

2021

Legislative Session



Legislative Update

K-12

2021 Legislative Session Summary for K-12 Public Schools

PERSONNEL

[SB 51: Changes to Laws Regarding Suspected Child Abuse or Sexual Conduct to Streamline ODE's Role](#)

- When ODE receives a notification of a report of child abuse by a school employee from DHS, ODE **may** notify any education provider that ODE determines must be notified to ensure child's safety.
- When ODE provides this notification, ODE may not disclose any identifying information about the person who made the report of abuse.
- ODE **may** notify TSPC of such a report if ODE determines that notification must be made to ensure the safety of the child and if the person suspected of abuse is licensed by TSPC.
- Clarifies that the reports ODE receives are not public records.
- Effective Date: June 23, 2021.

Action Items: None.

[SB 113: Penalty for Late Payment of Contributions to PERS](#)

- The Public Employees Retirement Board may, but is not required to, charge accrued earnings for late payment of employee or employer contributions to PERS for OPSRP members. PERS already has this authority for contributions for Tier One and Tier Two PERS members.
- Effective date: June 1, 2021.

Action Item: None.

[SB 129: Maximum Fee for TSPC License Reinstatement Increased](#)

- TSPC may charge up to \$1,000 for the reinstatement of a license that had been suspended or revoked for gross neglect of duty or gross unfitness as defined in ORS § 342.175; previous cap was \$300.
- Effective date: January 1, 2022

Action Items: None

SB 184: Modifies “Veteran’s Preference” Eligibility Requirements

- Expands the definition of “veteran” for the purpose of veteran’s preference points on job applications for public employment to include military personnel who expect to be honorably discharged from the military within 120 days of certifying veteran status on a job application.
- Changes the term “preference points” to “percentage points”
- Effective date: January 1, 2022.

Action Items:

- Update all employment application materials and job postings to include updated definition of “veteran.”
- Replace all instances of “preference points” to “percentage points” in reference to veteran job applicants.

SB 242: Modification of Definition of Sexual Conduct

- Sexual conduct does not include communications (verbal, written, or electronic) that are part of an education program that meets state standards or are part of a policy approved by the school board.
- Sexual conduct does not include the conduct between someone who is both a student and an employee/agent/volunteer and another student if the conduct is consensual, does not create a hostile environment, and is not otherwise prohibited by law.
- TSPC can now share its investigation report with the employee and the employee’s lawyer or union representative, so long as confidentiality of the report is maintained.
- Effective date: June 23, 2021. The law specifies that the changes to the definitions of sexual conduct apply to conduct that occurs, before on or after June 23, 2021 for the purpose of reports, investigations, or employment agreements.

Action Item: Update District policy and handbooks to reflect modified definition of sexual conduct.

SB 483: Presumption of Retaliation in Employment Action

- If an employer fires or otherwise discriminates against an employee (or prospective employee) within 60 days after the employee reports or complains about the employer’s violation of law, there is a rebuttable presumption that the employer has acted in retaliation.
- If the adverse action against an employee happens more than 60 days after an employee’s report or complaint, there is no presumption of retaliation and the burden of proof of retaliation is on the employee.
- This presumption applies if the employee files a BOLI complaint or a lawsuit after engaging in protected activities, such as making an OSHA report or health/safety complaint directly to the employer.

- Effective date: June 15, 2021.

Action Item: Inform human resources personnel and supervisors of this new law.

SB 495: Clarification for Instructional Assistants Who Apply for Unemployment

- Excludes instructional assistants from those who are excluded from getting unemployment benefits during summer/holiday breaks, unless the instructional assistant has “reasonable assurance” that their employment will continue after the summer/holiday break.
- Effective date: September 1, 2021.

Action Items: Ensure ORS 332.554 reasonable assurance notice is provided annually by May 30.

SB 569: Prohibition on Requiring Driver’s License for Employment

- Unless driving is an essential function of an employee’s job, or unless an employer has a legitimate business interest in requiring an employee to have a driver’s license, an employer may not require an employee to have a valid driver’s license.
- Employers must accept ID forms other than driver’s licenses for proof of employment eligibility, including state-issued ID cards, passports, etc.
- Effective date: January 1, 2022.

Action Items:

- Notify human resource personnel of this law.
- Update all employment documents/forms/policies to reflect this law.

SB 580: Definition of “Employment Relations” Now Includes Class Size

- “Employment relations,” as used in a collective bargaining agreement, now includes class size and caseload limits for Title I schools. This is now a *mandatory* subject of collective bargaining.
- “Employment relations” are items that schools and unions are *required* to collectively bargain on in good faith and are issues over which unions could declare a strike; previously, class size/caseload limits were *permissive* bargaining subjects and would only be discussed by mutual agreement between employer and union.
- Effective date: January 1, 2022

Action Items: If you are entering into successor bargaining in 2022 and have Title I schools, prepare for discussion of class size/caseload limits.

