
2007 Legislative Summary

Pre-K through 12 Education

Oregon Department of Education
September 2007

Introduction

The Oregon Legislature concluded the 2007 Session on June 29th. This Legislative Summary describes major legislation relevant to Pre-K through 12 education that was passed into law and is meant to be used as a resource for school districts, teachers, students, parents, elected officials, Department of Education (ODE) staff, and members of the public as a quick reference.

Almost 3000 bills, resolutions, and memorials were introduced by House and Senate members, with almost 1000 becoming law. The 57 pieces of legislation in this Summary represent the bills that had the greatest and most direct impact on Pre-K through 12 education and Oregon's system of public education. Additionally, this report contains the 5 budget notes ODE has been directed to respond to as well as the new reports ODE is required to make to the Legislature.

For each piece of legislation, the following information is included (where applicable):

- **Bill Number**
- **Subjects(s) covered by the Bill**
- **Effective Date**
- **A Brief Bill Summary**
- **Impacts on the Department of Education**
- **Estimated Fiscal for the Department of Education**
- **Impact on Oregon Administrative Rule (OAR)**
- **Staff Contacts for More Information on the Bill**

Please note that many of the bills that impact K-12 education may not have a direct impact on the work of the Department of Education or the programs that we manage. Staff contacts have been included where applicable.

If you have any additional questions or need additional information about any of the materials in this report, please contact ODE Legislative Director Morgan Allen at 503-947-5920 or e-mail morgan.allen@state.or.us.

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Note: This summary should not substitute for reading the actual legislation if the measure affects your department or program. Copies of the final version of the bill and summaries prepared by legislative staff are available at www.leg.state.or.us.

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SCHOOL FINANCE AND FUNDING

House Bill 2641

Subject(s): School District Local Option Property Tax Limits.

Effective Date: September 27, 2007 (Bill is phased in through 2009)

Brief Bill Summary: House Bill 2641 increases the school district local option property tax limits. It accomplishes this by increasing the dollar limit from \$750 to \$1,000 per weighted student (ADMw). The bill also increases the percentage limit from 15% to 20% of school equalization formula revenue. If this new percentage limit is exceeded by a school district, the bill requires that the SSF revenue be reduced by the amount above the lesser of these two limits.

The \$1000 limit is “indexed” and allowed to increase by 3% per year beginning in 2008-09.

Impacts on ODE: Minimal work for the Department. State School Fund software will need to be updated.

Estimated Fiscal for ODE: \$0

Oregon Administrative Rules (OAR) Impact: N/A for ODE

Department Staff Contact: Mike Wiltfong, 503-947-5914

House Bill 2707

Subject(s): Oregon Rainy Day Fund

Effective Date: May 1, 2007

Brief Bill Summary: House Bill 2707 creates the Oregon Rainy Day fund as a new, distinct account in Oregon’s General Fund. The bill implements a one-time suspension of the corporate “kicker” and approximately \$300 million dollars will be deposited into the account.

The bill contains a \$24.8 million allocation to the General Fund to “offset” a corporate tax credit included in House Bill 2031. The Oregon Rainy Day fund can be accessed with a 3/5 vote of the Legislature if certain economic triggers are met. These include: non-farm payroll employment declines for two consecutive quarters, a 2% or greater dip in the General Fund revenue forecast compared to the close of session estimate, and a quarterly forecast that projects revenues will be down by 3% or more from approved appropriations.

Withdrawals are limited in any one biennium to 2/3 of the fund balance at the beginning of the biennium. The bill also requires a deposit from the General Fund ending balance of up to 1% of General Fund appropriations following the close of the biennium. The Department of Administrative Services must compute interest earnings on the rainy day fund account separately and deposit those earnings. The fund is capped at 7.5% of the prior biennium's General Fund revenue.

Any revenues in excess of the cap are directed to the General Fund.

Impacts on ODE: N/A

Estimated Fiscal for ODE: N/A

Oregon Administrative Rules (OAR) Impact: N/A for ODE

Department Staff Contact: N/A

House Bill 3344

Subject(s): Lottery Fund Ending Balance

Effective Date: January 1, 2008

Brief Bill Summary: House Bill 3344 requires the transfer of half of the 2007-2009 Lottery Funds ending balance to the school capital matching subaccount.

The Lottery Funds ending balance is to be calculated using the May 2009 revenue forecast.

Impacts on ODE: N/A

Estimated Fiscal for ODE: N/A

Oregon Administrative Rules (OAR) Impact: N/A for ODE

Department Staff Contact: N/A

House Joint Memorial 5

Subject(s): Secure Rural School and Community Self-Determination Act of 2000 (federal timber dollars)

Effective Date: Filed with Secretary of State - May 24, 2007

Brief Bill Summary: House Joint Memorial 5 does not have the force of law, but urges Congress to extend the Secure Rural Schools and Community Self-Determination Act of 2000 through federal fiscal year 2016. Supporters of this Memorial intended to send a message to Congress that the Oregon Legislature supports federal legislation to create a mandatory, continuing appropriation for the Act.

Impacts on ODE: N/A

Estimated Fiscal for ODE: N/A

Oregon Administrative Rules (OAR) Impact: N/A for ODE

Department Staff Contact: N/A

House Joint Resolution 15

Subject(s): Double Majority Requirement For Elections

Effective Date: Filed with Secretary of State - July 11, 2007 (for November 2008 General Election)

Brief Bill Summary: House Joint Resolution 15 proposes an amendment to the Oregon Constitution to change the double majority requirement (which currently requires majority support for a local property tax measure and a majority of voters turning out to vote) for local property tax measures to be enacted. The amendment will be referred to voters at the next regular general election in November 2008.

If Oregon voters approve HJR 15, local property tax measures may be approved by a majority of voters regardless of turnout in May and November elections each year. The current double majority requirement is in effect for all elections except a general election taking place in November of even numbered years.

Impacts on ODE: N/A

Estimated Fiscal for ODE: N/A

Oregon Administrative Rules (OAR) Impact: N/A for ODE

Department Staff Contact: N/A

House Bill 5019

Subject(s): Department of Education operations, administration, and grant-in-aid.

Effective Date: July 1, 2007

Brief Bill Summary: The following summary of the major components of House Bill 5019 is reprinted from the *2007 Budget Report and Measure Summary* produced by Legislative Fiscal Office staff:

“The Legislature approved a total funds budget of \$1,529,284,877 (\$293,706,726 General Fund; \$56,415,089 Lottery Funds; \$169,967,768 Other Funds and \$1,009,195,294 Federal Funds) and 488 positions (446.44 full-time equivalents) for the Department for the 2007-2009 biennium. This represents a 5.9 percent increase over the 2005-07 Legislatively Approved Budget.

General Fund policy packages included in the budget: \$8.3 million for phase III of the Prekindergarten-12 Integrated Data Systems project (KIDS); \$1.8 million for a growth model for assessing academic achievement; \$39 million for expansion of the Oregon Pre-kindergarten program (\$14 million is appropriated directly to the Department and an additional \$25 million is a special purpose Emergency Board appropriation for the second year of this expansion); \$3.0 million for roll-up of current biennium caseload increases in the Early Intervention/Early Childhood Special Education (EI/ECSE) program; an additional \$6 million is a special purpose Emergency Board appropriation for second year EI/ECSE caseload growth; a \$150,000 enhancement of the Start Making A Reader Today (SMART) program; \$5.0 million to fund a teacher mentoring program; \$50,000 for the Chess for Success program; \$50,000 for a task force on civics education; \$195,000 to conduct a study on Career and Technical Education; and a reduction of \$19,399 to complete the phase-out of one-time funding for the Workforce 2005 Task Force.”

Several budget notes were also attached to the bill, including: a study on alternative methods to funding transportation costs to students; further analysis of the viability of moving the Oregon School for the Blind (OSB) to the Oregon School for the Deaf (OSD) campus; a report on the steps being taken to ensure the Early Intervention/Early Childhood Education programs are addressing the needs of children with autism; and a report with recommendations on funding options for LTCT programs.

Impacts on ODE: Major impacts listed in bill summary.

Estimated Fiscal for ODE: Agency Budget Bill; programs funded.

Oregon Administrative Rules (OAR) Impact: N/A for ODE

Department Staff Contact: Sue MacGlashan, 503-947-5658

House Bill 5020

Subject(s): State School Fund (SSF) Appropriation

Effective Date: July 1, 2007

Brief Bill Summary: The following summary of House Bill 5020 from the *2007 Budget Report and Measure Summary* was produced by Legislative Fiscal Office staff:

“The Subcommittee approved \$5.985 billion total funds for the State School Fund (\$5.351 billion General Fund; \$634.1 million Lottery Funds; and \$242,000 Other Funds). This level of funding is 12.8 percent more than the 2005-07 Legislatively Approved Level.

Assuming current enrollment forecasts, the recommended budget would increase the funding per Average Daily Membership weighted (ADMw) by \$347, to \$6,460 for the 2007-08 school year over the current year. There would be an additional increase of \$238 to \$6,698, for the 2008-09 school year.”

Impacts on ODE: Several bills take additional funds off the top of the State School Fund (SB 211 and HB 3141); this will proportionately decrease SSF payments. No major changes to the State School Fund equalization formula were legislated during the 2007 Session.

Estimated Fiscal for ODE: \$0

Oregon Administrative Rules (OAR) Impact: N/A for ODE

Department Staff Contact: Brian Reeder, 503-947-5670; Mike Wiltfong, 503-947-5914

House Bill 5021

Subject(s): School Improvement Fund (SIF) Appropriation

Effective Date: July 1, 2007

Brief Bill Summary: The 2007 Legislature restored funding to the School Improvement Fund (SIF), which was established by ORS 327.294. The SIF was last funded by the 2001 Legislature.

The Legislature included \$260,000,000 in the SIF and a companion bill (SB 318) lays out a “menu” of options which school districts can apply for and use SIF moneys.

