and
 - Enable the teacher to implement instruction that is systematic, explicit and evidence-based.
- Effective January 1, 2018, ODE will make rule regarding compliance deadline.
- **Action Item:** At each school with kindergarten through 5th grade students, either train a teacher for dyslexia, hire a teacher trained for dyslexia, or obtain a waiver from ODE by the 2017-2018 school year.

SB 686 – CHANGE IN WIOA CLASSIFICATIONS

- Students enrolled in alternative education programs may be considered “out-of-school youth” for purposes of Workforce Innovation and Opportunity Act (WIOA).
- Effective January 1, 2016.
- **Action Item:** None.

SB 709 – UPDATES TO OPEN ENROLLMENT LAW

- When deciding whether to admit nonresident, school districts may now also consider whether a student has an enrollment priority (described below) and a student’s preference about what school the student wants to attend.
- If the district uses a lottery selection process, districts can now give priority to the following students:
 - to students that move out of district (even if the student moves during the summer) for one year; and
 - to students who attend a charter school in the district for at least three years, if the student finishes the last year offered by that charter school and if the student does not enroll in another school in the interim.
- For nonresident students that have been admitted, a school board may:
 - Revoke consent for a failure to comply with behavior or attendance standards. School boards may not revoke consent for a student’s academic failure.
- Prohibits school districts from using state funds or local revenue to advertise for district openings to nonresident students if:
 - The advertisements are located outside the boundaries of the district;
 - The advertisements directly target nonresident students through direct mail, online marketing, TV ads, radio ads, or newspaper ads (unless the ads are in a newspaper that primarily serves the district).
- Effective June 18, 2015.
- **Action Item:** If your district admits nonresidents, you should review the standards for giving consent.



GARRETT HEMANN ROBERTSON PC.

2015 LEGISLATIVE CHANGES, continued

SB 790 – DOMESTIC VIOLENCE EDUCATION

- School boards must now include domestic violence education in their existing policies about teen dating violence education.
- ODE will create and provide school districts with posters about domestic violence reporting, which must be displayed in clearly visible locations on school campuses.
- Effective January 1, 2016.
- **Action Item:** School boards must update policies to incorporate domestic violence prevention education and add the requirement about the posting of domestic violence posters.

SB 856 – CHILD SEXUAL ABUSE PREVENTION PROGRAM

- Each school district must adopt a child sexual abuse prevention instructional program for kindergarten through 12th grade students.
- Districts' programs must include a minimum of four instructional sessions per school year.
- Districts' programs must also include training for school personnel and a component to inform parents about sexual abuse prevention, in addition to a number of other requirements.
- Effective June 11, 2015.
- **Action Item:** Districts must create or adopt a sexual abuse prevention program that aligns with the specifications of this law.

SB 875 – ADMINISTRATION OF MEDICATION FOR ADRENAL INSUFFICIENCY

- School districts will be required to designate and train personnel to administer medication to treat adrenal insufficiency for any student that needs it.
- Upcoming rules will give details for training requirements.
- School district only has to designate/train employee after parent or guardian notifies it that an enrolled student has been diagnosed with adrenal insufficiency.
- Effective January 1, 2016.
- **Action Item:** If a parent/guardian lets the district know that their student suffers from adrenal insufficiency, the district must designate and/or train somebody to offer emergency treatment to that student.





2015 LEGISLATIVE CHANGES, continued

MISCELLANEOUS

HB 2404 – FOOD AND BEVERAGE NUTRITIONAL STANDARDS

- Aligns state food and beverage nutritional standards with federal standards.
- Food snack standards now allow juices to be diluted with water, allow flavored water, allow seeds, nuts and seed/nut butters to be exempt from saturated fat prohibitions, and prohibits caffeinated beverages from being sold in elementary and middle schools.
- Clarifies that these food standards only apply to food sold to children, not staff.
- Effective July 1, 2015.
- **Action Item:** Update food snack standards for vendors.

