



GARRETT HEMANN ROBERTSON P.C.

Education Law Update

JULY 2017

2017 LEGISLATIVE SESSION SUMMARY: COMMUNITY COLLEGES

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STUDENT ISSUES

SB 55 Oregon Promise Program

- SB 55 removes the \$10 million/fiscal year cap on Oregon Promise grants and increases the General Fund appropriation made to the Higher Education Coordinating Commission.
- Effective April 4, 2017
- **Action Item:** None

SB 207-A Advanced Placement College Credit

- Public universities and community colleges must give credit to students who participated in an Advanced Placement program and received a grade of three or higher on the examination.
- Effective for the 2018-19 school year.
- **Action Item:** High school counselors should be notified of this opportunity for students. Community colleges must begin to give credit to students earning a three or higher on AP examinations beginning with the 2018-19 school year.

SB 253 Student Loan Disclosure

- Requires community colleges to provide to each student annual notice of:
 - information detailing amount of federal education loans received;
 - amount of tuition and fees student has paid to institution;
 - estimate of total payoff amount of education loans student has received;
 - estimate of amount student will have to pay each month to service loans;
 - percentage of borrowing limit student has reached for each type of federal loan; and
 - a statement that the information does not include private loans and credit card debt.
- Effective for the 2018-19 school year.
- **Action Item:** Communicate required loan information to students beginning with the 2018-19 school year.



2017 LEGISLATIVE SESSION SUMMARY, continued

[HB 2147 Post- Secondary Graduation Data](#)

- HB 2147 requires each post-secondary institution of education to document the number of Oregon high school graduates from each school district enrolled at the institution. Also each post-secondary institution of education must document the institution's graduation rate for Oregon high school graduates by district. The documentation will be given to the Higher Education Coordinating Commission.
- Effective January 1, 2018
- **Action Item:** Produce requested data to HECC.

[HB 2314 HECC- Minimum Standards](#)

- Authorizes HECC to set minimum standards for graduation from hair design, barbering, esthetics, or nail technology schools.
- Effective January 1, 2018
- **Action Item:** Update standards upon receipt of new standards from HECC.

[HB 2457-A Altering Process for Student Complaints](#)

- HB 2457 authorizes Higher Education Coordinating Commission (HECC) to refer a student complaint to:
 - The appropriate state agency if complaint alleges a violation of state law regarding consumer protection, civil rights, employment rights or environmental quality;
 - The school's accrediting association if the complaint alleges issues with the quality of the school's academic programs; or
 - The school where the student is enrolled if HECC determines to resolve the complaint internally.
- Effective July 1, 2017
- **Action Item:** None

[HB 2565 Priority Enrollment](#)

- In 2015, a law passed that required community colleges with an existing priority enrollment system to create a priority enrollment system for active members of the Armed Forces, veterans, and eligible dependents.
- The 2015 law gave qualified students who completed new student orientation priority registration over qualified students who had not completed new student orientation and not qualified students who were registering for the first time.
- Now, HB 2565 changes the priority enrollment system to offer course registration to continuing, qualified students over continuing, non-qualified students within the same credit year.
- Effective January 1, 2018
- **Action Item:** Implement priority enrollment for the specified students.



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2017 LEGISLATIVE SESSION SUMMARY, continued

HB 2666 Community College Mandatory Incidental Fees

- HB 2666 allows student government at community colleges to establish a process and allocate mandatory student-initiated fees, which must be collected by the community college. However, the community college can refuse this mandatory fee under certain circumstances.
- Effective for the 2018-19 school year.
- **Action Item:** None

HB 2729 Open Educational Resources

- HB 2729 requires the Higher Education Coordinating Commission (HECC) to work with community colleges and public universities to increase the amount of open educational resources (OERs)—freely accessible teaching, learning and research resources such as textbooks, videos and images. Now, new OERs are transferable between institutions.
- HECC will regularly convene faculty, staff and librarians from public universities and community colleges in order to increase the effectiveness of the OERs as well as report on the effectiveness of the program.
- Effective July 1, 2017
- **Action Item:** None

