

## **Oregon Community College Association 2016 Legislative Session Highlights**

### **Session Overview**

The Oregon Legislature wrapped up a contentious short session passing out major legislation on issues such as the state minimum wage and a phasing out of the use of coal by Oregon power utilities. Higher education issues were less of a focal point for legislators this session, after having dealt with restructuring state-level governance for universities and community colleges and enacting a new access program for Oregon students over the last several years.

Raising Oregon's minimum wage proved to be one of the most contentious issues legislators dealt with in the short session with Democratic leadership aiming to head off two ballot measures aimed at raising the state's minimum wage – with one measure intending to raise the wage to \$13.50 statewide and another that would raise it to \$15.00. In the end, legislators approved the first tiered minimum wage in the country, which would increase to \$14.75 inside Portland's urban growth boundary, \$13.50 in midsize counties and \$12.50 in rural areas by 2022. The labor-backed campaign to raise the minimum wage to \$13.50 has since called off their petition drive, though the campaign pushing for a statewide \$15.00 minimum wage has vowed to keep collecting signatures.

Legislators were reluctant to fund new initiatives in the short session in part because of the March 2016 revenue forecast. According to state economists, Oregon is facing a projected structural deficit of between \$1-1.3 billion for the 2017-19 biennium. Though the General Fund is projected to increase 8.2 percent to \$19,490 million, increased cost drivers from PERS, minimum wage, health care, and increased caseloads will leave a gap between projected revenue and the current service level. Further, the 2017-19 forecast is down \$191 million from the December forecast. As a result, a host of spending proposals, such as funding for student support services for universities and funding the statewide ask for community college public safety, were off the table. These proposals will be reconsidered in the 2017 legislative session when the full state budget is crafted.

### **Capital Construction**

The first priority for the 17 colleges this session was to ensure that Umpqua Community College received funding to rebuild Snyder Hall and for other safety and security needs related to October 1<sup>st</sup>. The legislature funded most of the UCC request allocating \$4.25 million in general fund dollars for the rebuilding of Snyder Hall and \$1.8 million for other safety-related needs. The legislature declined to fund \$343,000 of the UCC services request due, in part, to a last minute request from Douglas County for overtime and other costs related to October 1<sup>st</sup>.

OCCA also advocated for legislators to fund a statewide capital construction ask for safety and security needs at all 17 colleges. However this proposal did not move forward. Due to the timing of the request, the Legislative Fiscal Office had several remaining technical questions about the ask and whether items on each campus’ list were actually eligible for Article XI-G bonds. Legislators also cited the upcoming governor’s task force on college and university campus safety, which will likely be making a funding recommendation to the 2017 legislative session. In a budget note, the Legislature commented, “The Governor has appointed a workgroup to recommend actions and investment for security and safety at Community College and other Post-Secondary institutions. Based on recommendations of the workgroup and the Community Colleges, the Legislature will address this issue during the 2017 session.”

The Legislature also modified previously approved capital construction authorizations for five community college projects: Blue Mountain Community College, Columbia Gorge Community College, Linn-Benton Community College, Southwestern Oregon Community College, and Treasure Valley Community College. To view the specific technical changes, click [here](#) and see page five. The Legislature also awarded \$5 million in Article XI-G bonds to create the Advanced Manufacturing Innovative District Building, which is an industry-drive partnership of which Portland Community College is a member.