A budget note was also included which requires each school district to identify the areas that they will be targeting with their SIF grant as part of their Continuous Improvement Plan (CIP), provide a detailed description and performance measure for use of the funds at the local level, and requires the Department to report the results of the funding and the impact on Key Performance Measures.

Impacts on ODE: In conjunction with SB 318, the Department will need to create an application for districts for SIF money and evaluate the use and results of SIF expenditures. The Department will also be required to distribute SIF moneys.

Estimated Fiscal for ODE: \$0

Oregon Administrative Rules (OAR) Impact: N/A for ODE

Department Staff Contact: Brian Reeder, 503-947-5670; Payments – Mike Wiltfong, 503-947-5914; Applications – Julie Anderson, 503-947-5613

Senate Bill 211

Subject(s): High Cost Disabilities Account in the State School Fund

Effective Date: July 1, 2007

Brief Bill Summary: Senate Bill 211 changes the funding allocated to help pay for costs of severely disabled public school students. (Current law allocates \$12 million dollars from the State School Fund each year for students with costs above \$30,000). The bill increases this allocation from \$12 million to \$18 million each year in the school equalization formula.

The current limit of \$12 million was adopted in 2003 and was intended to help districts cover the costs for students with complex or multiple special needs. If the combined needs of districts exceed the current funds available, district grants are reduced proportionally to stay within the available resources.

Grants in 2005-06 covered roughly 78% of costs borne by school districts and Superintendent Castillo and the Department of Education introduced Senate Bill 211 to help cover the rising costs of educating high cost disability students.

Impacts on ODE: Department staff will need to update the SSF software and the High-Cost Disability Grant application.

Estimated Fiscal for ODE: \$0

Oregon Administrative Rules (OAR) Impact: N/A for ODE

Department Staff Contact: Mike Wiltfong, 503-947-5914

Senate Bill 550

Subject(s): Distribution of Secure Rural Schools and Community Self-Determination Act Revenue (federal timber funds).

Effective Date: August 3, 2007 (retroactive to July 1, 2007)

Brief Bill Summary: Senate Bill 550 extends the sunset for distributions of revised Secure Rural Schools and Community Self-Determination Act revenue from 2007 to 2013. These funds are intended to be distributed to counties based on historical national forest timber revenue. Twenty-five percent (25%) is required to be deposited into county school funds, distributed to school districts and included as district revenue in the school equalization formula.

Senate Bill 550 retroactively takes effect if passage is after July 1, 2007.

Impacts on ODE: Minimal staff time to update SSF software.

Estimated Fiscal for ODE: \$0

Oregon Administrative Rules (OAR) Impact: N/A for ODE

Department Staff Contact: Mike Wiltfong, 503-947-5914

Senate Bill 1036

Subject(s): Construction Excise Taxes

Effective Date: September 27, 2007

Brief Bill Summary: Senate Bill 1036 allows school districts to impose a tax on new construction. The bill requires that any revenues collected be used for capital improvements and sets a tax rate limit of \$1 per square foot for residential use and \$0.50 for nonresidential use (with a \$25,000 limit on nonresidential use.)

Tax rates are indexed beginning in 2009 to accurately reflect changes in construction costs. The bill provides for blanket exemptions from the tax for the construction of religious facilities, agricultural buildings, affordable housing, hospitals, public buildings, hospitals, and private schools.

Any school district that receives construction tax revenue is required to develop long-term facility plans and enter into intergovernmental agreements with local governments for the purpose of collecting construction tax revenues (with a specific provision in the bill stating that collection expenses for the entity collecting the tax are limited to 1% of tax revenue).

The bill contains a January 2, 2018 sunset date and preempts local governments from collecting any construction taxes until that date. There is a “grandfather” provision in the bill that allows local government construction taxes already in effect as of May 1, 2007 or in the process of being adopted to continue to be collected or to be implemented.

Tax funds collected under Senate Bill 1036 may be used for repayment of capital improvement debt.

Impacts on ODE: N/A

Estimated Fiscal for ODE: N/A

Oregon Administrative Rules (OAR) Impact: N/A for ODE

Department Staff Contact: N/A

Senate Bill 5549

Subject(s): 2007 Budget Reconciliation (Christmas Tree) Bill

Effective Date: August 9, 2007

Brief Bill Summary: Contains multiple appropriations to multiple agencies and budgets.

Impacts on ODE: Senate Bill 5549 included an \$800,000 special purpose appropriation to the Emergency Board for the Local Option Equalization Grants Account; \$300,000 to pay for the

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transportation study budget note in House Bill 5019; \$160,000 to be transferred to the Classroom Law Project for staff development; and \$100,000 for 2005-07 supplemental Other Funds expenditure limitation.

Estimated Fiscal for ODE: \$0

Oregon Administrative Rules (OAR) Impact: N/A for ODE

Department Staff Contact: Sue MacGlashan, 503-947-5658

PERSONNEL

House Bill 2047

Subject(s): Criminal Records Checks of School Personnel

Effective Date: January 1, 2008

Brief Bill Summary: House Bill 2047 is a technical fix to Oregon statute that authorizes the Teacher Standards and Practices Commission (TSPC) and Department of Education (ODE) to require fingerprints of persons who work in, or contract with, public, private, or charter schools that have direct, unsupervised contact with children. The intent is to allow for this authorization in two different statures. Currently, this authority resides in Oregon Revised Statute (ORS) 181.539, which authorizes ODE and TSPC to require the collection of fingerprints.

During the 2005 Session, the Legislature implemented significant changes to criminal record check statutes (see House Bill 2157, 2005 Session). Inadvertently, the statutes that covered TSPC and ODE statutes were not separated.

HB 2047 separates ODE and TSPC fingerprinting statutes and continues to give fingerprinting authority.

Impacts on ODE: N/A

Estimated Fiscal for ODE: \$0

Oregon Administrative Rules (OAR) Impact: N/A for ODE

Department Staff Contact: Deborah Lincoln, 503-947-5885

House Bill 2265

Subject(s): Sick Leave Portability for Employees of Education Agencies

Effective Date: July 1, 2007

Brief Bill Summary: House Bill 2265 permits Department of Education employees to transfer accrued but unused sick leave if they leave to take a job with a school district or an education service district. The Department is also allowed to permit school district or education service district employees to transfer accrued but unused sick leave when they accept a position and become employees of the Department of Education.

This legislation was brought forward by the Department to help gain a competitive advantage when recruiting staff to come work at the agency. It was modeled on legislation the Oregon University System had successfully passed to aid its staff recruitment efforts.

Impacts on ODE: Minimal; must update employment policies.
Estimated Fiscal for ODE: \$0
Oregon Administrative Rules (OAR) Impact: N/A for ODE
Department Staff Contact: Mark Hunt, 503-947-5883

Senate Bill 379

Subject(s): Employee Training Regarding the Prevention and Identification of Child Abuse
Effective Date: June 20, 2007

Brief Bill Summary: Senate Bill 379 requires school employees to complete yearly training on the prevention and identification of child abuse and on the obligations of school employees to report child abuse based on policies adopted by their respective school board.

The bill also requires schools to make this training available to the parents and legal guardians of enrolled students and requires an education provider to make training designed to prevent child abuse available to their students. The legislation applies to the 2007-2008 school year.

The Department of Human Services is required to make every effort to notify anyone who makes a report of abuse on any outcomes if the person who made the report included their contact information.

Impacts on ODE: Minimal; will need to ensure that the agency is complying with the requirements of the bill.
Estimated Fiscal for ODE: \$0
Oregon Administrative Rules (OAR) Impact: May need to update OAR 581-022-0705.
Department Staff Contact: Tony Meek, 503-947-5817

Senate Bill 380

Subject(s): Current or Former School Employee Records
Effective Date: May 30, 2007

Brief Bill Summary: Senate Bill 380 requires a school district to provide to the Department of Human Services, the Teacher Standards and Practices Commission or another school district, the records of investigations of suspected child abuse by current or former school employees.

The bill also requires the disclosure of disciplinary records of a former school employee to any requestor if they were convicted of one or more of list of 56 felonies.

Impacts on ODE: N/A

Estimated Fiscal for ODE: N/A

Oregon Administrative Rules (OAR) Impact: N/A for ODE

Department Staff Contact: N/A

Senate Bill 384

Subject(s): School Administrator Salaries (Golden Parachutes)

Effective Date: June 11, 2007

Brief Bill Summary: Senate Bill 384 prohibits school districts, education service districts, and public charter schools from signing contracts with administrators which provide compensation for work or duties not performed. (These types of contract clauses are commonly referred to as “Golden Parachutes.”) There are exemptions made for the provision of health benefits for administrators until the administrator reaches age 65 or begins a new job with health benefits.

The bill requires employment contracts with administrators to be on file in the central office of the district or school and prohibits an administrator from using or purchasing district property differently than a member of the public for a period of one year after contract termination.

Impacts on ODE: N/A

Estimated Fiscal for ODE: N/A

Oregon Administrative Rules (OAR) Impact: N/A for ODE

Department Staff Contact: N/A

Senate Bill 426

Subject(s): Health Benefit Plans for Education District Employees

Effective Date: March 21, 2007

Brief Bill Summary: The following bill summary is reprinted from the 2007 *Budget Report and Measure Summary* produced by Legislative Fiscal Office staff:

“Senate Bill 426 establishes the Oregon Educators Benefit Board (OEBB) within the Department of Administrative Services. The purpose of this Board is to contract for health and dental plans and other benefits for employees of most all school districts and education service districts.

Districts that are self-insured or districts that have independent health trusts are not required to receive benefits through OEBB if the premiums for their benefit plans are equal to or less than the premiums for comparable benefit plans provided by the Board.

Community college districts may also provide or contract for benefit plans other than those provided by OEGB.

