



GARRETT HEMANN ROBERTSON P.C.

School Law Update

JULY 2017

2017 LEGISLATIVE CHANGES: K-12

by Rebekah R. Jacobson



PERSONNEL

[SB 182 Educator Advancement Council](#)

- This bill replaces the Network for Quality Teaching and Learning with the Educator Advancement Council.
- The Educator Advancement Council is charged with implementing educator professional learning and educator supports, including access to mentoring, specialized professional learning, and opportunities for leadership development.
- Effective July 1, 2017
- **Action Item:** None

[SB 205 Teacher License Grace Period](#)

- This bill allows new teachers a 90-day grace period to start teaching before their license is issued, so long as the person passes the criminal records check and applies for a license with TSPC.
- The district must complete a review of the applicant's employment history prior to allowing the applicant to teach.
- Allows TSPC to collect a fee from the district, ESD or charter school for issuance of an emergency substitute teacher's license the entity would like to employ.
- Effective June 1, 2017
- **Action Item:** If a school district allows an applicant teacher to teach before TSPC issues the teacher's license, it must complete a review of the employment history and conduct a criminal records check. The district must also pay TSPC a substitute teacher license.





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2017 LEGISLATIVE CHANGES, continued

[SB 221 Educator Preparation Program Requirements](#)

- In 2015, legislation was passed that required teacher training programs to include dyslexia and required schools to ensure that existing teachers received training.
- Now, SB 221 requires teacher training programs and educator preparation programs to add instruction on “other reading difficulties.”
- Compliance may be phased in over the next three years.
- Effective June 1, 2017
- **Action Item:** None

[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

[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





2017 LEGISLATIVE CHANGES, continued

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:
 - o Prohibition on seeking salary history effective October 6, 2017.
 - o Screening and compensation discrimination provisions effective January 1, 2019.
 - o 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

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



2017 LEGISLATIVE CHANGES, continued

[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.
- The bill includes an exception for a school bus driver's use of a two-way radio.
- Effective October 1, 2017
- **Action Item:** If your district has not already done so, update policies to prohibit all employees from using mobile electronic devices while driving.

[HB 2992 Background Checks for Volunteers](#)

- If a school district board or public charter school governing body allows volunteers to have direct and unsupervised contact with students, there must be a policy requiring a criminal records check for these volunteers.
- Effective on October 6, 2017 but is operative on January 1, 2018
- **Action Item:** Update board policies related to background checks to specify that volunteers that have direct and unsupervised contact with students must undergo a criminal records check. Develop system for such background checks.



2017 LEGISLATIVE CHANGES, continued

STUDENT ISSUES

SB 4 Physical Education Requirement

- ORS 329.496, passed in 2007, required students in grades K through 8 to participate in physical education for 150 minutes (K-5) or 220 minutes (6-8) per week beginning with the 2017-18 school year.
- SB 4 allows districts additional time to comply with this requirement, by phasing in the deadline to comply over the next several school years.
- The bill also allows for proration of minutes for shorter weeks due to holidays, closures, or other losses of school time.
- It also creates a “safety valve” that suspends this requirement when the amount appropriated to the State School Fund is less than the amount determined to be needed by schools in the budget prepared by the Oregon Department of Administrative Services.
- Effective dates:
 - Transition period during 2019-2020 through 2021-2022 allowing students to participate in P.E. for 80 percent of the minutes required by current law.
 - Schools will not be penalized for failure to comply prior to the 2022-2023 year.
- **Action Item:** Prepare to implement 150 minutes for elementary and 225 minutes for middle school students per week for physical education by 2022-2023 school year.

SB 5 Student Athlete Agents

- This bill expands definition of “athlete agent” to include people attempting to represent student athletes for financial gain.
- Expands the circumstances upon which athlete agents must notify the student’s athletic director.
- SB 5 prohibits athlete agents from furnishing anything of value to student athletes or persons connected to athletes.
- Effective July 1, 2017
- **Action Item:** Require athletic directors to review SB 5 to become familiar with requirements for athlete agents.