SB 649: Criminal Penalties for Teacher-on-Student Sexual Abuse

- Increases criminal penalties for teacher who commits sexual abuse in the second degree if the victim was the teacher’s student. Previously, only coaches were subject to this enhanced criminal penalty.
- Effective date: January 1, 2022.

Action Item: None.

HB 2001: Merit and Diversity Prioritized for Layoffs

- When developing a plan for teacher layoffs due to budgetary constraints, districts:
 - **must** prioritize the teacher’s cultural or linguistic expertise (if that teacher is necessary to maintain the ratio of teachers with cultural/linguistic expertise to teachers without cultural/linguistic expertise) over teachers with more seniority who do not have cultural or linguistic expertise, and
 - **may** prioritize retaining teachers based on the teacher’s merit over less meritorious teachers with more seniority.
- “Cultural or linguistic expertise” is defined as:
 - Linguistic ability in a non-English language spoken by at least 5% of the families in the district; *or*
 - Completion of a teacher pathway program designed to increase the number of culturally or linguistically diverse teachers; *or*
 - At least half of a teacher’s work assignment is at a school where 25% of the students are from a historically underserved population.
- Effective date: July 14, 2021. The provisions apply to any “contracts entered into, renewed or extended on or after the effective date.”

Action Items:

- Determine those teachers with “cultural or linguistic expertise” and designate them as such in their personnel files to facilitate compliance with this law in the event of a layoff.
- Update Board policies, if any, related to teacher layoffs.
- If currently in licensed successor bargaining, prepare a proposal to implement this language to prioritize teachers’ cultural or linguistic expertise over seniority during layoff.

HB 2026: Malheur County “Resident Preference” for Public Employment

- Applicable to public employer positions when the majority of the work will be in the Eastern Oregon Border Economic Development Region.
- Preference is for Malheur County residents in:
 - Vacant positions
 - Promotion to positions with a higher maximum salary rate
- Preference percentage points are the same as veteran’s percentage points (5%).

- Applicants who are given a position based on preference percentage points must be a resident of Malheur County for five consecutive years following their hire date; failure to maintain residency will result in “voluntary” termination of employment.
- Applicants can elect to forgo the preference percentage points if they do so in writing at the beginning of the application process; this removes the requirement that they reside in Malheur County for five years after the beginning of employment.
- Effective July 19, 2021.

Action Items:

- **Malheur Co. Districts ONLY:**
 - Update employment applications to state all of the following:
 - Malheur County residents receive 5% points of preference over non-resident applicants
 - If hired, residents must continuously reside in Malheur Co. for five years after date of hire or will be terminated
 - To be exempt from the five-year residency requirement, a resident applicant can elect to give up their 5% points of preference and must do so at the beginning of the application process.
 - Consider requiring applicant to make an active selection with a check box (e.g., “check here if you want resident preference points or check there if you DO NOT want resident preference points.”)
 - Update applicant scoring rubric to reflect resident preference percentage points

HB 2136: Terminology Clarification for who may be Investigated by TSPC

- “Commission licensee” is defined as someone who is enrolled in an educator preparation program, an applicant for a TSPC license/registration, a holder of a TSPC license/registration, or has held a TSPC license/registration at any time during the previous five years.
- Several laws, including the sexual conduct law, are updated to use this more expansive definition of who TSPC will investigate.
- Effective date: January 1, 2022.

Action Items: Update District’s sexual conduct and child abuse policies in accordance with OSBA guidance to align with the term “commission licensee.”

HB 2231: Reservist Military Reemployment Rights

- Reservist military personnel’s service related to a declared emergency or disaster does not count toward the five-year cumulative voluntary military service time limit for reemployment rights for military personnel.
- Intended to clarify what is considered “voluntary military service.”
- Effective date: September 27, 2021.

Action Item: Update personnel handbooks and policies to reflect this law.

HB 2420: Timeline Extension for Filing BOLI Complaint for Retaliation/Discrimination related to OSHA complaints

- Any employee who has been fired or otherwise discriminated against for exercising their rights related to reports of workplace health and safety concerns, including reporting employer violations of law, may file a complaint for retaliation with BOLI within one year after the employee has reasonable cause to believe the employee was retaliated against.
- The previous time period to file a BOLI complaint for retaliation related to health/safety complaints was within 90 days of having reasonable cause to believe the employment action was retaliation.
- Effective date: January 1, 2022.

Action Items: None.

HB 2459: Unauthorized Recording of Video Conferencing Prohibited

- Oregon prohibits the recording of “conversations” between two or more people without the knowledge and consent of all parties to the recording.
- “Conversations” now includes any communication occurring through a video conferencing program.
- Effective date: January 1, 2022.

Action Item: None.

HB 2474: Expanded Eligibility for OFLA Leave During Public Health Emergency

- The temporary rule related to Oregon Family Leave Act (OFLA) child care leave due to the closure of the children’s school or childcare provider due to the public health emergency was made permanent through this legislation.
- Employers may require verification of a child’s school or childcare provider closure before granting OFLA leave.
- This child care leave is available to any employee has been employed at least 30 days and has worked at least 25 hours per week in the 30 days leading up to the leave (versus 180 days of employment working at least 25 hours/week for other OFLA leaves).
- A break in service provision was added for all OFLA leaves—those that had a break in service of 180 days or less get the credit of the days employed prior to the separation for purposes of eligibility.
- Effective date: January 1, 2022.

