

DRAFT

SUMMARY

Establishes minimum levels of funding for Youth Corrections Education Program and Juvenile Detention Education Program. Authorizes Department of Education to make distributions from Statewide Education Initiatives Account for purpose of satisfying minimum level of funding for each program.

Establishes YCEP-JDEP Account for purpose of paying unexpected emergency expenses of Youth Corrections Education Program and Juvenile Detention Education Program.

Authorizes state moneys received by Youth Corrections Education Program or Juvenile Detention Education Program from State School Fund or from Statewide Education Initiatives Account to be used for transition services.

Directs Department of Corrections to develop plan for providing equipment, connectivity and infrastructure necessary to ensure that adults in custody in Coffee Creek Correctional Facility and Snake River Correctional Institution have online access to certain education programs. Requires department to submit plan to interim committee of Legislative Assembly no later than December 31, 2021. Directs department to provide online access in Coffee Creek Correctional Facility and Snake River Correctional Institution to certain education programs no later than September 1, 2022.

Alters eligibility requirements and formula for establishing amount of award for Oregon Promise grant and renewal of grant.

Declares emergency, effective on passage.

1 Relating to education; creating new provisions; amending ORS 326.700,
2 327.254, 336.585, 336.590 and 341.522; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Sections 2 and 3 of this 2022 Act are added to and made**
5 **a part of ORS chapter 327.**

6 **SECTION 2. (1) As used in this section:**

1 (a) "FTE" means full-time equivalent and is based on a contract
2 year of at least 233 days.

3 (b) "Instructional group" means a group of students taught to-
4 gether by a licensed teacher in a defined physical space.

5 (c) "Juvenile Detention Education Program" means the program
6 defined in ORS 326.695.

7 (d) "Youth Corrections Education Program" means the program
8 defined in ORS 326.695.

9 (2)(a) The Youth Corrections Education Program and the Juvenile
10 Detention Education Program shall be funded at minimum levels as
11 provided by this section.

12 (b) The minimum level of funding for each program shall be calcu-
13 lated by adding the following amounts:

14 (A) The amount needed to fund the number of necessary instruc-
15 tional groups at each site of each program, as calculated under sub-
16 section (3) of this section;

17 (B) The amount needed to fund an administrator at each site of
18 each program, as provided by subsection (4) of this section; and

19 (C) The amount needed to fund the operating expenses at each site
20 of each program, as calculated under subsection (5) of this section.

21 (c) The minimum level of funding for each program shall be pro-
22 vided to the programs as follows:

23 (A) Distributing from the State School Fund the amounts calcu-
24 lated under ORS 327.026; and

25 (B) Distributing from the Statewide Education Initiatives Account
26 the difference between the amount calculated under paragraph (b) of
27 this subsection and the amount distributed under subparagraph (A)
28 of this paragraph.

29 (3)(a) The amount needed to fund the number of necessary in-
30 structional groups at each site of each program shall be calculated by
31 multiplying:

1 (A) The number of necessary instructional groups for each site of
2 each program, as determined under paragraph (b) of this subsection;
3 and

4 (B) The funding requirements for each necessary instructional
5 group, as determined under paragraph (c) of this subsection.

6 (b) When determining the number of necessary instructional groups
7 for each site of each program:

8 (A) Priority shall be given to juvenile justice agency input regarding
9 safety; and

10 (B) Consideration shall be given to enrollment numbers and student
11 characteristics.

12 (c) Each necessary instructional group shall be provided a minimum
13 level of funding to ensure that the following personnel are provided:

14 (A) 1.0 FTE for a licensed teacher;

15 (B) 0.25 FTE for personnel providing educational services, including
16 instruction or other assistance related to special education or English
17 language learner programs;

18 (C) 0.25 FTE for a specialist in transition services, which shall be
19 provided to assist youth in transitioning from the programs into
20 school settings and workforce preparation programs and to provide
21 any necessary ongoing support for a transition;

22 (D) 0.25 FTE for an administrative assistant; and

23 (E) 0.05 FTE for a substitute teacher.

24 (d) Nothing in paragraph (c) of this subsection requires the De-
25 partment of Education to distribute moneys as provided by paragraph
26 (c) of this subsection if the safety, enrollment, student characteristics
27 or treatment needs of the youth of the program require a different
28 distribution.

29 (4) The amount needed to fund an administrator at each site of each
30 program shall be the amount needed to fund 0.5 FTE for an adminis-
31 trator.