HB 2411 – TSPC UPDATES

- Streamlines licensure structure to establish a three tiered system.
- Increases licensure fees.
- Sets goal for diversity of state’s educators to match that of students and establishes reporting requirement.
- Effective July 1, 2015.
- **Action Item:** None.

HB 2412 – UPDATES TO TSPC RULES

- Includes curriculum preparation, assessment, and online activity in “instruction.”
- Adds “academic program directors” to the definition of “administrator,” meaning such directors must have an administrative license.
- Adds definition for “instructional assistant” as a classified employee whose work is limited to assisting a licensed teacher.
- Removes requirement for specialty certificate for ESD superintendents.
- Recipient of public charter school registration may not be granted to people who are under the age of 18 years old, who have been convicted of some crimes, or who have had their license revoked.
- Teacher training programs must include instruction on teaching children with dyslexia.
- Education service districts now subject to penalties for employing unlicensed or unregistered teachers.
- Allows teachers holding suspended licenses to apply for reinstatement.
- Empowers TSPC to issue subpoenas.
- Gives TSPC more flexibility to issue licenses to out of state applicants.
- Effective January 1, 2016.
- **Action Item:** None.



2015 LEGISLATIVE CHANGES, continued

HB 2713 – STATEWIDE AUDIT

- The Secretary of State will conduct an audit about the use and efficacy of statewide assessments.
- A report will be due by September 15, 2016.
- **Action Item:** None.

HB 2762 – POLYSTYRENE FOAM

- School districts may not use polystyrene foam in the service of any meal unless the school district participates in a programing for recycling it.
- Effective July 1, 2015.
- **Action Item:** If your school district uses this material for trays, plates, etc., ensure that your district can recycle it or stop using it.

HB 2892 – POW/MIA FLAG

- New public buildings must be constructed to properly display three flags: nation, state, and POW/MIA. Existing public buildings that can accommodate the simultaneous display of three flags must also display the POW/MIA flag.
- Effective January 1, 2016.
- **Action Item:** Ensure that new structures have a way to properly display three flags, or if your buildings allow for the display of three flags, you must now display the POW/MIA flag.

HB 2928 – CLASS SIZE TASK FORCE

- The state will convene a task force to determine appropriate class sizes, identify methods to reduce class size, and determine the cost of reducing class sizes.
- The task force will make recommendations to the Legislature by September 15, 2016.
- **Action Item:** None.

HB 2931 – RADON TESTING

- The Oregon Health Authority will distribute to school districts information about radon and will develop model plan for school districts to test for radon.
- Districts must develop and submit a plan for schools where the radon levels are elevated to OHA before September 1, 2016. Any school that has been tested for radon on or after January 1, 2006, is exempt from this requirement.
- Results of tests must be provided to school boards and the Oregon Health Authority, and must be made available at each school's office and on each district's website.
- Effective on passage.
- **Action Item:** Develop or adopt a plan to test for radon and, once completed, publish the results of the test.



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2015 LEGISLATIVE CHANGES, continued

HB 2955 – OREGON CIVICS DAY FOR TEACHERS

- ODE will provide funding for an annual conference dedicated to Oregon civics, held on the first Friday of December.
- Two teachers per legislative district will receive grants to attend.
- Effective July 1, 2015.
- **Action Item:** None.

HB 3031 – PRERECORDED CALLS

- Within the first 10 seconds, a prerecorded call must give the listener an option to opt out of prerecorded calls from the caller by entering or speaking a one-digit code.
- Effective June 25, 2015.
- **Action Item:** If your district uses “robocalls” related to student attendance, tailor the script of the call to this law.

HB 3035 – SCHOOL ZONE TRAFFIC SIGNALS

- Flashing lights may be operated from 7 a.m. to 5 p.m. if the school has a parking lot across the street and the street is designated to be 45 mph or more.
- Effective May 21, 2015.
- **Action Item:** None.