The Legislative Subcommittee appropriated \$4,996,081 General Fund to the Oregon Department of Education (ODE) for the OEGB during 2007-09. ODE will then expend the funds at the Department of Administrative Services (DAS) who will oversee the operations and implementation of the Board using the ODE funds and \$500,199 Other Funds from the Public Employees Benefit Board (PEBB)."

In short, the only role for the Department is to "pass-through" the funds. In order to meet the bill's requirements of having benefit plans available by October 1, 2008, implementation of OEGB will need to begin in the current biennium.

Impacts on ODE: N/A

Estimated Fiscal for ODE: \$0; funds are only passed through.

Oregon Administrative Rules (OAR) Impact: N/A for ODE

Department Staff Contact: Sue MacGlashan, 503-947-5658

OPERATIONS

House Bill 2040

Subject(s): Private Alternative Education Programs (HomeSource); ESD Minimum Allocations; Changes to the Small School District Supplemental Fund

Effective Date: July 31, 2007

Brief Bill Summary: House Bill 2040 authorizes school districts in Lane County to contract with qualified private alternative education programs (although not named in the bill specifically, it is written in a way as to only apply to the HomeSource program) to provide services to children who are home schooled.

The State Board of Education is charged with adopting by rule a formula for the calculation of the amount of funding to be received by a qualified private alternative education program. The formula shall be based on:

1. The ADM of the program;
2. Whether the program operates full-time or part-time; and
3. Whether instruction in the program is given as tutorials or in small groups, intermediate groups, or large groups.

The bill also increases the education service district (ESD) minimum allocation of state and local funding from approximately \$950,000 to \$1 million per year and requires that "...the legislative interim committees on revenue shall conduct a study of the adequacy of funding of small school districts and small education service districts..." and present their findings and recommendations to the 2009 Legislative Assembly.

House Bill 2040 also contains provisions to repeal the transfer of \$2.5 million each year from the State School Fund to the Small School District Supplement Fund and delete the statutes that distribute the Supplement Fund to school districts with less than 8,500 weighted students that have small high schools. These two provisions are not effective until June 30, 2012.

Impacts on ODE: Need to work with State Board to develop funding formula by rule.

Estimated Fiscal for ODE: \$0

Oregon Administrative Rules (OAR) Impact: Need to work with State Board to create OAR for HomeSource Funding; Possible OAR updates for 581-021-0072 and 581-023-0006.

Department Staff Contact: Drew Hinds (for HomeSource), 503-947-5799; Brian Reeder, 503-947-5670, or Mike Wiltfong, 503-947-5914 for funding issues.

House Bill 2172

Subject(s): Clean Diesel Engines and School Buses

Effective Date: September 27, 2007

Brief Bill Summary: House Bill 2172 requires the Environmental Quality Commission (EQC) to “establish a goal to reduce excess lifetime risk of cancer due to exposure to diesel engine emissions...by 2017...(and) include a target to substantially reduce the risk to school children from diesel engine emissions produced by Oregon school buses by the end of 2013.”

Beginning with the 2007-2008 school year, funds received by school districts to repower, retrofit or replace school bus diesel engines will not be deducted from State School Fund transportation grants.

The bill establishes the Clean Diesel Engine Fund—a permanent Department of Environmental Quality (DEQ) appropriation to provide grants and loans (up to 25% of costs) to assist owners to repower or retrofit diesel engines, to scrap older diesel engines, and to fund administration of the clean diesel program.

Impacts on ODE: Rulemaking to implement legislation.

Estimated Fiscal for ODE: \$0

Oregon Administrative Rules (OAR) Impact: Need to update OAR 581-023-0040.

Department Staff Contact: Deborah Lincoln, 503-947-5885

House Bill 2264

Subject(s): Public Contracting and Procurement of Assessment Related Items by the Department of Education

Effective Date: May 30, 2007

Brief Bill Summary: House Bill 2264 exempts the Department of Education from provisions of the Department of Administration Procurement Code when procuring goods, services, and information technology related to student assessment.

House Bill 2264 will permit the Department of Education to procure or supervise the procurement of goods, services, personal services and information technology related to student assessment. All procurements conducted under this authority will still be subject to the Public Contracting Code, the Oregon State Procurement Code, and the legal sufficiency review program of the Oregon Attorney General’s Office.

The bill was drafted at the request of the Department of Education and Superintendent Castillo.

Impacts on ODE: Will allow Department to contract and procure assessment related items directly and cut down on wait times.

Estimated Fiscal for ODE: \$0

Oregon Administrative Rules (OAR) Impact: Need to review relevant OAR's and make necessary updates.

Department Staff Contact: Nolan Campbell, 503-947-5774

House Bill 2266

Subject(s): School Bus Endorsements

Effective Date: January 1, 2008

Brief Bill Summary: House Bill 2266 requires the Department of Transportation (through the Department of Motor Vehicles) to notify the Department of Education of any suspension, cancellation, or revocation of driving privileges of any person who holds a school bus endorsement ("S" endorsement) on their driver's license.

Currently, the Department of Motor Vehicles (DMV) does not automatically notify the Department of Education of the above mentioned actions taken against school bus drivers. House Bill 2266 was drafted at the request of the Superintendent Castillo and the Department of Education to remedy this statutory oversight and add an additional system to warn of drivers who shouldn't be behind the wheel of a school bus.

Impacts on ODE: Will need to coordinate with DMV to set up notification process; will be absorbed as part of current work related to fingerprinting.

Estimated Fiscal for ODE: \$0

Oregon Administrative Rules (OAR) Impact: N/A for ODE

Department Staff Contact: Deborah Lincoln, 503-947-5885

House Bill 2268

Subject(s): Commercial Driver Licenses (one part of bill covers school bus endorsement)

Effective Date: January 1, 2008

Brief Bill Summary: House Bill 2268 brings several provisions of Oregon statutes into compliance with federal commercial driver licensing laws and regulations.

The portion that relates to the school bus endorsement exempts mechanics and bus company personnel who drive empty school buses from school bus endorsement requirements while retaining the commercial license driver license requirement. This allows mechanics and other

staff who are not transporting students to still transfer the buses for such purposes as driving the bus to a garage for maintenance.

Impacts on ODE: N/A

Estimated Fiscal for ODE: N/A

Oregon Administrative Rules (OAR) Impact: N/A

Department Staff Contact: Deborah Lincoln, 503-947-5885

House Bill 2456

Subject(s): School Buses Manufactured Before April 1, 1977

Effective Date: August 1, 2008

Brief Bill Summary: House Bill 2456 prohibits the State Board of Education from allowing the use of school buses manufactured before April 1, 1977. Any operation of these prohibited school buses shall be considered a Class B traffic violation, punishable with a fine of up to \$360.

Impacts on ODE: N/A

Estimated Fiscal for ODE: \$0

Oregon Administrative Rules (OAR) Impact: Need to update OAR 581-053-0002.

Department Staff Contact: Deborah Lincoln, 503-947-5885

House Bill 2650

Subject(s): Nutrition Standards for Food Items Sold in Schools

Effective Date: July 1, 2007 (Standards phase in beginning with the 2008-2009 school year)

Brief Bill Summary: House Bill 2650 creates and implements minimum nutritional standards for snack foods and entrees sold in public schools (the bill includes definitions for both and looks at nutrition content like calories, fat content, and sugar). The bill also identifies beverages that can be sold in schools, based on grade level (such as fruit juice, milk or water depending on the grade level).

Food and beverages that are sold to students as part of the National School Lunch or National School Breakfast program are exempted from the nutrition standards outlined in the bill. The bill also specifies that nutritional standards do not apply when the school is being used for school related events or non-school related events such as plays or sporting events when parents or adults are a significant part of the audience. The intent of the bill is to apply the nutrition standards during the actual regular or extended school day. School boards are allowed to adopt more restrictive standards.

A timetable for implementation is also laid out in the bill:

1. Entrées and snack items that are prepared on-site become effective for school year 2009-2010.
2. Other nutrition standards become effective for the 2008-2009 school year.
3. Specifies, to the greatest extent possible, the effective date for contracts is July 1, 2008.

Impacts on ODE: The bill does not mandate any role for the Department, but staff should be ready to field numerous questions from the field.

Estimated Fiscal for ODE: \$0

Oregon Administrative Rules (OAR) Impact: N/A for ODE

Department Staff Contact: Joyce Dougherty, 503-947-5888

House Bill 2676

Subject(s): Adverse Possession of School Property

Effective Date: January 1, 2008

Brief Bill Summary: House Bill 2676 establishes that the property rights of public educational institutions cannot be extinguished or diminished by adverse possession. The bill applies to: (1) education service districts; (2) school districts; (3) the schools for the deaf and the blind; (3) the Oregon University system; (4) Oregon's public community colleges; and (5) OHSU.

Impacts on ODE: N/A

Estimated Fiscal for ODE: N/A

Oregon Administrative Rules (OAR) Impact: N/A for ODE

Department Staff Contact: Morgan Allen, 503-947-5920

House Bill 2773

Subject(s): Creation of a Task Force on School Nursing

Effective Date: June 1, 2007

Brief Bill Summary: House Bill 2773 creates an eight member Task Force on School Nurses, to be appointed by the Superintendent of Public Instruction. The task force is required to "study and assess the availability of nursing services in Oregon schools and the feasibility of expanding existing services" and "recommend a plan to establish school nurses as a mandated service in all schools in Oregon." The Task Force is required to submit their findings to the interim committees on education by September 1, 2008.

Impacts on ODE: The Superintendent appoints the Task Force members and the Department provides staff and support services.

Estimated Fiscal for ODE: The Department submitted a fiscal with a cost estimate of \$9925.00. No funding was included with the bill.