(5) The amount needed to fund the operating expenses of each site of each program shall be calculated by adding the following amounts:

(a) The amount needed for supplies and services, including transition services, which shall equal 20 percent of the total calculated by adding the amounts calculated under subsections (3) and (4) of this section; and

(b) The amount needed for indirect costs, as identified by the State Board of Education by rule, which may not exceed nine percent of the total calculated by adding the amounts calculated under subsections (3) and (4) of this section and paragraph (a) of this subsection.

(6) No later than January 31 of each odd-numbered year, each site of each program shall submit to the department an application with the estimated amount needed to provide the minimum level of funding required by this section for the next biennium, including a list of staff positions, salaries and benefits.

(7) The board shall adopt any rules necessary for the administration of this section.

SECTION 3. (1) The YCEP-JDEP Account is established in the State Treasury, separate and distinct from the General Fund.

(2) The YCEP-JDEP Account shall consist of no more than five percent of the total amount made available during a biennium to the Youth Corrections Education Program, as defined in ORS 326.695, and the Juvenile Detention Education Program, as defined in ORS 326.695, as provided by ORS 327.026 and section 2 of this 2022 Act.

(3) Moneys in the YCEP-JDEP Account are continuously appropriated to the Department of Education for the purpose of paying for any unexpected emergency expenses of the Youth Corrections Education Program or the Juvenile Detention Program, as determined by the department based on rules adopted by the State Board of Education.

(4) Interest earned by the account shall accrue to the benefit of the account.

1 **(5) The board shall adopt any rules necessary for the administration**
2 **of the YCEP-JDEP account, including establishing any maximum**
3 **amounts to be retained in the account and any requirements for car-**
4 **rying forward amounts from a preceding biennium into a current**
5 **biennium.**

6 **SECTION 4.** ORS 327.254 is amended to read:

7 327.254. (1) The Department of Education shall use moneys in the State-
8 wide Education Initiatives Account to provide funding for statewide educa-
9 tion initiatives, including:

10 (a) Funding the High School Graduation and College and Career Read-
11 iness Act at the levels prescribed by ORS 327.856;

12 (b) Expanding school breakfast and lunch programs;

13 (c) Operating youth reengagement programs or providing youth reen-
14 gagement services;

15 (d) Establishing and maintaining the Statewide School Safety and Pre-
16 vention System under ORS 339.341;

17 (e) Developing and providing statewide equity initiatives, including the
18 Black or African-American education plan developed under ORS 329.841, the
19 American Indian or Alaska Native education plan developed under ORS
20 329.843, the Latino or Hispanic education plan developed under ORS 329.845
21 or any similar education plan identified by the department;

22 (f) Providing summer learning programs at schools that are considered
23 high poverty under Title I of the federal Elementary and Secondary Educa-
24 tion Act of 1965;

25 (g) Funding early warning systems to assist students in graduating from
26 high school, as described in ORS 327.367;

27 (h) Developing and implementing professional development programs and
28 training programs, including programs that increase educator diversity and
29 retain diverse educators;

30 (i) Planning for increased transparency and accountability in the public
31 education system of this state;

(j) Providing additional funding to school districts participating in the intensive program under ORS 327.222;

(k) Providing technical assistance, including costs incurred for:

(A) The coaching program described in ORS 327.214; and

(B) The intensive program described in ORS 327.222, including costs for student success teams;

(L) Funding public charter schools, as described in ORS 327.362;

(m) Funding education service districts, as described in subsection (2) of this section; *[and]*

(n) Funding the Youth Corrections Education Program and the Juvenile Detention Education Program as provided by section 2 of this 2022 Act; and

[(n)] (o) Funding costs incurred by the department in implementing this section and ORS 327.175 to 327.235 and 327.274.

(2)(a) The amount of a distribution to an education service district under this section shall be made as provided by paragraph (b) of this subsection after calculating the following for each education service district:

(A) One percent of the total amount available for distribution to education service districts in each biennium.

(B) The education service district's $ADMw \times$ (the total amount available for distribution to education service districts in each biennium \div the total ADMw of all education service districts that receive a distribution).

(b) The amount of the distribution to an education service district shall be the greater of the amounts calculated under paragraph (a) of this subsection, except that, for distributions made as provided by paragraph (a)(B) of this subsection, the total amount available for distribution to education service districts shall be the amount remaining after any distributions required under paragraph (a)(A) of this subsection have been made.