Action Item: Update Board policy and related employee handbooks/benefits documents with new OFLA provisions.

HB 2935: Expanded Definition of Race for Prohibition on Discrimination (cross-listed in Miscellaneous for other provisions)

- Expands definition of race for purposes of prohibiting racial discrimination to include physical characteristics that are historically associated with race, including hair texture and hair styles.
- Effective Date: January 1, 2022.

Action Item: Ensure your District's dress code policies do not prohibit hair styles that are historically associated with race.

HB 3178: Temporary Change in Definition of "Unemployed" Status

- Temporarily removes the condition that, for a person to be considered "unemployed," the person's weekly pay for part time work must be less than their weekly unemployment insurance benefit.
- This condition will be restored for weeks beginning on or after January 2, 2022.
- Effective Date: May 17, 2021

Action Items: None

HB 3255: Awareness of Public Service Loan Forgiveness Program

- Education employers are **required** to give materials and assistance to full-time teachers and school nurses to increase employees' awareness of and participation in the Public Service Loan Forgiveness (PSLF) Program
- Materials and assistance on PSLF **may** include announcements in an employer's official publications, email or social media messages sent to employees, inserts in employee paychecks, and other periodic reminders in communications to employees.
- Education employers **must** appoint an employee as the point person in the workplace on PSLF and that person's official job description must include duties related to providing assistance to other employees regarding the PSLF Program.
- Effective date: September 27, 2021

Action Items:

- Identify the person in your district who will be the PSLF point person and modify that employee's job description to include PSLF-point-person duties as part of their official duties.
- Develop a communications plan/schedule to disseminate communications and informational materials on PSLF.

HB 3354: TSPC and Standards for Educator Preparation Programs

- TSPC will only approve an educator preparation program if the program evaluates its candidates using a framework approved by TSPC that uses multiple measures to determine a candidate's knowledge, skills, and competencies.
- One of these measures must include a measure that is locally determined and subsequently approved by TSPC as an appropriate measurement. Oregon currently uses EdTPA.
- Effective Date: July 27, 2021.

Action Items: None

HB 3398: Delays Implementation of Requirements for Paid Family & Medical Leave

- Delays implementation of requirements for paid family and medical leave.
- Employee and employer contributions now begin January 1, 2023.
- Benefit payments now begin September 3, 2023.
- Employer assistance grants now begin June 30, 2023.

Action Items:

- None until the Oregon Employment Department passes rules to inform employers of their next steps in the lead up to January 1, 2023.

STUDENT ISSUES

SB 52: LGBTQIA+ Student Success Plan

- ODE will form an advisory group to develop and implement a statewide plan designed to assist students who (a) are part of the LGBTQIA+ community and (b) have experienced disproportionate results in education due to historical practices.
- The advisory group will consist of individuals who identify as part of the LGBTQIA+ community and education stakeholders.
- The plan must provide strategies to, among other things:
 - Increase kindergarten readiness for LGBTQIA+ students
 - Support transition to and through middle school and high school for LGBTQIA+ students
 - Support culturally responsive curricula
 - Increase attendance of LGBTQIA+ students
 - Increase the number of LGBTQIA+ students who attend four-year post-secondary schools after high school completion.
- Effective Date: July 1, 2021.

Action Items: None.

SB 53: Low Incidence Disability and ODE Study

- Update statutory language to describe certain disabilities as “low incidence disability.” “Low incidence disability” includes children who have a visual impairment, who are deaf or hard of hearing, who are deafblind, who have an orthopedic impairment, who have autism spectrum disorder, or who have a traumatic brain injury.
- ODE will conduct a study on how special education is currently provided on a local, county or regional basis for “low incidence” disabilities, how efficient and effective current special education methods are, and how changes in law or practice could improve special education.
- This legislation also provides a funding mechanism for the State Board of Education to support these programs.
- Effective Date: July 1, 2021.

Action Items: None.

SB 486: Modification of Talented and Gifted Plan Requirements

- The written plan for instruction of TAG students must now include a requirement that the student and parents have the opportunity to discuss available TAG

programs and services, that parents/students can provide input on the services to be made available, and the name and contact information of the district's TAG coordinator.

- The TAG plan must be provided, when requested, in the district office or school building offices, as well as posted on the district's website and provided to ODE on an annual basis.
- Effective date: January 1, 2022.

Action Item: Update template of TAG plans to include new requirements and post on district's website.

SB 513: One Half-Credit of Civics Instruction for High School Diploma

- One half-credit of civics is required to receive a high school diploma, in addition to three math credits and four language arts credits to total 24 credits.
- Effective date: Applies to high school diplomas awarded on or after **January 1, 2026**.