Oregon Administrative Rules (OAR) Impact: N/A for ODE

Department Staff Contact: Tony Meek, 503-947-5817

House Bill 2906

Subject(s): Discrimination in Education

Effective Date: July 1, 2007

Brief Bill Summary: House Bill 2906 is a technical fix to resolve a conflict in Oregon statute. The bill seeks to clarify that an individual who believes they have experienced illegal discrimination at any public school or educational institution may bring an action in circuit court.

From the *2007 Staff Measure Summary* prepared by the Senate Committee on Judiciary Staff:

“ORS 659.850 prohibits discrimination in public education and provides that no person in Oregon ‘shall be subjected to discrimination in any public elementary, secondary or community college education program or service, school or interschool activity or in any higher education program or service, school or interschool activity where the program, service, school or activity is financed in whole or in part by moneys appropriated by the Legislative Assembly.’ ORS 659.860, however, only allows actions in civil court if the person claims ‘to be aggrieved by unlawful discrimination in higher education.’ House Bill 2906 deletes the phrase ‘higher education’ from ORS 659.860.”

Impacts on ODE: N/A

Estimated Fiscal for ODE: N/A

Oregon Administrative Rules (OAR) Impact: N/A for ODE

Department Staff Contact: Jennifer Williamson, 503-947-5763

House Bill 3178

Subject(s): Charter Schools and Vacant and Unused Public Buildings

Effective Date: January 1, 2008

Brief Bill Summary: House Bill 3178 requires that “school districts, education service districts and other public bodies” (other public bodies is defined by ORS 174.109 as state government bodies, local government bodies and special government bodies) must provide a list of vacant and unused public buildings (or suitable segments, rooms or portions of those buildings) that could be used to house and operate a public charter school when requested.

Requests must be in writing and the lists of available space(s) must be provided to those who are developing or operating charter schools within 30 days of the written request.

The bill also clarifies that by providing this list the government body is not required to sell or lease any of the space(s) to a public charter school.

Impacts on ODE: Minimal; will need to develop a policy to respond and create OARs.

Estimated Fiscal for ODE: \$0

Oregon Administrative Rules (OAR) Impact: Need to draft new OAR.

Department Staff Contact: Mark Hunt, 503-947-5883

House Joint Resolution 4

Subject(s): Obsolete Constitutional Provisions of Electors for School District Elections

Effective Date: Filed with Secretary of State - June 25, 2007

Brief Bill Summary: House Joint Resolution 4 proposes an amendment to the Oregon Constitution to remove an antiquated provision that requires electors in school district elections to be 21, be able to read and write in English, and meet legal residency requirements. The proposed amendment is referred to voters for their approval or rejection at the next regular general election in November 2008.

Additional background information comes from the *2007 Staff Measure Summary* prepared by the Senate Committee on Rules staff:

“A 1972 Oregon Attorney General opinion held that the six-month residency requirements in Article II Section 2 (1)(b) and Article VIII Section 6 are unenforceable, based on the U.S. Supreme Court decision in *Dunn v. Blumstein*, 405 U.S. 330 (1972), which held a Tennessee one-year voter residency requirement unconstitutional. The 1972 Attorney General opinion also addressed the 21-year-old age and ability to read and write English criteria for school district election voters, concluding that they are invalid, as well.”

These provisions were never removed from the Constitution.

Impacts on ODE: N/A

Estimated Fiscal for ODE: N/A

Oregon Administrative Rules (OAR) Impact: N/A

Department Staff Contact: N/A

Senate Bill 215

Subject(s): Student Admission Eligibility

Effective Date: July 1, 2007

Brief Bill Summary: Senate Bill 215 clarifies for school districts their obligation to admit students up to the age of 21 years. The bill also defines “person in a parental relationship” for determining school district residency. The definition (page 2 of the enrolled bill) says:

“Person in parental relationship’ means an adult who has physical custody of a child or resides in the same household as the child, interacts with the child daily, provides the child with food, clothing, shelter and incidental necessities and provides the child with necessary care, education, and discipline.”

A “person in a parental relationship” had not been previously defined in statute and school districts were deciding who fit this category or definition in different ways.

There has also been confusion about the statutes which outline the obligation of districts to educate students who have not earned a diploma, up to the age of 21. Senate Bill 215 clarifies that districts may provide education to those students but are not required to provide an education to those students who have not earned a diploma and are up to age 21.

The bill was drafted at the request of Superintendent Castillo and the Department of Education to help clarify these issues for school districts.

Impacts on ODE: Department will develop OAR’s to help provide guidelines for school districts.

Estimated Fiscal for ODE: \$0

Oregon Administrative Rules (OAR) Impact: Need to draft new OAR.

Department Staff Contact: Cindy Hunt, 503-947-5677

Senate Bill 242

Subject(s): School District Construction Projects

Effective Date: January 1, 2008

Brief Bill Summary: Senate Bill 242 requires school districts that seek funding for a “large construction project” to:

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1. Evaluate the need for safety improvements within one mile of an elementary school or 1.5 miles of a secondary school. Any proposed safety improvements should provide safer alternative routes to schools and may include improvements for pedestrians, bicycles, and motor vehicles.
 2. Evaluate the potential for joint funding with other public and private entities;
 3. And consider including the cost of the improvements within the funding of the large construction project.

The bill applies to projects with total bonded indebtedness greater than \$1 million. The school board's decision to include or exclude the funding of safety improvements must be part of the public record relating to the project.

Impacts on ODE: N/A

Estimated Fiscal for ODE: N/A

Oregon Administrative Rules (OAR) Impact: N/A for ODE

Department Staff Contact: N/A

Senate Bill 336

Subject(s): School Facility Planning

Effective Date: January 1, 2008

Brief Bill Summary: Senate Bill 336 once again allows school capacity to serve as the basis for the acceptance or rejection of development applications. According to the *2007 Staff Measure Summary* prepared by the House Committee on Education staff:

"The 1995 Legislative Assembly enacted HB 2501, which included a provision prohibiting the use of school capacity as the sole basis for approval or denial of development applications, unless the application involves changes to the local government comprehensive plan or land use regulations...Senate Bill 336 eliminates that provision, again allowing consideration of school capacity in residential development requests."

Senate Bill 336 allows a city or county to deny an application for residential development based on a lack of school capacity if:

1. The issue is raised by the school district;
2. The lack of school capacity is based on a school facility plan formally adopted under this section; and
3. The city or county has considered other options to address school capacity.

The bill also changes the definition of “high growth school district” to “large school district,” and defines a “large school district” as one with enrollment greater than 2,500 students.

Other changes in the bill include modifications to the language regarding school facility planning with the city or county:

- Extends the length of the school facility plan from five years to 10 years.
- Removes the provision limiting when a city or county would be required to provide notice to an affected school district when considering a plan or land use regulation amendment that significantly impacts school capacity.
- Directs that a large school district must complete a school facility plan within two years of the effective date.

Impacts on ODE: N/A

Estimated Fiscal for ODE: N/A

Oregon Administrative Rules (OAR) Impact: N/A for ODE

Department Staff Contact: N/A

Senate Bill 462

Subject(s): South Umpqua School District Fact-finding

Effective Date: June 20, 2007

Brief Bill Summary: Senate Bill 462 requires the Superintendent of Public Instruction to issue a fact-finding report on the possible division of the South Umpqua School District No. 19 into two districts. The Superintendent of Public Instruction is required to issue this report by October 31, 2007. The bill requires the report to include and order the district boundary board to either:

1. Submit the question of dividing district to school district electors;
2. Recommend conversion of Canyonville School to a public charter school; or
3. To consider another alternative for the operation of Canyonville School.

The bill would require the district boundary board to proceed with division if the report recommends division and a majority of votes cast approve.

Please note a technical fix to the bill was included in House Bill 3141. This fix helped clarify the bill’s provisions that the Department can collect money from interested parties to pay for the cost of the fact-finder.

Senate Bill 462 represents a compromise between the South Umpqua School District and the Canyonville School Committee.

Impacts on ODE: The Department will help facilitate the selection, hiring and payment of a fact finder. The Superintendent will then issue a report based on the findings of the fact finder by October 31, 2007.

Estimated Fiscal for ODE: \$0, but the Department will collect money from the South Umpqua School District and the Canyonville Schools Committee to pay the fact finder.

Oregon Administrative Rules (OAR) Impact: N/A for ODE

Department Staff Contact: Morgan Allen, 503-947-5920

Senate Bill 479

Subject(s): School Lighting

Effective Date: July 1, 2007

Brief Bill Summary: Senate Bill 479 mandates the use of self-extinguishing light bulbs in schools no later than December 31, 2007.

All schools and districts must replace non-self-extinguishing metal halide R-Type light bulbs or mercury vapor light bulbs with self-extinguishing T-type light bulbs. If the school or district cannot/does not want to find T-type replacement lights or wishes to change the fixtures completely, the bill does allow alternative lighting such as florescent lights to be used in place of the R-type bulbs.

The only lights that are exempted are those in athletic stadiums or in outdoor athletic fields.

Impacts on ODE: The Department has issued a numbered memo to inform school districts of their obligation to change out lights bulbs by December 31.

Estimated Fiscal for ODE: \$0

Oregon Administrative Rules (OAR) Impact: N/A for ODE

Department Staff Contact: Morgan Allen, 503-947-5920

Senate Bill 517

Subject(s): Anabolic Steroids

Effective Date: June 13, 2007

Brief Bill Summary: Senate Bill 517 prohibits all school district employees (the bill extends the definition of "employees" to include volunteers and contractors) from knowingly selling and marketing/distributing anabolic steroid or performance-enhancing substances to students. Employees are also specifically prohibited from knowingly endorsing or suggesting the use of steroids or performance-enhancing substances.

The bill directs the Department of Education to develop and implement a program for K-12 students to prevent steroid abuse in conjunction with OSAA and other interscholastic activity organizations, work with school districts to include information on anabolic steroids and performance enhancing substances in health and physical education curricula, and utilize programs such as OHSU's ATHENA and ATLAS. It also requires school employees who are coaches or athletic directors to receive training on identifying components of anabolic steroid abuse and use and prevention strategies for use of performance-enhancing substances.

