

2022

END OF SESSION
LEGISLATIVE REPORT



Oregon Community
College Association
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2022 Legislative Session Highlights

Session Overview

OCCA entered the 2022 Legislative Session with three key priorities: Future Ready Oregon (SB 1545), one-time funding for cybersecurity (HB 5202 - Omnibus Spending Bill), and passage of legislation that made changes to the Oregon Promise grant (financial aid) program (SB 1522 - Omnibus Policy Education Bill).

Unlike past off-year short sessions, the 2022 Session was notable for major investments in a variety of areas such as workforce, housing, public health and others. Originally, the “February” short sessions were intended for budget adjustments and necessary legislation or legislative fixes that could not wait for the odd-numbered biennial budget-setting session. However, the 2022 Legislative Session was highly unusual because the amount of one-time federal money still remaining from federal COVID rescue packages. Oregon state revenue also continued to rise dramatically, and well-beyond successive previous quarterly forecasts. While much of that revenue will be returned to individual taxpayers through Oregon’s unique kicker law, it still left lawmakers with more room to invest in priorities than they would have had otherwise.

Future Ready Oregon ([SB 1545](#))

The largest investments community colleges were seeking in the Session were included in SB 1545, Governor Kate Brown’s nearly \$200 million workforce plan. Governor Brown worked with her Racial Justice Council to develop a proposal that would ultimately increase the pipeline of workers from underrepresented communities in three major areas: manufacturing, healthcare and technology. The legislation ultimately passed and uses primarily one-time funding to fund the important investments. Half of the funds will be spent through current workforce training and service providers such as community colleges. Local Workforce Investment Boards (WIBs) will also receive significant one-time funding to provide services and training through contracts or direct service. The other half of the overall investment will go toward an innovation grant fund that will be open to a wide array of providers including community-based organizations serving underrepresented communities. Community colleges, universities, WIBs, apprenticeship programs and other providers will also be eligible to apply for grants in this area.

The Governor’s original legislation included \$17 million in one-time funding for Career Pathways programs at each of the 17 community colleges. Career Pathways programs are short-term CTE certificate programs that are coupled with wrap-around services and career coaching for underrepresented, first-generation and low-income Oregonians. The certificates are “stackable,” meaning students can add additional training that lead toward higher certification and degrees.

Working with the Higher Education Coordinating Commission’s (HECC’s) Office of Community College and Workforce Development (CCWD) and the Governor’s Office, OCCA advocated to make the Career Pathways funding ongoing, in contrast to the rest of the workforce package, which was funded with a one-time appropriation. Because of its previous track record of success, Career Pathways ultimately received \$14.9 million in the current biennium (2021-23) and \$10 million in ongoing funding per biennium beginning in the 2023-25 biennium. Career Pathways was one of the only areas of funding in SB 1545 to receive ongoing funding and was by far the largest. The funding will give each college a base of \$300,000 for Career Pathways, and the remaining funds will be disbursed through the FTE-based funding formula.

CCWD has committed to work closely with the colleges to determine the best distribution methodology for the next biennium. The priority right now is to get the allocated funding put to use at the colleges.

The legislation also includes \$10 million for Credit for Prior Learning at community colleges and universities that will be disbursed through competitive grants.

In support of SB 1545, many college boards wrote letters of support for the legislation and colleges urged their local legislators to support the package in legislative visits. OCCA also used the advocacy platform Voter Voice to direct 146 contacts to Legislators in support of SB 1545.

Cybersecurity ([HB 5202](#))

Colleges came into the February short session with a \$5.1 million funding request related to cybersecurity needs at each institution. Since the beginning of the pandemic, cyber attacks in the education sector were up by over 300 percent, and education is by far the most targeted sector among all public and private entities. Ultimately, the budget request did not receive funding in the Omnibus Spending Bill, HB 5202.

OCCA worked with the Joint Committee on Information Management and Technology for the opportunity to testify about the colleges' needs in relation to a proposal the committee was considering regarding a Cybersecurity Center of Excellence (HB 4155). While the college request was related to providing cybersecurity at colleges, the Center of Excellence proposal was more related to cybersecurity education and the workforce pipeline. In the end, neither proposal made it through the legislative process.

OCCA provided talking points and materials related to cybersecurity for colleges to use in their legislative visits and also conducted a Voter Voice campaign, which generated 44 contacts on the issue in its one-week run.

While the one-time request was not successful, OCCA will continue to advocate for increased ongoing funding for cybersecurity.

Changes to the Oregon Promise ([SB 1522](#))

The third OCCA Session priority involved changes to the Oregon Promise grant program, which pays the cost of tuition for community college students who don't receive other forms of aid which already pay tuition. Unfortunately, this structure means that low-income students who receive the federal Pell Grant and who have the greatest needs do not receive a full tuition grant whereas a higher income student who didn't receive the federal aid would.