Action Item: Revise documents (e.g., graduation planning worksheets) at the high school level to reflect this change, beginning in the 2022-23 academic year, and communicate this change to all impacted employees (e.g. counselors, building administrators, etc.)

SB 553: State University Scholarships & Financial Aid Available to Students from Palau, Marshall Islands, and Micronesia

- Oregon students who legally entered the U.S. through the Compact of Free Association (COFA) treaty from the Republic of Palau, the Republic of the Marshall Islands, or the Federated State of Micronesia are eligible for in-state tuition rates at 4-year public universities and are eligible for public university scholarships and financial aid, as long as the student did not previously establish residency in another state.
- Effective Date: In-state tuition rates will apply for students enrolling during the 2021-22 academic year.

Action Items:

- Identify students in your district who may benefit from this law and communicate the information to the appropriate student populations.
- Notify college/career counselors in your district of this change so they may appropriately advise COFA islander students of their expanded opportunities.

SB 602: Excusing Students from Statewide Summative Assessments

- Removes 7/1/21 sunset on the ability of parents to opt their student out of statewide summative assessments.

- Parents may excuse a student (or an adult student may excuse themselves) from taking a statewide summative assessment by completing a form created by ODE for that purpose.
- The form must have: (a) an explanation of the right to excuse the student from the assessment, and (b) an explanation of the purpose and value of statewide summative assessments.
- Effective Date: June 23, 2021.

Action Items:

- Maintain status quo related to the opt-out law for statewide summative assessments now that it is permanent.
- When ODE creates standard form for opt-out/notification, adopt form across your district and destroy any old forms/processes.

SB 702: Review of K-12 Social Studies Standards

- The State Board of Education will review the social studies standards for kindergarten through 12th grade by December 31, 2025.
- Board will consult with, among others, students, parents, high school graduates, teachers, voting rights advocates, and representatives from culturally specific organizations during the course of the Board's review of standards.
- Board will consider emphasizing education related to voting rights/voting processes, current and historical social movements, the roles of local governments and tribal governments, and various Constitution documents.
- Effective date: January 1, 2022.

Action Items: None.**HB 2052: Native American Items of Cultural Significance at Public School Events**

- School districts cannot prohibit the wearing of Native American items of cultural significance at public school events, including graduation ceremonies. These items may not cause a substantial disruption or material interference with the event, nor may the items entirely replace the cap and/or gown that is traditionally worn at a graduation ceremony.
- Effective date: May 21, 2021.

Action Item: Update dress codes in handbooks or Board policy to allow Native American items of cultural significance at public school events.

HB 2056: Repeals English Credit Requirements in favor of Language Arts Credit Requirement.

- Changes graduation requirement of four English credits to four language arts credits, which would include reading, writing and other communications in any

language, including English. The intent of this change is to allow students to fulfil graduation requirements by taking language arts classes in their native languages.

- World languages is redefined to include languages other than a student’s primary language versus the existing definition which refers to “languages other than English.”
- Effective date: January 1, 2022.

Action Item: Revise documents (e.g., graduation planning worksheets) at the high school level to reflect this change, beginning January 1, 2022, and communicate out this change to all impacted employees (e.g. counselors, building administrators, etc.)

HB 2105: Information About Post-Secondary Goals at IEP Meetings

- At any IEP meeting in which post-secondary educational goals and transition services are discussed, a district shall provide the parents and child with information regarding “supported decision-making” as a less restrictive alternative to guardianship when the child reaches the age of majority.
- Supported decision-making is when a person uses family, friends, or professionals for support to understand, evaluate, and communicate their decisions.
- Effective date: January 1, 2022.

Action Items:

- Notify all district representatives who participate in the drafting of IEPs or the conducting IEP meetings of this new requirement.
- Consider updating IEP forms to include a prompt to discuss post-secondary plans and goals and space on the form to document the outcome of the conversation.

HB 2536: Requirement to Provide Reimbursable Meals at No-Charge for Eligible Districts or Schools

- School districts must offer free breakfasts (if breakfast must be provided under ORS 327.535) and lunches to students from households with incomes that are not more than 300% of the federal poverty guidelines without regard to individual eligibility if a school or school district meets the eligibility requirements for USDA National School Lunch/Breakfast Program.
- ODE will reimburse the district for free breakfasts and lunches provided. If ODE does not have sufficient funds to reimburse schools for the free breakfasts and lunches provided, the district is not required to provide free breakfasts and lunches under this law.
- Effective date: July 1, 2021.

Action Items: Submit application to Department of Education if the district or school meets the eligibility requirements.

HB 2544: Unaccompanied Homeless Youth Services Enhancement Grant Program

- Organizations, including those who run host home projects, may apply for two-year grants to increase unaccompanied homeless youths' accessibility to certain services. Host home projects shall use the funds to achieve improved school attendance; participation in mentoring activities; and better nutrition, health care, transportation, and mental trauma-informed support.
- Effective Date: September 27, 2021

Action Items:

- Identify organizations in your school district that may be eligible to apply for this grant; encourage such organizations to apply and affirm the district's willingness to partner with the organization to maximize the impact of the grant.