**SB 418 Funding**

This session, the Legislature appropriated \$4,025,000 in funds originally set aside as part of SB 418 – the accelerated learning bill that passed in 2015. The funds were intended to aid transitional services and supports between secondary and post-secondary education. After the 2105 session, CCWD led a task force, which made recommendation that were eventually approved by the HECC. The Ways and Means co-chairs targeted funds based on the work of that task force. The funds appropriated are outlined below:

|   | <u>General Fund<br/>Appropriation</u> |
|---|---------------------------------------|
| <b>Chief Education Office</b>   |                                       |
| Summer summit for high school and post-secondary staff including counselors and financial aid staff | \$ 300,000                            |
| Local collaboration between high school counselors and post-secondary advisors                      | \$ 700,000                            |
| <b>Higher Education Coordinating Commission (HECC)</b>  |                                       |
| Community College support for improved Developmental Education models                               | \$ 600,000                            |
| Community College support for development and alignment of Career Pathways                          | \$ 600,000                            |
| Expansion of eMentoring for Oregon Promise students   | \$ 120,000                            |
| Statewide expansion of FAFSA Plus   | \$ 105,000                            |
| Subscription of Signal Vine connecting with students via two-way texting                            | \$ 100,000                            |
| Evaluation and tracking implementation of transitional supports and services in this bill           | \$ 50,000                             |
| <b>Oregon Department of Education</b>   |                                       |
| License for College and Career Readiness counselor training modules                                 | \$ 50,000                             |
| Expansion of AVID or similar program for high schools   | \$ 1,400,000                          |
| <b>Total</b>  | <b>\$ 4,025,000</b>                   |

(P) = Passed (F) = Failed to Pass

## **Budget**

**(F) Workforce Money (SB 1526)** – Appropriates moneys from General Fund to Higher Education Coordinating Commission for Office of Community Colleges and Workforce Development for Oregon Employer Workforce Training Program, local workforce investment boards and Oregon Youth Conservation Corps. The bill received a hearing in the Senate but did not move further through the process.

## **Capital Construction**

**(P) Seismic Rehabilitation Bonds (SB 1512)** – Specifies that proceeds from bonds issued under Articles XI-M and XI-N of Oregon Constitution may be used for surveying and conducting engineering evaluations and for paying costs of personnel, advisors, equipment, supplies and services that are reasonably necessary to carry out seismic rehabilitation grant program.

## **Education Policy**

**(P) First-Year Experience for Oregon Promise Students (HB 4076)** – Appropriates \$1.8 million to support completion-oriented programs and services targeted at recent high school graduates and GED completers at community colleges. Also requires persons who receive grant under Oregon Promise program to complete a first-year experience designed by the college. Money flows through the Higher Education Coordinating Commission for purpose of distributing grants to community colleges to provide support services. OCCA worked with Rep. Mark Johnson to amend this legislation so the dollars could go to community colleges for programs or services broadly intended to support completion efforts for first-time community college students. OCCA also worked with the HECC to include language aligning Oregon Promise requirements with those of the federal Pell Grant.

**(F) Removes sunset on provisions that allow students whose legal residence is not within school district to attend school in district as resident if student receives written consent (HB 4119)** -- Removes sunset on provisions that allow students whose legal residence is not within school district to attend school in district as resident if student receives written consent. Removes sunset on authority of institution of higher education to sponsor public charter school. OCCA urged House Democrats not to take up this measure as colleges support sunsetting a current provision in Oregon law allowing colleges to charter a high school if a local school district has refused. The bill did not receive a hearing.

**(P) Fifth Year Program (SB 1537)** – Establishes criteria by which school district may establish post-graduate scholar program often referred to as “Fifth Year” programs. The bill allows colleges and school districts to operate such programs if the school district agrees to pay the cost. Students eligible for the

program must not be eligible to receive the Oregon Promise Grant or the federal Pell Grant. The programs will be directed toward underserved and low-graduation rate communities.

**(P) Cultural Awareness ([HB 4033](#))** – Creates the Network of Quality Teaching and Learning under the Chief Education Office for purposes of advancing Educators Equity Act, improving cultural competence of educators and ensuring educators are trained in culturally relevant educational practices.

## **Financial Aid**

**(P) Interest Rate Study on Student Loans ([HB 4021](#))** – Requires State Treasurer and Higher Education Coordinating Commission to conduct study to explore approaches, including state investments and bonds, for lowering interest rates on student loans for students in Oregon. OCCA testified in favor of this legislation in the House and Senate.