(c) For purposes of this subsection, ADMw equals the ADMw as calculated under ORS 327.013, except that the additional amount allowed for students who are in poverty families, as determined under ORS 327.013

(1)(c)(A)(v)(I), shall be 0.5.

(d) An education service district shall use moneys received under this section as provided by a plan developed by the school districts located within the education service district. A school district that declines to participate in the development of the plan or that has withdrawn from an education service district as provided by ORS 334.015 is not entitled to any moneys distributed to the education service district under this subsection.

(e) A plan developed under this subsection must:

(A) Align with and support school districts in meeting the performance growth targets of the school districts developing the plan;

(B) Include the provision of technical assistance to school districts in developing, implementing and reviewing a plan for receiving a grant from the Student Investment Account;

(C) Provide for coordination with the department in administering and providing technical assistance to school districts, including coordinating any coaching programs established under ORS 327.214; and

(D) Be adopted and amended as provided for local service plans under ORS 334.175 and approved by the department.

(f) Each education service district must submit an annual report to the department that:

(A) Describes how the education service district spent moneys received under this subsection; and

(B) Includes an evaluation of the education service district's compliance with the plan from the superintendent of each school district that participated in the development of the plan.

(3) The State Board of Education shall adopt rules necessary for the distribution of moneys under this section.

SECTION 5. (1) Sections 2 and 3 of this 2022 Act and the amendments to ORS 327.254 by section 4 of this 2022 Act become operative July 1, 2023.

(2) Sections 2 and 3 of this 2022 Act and the amendments to ORS

327.254 by section 4 of this 2022 Act first apply to the 2023-2024 school year.

SECTION 6. ORS 326.700 is amended to read:

326.700. It is the purpose of ORS 326.712 and 327.026, **section 2 of this 2022 Act** and this section that *[youths enrolled in the Youth Corrections Education Program and the Juvenile Detention Education Program administered by the Department of Education be treated as nearly the same as practicable in the distribution of the State School Fund as children enrolled in common and union high school districts in this state.]*:

(1) Students who are enrolled in the Youth Corrections Education Program, as defined in ORS 326.695, or the Juvenile Detention Education Program, as defined in ORS 326.695, receive an appropriate education that is as nearly the same as practicable as the education that is received by students enrolled in common and union high school districts in this state; and

(2) Students who are enrolled, or youth who had recently been enrolled, in the Youth Corrections Education Program or the Juvenile Detention Education Program are able to smoothly transition from these programs into school settings and workforce preparation programs.

SECTION 7. ORS 336.585 is amended to read:

336.585. (1) As used in this section:

(a) “Juvenile Detention Education Program” means the program defined in ORS 326.695.

(b) “Resident district” means the school district in which the parents or legal guardian, if any, of a child resided at the time of the child’s enrollment in the Juvenile Detention Education Program. If the child has no parents or legal guardian, or none can be located, the resident district is the school district in which the child is physically located.

(2)(a) The Department of Education shall provide or cause to be provided appropriate education for children enrolled in an educational program under

the Juvenile Detention Education Program. The Superintendent of Public Instruction may contract with a school district or education service district to provide or cause to be provided appropriate education to children enrolled in an educational program under the Juvenile Detention Education Program. **For the purpose of this section, an appropriate education includes transition services from the Juvenile Detention Education Program into school settings and workforce preparation programs and any necessary ongoing support for a transition.**

(b) An education service district that provides education as provided by this subsection and that awards high school diplomas:

(A) May not impose requirements for a high school diploma that are in addition to the requirements prescribed by ORS 329.451 (2)(a) or by rule of the State Board of Education; and

(B) Must accept any credits previously earned by children in another school or educational program in this state and apply those credits toward the requirements prescribed by ORS 329.451 (2)(a) or by rule of the State Board of Education.

(3) The superintendent shall pay the costs of providing education to children enrolled in an educational program under the Juvenile Detention Education Program from the State School Fund grant allocated for that purpose under ORS 327.026 **and from amounts received as provided by section 2 of this 2022 Act.**

(4) The State Board of Education shall adopt by rule standards to be applied to the operation of the Juvenile Detention Education Program, including standards that allow a school district or an education service district under contract with the superintendent to:

(a) Implement an assessment system as provided by ORS 329.485 [(3)].

(b) Administer a nationally normed assessment as provided by ORS 329.488.