HB 2631: Notification Requirements for Reports of Harassment and Bullying

- If a harassment, intimidation, or bullying incident occurs, school officials are required to notify:
 - parents/guardians of a student **who was** harassed, intimidated, bullied, or cyberbullied and
 - parents/guardians of any student **who conducted** the harassing, intimidating, bullying, or cyberbullying.
- The notification must occur with the involvement and consideration of the needs and concerns of the bullied student.
- **Exception:** The school is not required to make the notification ***if all of the following*** apply:
 - Such a notification would endanger the student who was subjected to the treatment, *and*
 - The student who was harassed or bullied requests that his or her parents not be notified, *and*
 - The school determines that notification to parents is not in the best interest of the student, *and*
 - The school informs the student that federal law may require the parents/guardians to have access to the student's educational record, including requests to not inform parents.
- **Timing:** Notification must be provided promptly if the student suffered physical harm from the incident, and otherwise, within a reasonable period of time.
- Effective Date: July 1, 2021

Action Items:

- Update policies and handbooks to reflect notification requirements.
- Notify school employees of new requirements.

HB 2697: Every Student Belongs Bill

- Codifies State Board of Education’s rule related to Every Student Belongs policy. Schools must prohibit the display of any symbols of hate on school property or in education programs.
- “Symbols of hate” are: nooses, symbols of neo-Nazi ideology, and the battle flag of the Confederacy.
- Schools must adopt a policy to address bias incidents.
- Bias incidents are: a hostile expression of animus toward another person on the basis of that person’s perceived race, color, religion, gender identity, sexual orientation, disability, or national origin. Bias incidents may include derogatory language or behavior.
- Effective Date: January 1, 2022

Action Items:

- Adopt required policy if the district has not already done so.

HB 2817: Interscholastic Activities & GED Program Participants

- Like charter school and homeschooled students, now students up to age 19 who are enrolled in a GED program provided by a district or ESD and have taken at least one practice test may participate in interscholastic activities. Interscholastic activities include athletics, music, speech, and other similar or related activities.
- Effective Date: July 1, 2021

Action Items:

- Update district policy to reflect new law.

HB 2969: Instruction on Oral Health

- Beginning with the 2025-26 academic year, school districts **must** provide age-appropriate instruction on oral health.
- The State Board of Education will adopt health education content standards and will prescribe the grade levels where oral health instruction is provided.
- School districts **may** provide age-appropriate instruction in oral health **before** the 2025-26 academic year if they so choose.
- Effective date: June 11, 2021.

Action Item: None now. When the State Board of Education issues content standards and prescribed grade levels, implement as directed no later than 2025-26 school year.

HB 3183: Required Information for Children who are Deaf/Deafblind/Hard of Hearing

- In IEP or IFSP meetings for children who are deaf, deafblind, or hard of hearing, the parents and child must be provided information about relevant services and placements offered by the school district, the ESD, regional programs, and the Oregon School for the Deaf.
- Effective Date: January 1, 2022.

Action Items:

- Update IEP/IFSP forms to include prompts to discuss required information.
- Inform all employees who participate in IEP/IFSP meetings of this new requirement.

HB 3234: Instruction on Organ and Tissue Donation

- Beginning with the 2025-26 academic year, school districts **must** provide instruction on organ and tissue donation and education.
- The State Board of Education will adopt health education content standards for students in grades 9 through 12. The content must be designed to develop knowledge of the lifesaving potential of organ and tissue donations.
- School districts **may** provide instruction on organ and tissue donation **before** the 2025-26 academic year if they so choose.
- Effective date: January 1, 2022.

Action Item: None now. When the State Board of Education issues content standards, implement as directed no later than the 2025-26 school year.

HB 3254: Modifies Definition of Residential Treatment Program

- Definition of “eligible residential treatment program” now includes a facility that is licensed by DHS to provide disability-related supports and has students being served by a school district with 15,000 ADM or less that received money in 2020-21 for this purpose.
- The school district can provide education under this law, but not in the facilities of the “eligible residential treatment program” as defined above; education must occur in a different facility.
- Effective date: July 1, 2021.

Action Item: Identify whether any of your district’s programs would fit the definition of “eligible residential treatment program” and whether your district must modify where it delivers education to be in compliance with the law.

HB 3294: Free Tampons and Sanitary Pads at Schools

- Public education providers must provide free tampons and sanitary pads to students.

- Free tampons and pads must be provided in at least two student bathrooms in each building, unless there is only one student bathroom in the building.
- State Board of Education and HECC will adopt rules regarding the payments to schools to cover the costs of providing free tampons and pads.
- Effective date: July 1, 2021.

Action Items: Begin implementing requirement now.

MISCELLANEOUS

[SB 222: ODE Direct Reimbursement to Vision Screening Providers](#)

- Oregon Department of Education will now directly reimburse providers of free vision screenings in schools.
- Previously, ODE sent funds to districts and districts reimbursed providers.
- Effective date: July 1, 2021.