HB 2864-A Cultural Competency for Colleges

- HB 2864 requires public universities and community colleges to create a system for recommendation and oversight for cultural competency standards for the institution and employees.
- The system must include perspectives from all areas of the institution and give equal weight to the administrator, faculty, staff, and student perspectives. The institution must provide continuing training opportunities as well as propose institution-wide goals for improving cultural inclusion.
- The community college must create an entity or process for recommendations and oversight of cultural competency standards by December 31, 2019 and fully comply with all requirements by December 31, 2020.
- Effective July 1, 2017
- **Action Item:** Community colleges need to establish a process for the recommendation and oversight for cultural competency standards.

HB 2998 HECC Committee on Statewide Transfer Agreements

- HB 2998 requires HECC to work with community colleges and public universities to create foundational curricula for the first year of coursework and to develop a statewide transfer agreement for each major course of study.
- When students transfer from community college to a public university, each foundational curriculum academic credit should transfer.
- Effective July 5, 2017
- **Action Item:** None





2017 LEGISLATIVE SESSION SUMMARY, continued

[HB 3289 Higher Education Coordinating Commission Annual Report](#)

- HB 3289 requires HECC to submit an annual report that describes progress made in providing competency-based education in public post-secondary institutions of education.
- Effective January 1, 2018
- **Action Item:** None

[HB 3423 Oregon National Guard Exemption for Oregon Promise Grant](#)

- Individuals serving in the Oregon National Guard are exempt from the Oregon Promise grant requirement that an individual must enroll in community college courses within six months of attaining the previous highest level of education.
- However, the individual must enroll in community college courses within six months of completing initial active duty training.
- Effective for grants awarded for the 2018-19 school year.
- **Action Item:** Update Oregon Promise Grant Procedures.

PERSONNEL

[SB 206-A Compensation for Community College Faculty Members](#)

- Currently, each community college creates its own policies regarding outside compensation for faculty members from public and private sources. This may be from consulting, intellectual property or providing services to a private corporation.
- This bill directs boards to adopt standards that would authorize the receipt of such outside compensation, so long as comports with the college's mission and does not interfere with the faculty member's duties.
- Effective January 1, 2018
- **Action Item:** Community college boards must adopt a policy related to the receipt of outside compensation.

[SB 712 PERS and Workers' Compensation Payments](#)

- SB 712-A gives an Oregon Public Service Retirement Plan (OPSRP) member hours of service credit for vesting purposes and retirement credit when that member returns to employment after receiving worker's compensation disability payments.
- Effective July 6, 2017
- **Action Item:** None



2017 LEGISLATIVE SESSION SUMMARY, continued

SB 1067 Legislative Leadership Cost Containment

- The legislative leadership cost containment bill, strategizes to reduce the growth of the Public Employees Retirement System and other state expenses.
- Among other modifications to reduce costs, SB 1067 also requires the Public Employee's Benefit Board (PEBB) and Oregon Educators Benefit Board (OEBB) to create an executive committee to develop a plan to merge the two boards and to adopt ways to limit growth in premium or per member health plan costs to 3.4% a year.
- SB 1067 also eliminates "double coverage" for PEBB and OEBB employees who have family members also employed by a PEBB or OEBB employer.
- PEBB and OEBB must go out to bid every three years for actuarial or technical support.
- Effective July 7, 2017
- **Action Item:** None

HB 2005 Pay Equity

- HB 2005-A extends equal pay protections to people in protected classes, including race, color, religion, sexual orientation, national origin, marital status, disability, and age.
- Employers are prohibited from using salary history to screen applicants or to determine compensation or from acquiring the salary history from another employer.
- The bill also expands remedies for pay equity violations, including allowing compensatory and punitive damages and a jury trial.
- Effective dates:
 - Prohibition on seeking salary history effective October 6, 2017.
 - Screening and compensation discrimination provisions effective January 1, 2019.
 - A person may take legal action related to a violation of this new law beginning January 1, 2024.
- **Action Item:** Update employment applications to remove any entries requesting information about an applicant's past salary or wages. Do not request an applicant's pay history from other employers. You can use existing employee's pay history to determine compensation.