(c) Participate in the beginning teacher and administrator mentorship program established by ORS 329.788 to 329.820.

(d) Receive funds under ORS chapter 329.

(5) The superintendent shall ensure that the resident district of each child enrolled in an educational program under the Juvenile Detention Education Program is notified, if the resident district can be reasonably identified. The purposes of the notification include, but are not limited to:

(a) Removing the child from the resident district's census;

(b) Facilitating transfers of the child's educational records; and

(c) Facilitating planning for the child's possible return to the resident district.

SECTION 8. ORS 336.590 is amended to read:

336.590. (1) As used in this section, "Youth Corrections Education Program" means the program defined in ORS 326.695.

(2) The Department of Education shall provide or cause to be provided appropriate education for children enrolled in an educational program under the Youth Corrections Education Program. The Superintendent of Public Instruction may contract with a school district or education service district to provide or cause to be provided appropriate education to children enrolled in an educational program under the Youth Corrections Education Program. **For the purpose of this section, an appropriate education includes transition services from the Youth Corrections Education Program into school settings and workforce preparation programs and any necessary ongoing support for a transition.**

(3) The superintendent shall pay the costs of providing education to children enrolled in an educational program under the Youth Corrections Education Program from the State School Fund grant allocated for that purpose under ORS 327.026 **and from amounts received as provided by section 2 of this 2022 Act.**

(4) The State Board of Education shall adopt by rule standards to be applied to the operation of the Youth Corrections Education Program, including standards that allow a school district or an education service district under contract with the superintendent to:

(a) Award high school diplomas, modified diplomas, extended diplomas and alternative certificates as provided by ORS 329.451 and 339.877. An education service district that awards high school diplomas as provided by this paragraph:

(A) May not impose requirements for a high school diploma that are in addition to the requirements prescribed by ORS 329.451 (2)(a) or by rule of the State Board of Education; and

(B) Must accept any credits previously earned by children in another school or educational program in this state and apply those credits toward the requirements prescribed by ORS 329.451 (2)(a) or by rule of the State Board of Education.

(b) Implement an assessment system as provided by ORS 329.485 [(3)].

(c) Administer a nationally normed assessment as provided by ORS 329.488.

(d) Participate in the beginning teacher and administrator mentorship program established by ORS 329.788 to 329.820.

(e) Receive funds under ORS chapter 329.

SECTION 9. (1) The amendments to ORS 326.700, 336.585 and 336.590 by sections 6 to 8 of this 2022 Act become operative July 1, 2022.

(2) The amendments to ORS 326.700, 336.585 and 336.590 by sections 6 to 8 of this 2022 Act first apply to the 2022-2023 school year.

SECTION 10. (1) The Department of Corrections shall develop a plan for providing the equipment, connectivity and infrastructure necessary to ensure that adults in custody in the Coffee Creek Correctional Facility and the Snake River Correctional Institution have online access to:

(a) The adult basic skills development program described in ORS 421.084;

(b) The professional and technical program described in ORS 421.081; and

(c) Education programs that provide college credit, a college degree,

1 a college certification, an industry-recognized certification or license
2 or an apprenticeship.

3 (2) The department shall submit the plan developed under this sec-
4 tion, in the manner provided by ORS 192.245, to an interim committee
5 of the Legislative Assembly related to education no later than De-
6 cember 31, 2022.

7 SECTION 11. Section 10 of this 2022 Act is repealed on January 2,
8 2024.

9 SECTION 12. No later than September 1, 2023, the Department of
10 Corrections shall ensure that adults in custody in the Coffee Creek
11 Correctional Facility and the Snake River Correctional Institution
12 have online access to:

13 (1) The adult basic skills development program described in ORS
14 421.084;

15 (2) The professional and technical program described in ORS 421.081;
16 and

17 (3) Education programs that provide college credit, a college degree,
18 a college certification, an industry-recognized certification or license
19 or an apprenticeship.

20 SECTION 13. ORS 341.522 is amended to read:

21 341.522. (1) The Office of Student Access and Completion shall administer
22 the Oregon Promise program as provided by this section.

23 (2) Subject to subsections (7) to (10) of this section, the office shall pro-
24 vide a grant for community college courses to a person who meets the cri-
25 teria described in subsections (3) to (6) of this section. The grant shall be
26 limited as provided by subsections (7) to (10) of this section.