Impacts on ODE: The Department must develop and implement a program for K-12 students to prevent steroid abuse in conjunction with OSAA and other interscholastic activity organizations; include information on steroids in PE and Health curricula; monitor district use of ATHENA and ATLAS programs to prevent steroid abuse; ensure coaches and athletic directors get training once every four years; and give an update report to the Legislature by Oct. 1, 2008.

Estimated Fiscal for ODE: \$60,000; no funding was included in the bill.

Oregon Administrative Rules (OAR) Impact: Multiple OAR updates: 581-021-0034, 581-022-0413, 581-022-1680, and a new OAR for ATHENA and ATLAS programs.

Department Staff Contact: Margaret Bates, 503-947-5615

Senate Bill 554

Subject(s): Public Records Requests

Effective Date: January 1, 2008

Brief Bill Summary: House Bill 554 requires all government entities (including the Department of Education, school districts, and ESD's) to respond as soon as practicable and without undue delay to a written request for a public document.

From the *2007 Staff Measure Summary* produced by the House Committee on Judiciary Staff:

“...the entity's response must include: (1) Acknowledgement of the request; (2) A statement that the public body does not possess, or is not the custodian of the documents requested, if this be the case; (3) Copies of all public documents requested and not exempted from disclosure; (4) A statement that the government entity is custodian of at least some of the documents and an estimate of the time and cost associated with honoring the request; (5) A statement that the public body is the custodian of some of the records and that an estimate of time and cost associated with honoring the request will be provided within a reasonable time; (6) A statement that the public body is uncertain whether the public body possesses the public record and that the public body will search for the record and respond as soon as practicable; and (7) A statement that the state or federal law prohibits the public body from acknowledging whether the record exists.”

The bill also clarifies that a person requesting a public record need not be given a certified copy. Government entities also must "...make available to the public a written procedure for making public record requests that includes: the name of one or more persons to whom public record requests may be sent, with addresses, and the amounts of and the manner of calculating fees that the public body charges for responding to requests for public records."

Impacts on ODE: Need to update public record request procedures.

Estimated Fiscal for ODE: \$0

Oregon Administrative Rules (OAR) Impact: May need to update rules related to public record requests, 581-001-0105.

Department Staff Contact: Cindy Hunt, 503-947-5677

Senate Bill 671

Subject(s): Public Records

Effective Date: June 20, 2007

Brief Bill Summary: Senate Bill 671 requires a public body to release a condensed version of factual information that would otherwise be exempt under the attorney-client privilege without waiving these privileges. The bill allows a person seeking to inspect records, but who instead received a condensed version, to petition for a review of the denial. It also requires the judge, Attorney General, or district attorney doing the review to compare the records to which access was denied to the condensed version to determine if the condensed version adequately describes these records.

Background information from the *2007 Staff Measure Summary* prepared by the House Committee on Judiciary staff:

"The right of the public to inspect public records and the attorney-client privilege met head on in the matter of *Klamath County School District v. Teamey*, 207 Or. App. 250 (2006); petition for review denied, 342 Or.46 (2006). Here, the Klamath County School District (the District) received a complaint from county residents concerning mismanagement and misconduct by district employees. The District sent a copy of the allegations to an attorney who had represented the District in the past asking for advice. He responded that in order to properly advise them, he would have to investigate and would need to hire an auditor and an investigator. The District asked him to do so and he did. The auditor and investigator reported back to him and he forwarded the reports to the District. The two reports were not made public. The District issued a press release stating that the District purchasing procedures were being reviewed and strengthened. As to wrong doing, there is clear evidence that none existed. Mr. Bert Teamey sought to obtain copies of these two reports. The District refused on the

grounds that this information was privileged communication under the attorney client privilege. The Oregon Court of Appeals agreed and the Oregon Supreme Court upheld this opinion when it refused to review the Court of Appeals decision. *Klamath County School District v. Teamey*, 207 Or. App. 250 (2006); petition for review denied, 342 Or.46 (2006).”

Impacts on ODE: N/A

Estimated Fiscal for ODE: N/A

Oregon Administrative Rules (OAR) Impact: May need to update rules related to public record requests, 581-001-0105.

Department Staff Contact: Cindy Hunt, 503-947-5677

Senate Bill 755

Subject(s): Education Service Districts

Effective Date: June 25, 2007

Brief Bill Summary: Senate Bill 755 directs the component school districts of the Northwest Regional Education Service District (ESD) to elect replacement elected directors and appoint replacement appointed directors prior to the end of term of office of these directors.

The bill directs that the three pilot ESDs (High Desert, Willamette, and NW Regional) should report on the governance structure of the board of directors to the Legislature biennially during each even numbered year.

Senate bill 755 mandates the division of the three pilot ESDs into a minimum of seven zones, or up to eleven zones. This must be done for the Willamette ESD and High Desert ESD prior to February 1, 2010, and for the Northwest Regional ESD prior to February 1, 2012.

Other provisions include: a staggered termination of service for Northwest Regional ESD board members beginning in 2008 and ending in 2012; extension of the Northwest Regional ESD pilot from 2010; and allowing appointed board member to promote or oppose candidates or political measures as individuals in the same manner as elected board members until 2012.

Impacts on ODE: N/A

Estimated Fiscal for ODE: N/A

Oregon Administrative Rules (OAR) Impact: N/A for ODE

Department Staff Contact: N/A

Senate Bill 779

Subject(s): School District Complaint Processes
Effective Date: July 1, 2007

Brief Bill Summary: Senate Bill 779 requires the State Board of Education to adopt by rule the requirements for the process that a school district must use when the district receives a complaint pertaining to whether a school in the district is standard school (Division 22 Standards).

The process shall include a plan for prompt resolution of the complaint and include: specific timelines for the completion of the process by the district and the person making the complaint, have a specific time period within which the district must make a final decision on a complaint (after which the complaint may be appealed to the Superintendent of Public Instruction), and recognize that if a district does not issue a decision within the specified time period, failure to act will be seen as the final decision.

Impacts on ODE: Administrative rules have already been drafted to meet requirements of the bill.

Estimated Fiscal for ODE: \$0

Oregon Administrative Rules (OAR) Impact: Draft rules have been filed: 581-022-1940 and 581-022-1941.

Department Staff Contact: Cindy Hunt, 503-947-5677

Senate Bill 800

Subject(s): Education District Audits
Effective Date: January 1, 2008

Brief Bill Summary: Senate Bill 800 requires that an accountant under contract with a school district or county shall determine whether the school district has: 1. Followed generally accepted accounting principles and 2. Complied with the legal requirements for conducting the school district(s) financial affairs.

When the audit report is delivered to the school board, the board is required to determine any measures necessary to remedy or correct deficiencies in the audit report. The board must then adopt a resolution with proposed remedies to deficiencies, including a timeline for completion, and send the resolution to the Secretary of State and Department of Education.

Senate Bill 800 requires the Secretary of State and Department of Education, upon receipt of a school board resolution, to either acknowledge the board's plan to correct deficiencies or to notify the school board of deficiencies that could result in the withholding of state school funds if not corrected. At the request of the school board, the Secretary of State and Department of Education shall make suggestions for correcting any deficiencies.

The bill allows the Secretary of State or Department of Education to certify to the Superintendent of Public Instruction any failure of the school district board to take corrective action during the course of two successive audits.

If corrections have not been made after two successive audits, the Superintendent of Public Instruction is instructed to withhold 10 percent of payments from the State School Fund.

Impacts on ODE: This bill could have an impact effect on the agency response to current and upcoming audits conducted by the Secretary of State.

Estimated Fiscal for ODE: \$0

Oregon Administrative Rules (OAR) Impact: N/A for ODE

Department Staff Contact: Mark Patterson, 503-947-5625

PROGRAMS

House Bill 2263

Subject(s): Certificate of Initial Mastery/Certificate of Advanced Mastery Repeal; Creation of Advisory Boards for the Oregon School for the Deaf and the Oregon School for the Blind; Inclusion of Continuous Improvement Plan in Statute; Creation of a System of Progressive Intervention for Schools; Selection of a Vendor to Administer a Nationally Normed Assessment to all 10th Grade Students; Child Development Specialists; School Districts and Annual Budgets; Updates to Statewide and Local Report Cards

Effective Date: July 31, 2007

Brief Bill Summary: House Bill 2263 became a vehicle for several legislative proposals and was amended several times to include multiple provisions:

- The bill abolishes the Certificate of Initial Mastery and Certificate of Advanced Mastery beginning with the 2008-2009 school year.
- School districts are allowed to establish a child development specialist program if they meet the following requirements:
 1. School districts must submit a written plan describing the program to the Department of Education and the Department must approve the plan.
 2. Upon approval of a program, a school district shall submit child development specialist candidate applications for department approval.
 3. The school district shall conduct an annual review of the program and submit an updated plan to the Department for reauthorization.
 4. Each child development specialist employed by a school district shall complete an annual evaluation of the specialist's child development plan to be included with the school district's plan.
- The Continuous Improvement Plan is added to statute and updated to include:
 1. A rigorous curriculum aligned with state standards;
 2. High-quality instructional programs;
 3. Short-term and long-term professional development plans;
 4. Programs and policies to achieve a safe educational environment;
 5. A plan for family and community engagement;
 6. Staff leadership development;
 7. High-quality data systems;
 8. Improvement planning that is data-driven;
 9. Education service plans for students who have or have not exceeded all of the academic content standards;
 10. A review of demographics, student performance, staff characteristics, and student access to, and use of, educational opportunities; and
 11. District efforts to achieve local efficiencies and efforts to make better use of resources.