HB 2262 Employment Relations Board Changes

- House Bill 2262 allows a group of unrepresented employees to petition to be added to an existing bargaining unit under the Public Employee Collective Bargaining Act (PECBA), rather than requiring an election to be conducted.
- This bill also allows ERB to hire an executive manager in the unclassified service instead of an executive secretary in the classified service. It also changes the head of the State Conciliation Service Division to an unclassified position.
- Effective June 15, 2017
- **Action Item:** None



2017 LEGISLATIVE SESSION SUMMARY, continued

HB 2263 Employment Relations Board Fees

- HB 2263 increases the fee for the third mediation session by Employment Relations Board from \$500 to \$625.
- The fees for the fourth session decreases from \$750 to \$625.
- The fees for the first and second mediation session will continue to be \$1,000.
- Effective January 1, 2018
- **Action Item:** None

HB 2265 Negotiation Start Date

- Public entities and unions must bargain in good faith for 150 days, after which either party can request mediation. Currently, the 150-day period begins when the parties meet and exchange initial proposals. This legislation now allows the 150-day period to begin upon a date mutually agreed to in writing by both parties. This change was necessary given the increased use of non-traditional bargaining methods, such as interest-based bargaining that may not begin with the exchange of initial proposals.
- Effective July 1, 2017
- **Action Item:** None

HB 2337A Increase to Minimum and Maximum Workers' Compensation Benefits

- Increases workers' compensation benefits for permanent total disability to two-thirds of the worker's wage. However, the compensation is capped at 133 percent of Oregon's average weekly wage (which would currently calculate to be \$1,295.69).
- Increases the minimum benefit to 33 percent of Oregon's average weekly wage (which would currently calculate to be \$321.49).
- Effective July 1, 2017
- **Action Item:** None

HB 2597 Distracted Driving

- HB 2597 prohibits any person from driving a motor vehicle while using a mobile electronic device for any purpose.
- Effective October 1, 2017
- **Action Item:** If the college has not already done so, update policies to prohibit all employees from using mobile electronic devices while driving.



2017 LEGISLATIVE SESSION SUMMARY, continued

MISCELLANEOUS

SB 106 Public Records Advocate

- Creates the position of a Public Records Advocate, appointed by the governor, to provide dispute resolution services to facilitate disputes between requesters of public records and cities and state agencies (not school districts) concerning disclosure of public records.
- Creates a Public Records Advisory Council to help with the appointment of the Advocate, survey public bodies for certain practices and procedures and make recommendations for changes in public records laws.
- Effective July 7, 2017
- **Action Item:** None

SB 317-A Meeting in Indian Country

- Before, governing bodies could only hold meetings on tribal lands when meeting with a tribe. Now, governing bodies may hold meetings within “Indian country.”
- Effective January 1, 2018
- **Action Item:** None

SB 327-A Recreational Immunity Defense

- Recreational immunity now extends to employees, agents, and volunteers of the land owner. This legislative fix was required to close a loophole created by a 2015 Oregon Supreme Court decision that allowed individual public employees to be sued, when such litigation would have been dismissed against the public entity based on recreational immunity.
- Effective upon its passage.
- **Action Item:** None.

SB 481 Public Records

- Currently, public bodies must respond to requests from public records within a reasonable time frame. SB 481 adds deadlines: the public body must acknowledge requests within five business days; the public body must complete requests within 10 business days after the acknowledgement.
- Business days do not include days when an educational entity’s district office is closed.
- The requester may seek review for noncompliance and challenge the reasonableness of completed dates or denials.
- Effective January 1, 2018
- **Action Item:** Update board policies and procedures regarding public record requests.