**(P) Math Majors Study ([SB 1540](#))** – Directs Higher Education Coordinating Commission, in consultation with Oregon post-secondary institutions of education, to conduct study to determine best method of increasing number of mathematics majors at Oregon universities. Originally this legislation called for a tuition waive for students majoring in math at public post-secondary institutions. OCCA worked with the HECC and the public universities to identify a broader approach for increasing math majors.

## **Governance**

**(F) Public Policy Review ([HB 4051](#))** – Creates Joint Committee on Strategic Public Policy Review to undertake review of major public policies in specified subject areas. This bill passed out of the House Rules Committee, but was then referred to the Ways and Means committee where it did not move forward.

**(F) Legislative Committee on Accountability ([SB 1577](#))** – Establishes Legislative Committee on Accountability as joint committee of Legislative Assembly composed of equal number of majority and minority members. The Committee would oversee an office charged with conducting performance and management audits of state agencies, state programs and state-funded programs, with investigating allegations of illegal or improper activities by state agencies, state programs and state-funded programs, with investigating and reporting on effectiveness of state government programs and policies in meeting objectives and with performing policy analysis for Legislative Assembly. This bill received a single hearing in the Senate but did not move further through the process.

**(F) Education Super Board ([SJR 203](#))** – Proposes amendment to Oregon Constitution establishing State Board of Education. This bill received a single hearing but did not move further through the process. OCCA opposed this bill as it would have added additional state oversight of the community colleges.

## **Health Care**

**(F) Health Care Affordability ([HB 4029](#))** – Modifies funding mechanism for public employees' health care benefit to avoid excise tax under Patient Protection and Affordable Care Act. This bill received a hearing but did not have a work session or move any further in the process.

## **Operations**

**(P) Affirmative Defense to Whistleblowers ([HB 4067](#))** – Provides affirmative defense to public employee and certain nonprofit employee whistleblowers who provide lawfully accessed information to state or federal regulatory agency, law enforcement agency, manager employed by employer or employee's attorney. The bill was amended to address concerns raised by OCCA and other local governments related to employee conversations with legal counsel. The objectionable provisions were removed. The bill also requires public entities, including community colleges, to have written whistleblower policies that clearly outline the rights of employees added as a result of this bill. Colleges will need to examine their current policies to ensure they are compliant. Karen Smith is available to help review current policies for compliance.

**(F) Standardized Receipt of Public Records Requests ([HB 4130](#))** – Requires public bodies to provide standardized acknowledgment of receipt of requests for public records within five business days of receipt of request. This bill sets timelines for responding to public records requests. Public entities must acknowledge a request within five days and must respond within 30 days by providing the requested information, claiming and exemption, or state that information is still being gathered and providing a timeline for response. OCCA worked with university and school districts to amend the bill to ensure that the timelines do not apply to community colleges and universities when students are not in classes during breaks between terms and holidays. The bill failed and was in Ways and Means on adjournment.

**(P) Prohibits Private Security from Using Name that Implies Law Enforcement Agency ([HB 4142](#))** – Prohibits entity that employs private security providers from using name that implies entity is, or is affiliated with, local, state or federal law enforcement agencies or military. The first draft of this legislation could have led to most campus safety offices to re-uniform their officers, however OCCA worked with Rep. Gorsek to amend the bill so that it was more narrowly tailored to focus only on private security agencies.

**(F) Mental Health Reporting to Department of State Police Firearms Unit ([SB 1551](#))** – Authorizes specified reporters, such as mental health professionals, to make report to Department of State Police Firearms Unit that person is experiencing mental health emergency and is danger to self or others with firearm. This bill did not receive a hearing.

## Personnel

**(P) OSAC Statutory Authority Clarification ([HB 4019](#))** – Clarifies duties of Executive Director of the Office making some technical changes to stature reflecting the new structure of the OSAC under the HECC. The bill also clarifies that the “diploma mill” section of the OSAC’s duties refer to for-profit colleges.