SB 13 Native American Curriculum

- This bill directs the Department of Education to develop curriculum relating to Native American experience in Oregon for grades K-12 and to provide professional development related to curriculum. Current state content standards require only fourth grade students to study Oregon’s Native American communities.
- School districts must implement the curriculum developed by ODE in the 2019-20 school year.
- Effective July 1, 2017
- **Action Item:** Implement curriculum created by the ODE in the 2019-2020 school year.



2017 LEGISLATIVE CHANGES, continued

SB 20 NCLB à ESSA Update

- SB 20 removes references to the federal No Child Left Behind Act of 2001 and replaces them with references to the Every Student Succeeds Act (ESSA) of 2015.
- The bill makes a modified diploma equivalent to a high school diploma.
- Updates laws relating to transportation of foster youth to comply with ESSA. The revised law states that a foster student will be provided transportation to the student's school of origin free of charge (unless it is determined by the juvenile court that continuing to attend the school of origin is not in the student's best interest). The law does not specify which entity will pay for this transportation, except to state that ODE, DHS, tribal child welfare agencies and school districts must collaborate to implement this requirement.
- Effective July 1, 2017
- **Action Item:** Review and update policies referencing modified diplomas.

SB 101-B Child Abuse Investigation

- This bill prohibits school employees from notifying anyone, other than Department of Human Services or law enforcement, of a pending investigation of child abuse or an interview in progress on school grounds.
- It also gives investigators authority to refuse to disclose information to school personnel related to the nature of the investigation.
- This only applies to interviews of child abuse victims (not alleged perpetrators) that occur on school grounds.
- Effective June 13, 2017
- **Action Item:** Notify school administrators and staff members they may not notify anyone of a pending investigation of child abuse or an interview in progress occurring on school grounds.

SB 187 Vision Screening Funding

- The bill requires ODE to reimburse districts for expenses related to vision screening, including contracting with private entities.
- Effective July 1, 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.



GARRETT HEMANN ROBERTSON PC.

2017 LEGISLATIVE CHANGES, continued

[SB 263-A Abbreviated Days](#)

- Senate Bill 263-A allows a school district to place a student in an abbreviated school day program if the student's individualized education program (IEP) team makes a determination based on the student's needs, gives parents an opportunity to participate in the decision, and the IEP team considers at least one full school day-length alternative with documentation.
- It also requires school districts to give the parents notice of the district's legal requirements for abbreviated school day programs. The school district must receive a signed acknowledgement from parents for each term
- The IEP must include a statement with the reasons for placement in an abbreviated school day program.
- Effective July 1, 2017
- **Action Item:** Notify special educators of this change and create a notification of the district's legal requirements for abbreviated school day programs.

[SB 268 DHS Records of Child Abuse](#)

- When child abuse occurs with children with disabilities in an educational setting, the Department of Human Services (DHS) must provide the reports and records to Disability Rights of Oregon.
- Effective January 1, 2018
- **Action Item:** None

[SB 803A Foreign Exchange Students](#)

- This bill extended for another school year the provision in ORS 339.133 that allows districts that host foreign exchange students in dormitories to receive State School Fund distributions for these "resident" students through June 1, 2018.
- Effective July 1, 2017
- **Action Item:** None





2017 LEGISLATIVE CHANGES, continued

[SB 1003 Dyslexia Screening Tests](#)

- SB 1003 clarifies the previous law requiring every kindergarten or first grade student to be screened for dyslexia for risk factors by requiring the test be administered to all kindergartners and any first graders *not previously* screened. A notification will also be sent to parents.
- A family history survey, aimed at discovering other family members with difficulties learning to read, will be taken by every student flagged for risks.
- ODE will issue recommended best practices for interventions for students whose screening showed risk factors.
- ODE will also give a report to the Legislature on improvements and best practices for increasing screening and student-level interventions by September 2018.
- If a district lacks sufficient resources to implement the law, an education service district will provide the K-5 teacher trainings to that district.
- One teacher in each elementary school will receive training related to dyslexia.
- Effective July 1, 2018
- **Action Item:** Ensure all kindergartners are screened for dyslexia risk factors, as well as any first graders not previously screened. Ensure that one teacher in each elementary school has received training related to dyslexia.