2017 LEGISLATIVE SESSION SUMMARY, continued

[SB 934 Relating to Payments for Primary Care](#)

- Requires Oregon Educator Benefits Board (OEBB) to spend at least 12% of premiums on primary care by 1/23/23.
- Insurers that spend less than 12% of their premiums on primary care are required to develop a plan to increase spending on primary care by at least 1 percent each year.
- Effective January 1, 2018
- **Action Item:** None

[HB 2101-A Public Record Committee](#)

- House Bill 2101-A creates a four-member public records subcommittee of the Legislative Counsel Committee (LCC) and a 15-member Oregon Sunshine Committee (OSC).
- The two will work in coordination on a review of public records exemptions by December 31, 2026.
- The OSC will submit a biennial report to the public records subcommittee.
- Effective October 6, 2017
- **Action Item:** None

[HB 2278-A Municipal Corporation Budget](#)

- A municipal corporation, including school districts, education service districts, and special districts, may make a supplemental budget if the original budget did not include estimated requirements to pay debt service for general obligation bonds approved at the May election. The municipal corporation may also make a supplemental budget if actual requirements differ from the estimated requirements.
- Allows community colleges appropriations to be separated by organizational units.
- Effective October 6, 2017.
- **Action Item:** None

[HB 2311 40-40-20 Goal Revision](#)

- Revises 40-40-20 higher education goals to relate to adult Oregonians completing education, rather than to all adult Oregonians.
- Effective January 1, 2018
- **Action Item:** None

[HB 2873 Local Tax Option](#)

- When municipal corporations, including school districts and community college districts, place local option tax measures or a general obligation bond measure on a ballot it must submit information about the measure to the county elections officer to be filed with the Secretary of State for publication on ORESTAR.
- Effective January 1, 2018
- **Action Item:** None



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2017 LEGISLATIVE SESSION SUMMARY, continued

HB 2880 POW/MIA Flags

- Public buildings constructed after January 1, 2018, must include sufficient infrastructure to properly display the United States Flag, Oregon State flag, and national League of Families' POW/MIA flag simultaneously.
- Effective January 1, 2018
- **Action Item:** Include sufficient flag display infrastructure in new building construction plans.

HB 3047 Drones

- In 2013, the Oregon Legislature enacted House Bill 2710, which provides guidance and restrictions on the use of drones within Oregon.
- HB 3047 gives post-secondary education institutions an exemption for some of the current law's notification requirements.
- HB 3047 added a provision that makes it an offense for intentionally, knowingly or recklessly operating a drone over private property to harass or annoy the owner of the property. A first offense would be a Class B violation, a second offense would be a Class A violation, and a third offense would be a Class B misdemeanor.
- Effective June 29, 2017
- **Action Item:** None

HB 3437-A Workforce and Talent Development Board

- The State Workforce Investment Board advises the Governor on workforce matters. HB 3437 changes the name of the board to Talent Development Board (Board).
- Now, the Board's duties include identifying key industries in Oregon, education, training, work experience, and job preparation needed to support industry growth. Also, the Board will work with many groups including the HECC, the Chief Education Office and the Oregon Department of Education to develop talent pipelines in key industries
- Effective October 6, 2017.
- **Action Item:** None





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2017 LEGISLATIVE SESSION SUMMARY, continued

HB 3464 Public Bodies and Immigration Enforcement

- The bill limits the information that public entities can request or disclose related to a person's citizenship or immigration status. Specifically, public entities are prohibited from disclosing the following information for the purpose of enforcement of federal immigration laws unless required by federal or state law, or pursuant to a court order or warrant:
 - The person's address;
 - The person's workplace or hours of work;
 - The person's school or school hours;
 - The person's contact information, including telephone number, electronic mail address or social media account information;
 - The identity of known associates or relatives of the person;
 - The date, time or location of the person's hearings, proceedings or appointments with the public body that are not matters of public record; or
 - The above-listed information with respect to known relatives or associates of the person.
- The attorney general will adopt model policies that can be used by public entities to respond to federal immigration enforcement staff who might request information in-person or telephonically.
- Effective July 6, 2017
- **Action Item:** Review attorney general's model policies when issued and consider utilizing the policies within your district.

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