**(F) Tiered System of Minimum Wage Based on Geographical Location of Employer ([HB 4054](#))** – Increases the statewide minimum wage with three tiers. This was the House version of the Democrats three-tiered minimum wage legislation. The Senate version (SB 1532) was the bill that ended up moving through the process.

**(P) Tiered System of Minimum Wage Based on Geographical Location of Employer ([SB 1532](#))** – Increases the statewide minimum wage with three tiers. The wage would increase to \$14.75 inside Portland's urban growth boundary, \$13.50 in midsize counties and \$12.50 in rural areas by 2022.

**(P) Unemployment Insurance Rules Adjustment ([SB 1534](#))** – Provides that certain statutory provisions relating to eligibility of individuals who perform certain services for educational institutions for unemployment insurance benefits during period between two successive academic years or terms or established and customary vacation period or holiday recess do not apply to claim filed by individual who voluntarily left work with good cause. This bill was intended as a narrow fix to address an issue for a small group of classified employees who are eligible for unemployment insurance but are not able to receive benefits during breaks between terms and in summer. The bill passed the Legislature with a savings clause to invalidate any provisions found in violation of federal law. After passage, the Oregon Employment Department learned that the bill’s provisions are inconsistent with federal law and cannot be implemented.

**(P) Wage Theft ([SB 1587](#))** – Modifies information that must be included in itemized statement provided to employee each pay period. Employers worked with the bill sponsors to insure that the bill was crafted narrowly to address concerns about wage theft. The bill was amended with compromise language to ensure compliance with standards in the federal Fair Labor Standards Act (FLSA) and regulations.

**(F) Sick Leave ([HB 4139](#))** – Allows sick leave to be counted as fringe benefit for purpose of prevailing wage. Business-sponsored bill. This legislation did not receive a hearing.

**(F) Sick Leave ([SB 1581](#))** – Defines employer location as location of headquarters. This bill was originally referred to the Senate committee on Workforce and General Government but did not receive a hearing.

## Miscellaneous

**(P) Disclosure of Mental Health Records ([SB 1558](#))** – Limits disclosure of records of college or university student health center, mental health center or counseling center, or records of health professional retained by college or university to the same extent that other health care entities may release information. The original version of this bill raised many concerns as it would have significantly limited

the release of student information currently permitted under federal law, and could have compromised threat assessment efforts. OCCA worked closely with universities to draft the amendment that was eventually accepted by Senator Gelser and replaced the original bill language.

**(P) School Safety Hotline ([HB 4075](#))** – Replaces School Safety Hotline established by Department of Justice with statewide tip line established by Department of State Police for anonymous reporting of information concerning threats to student safety. OCCA worked with the bill’s sponsor to have community colleges included in the legislation so colleges would be made aware of a student who may be attending a community college and is at-risk or a potential risk to others.

**(P) University Technology Transfer ([HJR 203](#))** – Proposes amendment to Oregon Constitution providing that public universities are not constitutionally prohibited from owning stock in companies, associations or corporations. This ensures universities can continue the practice of holding stock in a company spun off from research conducted at the university. The practice was allowed before the universities became more or less independent.

**(P) Voter Registration ([SB 1586](#))** – Directs public universities and community colleges to increase voter registration access and information. This bill originally included language requiring voter registration links on community college and public university homepage, which OCCA worked with universities and the Oregon Student Association to modify allowing greater flexibility. The bill had also included paid postage for mail-in ballots statewide, but this provision was also removed. The legislation has other requirements such as allowing the recognized student government to conduct non-partisan voter registration and events such as new student orientation.

## **Veterans**

**(F) Preference to Veteran in Selection Process for Civil Service Position ([HB 4096](#))** – Modifies law regarding requirement that public employer grant preference to veteran or disabled veteran in selection process for civil service position or eligibility list for civil service position. This bill received a hearing but did not move any further in the process.