Unlike the other Promise programs around the country, the Oregon Promise grant program provides a minimum annual award of \$1,000 to students who also receive aid such as the Pell Grant. SB 1522 doubles that award to \$2,000 for low-income students. The Oregon Promise grant program also currently includes a \$50 per term copay for students, which the legislation removes altogether. Lastly, the legislation changes the current requirement that students must have a minimum GPA of 2.5 to 2.0.

OCCA testified in favor of these changes and worked with a coalition of higher education advocates to support this and other parts of SB 1522, the omnibus education policy bill covering a variety of topics.

In addition to the OCCA Legislative Priorities, OCCA staff reviewed all of the bills that were introduced and identified bills that would have an impact on community colleges. The following bills were the Priority 1, 2, and 3 bills that staff identified and monitored throughout the short session. These bills were discussed and reviewed at the Tuesday Legislative calls for regular updates and feedback throughout the Session.

(P) = Passed (NP) = Not Passed

Bonding

(NP) **Capital Construction Matching ([SJR 203](#))** – Proposes amendment to the Oregon Constitution to remove a requirement that bonded indebtedness incurred under Article XI-G be matched by an amount at least equal to the amount of indebtedness.

Senator Chris Gorsek introduced SJR 203 to highlight the fact that several Oregon community colleges have faced chronic challenges in attaining the local dollar-for-dollar match that is required to receive Article XI-G bonds, which are used to finance capital construction projects. OCCA testified on the resolution, describing the structural challenges many college districts face when trying to pass local bond measures.

While the resolution did not pass out of committee, Sen. Gorsek plans to convene an interim legislative workgroup to identify potential solutions in this area.

Campus Safety

(NP) **Gun-free Zones ([HB 4149](#))** – Provides that person or public body that establishes gun-free zone is liable for damages resulting from certain crimes committed in gun-free zone, if reasonable person would believe that possession of firearm could have helped individual defend against crime. This bill did not receive a public hearing and died in committee.

Education Policy

(P) **Omnibus Bill ([SB 1522](#))** – Authorizes high school teachers who are employed by education service districts to serve as members of the Transfer Council. This bill covered a large number of topics covering the education spectrum and included several that OCCA tracked. The highest priority for OCCA in the legislation were the changes to the Oregon Promise Grant Program (see priorities above).

OCCA also worked with Senate Education Committee Chair Michael Dembrow to address some challenges with SB 551, which was passed in the 2021 Session and provides health insurance to some part-time faculty. Current law requires colleges and universities verify a faculty member's eligibility for insurance twice annually. SB 1522 will require annual verification of eligibility making it consistent with all other healthcare plans and will reduce workload for college benefit managers.

Other sections of the legislation OCCA was following included: in-state tuition for veterans taking distance learning courses at colleges and universities, a pilot program providing technology infrastructure for

educational programs at Coffee Creek and Snake River correctional facilities and a modification to the 2021 legislation requiring colleges and universities to provide free menstrual products.

Equity

(P) **Omnibus Funding Bill** ([HB 5202](#)) – Appropriates moneys from General Fund to specified state agencies and Emergency Board for biennial expenses. This was the major spending bill for the Session, representing the bulk of the investments made in the 2022 Session across various agencies and programs. The legislation includes \$19 million in one-time spending to create a grant program for members of recognized Oregon tribes. The grants are intended to cover the full cost of attendance.

(P) **Equity-Based Workforce Funding/Future Ready Oregon** ([SB 1545](#)) – Establishes grant programs in Higher Education Coordinating Commission to provide funding for workforce development activities that aim to increase access for priority populations to training opportunities in technology, health care and manufacturing and to workforce development services and benefits. (See summary of Future Ready Oregon above.)

Financial Aid

(P) **Homeless Youth Grant Program** ([HB 4013](#)) – Modifies eligibility requirements for organizations that may receive grants from unaccompanied homeless youth grant program. OCCA was watching a provision in this legislation providing tuition waivers for you experiencing or who have experienced homelessness. The waiver is “last dollar” meaning federal and state aid would be applied before a tuition waiver would be granted. Because of the large number of potential students in this population that would be eligible for the federal Pell grant, the potential fiscal impact to colleges will likely be minimal.

(NP) **Veterans Preference for Civil Service Position** ([HB 4066](#)) – Provides that public employer may require veteran to provide evidence of eligibility for veterans' preference in public employment at time of application for civil service position. This bill passed in the House, but died in the Senate Committee on Veterans and Emergency Preparedness following a public hearing.

Operations

(NP) **Cyber Security Center of Excellence** ([HB 4155](#)) – Transfers Oregon Cybersecurity Advisory Council from office of Enterprise Information Services to Oregon Cybersecurity Center of Excellence. OCCA testified in favor of this legislation which would have focused primarily on building the workforce pipeline for cybersecurity professionals. The legislation was supported by a broad coalition representing K-12 school district, cities and counties, universities, colleges, libraries and others.