Action Items: Notify district business office and direct them to change their procedures/documentation as necessary to reflect this change.

[SB 225: Distributions from Statewide Education Initiatives Account to ESDs](#)

- Changes the funding calculation for ESDs receiving funds from the Statewide Education Initiatives Account; establishes a minimum amount.
- Changes to expand membership in Task Force on School Safety and to its mission.
- Effective Date: July 1, 2021

Action Item: None

[SB 232: Educators Equity Act Report Changes](#)

- Modifies requirements of report on Educators Equity Act.
- Adds the Educator Advancement Council to the list of bodies that collaborate on the report and removes the Education and Workforce Policy Advisor from this task.
- Sets deadline of September 1 in each even-numbered year for report submission.
- Effective Date: June 15, 2021.

Action Items: None

[SB 236: Suspension and Expulsion in Early Childhood Programs](#)

- PRE-K LEGISLATION
- Early childhood care or education programs cannot suspend or expel any child if the program receives state public funds from the Early Learning Division, or if the program is certified or registered under certain statutes **beginning July 1, 2026**.
- The Early Learning Division will conduct a study on:

- The use of suspension and expulsion in early childhood care and education programs, and
- Efforts to reduce and prevent the use of suspension and expulsion in such programs
- Effective Date: July 1, 2021

Action Items: None, until the Early Learning Division notifies pre-K programs of its rules related to exclusionary discipline.

SB 279: Foster Care Visitation Hours Not During School Hours

- Directs the Department of Human Services to schedule visitations for children in foster care at times and places that do not require the child to miss part or all of a school day.
- Effective Date: June 15, 2021.

Action Items: None

SB 398: Display of Noose a Crime of Intimidation

- Makes the intentional display of a noose for the purposes of intimidation a crime.
- Effective Date: January 1, 2022.

Action Items: None.

SB 554: Concealed Handgun Permits and School Grounds (The Cindy Yuille and Steve Forsyth Act)

- Allows, but does not require, school boards to prohibit guns on school grounds, even if a person has a concealed handgun permit and may lawfully carry a concealed gun in other public places.
- Other non-school-related provisions:
 - Requires secure storage of a gun that is not being carried or under the control of a person; secure storage means that the gun has a trigger lock, is in a locked container, or is in a gun room.
 - Requires reporting of the loss or theft of a gun within 72 hours of the loss or theft to a law enforcement agency.
 - Requires supervision of a minor's use of a gun.
- Effective date: September 27, 2021

Action item: Notify school board that they *may* amend its weapons policy to prohibit guns on school grounds, even if the person has a concealed handgun permit.

SB 563: Youth Suicide Intervention/Prevention

- Modifies law to define “youth” as a person aged 5-24. The previous definition was a person aged 10-24. This expands applicability of provisions governing youth suicide intervention and prevention.
- Effective date: May 21, 2021.

Action Items: None

SB 732: District Educational Equity Advisory Committees

- Each school district is required to establish an Educational Equity Advisory Committee.
- Members of committee will be selected by the school board and superintendent and must have parents, employees, students, and community members from the district. The school board and superintendent will solicit names of possible committee members and membership must be primarily representative of underserved student groups. Committee may not exclude membership based on immigration status.
- The committee’s charge is to advise the school board and superintendent about educational equity impacts of policy decisions and to inform the school board and superintendent when a situation arises in a school that negatively impacts underrepresented students.
- The committee must submit an annual report of, among other things, recommendations the committee made to the school board and superintendent and what actions were taken based on those recommendations.
- Committee must be formed by September 15, 2022, unless the school district’s average daily membership is 10,000 or less, and then the committee must be formed by September 15, 2025.
- A school district’s budget committee must have at least one member from the Educational Equity Advisory Committee. This need not occur until there is a vacancy on the budget committee.
- Effective date: July 1, 2022.

Action Item: Collaborate with your school board to solicit members of the community to be part of the Educational Equity Advisory Committee.

SB 743: Modification of Weighted Average Daily Membership for Districts with Virtual Public Charter Schools

- Current school year’s weighted average daily membership (ADMw) will be separated out between a virtual public charter school and a school district if the school district (excluding the virtual school) had a decreased ADM from the previous school year.

- This law is designed to ensure financial stability of districts who sponsor virtual public charter schools due to the anticipated swings in enrollment for the 2021-22 and 2022-23 school years.
- Effective date: July 1, 2022.

Action Items: None.

SB 744: ODE Review of High School Diploma Requirements

- ODE will review high school diploma requirements, with a focus on demonstration of proficiency in Essential Learning Skills and reduction of disparities in diploma-earning among students.
- Review will include, among other things, comparison with other states' high school diploma requirements, identification of what employers expect of high school graduates, and determination of whether high school diploma requirements have been applied inequitably to different student populations.
- The review process shall be transparent, equitable, accessible, and inclusive, and will engage representatives from historically underserved populations.
- Report of findings due to interim committees of the legislature and State Board of Education no later than September 1, 2022.
- This bill also suspends the essential learning skills graduation requirement for the 2021-22, 2022-23 and 2023-24 school years.
- Effective Date: July 14, 2021.