HB 3039 – PARTNERSHIPS FOR REAL PROPERTY

- If doing so would reduce a school district’s cost for facilities, a school board may enter into a partnership with another entity to acquire, lease or improve real property.
- Example: Entering into partnership with higher education institution to take advantage of federal tax credit opportunities.
- Effective June 18, 2015.
- **Action Item:** None.

HB 3339 – TSPC AUDIT

- The Secretary of State will audit TSPC to determine source of reported performance deficiencies. Will explore transfer of TSPC to ODE.
- Audit report due January 15, 2016.
- **Action Item:** None.





2015 LEGISLATIVE CHANGES, continued

HB 3497 – EDUCATION SERVICE DISTRICT FUNDING

- Increases the minimum general services grant to ESDs statewide.
- Effective July 1, 2015.
- **Action Item:** None.

SB 137 – DEFINING “PUBLIC WORKS” FOR PURPOSES OF PREVAILING WAGES

- Modifies definition of “public works” projects to include all projects where \$750,000 of public money is used, including those improvements located on private property.
- Effective January 1, 2016.
- **Action Item:** Ensure that your district is paying prevailing wage for a large project with district funding over \$750,000, even if that project is built on or improves private property.

SB 293 – GIFTS TO PUBLIC OFFICIALS

- Exempts the cost of food, beverage, or admission for a relative accompanying the public official to an event from the definition of a “gift” for the purposes of Oregon’s Ethics Laws.
- Effective upon passage.
- **Action Item:** None.

SB 333 – TOM MCCALL DAY

- Designates March 22 as Tom McCall day.
- School districts are encouraged, but not required, to use the “Tom McCall: A Better Oregon” curriculum that the Oregon Historical Society will develop and host.
- Effective January 1, 2016.
- **Action Item:** None required.

SB 418 – ACCELERATED COLLEGE CREDIT PROGRAM

- Higher Education Coordinating Commission will develop and disseminate recommendations to encourage students to pursue a college education. HECC will also recommend ways for high school teachers to align assigned coursework with college requirements. Funds are set aside to implement their ideas.
- Effective upon passage.
- **Action Item:** None.



GARRETT HEMANN ROBERTSON PC.

2015 LEGISLATIVE CHANGES, continued

SB 439 – ESTABLISHMENT OF OUTDOOR EDUCATION ACCOUNT

- Establishes the Outdoor Education Account to provide an outdoor school program.
- Under this program, grants are available for districts that create six-day, residential, hands-on programs for learning about nature.
- Effective July 1, 2015.
- **Action Item:** Design a compliant program and apply for a grant.

SB 447 – ESTABLISHMENT OF GRANT PROGRAM FOR CAPITAL COSTS

- Establishes grant program to provide matching fund grants to school districts for capital costs. ODE will administer.
- Effective July 1, 2015.
- **Action Item:** None.

SB 667 – EXTENSION OF SUNSET FOR SMALL SCHOOL DISTRICT FUNDS

- Currently, the Small School District Supplement Fund receives \$2.5 million per year. That fund was slated to end June 30, 2015. The sunset date was extended to July 1, 2020.
- Effective June 8, 2015.
- **Action Item:** None.

SB 895 – IMMUNIZATIONS

- Requires that districts annually report immunization information (students with incomplete immunizations) to local health departments. The local health department will gather information about immunization rates and make that information available to schools. In turn, schools will need to provide that information to parents via district website, mail/newsletter, and in the schools' offices.
- Effective for the 2015-2016 school year.
- **Action Item:** Make required reports regarding students with incomplete immunization information. Ensure that aggregate immunization information is received from local health departments and distribute that information as required.