At invited testimony before the Joint Committee on Information Management and Technology OCCA had the opportunity to testify about the colleges' ongoing needs around cybersecurity and the colleges' one-time request for cybersecurity needs. Ultimately, neither proposal passed.

(P) **Public Loan Forgiveness Employee Calculation ([SB 1572](#))** – Extends definition of "education employer" for purposes of statutory public service loan forgiveness program responsibilities to include community colleges and public universities. Provisions in this bill replaced the introduced version of the bill which focused on sexual harassment policies and procedures and will be re-introduced in the 2023 Legislative Session. The revised loan forgiveness provisions create a new formula for determining full-time equivalent faculty teaching for purposes of the federal loan forgiveness program and clarifies that community colleges and universities must notify and assist eligible faculty with the loan forgiveness application. OCCA provided written testimony to both the House and Senate Education committees raising concerns about the creation of a new calculation to determine full-time equivalent teaching and the ability to collectively bargain an increase in the statutory multiplier. Unfortunately, these concerns were not addressed. The bill is effective on passage and requires the use of the calculation to all periods of employment including those prior to the effective date.

(NP) **Oregon Government Ethics Commission and Public Meeting Law ([HB 4140](#))** – Expands duties of Oregon Government Ethics Commission to conduct investigations, make findings and impose penalties for violations of public meetings law. This bill gives OGEC new authority over public meetings law violations and includes new mandatory training requirements for board members and some public officials across the state. While the bill did not move forward, an interim workgroup led by Rep. Nathan Sosa will be formed to explore options for increased training and agency authority over violations of public meetings law after concerns were raised about the potential cost to OGEC and the public agencies that fund the commission's budget. Currently violations of public meetings law are addressed by filing a lawsuit in district court.

Personnel

(P) **Defining Benefit Year for FMLA ([SB 1515](#))** – Modifies definition of "benefit year" for purposes of paid family and medical leave insurance program. "Benefit year" now means, in the event that the 52-week period would result in an overlap of any quarter of the base year of a previously filed valid claim, a period of 53 consecutive weeks beginning on the Sunday immediately preceding the date on which family leave, medical leave or safe leave commences.

(P) **Employment Agreements ([SB 1586](#))** – Clarifies prohibitions regarding provisions that may not be included in agreements between employers and former, current or prospective employees related to workplace harassment and discrimination, including sexual assault. This bill clarifies the intent of some provisions of Oregon's Workforce Fairness Act passed in 2019. It extends the prohibition regarding nondisclosure agreements (NDAs) to cover former employees of private and public employers and clarifies that the prohibition covers current employees. The bill permits otherwise prohibited NDAs under specified circumstances and declares prohibited NDAs to be void and unenforceable. It also adds a provision to the law to permit a person who files a complaint related to violations to recover liquidated damages of up to \$5,000. The changes are effective on January 1, 2023.

Public Contracting

(NP) **Performance Audits of Public Agencies** ([HB 4019](#)) – Requires Oregon Department of Administrative Services to periodically conduct performance audits of public agencies to determine compliance with laws that require procurements from qualified nonprofit agencies for individuals with disabilities. This bill was moved without recommendation to the House Rules Committee with a subsequent referral to Ways and Means. No further action was taken prior to adjournment.

Workforce

(P) **Future Ready Oregon** ([SB 1545](#)) – Establishes grant programs in Higher Education Coordinating Commission to provide funding for workforce development activities that aim to increase access for priority populations to training opportunities in technology, health care and manufacturing and to workforce development services and benefits. See summary above for details.

(P) **Nursing Internship License** ([HB 4003](#)) – Directs Oregon State Board of Nursing to issue nurse internship license to qualified applicant. This legislation was a recommendation from an interim workgroup led by Rep. Rachel Pusak intended to help address the nursing workforce shortage. Students who have completed at least one academic term at an accredited program that included a clinical component are eligible to apply for this license.

(NP) **Prosperity 10,000 Program** ([HB 4104](#)) – Establishes Prosperity 10,000 Program to provide career coaching, occupational training and job placement services for at least 10,000 low-income job seekers most impacted by COVID-19 pandemic.

While this legislation did not pass individually, its provisions were included within SB 1545. The program uses one-time funding to serve 10,000 people in high-poverty areas with workforce training, wrap-around supports and career coaching. The program will be administered by the HECC, and the funding will go through local Workforce Investment Boards.

(P) **Surgical Technology Certification** ([HB 4106](#)) – Allows person employed by healthcare facility to practice surgical technology if person has completed and is certified by specified apprenticeship program. This bill creates an apprenticeship path for surgical technologists to address workforce shortages. The measure allows individuals enrolled in a registered apprenticeship program to perform surgical technologist duties under direct supervision and healthcare facilities to employ individuals as surgical technologists who have completed a registered apprenticeship training program that includes certification by the National Center for Competency Testing. It is effective on January 1, 2023.