Action Items:

- Notify appropriate school personnel regarding suspension of essential learning skills graduation requirement.

SB 843: Post-Graduate Scholar Program Funding

- Removes sunset of [Senate Bill 1537 \(2016\)](#).
- Senate Bill 1537 established the Post-Graduate Scholar Program allowing districts to receive State School Fund dollars for (a) high school students with a 2.5 cumulative GPA or lower and (b) students who are ineligible for certain amounts of the Federal Pell Grant. These two student populations are not eligible for the Oregon Promise program, and this Post-Graduate Scholar Program allows these students attend community college for college credit while still enrolled in high school.
- Effective date: May 21, 2021.

Action Items: None.

HB 2051: Eligibility for Youth Reengagement Program

- Expands eligibility for youth reengagement program from 14-21 years old to 14-24 years old for youths who are not enrolled in school, have not graduated from high school, or have not passed a high school equivalency test like the GED.
- Effective date: July 1, 2021.

Action Items: None.

HB 2053: Modification of Community Plan Requirements for Preschool Promise Program

- PRE-K LEGISLATION
- The Early Learning Division of the Department of Education will author a Community Plan to include: identity of priority populations to enroll, assessment of availability of high-quality preschool programs, identification of existing preschool providers, prioritization of local entities to serve as preschool providers, identification of methods for increasing the enrollment capacity of preschool providers, and identification of other services related to preschool programs.
- Effective date: May 26, 2021.

Action Items: None

HB 2054: Grants to Early Learning Hubs

- The Early Learning Division will provide grants to Early Learning Hubs based on criteria established by the Early Learning Council.
- Grants may be used for supporting children to successfully transition into kindergarten, engaging families of children from birth to five years old to be partners in the learning and development of their children, or investing in resources for priority populations or geographic areas to address early care and education.
- Effective date: January 1, 2022.

Action Items: None; PRE-K LEGISLATION

HB 2055: Establish Tribal Early Learning Hub

- PRE-K LEGISLATION
- Tribal Early Learning Hub is established to coordinate early learning service provided to the tribal communities of Oregon.
- Effective Date: January 1, 2022.

Action Items: None

HB 2060: Modifies Provisions of Student Success Act

- Instead of using the metric of eligibility for free or reduced lunch to identify “economically disadvantaged students,” the State Board of Education will use its own rules to identify such students.
- Establishes the Student Success Teams Account as separate and distinct from the General Fund.
- Money in the Student Success Teams account is for funding the intensive program for school districts with the highest needs.
- Effective date: July 1, 2021.

Action Items: None now; revise district documents with the updated definition of “economically disadvantaged students” at the direction of the State Board of Education.

HB 2155: Definition of “Public or Private Official” for Mandatory Reporting

- Includes employees of the following settings: Youth group or center, scout group or camp, summer or day camp, survival camp, group or camp that operates as a religious or public or private community organization.
- Effective date: January 1, 2022.

Action Items: None.

HB 2166: Social Emotional Learning Standards

- Advisory group to be convened to propose adoption of standards for social emotional learning for K-12.
- Standards and framework must:
 - Be developmentally appropriate
 - Align with other models and practices related to mental health
 - Include racial equity and trauma-informed principles
 - Increase public school students’ social emotional development
 - Promote self-awareness, awareness of others, critical thinking, and understanding regarding interaction between systemic social structures and histories, contributions and perspectives of individuals of certain historically marginalized populations, including marginalized racial groups, women, people with disabilities, immigrants, and members of the LGBTQ+ community.
- Advisory group to be convened by ODE no later than September 1, 2021.
- Effective Date: July 19, 2021

Action items: None

HB 2167: Creation of Racial Justice Council

- A council of no more than 40 members will be appointed by the Governor.
- Council members must have connections to historically underserved communities.
- Council members must have personal or professional experience in public policy, criminal justice reform, police accountability, economic opportunity, housing, homelessness, health equity, behavioral health, education, or research.
- The Council will provide recommendations to the Governor related to promotion and institutionalization of racial justice, will facilitate communication between the Governor's office and community leaders, and will direct the collection of data from different sectors to support data-driven policy decisions.
- Effective Date: January 1, 2022.

Action Items: None

HB 2168: Official State Recognition of Juneteenth

- Oregon will officially recognize Juneteenth as a legal holiday on June 19
- June 19, 1865 was the date when more than 250,000 enslaved African Americans in Texas were freed by General Order Number 3 following the Emancipation Proclamation of September 22, 1862. Texas was the last Confederate state to receive orders to free enslaved persons.
- Effective date: September 25, 2021.

Action Item: Update all district calendars to reflect Juneteenth as a legal holiday. Review CBA language related to the definition of "holiday" to determine bargaining implications.