[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:** None. Districts will receive this enrollment and graduation data from ODE on an annual basis.

[HB 2219 Educational Opportunities in Civics](#)

- Current law requires students to take three credits of social sciences in order to receive a diploma. Social sciences include history, civics, geography, and economics.
- HB 2219 *encourages* school districts and public charter schools to offer sufficient courses in civics so that those students that elect to take civics classes have the opportunity to do so.
- Effective July 1, 2018
- **Action Item:** Potentially increase civic course offerings.



2015 LEGISLATIVE CHANGES, continued

[HB 2220 Veteran High School Diplomas](#)

- Under current law (ORS 332.114), Oregon school districts issue high school diplomas to veterans who meet the following qualifications: 1) the person attended a high school prior to service in the Armed Forces, 2) the individual did not graduate high school due to service in the Armed Forces, 3) the individual was discharged or released under honorable conditions, 4) the individual served in the Armed Forces during specified wars or conflicts, and 5) the individual has received a General Educational Development (GED) certificate, post-secondary degree, or minimum score on Armed Services Vocational Aptitude Battery (ASVAB).
- Now, HB 2220 allows school districts to issue high school diplomas to veterans by removing requirement that veterans did not graduate from high school due to service in the Armed Forces, and the requirement that veterans must have received General Educational Development (GED) certificate, post-secondary degree or minimum score on Armed Services Vocational Aptitude Battery (ASVAB).
- Effective January 1, 2018
- **Action Item:** Revise policies related to the issuance of diplomas to veterans.

[HB 2229-A Financial Literacy](#)

- The bill requires that school districts and public charter schools offer enough courses in financial literacy to ensure those electing to take a financial literacy course may do so.
- Effective July 1, 2017
- **Action Item:** Make sure course offerings meet the student demand for financial literacy courses.

[HB 2314 ASPIRE](#)

- Authorizes HECC to set minimum standards for graduation from hair design, barbering, esthetics, or nail technology schools.
- HB 2314 requires Access to Student Assistance Programs in Reach of Everyone (ASPIRE) to provide financial aid instruction to middle school students, in addition to high school students as previously required.
- Effective January 1, 2018
- **Action Item:** Work with the ASPIRE program to provide financial aid education to middle school students and their families.



2017 LEGISLATIVE CHANGES, continued

[HB 2845-A Ethnic Studies Standards](#)

- House Bill 2845-A creates an advisory group to determine whether current statewide social studies standards fail to include the histories, contribution and perspectives of ethnic and social minorities.
- HB 2845-A requires the advisory group to submit a report to ODE by September 15, 2019 and requires the ethnic studies standards be adopted by ODE by September 15, 2020.
- Effective June 29, 2017
- **Action Item:** Prepare to implement new ethnic studies standards following ODE's adoption in 2020.

[HB 3318 Functional Behavior Analysis for Students](#)

- HB 3318 requires school districts to conduct a functional behavioral analysis to develop a behavior intervention plan for any IEP student or students who place others in risk of serious bodily injury.
- The analysis must take place within 45 calendar days of the student placing others in risk.
- The IEP Team and 504 Team must be notified of any changes to behavior intervention plans.
- Effective July 1, 2018
- **Action Item:** For the 2018-19 school year, notify employees that a functional behavioral analysis of a student who places other in risk of serious bodily injury must take place within 45calendar days of the incident. Notify employees that they must notify the student's IEP and 504 Team of any changes to behavior intervention plans.

[HB 3029A Delayed Enrollment](#)

- Parents can delay enrolling their 6-year-old child for one year, if in their determination, such a delay would better meet the child's needs for cognitive, social or physical development.
- Effective July 1, 2017
- **Action Item:** Update policies reflecting required enrollment age.