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- The school ratings system is changed to three categories (from five): 1. Outstanding Schools, 2. Satisfactory Schools, and 3. Schools In Need of Improvement.
 - Schools that are rated as “In Need of Improvement” are required to file a school improvement plan with the local school district board and the Superintendent of Public Instruction.
 - The Department is required to convene a group of education stakeholders to design and implement a system of progressive interventions for school districts that do not demonstrate improvement.
 - Changes the elements of the Oregon Report Card to include:
 1. Student performance on Oregon state assessments and national assessments;
 2. Data required by the federal No Child Left Behind Act of 2001;
 3. Public school funding, expenditures and employee salary information;
 4. Instructional hours;
 5. School staff information;
 6. District size, student demographics and student enrollment;
 7. Dropout rates;
 8. Alternative education programs;
 9. Public Charter Schools;
 10. Early childhood education and Oregon pre-kindergarten; and
 11. Programs for students with special needs.
 - School Districts are allowed to prepare annual or biannual budgets.
 - Directs the Department to contract with a nonprofit entity to administer, in conjunction with the Department, a nationally-normed assessment to all grade ten students to predict success of students on college entrance exams. Allows contractor to waive assessment for a specific group of students or allows a student to request that a school district waive assessment. The Department is also authorized to spend up to \$550,000 from the State School fund for the assessment contract. This assessment will first be administered in the 2008-2009 school year.
 - House Bill 2263 includes the language from Senate Bill 757 (2007 Session) to establish an advisory Board of Directors for the Oregon School for the Deaf and an advisory Board of Directors for the Oregon School for the Blind. Each seven (7) member Board is appointed by the Governor and the Department is required to providing staffing and services to the Boards. The Boards may also appeal the hiring and/or firing of the Director of each school and any decision to locate the schools within Marion County made by the Superintendent.

Impacts on ODE: Multiple—see above.

Estimated Fiscal for ODE: \$200,000-\$350,000 to provide staff and services to the Boards (funding not included in the bill)

Oregon Administrative Rules (OAR) Impact: Multiple OAR updates: 581-022-1060, 581-023-0050, 581-022-0405, and 581-022-1510.

Department Staff Contact: CIM/CAM elimination – Theresa Levy, 503-947-5736; Boards for Special Schools – Jay Gense, 503-378-2832; System of Progressive Intervention – Helen Maguire,

503-947-5877; Nationally Normed Assessment – Doug Kosty, 503-947-5825; Child Development Specialist Programs – June Tremain, 503-947-5809; Biennial/Annual Budgets – Sue MacGlashan, 503-947-5658; State and Local Report Cards – Tony Alpert, 503-947-5827

House Bill 2574

Subject(s): Teacher and Administrator Mentoring

Effective Date: January 1, 2008 (First applies to 2008-2009 school year)

Brief Bill Summary: House Bill 2574 makes changes to the beginning teacher and administrator mentoring program starting with the 2008-2009 school year. The bill outlines qualifications for mentoring funds by clarifying that an administrator is a licensed principal or superintendent, changes the eligibility of staff to fewer than two school years, modifies the definition of mentor to include acting or retired teachers, principals or superintendents, and adds the requirement that the mentor has met established best practice and researched-based criteria that are defined in rule by the State Board of Education.

The bill increases the maximum amount of annual grants-in-aid that the school district may receive per qualifying teacher or administrator from \$3,000 to \$5,000 (the cap is indexed each biennium to the Consumer Price Index). The Legislature appropriated \$5 million dollars to the mentor grants in House Bill 5019, but it is likely that this money will be insufficient to cover all eligible proposals, thus requiring the Department to award grants on a competitive basis per the mentor statute.

The bill also mandates that the Department is responsible for regular and ongoing evaluation of the mentoring program. The Department can expend up to 2.5% of the program funding (which is equal to \$125,000 based on 2007-09 funding levels) to complete this evaluation. Outside groups may make additional contributions to the Department of Education for the specific purpose of program evaluation.

Impacts on ODE: The Department will need to set up a grant management program (including criteria if it becomes competitive due to the number of grant applications) and update mentoring OAR's. The evaluation criteria will also have to be developed and implemented.

Estimated Fiscal for ODE: \$125,000 (bill allows for the Department to spend this much money for program evaluation)

Oregon Administrative Rules (OAR) Impact: Multiple OAR updates: 581-020-0060, 581-020-0065, 581-020-0070, 581-020-0075, 581-020-0080, 581-020-0085, and 581-020-0090.

Department Staff Contact: Salam Noor, 503-947-5663

House Bill 2584

Subject(s): Creation of a Task Force on Civics and Financial Education

Effective Date: July 16, 2007

Brief Bill Summary: House Bill 2584 creates a nine-member Task Force Task Force on Civics and Financial Education appointed by the Senate President (three members), House Speaker (three members), and Superintendent of Public Instruction (three members). The group is charged with studying and making recommendations about how to increase and improve civics and financial education in K-12 public schools.

The task force must issue a report and make legislative recommendations to the House and Senate interim education committees by October 1, 2008.

Impacts on ODE: The Department must staff and provide support to the Task Force and work with the House Speaker and Senate President to appoint members.

Estimated Fiscal for ODE: \$50,000 (funding for the Task Force was included in House Bill 5019)

Oregon Administrative Rules (OAR) Impact: N/A for ODE

Department Staff Contact: Andrea Morgan, 503-947-5772

House Bill 2585

Subject(s): Employment of Speech-Language Pathologists in Rural Communities

Effective Date: July 16, 2007

Brief Bill Summary: House Bill 2585 allows education service districts or community college districts to hire retired public employees as a teacher or administrator and not be subject to the 1040 works hours limit if their primary work duties are performed in a county of not more than 35,000 inhabitants.

The 1040 work hours limit is repealed for all retired public employees who are employed as a speech-language pathologist or pathologists or speech-language pathologist assistants (this provision sunsets on January 2, 2016.)

Impacts on ODE: N/A

Estimated Fiscal for ODE: N/A

Oregon Administrative Rules (OAR) Impact: N/A for ODE

Department Staff Contact: N/A

House Bill 2606

Subject(s): High School Diploma

Effective Date: July 1, 2007

Brief Bill Summary: House Bill 2606 allows a school district to award a high school diploma early to a student who requests it. In order to get their diploma early the student:

1. Must fulfill the graduation requirements of the State Board of Education;
2. Must fulfill the graduation requirements of the local school district; and
3. Request early graduation and receive their parent or guardian's consent.

The bill exempts students who graduate early from compulsory public school attendance laws and requirements.

HB 2606 would also allow a student to request advancement to the next grade level if a student meets the requirements for the current grade level and obtains the consent of their parent or guardian.

Impacts on ODE: N/A

Estimated Fiscal for ODE: \$0

Oregon Administrative Rules (OAR) Impact: Need to update OAR 581-022-1130 (diploma); may need to draft new OAR.

Department Staff Contact: Ray Lindley, 503-947-5701

House Bill 2637

Subject(s): Cyberbullying

Effective Date: July 1, 2007

Brief Bill Summary: House Bill 2637 adds the term cyberbullying to the statutes relating to harassment, intimidation, and bullying of students. School districts are required to adopt policies prohibiting acts of cyberbullying and to set up procedures for reporting and investigating such acts.

The bill defines "cyberbullying" to mean the use of any electronic communication device to harass, intimidate, or bully.

Impacts on ODE: N/A

Estimated Fiscal for ODE: N/A

Oregon Administrative Rules (OAR) Impact: N/A for ODE

Department Staff Contact: N/A

House Bill 2848

Subject(s): High School Diploma (First Applies to 2008-2009 school year)

Effective Date: July 1, 2007

Brief Bill Summary: House Bill 2848 requires school districts or public charter schools to award modified diplomas. In order for a student to receive a modified diploma, they must meet State Board of Education requirements for a modified diploma that will be established by rule.

The State Board of Education is required to develop rules for the award of modified diplomas, based on:

- A demonstrated inability to meet the full set of academic content standards even with reasonable modifications and accommodations;
- A documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers; or
- A documented history of a medical condition that creates a barrier to achievement.

The bill also requires award of an alternative certificate to a student who does not meet the requirements for a diploma if the student meets the alternative certificate criteria created by a school district board or public charter school.

Any student who receives a modified diploma or alternative certificate will be allowed to participate in high school graduation ceremonies with their class; modified diplomas and alternative diplomas are to be made available beginning with the 2008-2009 school year.

Other provisions of the bill:

- Require school districts to give a child with a disability who has an individualized education program (IEP) a summary of their performance when they complete high school.
- Require the State Board of Education to submit to legislative committees on education or interim legislative committees on education any proposed rules to implement requirements for a diploma, modified diplomas, or alternative certificate prior to their adoption.

Impacts on ODE: Must work with state board to develop criteria for alternative diplomas.

Estimated Fiscal for ODE: \$19,800 (no funding included with the bill)

Oregon Administrative Rules (OAR) Impact: Need to update OAR 581-022-1130 (diploma); create new modified diploma OAR.