HB 2330: Foreign Exchange Students as District Residents and Small School Districts

- Foreign exchange students:
 - Removes 6/30/21 sunset.
 - School districts will continue to be allowed to consider foreign exchange students who live in a district-operated dormitory operated to be residents of the district.
 - A foreign exchange student cannot be considered a resident student for more than one year.
- Small School Districts:
 - Each year, ODE will move \$2.5 million from the State School Fund into the Small School District Supplement Fund.
 - Definition of "small school district" changed from less than 8,500 average daily membership (weighted) to less than 9,500 average daily membership (weighted).
- Effective date: June 23, 2021.

Action items: None.

HB 2526: Official State Recognition of Indigenous Peoples' Day

- Oregon will officially recognize Indigenous Peoples' Day annually on the second Monday of October
- Oregon is the 11th state to formally recognize Indigenous Peoples' Day.
- Effective date: June 1, 2021.

Action Item: Update all district calendars to reflect Indigenous Peoples' Day as a legal holiday; review CBA language related to the definition of "holiday" to determine bargaining implications.

HB 2537: Fees for Career & Technical Student Organization Programs

- Allows, but does not require, school districts to use Student Investment Account money to pay for student fees, costs, and instructors of career and technical programs.
- Effective date: January 1, 2022.

Action Items:

- If your district will use these funds as permitted by this law, draft and implement policy regarding how your district will administer Student Investment Accounts related to career and technical education programs.

HB 2560: Public Meetings and Virtual Accessibility

- Public governing bodies must make public meetings accessible to the public through telephone, video, electronic, or other virtual means, to the extent reasonably possible.
- This excludes executive sessions that are not open to the public.
- Must allow testimony to be submitted by virtual means if testimony is allowed in person.
- Effective date: January 1, 2022.

Action Items:

- Assess your district's ability to make public meetings accessible to the public through telephone, video, electronic, or other virtual means.
- If it is reasonably possible to allow people to "attend" public meetings virtually, update procedures accordingly.
- Notify the public in as many ways as is practicable of the opportunity of virtual attendance at public meetings.

HB 2591: OHA Grants for School-Based Health Services

- Ten school districts or ESDs will be selected by Oregon Health Authority to receive planning grants to provide school-based health services for adolescent health.

- After a 2-year planning process, grantees will receive funding to operate the school-based health center.
- Up to three school districts or ESDs will receive OHA grant funding for a mobile school-linked health center (i.e., mobile medical van).
- Three school-based health centers will operate pilot projects to expand student access to mental and physical health care through telehealth.
- Effective Date: July 1, 2021.

Action Items: None, unless selected by OHA as a grant recipient.

HB 2935: School District Membership in OSAA (cross-listed in Personnel for other provisions)

- School districts may not be a member of OSAA unless that organization prohibits discrimination as defined in Oregon statute; permits students to wear religious clothing in accordance with sincerely held religious beliefs; and balances the health, safety, and reasonable accommodation needs of participants on an activity-by-activity basis.
- Effective Date: January 1, 2022.

Action Items: None; monitor OSAA's actions for compliance with HB 2935.

HB 2954: Weighted Lottery for Public Charter Schools

- Public charter schools *may*, but are not required to, implement a weighted lottery system that favors historically underserved students.
- Effective Date: June 23, 2021.

Action Item: Consult with charter schools your district sponsors to determine if an amendment to the Charter Agreement is needed to effectuate this change.

HB 3037: Reporting Requirements of Suspected Suicides of Youth

- If a medical examiner suspects that the manner of death of a person 24 years of age or younger is suicide, the medical examiner must report it to the local mental health authority.
- No more than 7 days after a local mental health authority receives notification of a suspected youth suicide, the school district where the deceased student had significant contacts must notify the Oregon Health Authority of the activities that the school district has implemented:
 - Support to individuals affected by the suspected suicide, *and*
 - Activities to prevent the risk of contagion.
- Effective date: September 27, 2021

Action Items:

- Develop plan for supports required by HB 3037.
- Identify district contact who will be responsible for reporting requirements to OHA in the event of a suspected suicide of a youth in the district.

HB 3041: Clarifies Definition of “Gender Identity” for Anti-Discrimination Laws

- Separates “gender identity” from “sexual orientation” in definitions chapter of ORSs.
- Adds the term “gender identity” to any statute that refers to “sexual orientation.”
- Effective date: June 23, 2021

Action Items: Update all internal and external district documents and information platforms to include “gender identity” along with any mention of “sexual orientation.”

HB 3073: Change of Early Learning Division to Department of Early Learning and Care

- The Early Learning Division, under ODE, is abolished, and the Department of Early Learning and Care as a new state agency is established.
- The new agency establishment date is January 1, 2023.
- The head of the agency is the Early Learning System Director, who will be appointed by the Governor.
- Effective Date: July 27, 2021.

Action Items: None; PRE-K LEGISLATION

HB 3082: Minimum Contract Amount Increased for Competitive Bid Requirement

- A public improvement contract may be made without a competitive bidding process for contracts with a value of less than \$10,000. The previous amount was \$5,000.
- Effective Date: September 27, 2021

Action Item: Update district documents to reflect this change in dollar amount for contracts that require a competitive bidding process.

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