[HB 3267 Waiver of Diploma Requirements](#)

- School districts and public charter schools may waive high school diploma requirements that are not established by state law for students who are or were foster children, homeless, runaways, children in a military families, children of migrant workers, or children enrolled in Youth Corrections Education Program or Juvenile Detention Education Program.
- Effective January 1, 2018 (applies to diplomas awarded after this date)
- **Action Item:** Determine which high school diploma requirements are not established by the state and waive them for the specified students.



2017 LEGISLATIVE CHANGES, continued

[HB 3340 Apprenticeship Opportunities](#)

- Requires ODE and Bureau of Labor and Industries (BOLI) to develop and provide to public high schools written or electronic materials regarding apprenticeship opportunities.
- Requires high schools to disseminate materials to students and to parents or guardians of students.
- Effective June 20, 2017
- **Action Item:** Once ODE and BOLI provide high schools information on apprenticeship opportunities, high schools will disseminate materials to students and parents when providing information on higher education opportunities.

[HB 3353-A Dental Screening](#)

- Senate Bill 660, enacted in 2015, required the Oregon Health Authority (OHA) to expand the screening and provision of dental sealants to elementary or middle schools where at least 40 percent of the students are eligible to receive assistance under the USDA National School Lunch Program.
- HB 3353 requires a school district that conducts dental screenings to an entire class to provide a written notice providing parents an opportunity to opt out of the screening.
- Effective October 6, 2017
- **Action Item:** Identify schools who conduct dental screenings to entire classes. Create a written notice providing parents an opportunity to opt out of the screening.

[HB 3409-A Compulsory Attendance Requirements](#)

- HB 3409-A exempts children in the United States on a nonimmigrant visa from compulsory school attendance if they attend an accredited private English Language Learner program in preparation for attending a private high school or college.
- Effective January 1, 2018
- **Action Item:** Update any policies related to compulsory attendance to reflect this exception.

[HB 3454 “Lunch Shaming”](#)

- This bill prohibits districts from publicly identifying, stigmatizing or marking a student who has not paid for a meal. Districts also cannot serve students an alternative meal if the student cannot pay for the meal.
- Schools are prohibited from requiring a student to work or perform a service for payment of meals.
- Schools must communicate directly with the parents or guardians about debts and inability to pay. If a student owes money for more than five meals, the district must determine whether the student is eligible for free lunch and assist parents with any applications.
- Schools participating in National School Lunch Program must provide lunch to any student upon request regardless of whether the student can pay or owes money.
- Effective July 1, 2017
- **Action Item:** Notify employees of, and direct employees not to engage in, the prohibited “lunch shaming” conduct.



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2017 LEGISLATIVE CHANGES, continued

[SJR 6 Backpack Safety](#)

- SJR 6 requires ODE to provide backpack safety educational materials to school districts. It also recommends that school personnel, parents, and students be educated about health impacts of heavy backpacks and recommends schools scoliosis exams.
- Effective July 1, 2017
- **Action Item:** None

CHARTER SCHOOLS

[SB 208 Activity Access for Charter Schools](#)

- School districts may not deny charter school or home school students the ability to participate in interscholastic activities.
- Charter school or homeschooled students must obtain a minimum score at or above the 23rd percentile based on national norms or alternative requirements adopted by the district to participate in the activity
- The public charter school that enrolls the student in the interscholastic activity must pay the school district a fee of not more than five percent of the amount of the district's General Purpose Grant per weighted Average Daily Membership (ADMw) for students participating in the activities.
- Effective June 19, 2017
- **Action Item:** Update policies related to interscholastic activities to state that public charter school students can participate in such activities.

[HB 3313 Priority Admission for Charter Schools](#)

- If a charter school is formed to take over another school that the school district closed, the charter school may take over the old admissions boundary of the closed school and grant students located within this boundary priority admission.
- Effective January 1, 2018
- **Action Item:** None





2017 LEGISLATIVE CHANGES, 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 111 Medicaid Billing](#)

- ODE will develop and conduct a pilot program to assist school districts and education service districts in increasing the use of Medicaid billing.
- ODE may enter into contracts with public or private entities to provide technical assistance to districts.
- Effective July 1, 2017
- **Action Item:** Districts can submit an ODE-approved form to request technical assistance. The initial program will consist of at least nine districts, including at least one ESD.