2015 LEGISLATIVE CHANGES, continued

CHARTER SCHOOL

HB 2150 - CHANGE IN ACCOUNTING FOR CHARTER AND NON-CHARTER SCHOOL STUDENTS

- Prior law, which calculated the extended ADMw of public charter schools and non-charter schools independently of the other, allowed for the double-counting of student weights when students moved between the district and the charter school. This law eliminates this occurrence.
- The law also reduces the amount of any “hold harmless” funding a school district would receive as the result of the closure or non-renewal of a charter school to 5% of the charter school’s ADM for the school year preceding the school’s closure. The law also sets up an account for any overages a district experiences as a result of the school’s closure beyond the 5% funding amount allowed.
- The law also addresses funding related to the move of virtual charter school ORCA from Scio School District to the Santiam Canyon School District for the 2015-2016 school year.

HB 2186 - CORE TEACHING STANDARDS NOW APPLY TO CHARTER SCHOOLS

- As of July 1, 2016, core teaching standards (ORS 342.856) will apply to charter schools, requiring charter boards to include the core teaching standards in all evaluations of teachers and administrators.
- Effective date July 1, 2016.
- **Action Item:** Update charter contract to reflect application of this law to charter school.

HB 3044 - NOTICE REQUIRED FOR CHARTER SCHOOL OPERATING SCHOOL IN NON-SPONSORING DISTRICT

- Prior to the passage of this law, there was no requirement for charter schools to notify a non-sponsoring school district if the charter school opened a school within the non-sponsoring school district’s boundaries.
- This law requires the charter school to provide the non-sponsoring school district written notice of its opening of a school within the non-sponsoring school district’s boundaries prior to the first day of students receiving instruction at the new location.
- Note that only written notice is required, not that the charter school receive permission from the non-sponsoring school district.
- Effective date January 1, 2016.
- **Action Item:** None.



2015 LEGISLATIVE CHANGES, continued

HB 3045 - ELIMINATION OF REQUIRED TRANSFER OF FUNDS TO RESIDENT DISTRICT

- Charter law required the sponsoring district to transfer 50% of the funds remaining after SSF dollars are passed through to the charter school to the resident district of a non-resident student attending the sponsoring district's charter school. For example, if the charter school is funded at 95%, 2.5% would need to be forwarded to the resident district of the non-resident student attending the district's charter school.
- The Legislature found that the transferred funds were of de minimus value and created a large administrative burden for school districts and, therefore, eliminated this requirement.
- Effective July 1, 2015.
- **Action Item:** Update accounting practices to eliminate this transfer of funds to resident district of non-resident student attending your district's charter school.

SB 588 - SINGLE SCHOOL CHARTER DISTRICTS

- In certain circumstances, charter districts—districts with one school that have converted to a charter district—are required to establish two separate entities: the school district and the charter school. This requires the duplication of auditing and reporting requirements.
- For those charter districts that are composed of only one school and are considered a remote and necessary school district, there is no longer the requirement to establish a separate legal entity if the charter and the district share a board, employees and assets and liabilities.
- Effective July 1, 2015.
- **Action Item:** Charter districts that fit this circumstance no longer need to maintain two separate entities and will be considered a single legal entity for purposes of the charter school law. Contact legal counsel to work through changes to charter agreements.

SB 820- CHARTER SCHOOL LOTTERIES CAN INCLUDE WEIGHTS FOR UNDERSERVED STUDENTS

- Current law prohibits charter schools from limiting student enrollment based on a number of factors, including race, ethnicity and proficiency in the English language.
- However, this law allows charter schools to “implement a weighted lottery for historically underserved students.”
- Historically underserved students mean students that are “at risk because of any combination of two or more factors including their race, ethnicity, English language proficiency, socioeconomic status, gender, sexual orientation, disability and geographic location.”
- Law effective immediately. This law sunsets prior to the 2020-2021 school year.
- **Action Item:** The lottery provisions of school district charter school agreements will need to be amended to align with new state law.

DISCLAIMER: The information and material contained in this document does not constitute legal advice and are provided for informational purposes only.