Department Staff Contact: Eric Richards, 503-947-5786

House Bill 3141

Subject(s): Physical Education; Quality Education Commission; Talented and Gifted (TAG) programs; Education Design Team; Voluntary School Audits; Speech-Language Pathologists; YCEP/JDEP; Oregon Virtual School District; Technical fixes to Senate Bill 462 (South Umpqua School District)

Effective Date: July 27, 2007

Brief Bill Summary: House Bill 3141 became an omnibus bill that contains language from at least six other bills. Primarily, the bill authorizes the Oregon Department of Education to expend funds from the State School Fund for a variety of education related policies. The following bullet point summaries are reprinted from the *2007 Budget Report and Measure Summary* produced by the Legislative Fiscal Office:

- Youth Corrections Education: A task force, commissioned as a result of a budget note in 2005 Senate Bill 5543, recommended that funding for services to certain youth incarcerated in Oregon Youth Authority facilities should not be supported directly out of the State School Fund. Language in House Bill 3141 resolves the issues identified by the task force. It will allow these students, youth who have received their high school diploma or who are 21 years of age or older, to continue to receive educational services. It does this by directing the Department to spend up to \$5,205,456 from the State School Fund for these students.
- Oregon Virtual School District Fund: ODE is directed to transfer \$1,800,598 from the State School Fund to the Oregon Virtual School District (OVSD) Fund. The OVSD was developed to provide a sustainable framework for K-12 virtual learning systems. The Legislature has mandated that the OVSD provide resources that enhance student education options for all school districts and students. House Bill 5019-A already provides Other Funds limitation for the Department to expend these funds.
- Physical Education data: The Department is directed to collect data from school districts on physical education – the current amount of time devoted to this discipline, the capacity of the schools to provide the new mandatory amounts of physical education and the additional facilities that would be required to provide the new mandatory amounts of physical education. This data will be reported to the Legislative Assembly. The agency is authorized to spend up to \$140,000 from the State School Fund to collect this data. [*Physical Education Mandatory Minutes of Instruction: Beginning in 2017, every public school student shall participate in physical education for the entire school year. Students in kindergarten through grade 5 shall participate in physical education for at least 150 minutes during each school week. Students in grades 6 through 8 shall participate in physical education for at least 225 minutes during each school week.*]
- Physical Education grants: ODE is authorized to spend up to \$860,000 from the State School Fund to award grants to school districts and public charter schools for the

purpose of meeting physical education requirements that are described in the bill and that will become mandatory in the 2017-18 school year.

- Auditing District Business Practices: ODE is authorized to spend up to \$800,000 from the State School Fund to establish a system for auditing the business practices of school districts and educational service districts. It will contract with the Secretary of State to conduct these audits for districts that request them.
- Talented and Gifted Program: ODE is authorized to spend up to \$350,000 from the State School Fund for the Talented and Gifted program. [*The Department plans on implementing the requirements of Senate Bill 622 (which did not pass), and requires that a portion of the money be used to hire a full 1.0 FTE TAG Coordinator at the Department and that remaining funds be used to re-establish regional TAG centers.*]
- Quality Education Commission: ODE is authorized to spend up to \$150,000 from the State School Fund to provide staff support to the Quality Education Commission.
- Education System Design Team: The Education System Design Team is created. The purpose of this team is to design a new legislative process for review of and decision-making regarding state agency budgets relating to prekindergarten through higher education. The Office of the Governor will provide staff support to the design team. In addition, the Office may also contract for support. ODE is directed to transfer \$200,000 from the State School Fund to the Office of the Governor for this purpose.
- Speech language pathology: Creates educational grants for students registered to become speech language pathologists/assistants. It also creates stipends for speech language pathologists/assistants for ongoing training. ODE may spend up to \$150,000 from the State School Fund to administer the program.
- This bill also resolves a technical issue in Senate Bill 462. Senate Bill 462 requires the Superintendent of Public Instruction to issue a fact-finding report on the division of the South Umpqua School District No. 19 into two districts. The cost of the study is to be reimbursed, with the South Umpqua School District and the Canyonville School Committee each paying half. It has been determined by the Attorney General that the Canyonville School Committee cannot be directed to pay these costs. Therefore, House Bill 3141 allows the Department to accept contributions of moneys and assistance from any public or private source. It is understood that the Canyonville School Committee will contribute its 50 percent share. The Department will not conduct the fact-finding until sufficient funds have been received.

Impacts on ODE: See description of bill above; Multiple programs to implement or fund off the top of the State School Fund.

Estimated Fiscal for ODE: Each program in the bill contains sufficient funding to complete the task.

Oregon Administrative Rules (OAR) Impact: Need to draft new OAR for PE data collection.

Department Staff Contact: PE – Margaret Bates, 503-947-5615; QEC – Brian Reeder, 503-947-5670; Education System Design Team and School Audits – Sue MacGlashan, 503-947-5658; TAG – Salam Noor, 503-947-5663; Speech-Language Pathologists – Steve Woodcock, 503-947-5797;

Oregon Virtual School District – Steve Nelson, 503-947-5834; SB 462/Canyonville – Morgan Allen, 503-947-5920

House Bill 3279

Subject(s): Public High School and College Student Journalists

Effective Date: July 13, 2007

Brief Bill Summary: The following summary of the major components of House Bill 3279 is reprinted from the *2007 Staff Measure Summary* produced by Senate Committee on Judiciary staff:

“(The measure) establishes that public high school and college student journalists (“student journalists”) have the right to exercise freedom of speech and press in school-sponsored media. Permits student journalists to determine the content of school-sponsored media, unless it is: (1) libelous or slanderous; (2) constitutes an unwarranted invasion of privacy; (3) violates federal or state statutes, rules or regulations or state common law; or (4) might create a clear and present danger of the commission of unlawful acts on or off school premises, the violation of school policies, or the material and substantial disruption of the orderly operation of the school. Authorizes students to bring civil actions for damages, injunctive or declaratory relief, for violations of the Act, the First Amendment or Article 1, sec. 8 of the Oregon Constitution. Permits awards of \$100 in damages to a prevailing plaintiff.”

Impacts on ODE: N/A

Estimated Fiscal for ODE: N/A

Oregon Administrative Rules (OAR) Impact: N/A for ODE

Department Staff Contact: N/A

House Joint Memorial 2

Subject(s): Individuals With Disabilities Education Act (IDEA)

Effective Date: Filed with Secretary of State – May 4, 2007

Brief Bill Summary: House Joint Memorial 2, which does not have the force of law, urges Congress to appropriate the maximum allowable amount of funds for administration of the Individuals with Disabilities Education Act (IDEA).

The following background information is reprinted from the *2007 Staff Measure Summary* prepared by the Senate Committee on Education and General Government staff:

“According to the March 2006 ‘Report on Adequacy of K-12 Education Funding’ by the Joint Special Committee on Public Education Appropriation, federal funds covered an estimated 17.3% of special education costs in Oregon in 2004-05. This joint memorial calls upon Congress to bring funding up to the maximum amount allowed to alleviate the funding shortage, estimated by the Oregon Department of Education to be over \$250 million each year, for special education at the state and local level.”

The bill was drafted at the request of Superintendent Castillo and the Department of Education to help increase pressure on Congress to increase funding for IDEA.

Impacts on ODE: N/A

Estimated Fiscal for ODE: N/A

Oregon Administrative Rules (OAR) Impact: N/A for ODE

Department Staff Contact: Morgan Allen, 503-947-5920

House Joint Memorial 3

Subject(s): TESA

Effective Date: Filed with Secretary of State – June 8, 2007

Brief Bill Summary: House Joint Memorial 3, which does not have the force of law, requests that the U.S. Secretary of Education and the U.S. Department of Education work with Oregon when determining adequate yearly progress for 2006-2007 school year.

The resolution was drafted at the request of Superintendent Castillo and the Department of Education to send a message that any changes to assessment scores or participation rates that might suggest disruption caused by the discontinuation of service by the assessment contractor (for the online TESA system), and the subsequent return to paper and pencil exams, should be evaluated in conjunction with information provided by the Department.

Impacts on ODE: N/A

Estimated Fiscal for ODE: N/A

Oregon Administrative Rules (OAR) Impact: N/A for ODE

Department Staff Contact: Morgan Allen, 503-947-5920

Senate Bill 23

Subject(s): Expanded Options

Effective Date: July 1, 2007

Brief Bill Summary: Senate Bill 23 expands the definition of eligible students for participation in the Expanded Options Program. Specifically, students now have to be 16 years of age or older at the time of enrollment or in grade 11 or 12 at the time of enrollment. If a student is not in grade 11 or 12, a school district may allow the student to participate. The student must also not have obtained a high school diploma per the requirements of the State Board of Education and the school district board.

The bill also makes technical changes to the program notification requirements and requires school districts to establish a process for determining duplicate courses and any appeals of those determinations.

The bill requires school districts and eligible post-secondary institution to negotiate in good faith to come to a financial agreement for payment of program costs. The parties are allowed to appeal to the Department of Education if they do not believe negotiations were conducted in good faith. The Department can allow a waiver from the expanded options program for districts who negotiate in good faith but are unable to reach agreement the eligible institutions.

Senate Bill 23 clarifies that public charter schools may participate in the Expanded Options Program.

The Department of Education is allowed to grant unlimited waivers to school districts if: 1. Compliance with the requirements of the Expanded Options statutes would adversely impact the finances of the school district, or 2. The school district offers dual credit technical preparation programs, such as two-plus-two programs, advanced placement or International Baccalaureate programs, and other accelerated college credit programs.

Impacts on ODE: The Department will need to create a waiver application and further define what constitutes an “adverse financial impact” upon a school district.

Estimated Fiscal for ODE: Up to \$75,000, depending on workload created by new waiver process and other statute changes.

Oregon Administrative Rules (OAR) Impact: New OAR for opt-out and waiver process. Update 581-022-1362 thru 1370.

Department Staff Contact: Susanne Daggett, 503-947-5713

Senate Bill 214

Subject(s): Public Charter Schools

Effective Date: July 1, 2007

Brief Bill Summary: Senate Bill 214 requires public charter schools operated by school districts to be nonprofit organizations and requires all new and existing public charter schools (which are operated by a school district) to meet the nonprofit requirement when signing a new charter

or renewing a charter beginning July 1, 2007. The bill exempts one-school districts and schools in remote and necessary school districts from this requirement. This portion of the bill was drafted at the request of the Department and Superintendent Castillo.

Senate Bill 214 also requires public charter school administrators to register with the Teacher Standards and Practices Commission (TSPC) and authorizes TSPC to suspend or revoke the registration of a public charter school teacher or administrator based on criteria in Oregon Revised Statute (ORS) 342.175.

The bill also makes a technical fix to charter school law; ORS 657 (Unemployment Insurance) was inadvertently left out of the original charter school law and is now added to the laws that apply to public charter schools.