[SB 269 Nonresident Nurses](#)

- Allows nurses licensed in a state other than Oregon to provide temporary care to out-of-state students attending school-sponsored events in Oregon.
- Effective January 1, 2018
- **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





2017 LEGISLATIVE CHANGES, continued

[SB 319 Marijuana Dispensaries Near Schools](#)

- Marijuana dispensaries and recreational marijuana retail locations must be at least 1000 feet away from a school unless certain conditions are met.
- Local governments may adopt ordinances allowing medical marijuana dispensaries and marijuana retailers reside between 500 and 1000 feet away from a school if a physical or geographic barrier separates the location and the school.
- Effective March 13, 2017
- **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 2016 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 grounds.
- 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.

[SB 847 Common School Fund](#)

- SB 847 creates a process for the State Land Board, Department of State Lands, and the Legislative Assembly to transfer trust lands managed for the benefit of the Common School Fund to other public bodies better positioned to manage lands for public benefit.
- Effective July 1, 2017
- **Action Item:** None



2017 LEGISLATIVE CHANGES, continued

[SB 856 Naturopathic Physicians](#)

- Allows naturopathic physicians to provide certification of an illness when a school employee is absent more than five days.
- Allows naturopathic physicians to conduct special education medical evaluation.
- Effective March 1, 2018
- **Action Item:** None

[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

[SB 1008 Diesel Emissions for School Buses](#)

- SB 1008 modifies the Clean Diesel Engine Fund by adding grants and loans for diesel engine replacements to the permissible uses of the fund.
- SB 1008 also allows the state to receive funds under the Volkswagen Environmental Mitigation Trust Agreement.
- Effective July 1, 2017
- **Action Item:** Consider applying for grant funds to transition from diesel fueled school buses.

[SB 1062 Healthy and Safe Schools Plan](#)

- Districts were already required to have submitted Healthy and Safe Schools Plans to ODE by January 2017; this legislation puts these requirements into statute.
- The bill also set up a Healthy School Facilities Fund (HSFF) that will take \$2 million of State School Funds by July 1, 2019. These funds will be used for facility grants to test and reduce environmental hazard. The State Board of Education is also allowed to issue facility grants up to \$25,000 to assess potential environmental hazards.
- Effective July 1, 2017
- **Action Item:** Continue to implement the requirements for the adoption and publication of the district's Healthy and Safe School Plan.



2017 LEGISLATIVE CHANGES, continued

[HB 2038 Grants for Food to School Programs](#)

- HB 2038 appropriates funds to continue the Farm-to-School program through the biennium and specifies the amount of funding to be used for noncompetitive grants, competitive grants, and administrative costs to administer the grant programs.
- The measure excludes milk and bakery products the foods districts may purchase with the grant funds.
- It also expands the list of organizations that may apply for competitive grant funds.
- Effective July 1, 2017
- **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 2246-A Measure 98 Modification](#)

- Oregon voters approved Measure 98, The High School Graduation and College and Career Readiness Act, in 2016. Now, HB 2246 modifies the Act by requiring school districts to submit four-year plans instead of two-year plans.
- Measure 98 funds previously had to be spent on each the three “strands”: career and technical education, dropout prevention programs, and college and career readiness programs. Now, HB 2246 adds the following modifications to Measure 98:
 - o Districts receiving less than \$200,000 per biennium of Measure 98 funds would only be required to spend funds in one of the three strands.
 - o Districts receiving between \$200,000 and \$700,000 per biennium would be required to expend funds in at least two of the three strands, one of which must be career and technical education.
 - o Districts receiving more than \$700,000 per biennium of Measure 98 funds must spend funds in all three areas, per current law.
- Effective July 6, 2017
- **Action Item:** None



2017 LEGISLATIVE CHANGES, continued

[HB 2257 Instructional Materials](#)

- HB 2257 allows the Oregon Department of Education to waive fees for publishers or suppliers who submit textbook titles or items of instructional material for review by State Board of Education.
- In order for ODE to waive the fee, the title must be a teaching and learning resource available in the public domain or has been released under intellectual property license that permits free use or the textbook format must reside in the public domain or been released under intellectual property license.
- Effective March 20, 2017
- **Action Item:** None

[HB 2258 CTE Funding](#)

- HB 2258 authorizes the Oregon Department of Education to give funding to statewide nonprofit organizations that promote leadership in Career Technical Education that relates to science, technology, engineering and mathematics education and activities.
- Previously, ODE could give funding to school districts, education service districts, public schools, public charter schools, community colleges and public universities. Now, HB 2258 expands that list to include statewide nonprofit organizations and any combination in order to qualify for such departmental funding.
- Effective May 31, 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



2017 LEGISLATIVE CHANGES, continued

HB 2648 School Social Worker

- School districts receive money for employing people who provide trauma support services in the behavioral health services division for the purpose of decreasing absenteeism.
- HB 2648 adds school social workers to the list of professions that qualify for school districts to receive funds for decreasing rates of absenteeism.
- Effective May 24, 2017
- **Action Item:** None

HB 2763-A TSPC Funds for National Board Certification

- HB 2763-A specifies that the National Board Certification Fund (Fund) should be used to encourage 150 public school teachers each biennium to seek national board certification. Amends statute to disallow administrators from utilizing these funds.
- It also removes the requirement that the Commission cannot pay for the entire application fee.
- Effective July 1, 2017
- **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

HB 2880 POW/MIA Flags

- Schools 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 school construction plans.



2017 LEGISLATIVE CHANGES, continued

[HB 2997 Truancy Fine Distribution](#)

- Previously fines collected by truancy officers were sent to the court. This law allows half of the fine to be sent to the district or ESD employing the truancy officer.
- Effective January 1, 2018
- **Action Item:** None

[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. But, it does not exempt school districts from the notification requirements. CTE programs using drones still need to follow the prior notifications rules.
- 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 3216 Chief Education Office Poverty Study](#)

- House Bill 3216 charges the Chief Education Office (CEdO) to conduct a study on identifying practices that work to assist public school students in impoverished families.
- CEdO will submit the report by September 15, 2018.
- Effective July 1, 2017
- **Action Item:** None

[HB 3351 TSPC Annual Reports](#)

- HB 3351 calls for the Executive Director of TSPC to create an annual report related to TSPC's duties, powers and functions. The Executive Director will submit the report to the Legislative Assembly by July 1 of each year.
- The bill allows TSPC to require verification that attempts were made by the complainant to resolve the complaint through the complaint process at the school district level prior to filing a complaint with TSPC.
- Effective January 1, 2018
- **Action Item:** None





2017 LEGISLATIVE CHANGES, continued

[HB 3358 ELL Advisory Group](#)

- ODE must create a 15-member advisory group to advise the department on English Language Learner programs, including aligning the statewide implementation of state and federal statutory requirements.
- The advisory group will meet four times a year.
- Effective June 20, 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

[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:
 - o The person's address;
 - o The person's workplace or hours of work;
 - o The person's school or school hours;
 - o The person's contact information, including telephone number, electronic mail address or social media account information;
 - o The identity of known associates or relatives of the person;
 - o 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
 - o 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.



GARRETT HEMANN ROBERTSON PC.

2017 LEGISLATIVE CHANGES, continued

[HB 3470 Marijuana & Measure 98 Revenue](#)

- Forty percent of the moneys in the Oregon Marijuana Account will be used for same purposes that the moneys in the State School Fund must be used.
- HB 3470 also delays portions of HB 3072 from 2017 until the 2019-21 biennium, which will allow ODE and school districts to decide how to best allocate resources for STEM and CTE when Measure 98 increases the funding for these programs.
- Effective July 7, 2017
- **Action Item:** None

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