Impacts on ODE: Need to update charter school handbook and coordinate as necessary with TSPC.

Estimated Fiscal for ODE: \$0

Oregon Administrative Rules (OAR) Impact: N/A for ODE

Department Staff Contact: Cindy Hunt, 503-947-5677

Senate Bill 216

Subject(s): Education at Youth Care Centers

Effective Date: July 1, 2007

Brief Bill Summary: Senate Bill 216 is a technical fix to clear up any possible confusion about who is responsible for educating children in publicly-operated youth care centers that are operated within juvenile detention facilities. Oregon statute does not require that children in youth care centers operated by public agencies be provided a “free and appropriate” public education.

Current practice in Oregon is for local school districts to ensure that children in youth care centers operated by public agencies receive an education, regardless of whether they are public or private.

Senate Bill 216 was drafted at the request of Superintendent Castillo and the Department of Education to mandate the current practice that every child at a youth care center, whether public or private, receive a “free and appropriate” public education.

Impacts on ODE: Minimal; Need to update OAR.

Estimated Fiscal for ODE: \$0

Oregon Administrative Rules (OAR) Impact: Need to update 581-015-2535.

Department Staff Contact: Steve Woodcock, 503-947-5797

Senate Bill 318

Subject(s): School Improvement Fund (Menu) and Student Achievement

Effective Date: July 1, 2007

Brief Bill Summary: Senate Bill 318 outlines the student achievement activities which school districts or education school districts may use their School Improvement Fund (SIF) grant for (SIF funds are in House Bill 5021; a total of \$260 million is available). The bill also makes clear that school districts, the Youth Corrections Education Program, and the Juvenile Detention Education Program will receive 95.25% of the money in the SIF and ESDs will receive 4.75% of the money, with the caveat that an ESD must spend the money they receive on services or programs approved by their component school districts.

Senate Bill 318 also clarifies that the distribution of SIF grants is not on a competitive basis. Each district that applies and meets the criteria for funding will receive a grant.

The list of activities (or “menu”) of items that SIF moneys can be spent on includes:

- Early childhood programs, including pre-kindergarten programs or full-day kindergarten;
- Class size reduction with an emphasis on K-3 classrooms;
- Increases in instruction time, including summer programs and before- and after-school programs;
- Mentoring, teacher retention or professional development;
- Remediation, alternative learning, or student retention;
- Services to at-risk youth;
- Programs to improve the “achievement gap” between student groups based on culture, poverty, language, and race;
- Vocational education programs;
- Literacy programs; and
- Other research-based student improvement strategies approved by the State Board of Education.

Impacts on ODE: The Department will need to develop an updated application for SIF funds and evaluate the application; Distribution of SIF funds; Department is charged with evaluating the annual progress of each recipient of grant funds.

Estimated Fiscal for ODE: \$0

Oregon Administrative Rules (OAR) Impact: SIF OAR 581-023-0112 needs to be updated.

Department Staff Contact: Salam Noor, 503-947-5663 and Brian Reeder, 503-947-5670

Senate Bill 1040

Subject(s): Policies for Students with Asthma

Effective Date: July 17, 2007

Brief Bill Summary: Senate Bill 1040 requires each school district board to adopt policies and procedures that provide for self-administration of medication by kindergarten through grade 12 students with asthma or severe allergies. In short, students may use inhalers in school on their own.

The bill absolves certain school personnel from criminal action or for civil damages if assisting with student's self-administration of medication under certain circumstances.

Impacts on ODE: N/A

Estimated Fiscal for ODE: N/A

Oregon Administrative Rules (OAR) Impact: N/A for ODE

Department Staff Contact: N/A

OREGON DEPARTMENT OF EDUCATION

Budget Notes

Bill Budget Note Was Included With: House Bill 5019

Text Of Budget Note: "The Oregon Department of Education will conduct a study on alternative methods to funding transportation costs for students. The study should focus on reducing costs and increasing efficiency. The Department will report to the interim Joint Committee on Ways and Means or the Emergency Board on the options available along with recommendations on suggested changes before the 2009 legislative session."

Department Staff Contact: Brian Reeder, 503-947-5670

Bill Budget Note Was Included With: House Bill 5019

Text Of Budget Note: "The Oregon Department of Education will do further analysis on the viability of moving the Oregon School for the Blind (OSB) to the Oregon School for the Deaf (OSD) campus. The Department will complete a Request for Proposal (RFP) to seek costs related to the needed changes to the OSD campus in order to accommodate the OSB and renovations needed to existing structures for the OSD. It is expected the agency will review the proposed RFP with the interim Joint Committee on Ways and Means or the Emergency Board prior to finalizing it for release. The agency should begin discussions with potential buyers of the OSB property to ascertain the value and identify any potential issues with the sale. The results of both processes should be reported to the Legislature during the Special Session scheduled in February 2008."

Department Staff Contact: Sue MacGlashan, 503-947-5658

Bill Budget Note Was Included With: House Bill 5019

Text Of Budget Note: "The Department of Education will report to the interim Joint Committee on Ways and Means or the Emergency Board on the steps being taken to ensure the Early Intervention/Early Childhood Special Education programs are addressing the needs of children with autism and early K-12 grades are interacting with an appropriate health professional."

Department Staff Contact: Nancy Latini, 503-947-5702

Bill Budget Note Was Included With: House Bill 5019

Text Of Budget Note: “The Department of Education is directed to work with a representative stakeholder group to conduct a study of the funding mechanism for the educational component of the LTCT [*Long Term Care and Treatment*] programs and offer suggestions for improvement. The Department is directed to report to the interim Joint Committee on Ways and Means or Emergency Board any findings and recommendations for funding options for the LTCT programs.”

Department Staff Contact: Nancy Latini and Steve Woodcock, 503-947-5702

Bill Budget Note Was Included With: House Bill 5020

Text Of Budget Note: “As part of the Continuous Improvement Plan (CIP) that is required to be submitted to the Oregon Department of Education, each school district will specifically identify the areas that they will be targeting with their grant from the School Improvement Fund. Each district will also provide a detailed description and quantifiable performance measure for the planned use of the funds at the local level. Proposed uses for these grants should be improving district and/or school achievement or one or more statewide measures and should apply evidence-based approaches. Performance measures should be designed to demonstrate progress on one or more established statewide measures and may be focused on the impact the grant will achieve in that measure at the individual district level.”

Department Staff Contact: Salam Noor, 503-947-5663

New ODE Reports to the Legislature Created by 2007 Legislation

Bill: House Bill 2574

Report Requirement Language: Updates mentoring statutes to allow ODE to spend up to 2.5% of moneys appropriated each biennium for the purpose of teacher, administrator and superintendent mentoring for “regular and ongoing evaluation of programs.”

Date Report Due: Bill does not specify a date; ODE will complete report prior to 2009 Session.

Bill: House Bill 2584

Report Requirement Language: Creates a nine member Task Force on Civics and Financial Education: “The task force shall study and make recommendations about how to increase and improve civics and financial education in kindergarten through grade 12 public schools.”

Date Report Due: October 1, 2008.

Bill: House Bill 2773

Report Requirement Language: Creates an eight member Task Force on School Nurses. The task force is required to “study and assess the availability of nursing services in Oregon schools and the feasibility of expanding existing services” and “recommend a plan to establish school nurses as a mandated service in all schools in Oregon.”

Date Report Due: September 1, 2008.

Bill: House Bill 2848

Report Requirement Language: “The State Board of Education shall submit for review by the legislative committees on education or the interim legislative committees on education, as appropriate, any proposed rules to implement requirements for a diploma, a modified diploma or an alternative certificate prior to the adoption of those rules by the board.”

Date Report Due: Prior to adoption of relevant OARs by the State Board of Education.

Bill: House Bill 3141

Report Requirement Language: The Department of Education shall collect data from school districts on: “(1) The number of minutes of physical education that are provided to students in kindergarten through grade 8 each school week in each public school within the district; (2) The physical capacity of public schools to provide students in kindergarten through Grade 5 with at least 150 minutes of physical education during each school week and to provide students in grades 6 through 8 with at least 225 minutes of physical education during each school week; and (3) The additional facilities required by public schools to provide physical education to students as described in subsection (2) of this section.”

Date Report Due: Prior to February 1 of each odd-numbered year.

Bill: Senate Bill 318

Report Requirement Language From the Bill: With funding for the School Improvement Fund (SIF) in House Bill 5021, the SIF reporting language was updated to clarify that ODE shall

evaluate the annual progress of each recipient of SIF funds toward the QEC performance targets and issue a report the Legislature each biennium.

Date Report Due: No specific date in bill; must report each biennium.

Bill: Senate Bill 462/House Bill 3141

Report Requirement Language From the Bill: Senate Bill 462 requires the Superintendent of Public Instruction to issue a fact-finding report on the possible division of the South Umpqua School District No. 19 into two districts.

Report Due Date: October 31, 2007

Bill: Senate Bill 517

Report Requirement Language: Senate Bill 517 prohibits all school district employees (the bill extends the definition of “employees” to include volunteers and contractors) from knowingly selling and marketing/distributing anabolic steroid or performance-enhancing substances to students. Employees are also specifically prohibited from knowingly endorsing or suggesting the use of steroids or performance-enhancing substances.

The bill directs the Department of Education to develop and implement a program for K-12 students to prevent steroid abuse in conjunction with OSAA and other interscholastic activity organizations, work with school districts to include information on anabolic steroids and performance enhancing substances in health and physical education curricula, and utilize programs such as OHSU’s ATHENA and ATLAS. It also requires school employees who are coaches or athletic directors to receive training on identifying components of anabolic steroid abuse and use and prevention strategies for use of performance-enhancing substances.

ODE is required to report to the Legislature on the progress towards all components of the bill.

Report Due Date: Prior to October 1, 2008