27 (3) A grant shall be awarded under this section to a person who meets the
28 following criteria:

29 (a) Is enrolled in courses that are:

30 (A) Offered at a community college in this state; and

31 (B) Determined by the office, in accordance with rules adopted by the

Higher Education Coordinating Commission, to be required for completion of:

(i) A one-year curriculum for students who plan to transfer to another post-secondary institution of education;

(ii) An associate degree; or

(iii) A program in career and technical education;

(b) Except as provided in subsection (5) of this section, has been a resident of this state for at least 12 months prior to enrolling in the courses described in paragraph (a) of this subsection;

(c) Attained the person's highest level of education, except as provided in subsection (5) of this section, in this state prior to:

(A) Receiving a diploma under ORS 329.451;

(B) Receiving a certificate for passing an approved high school equivalency test such as the General Educational Development (GED) test as provided by ORS 350.175;

(C) Completing grade 12 in compliance with the requirements of ORS 339.035; or

(D) Completing grade 12 at a private or parochial school, as described in ORS 339.030 (1)(a);

(d) Except as provided in subsections (4) and (5) of this section, attained the person's highest level of education as described in paragraph (c) of this subsection within six months from the date that the person first enrolls in courses described in paragraph (a) of this subsection for the purpose of receiving a grant under this section;

(e) Earned a cumulative grade point average of ~~[2.5]~~ **2.0** or better in high school or otherwise demonstrated an equivalent academic ability, as determined by the office according to rules adopted by the commission;

(f) Completed and submitted the Free Application for Federal Student Aid for each academic year and accepted all state and federal aid grants available to the person, if eligible to file the application; and

(g) Has not completed either of the following:

1 (A) More than a total of 90 credit hours, or the equivalent, at a post-
2 secondary institution of education; or

3 (B) A curriculum, degree or program, as described in paragraph (a)(B) of
4 this subsection.

5 (4)(a) If a person otherwise meets the required criteria and has been
6 awarded a grant under subsection (3) of this section, but the person enters
7 into service with a career and technical student organization relating to
8 agriculture or farming that is approved by the Department of Education un-
9 der ORS 344.077 within six months after the person attained the person's
10 highest level of education as described in subsection (3)(c) of this section, the
11 person will continue to be eligible to receive the grant if the person first
12 enrolls in courses described in subsection (3)(a) of this section within six
13 months of finishing the person's service with the career and technical stu-
14 dent organization.

15 (b) In addition to the situation described in paragraph (a) of this sub-
16 section, the commission may waive the requirement set forth in subsection
17 (3)(d) of this section for a person who shows that the person was unable to
18 timely enroll in courses described in subsection (3)(a) of this section due to
19 a significant hardship. The commission may adopt rules to implement this
20 paragraph.

21 (5)(a) A member of the Oregon National Guard who has completed initial
22 active duty training is not required to comply with the criteria set forth in
23 subsection (3)(d) of this section in order to receive a grant, provided that the
24 member first enrolls in courses described in subsection (3)(a) of this section
25 within six months after completing initial active duty training, as evidenced
26 by an official form issued by the United States Department of Defense.

27 (b)(A) A person who completes the highest level of education as described
28 in subsection (3)(c) of this section while confined in a correctional facility,
29 either serving a sentence of incarceration or as a young person, youth or
30 adjudicated youth, is not required to comply with the criteria set forth in
31 subsection (3)(d) of this section in order to receive a grant, provided that the

1 person first enrolls in courses described in subsection (3)(a) of this section
2 within six months after the date on which the person is first released from
3 a correctional facility following completion of the highest level of education
4 described in subsection (3)(c) of this section.

5 (B) The eligibility requirements described in subsection (6)(a)(C) of this
6 section may be waived by the office according to rules adopted by the com-
7 mission for a person who receives a grant under this section in the manner
8 described in subparagraph (A) of this paragraph.

9 (C) As used in this paragraph:

10 (i) “Adjudicated youth,” “detention facility,” “young person” and
11 “youth” have the meanings given those terms in ORS 419A.004.

12 (ii) “Correctional facility” means any place used for the confinement of
13 young persons, youths or adjudicated youths or persons charged with or
14 convicted of a crime or otherwise confined under a court order, including
15 a:

16 (I) Youth correction facility;

17 (II) Detention facility;

18 (III) Department of Corrections institution;

19 (IV) Local correctional facility; or

20 (V) State hospital or a secure intensive community inpatient facility, with
21 respect to persons detained therein who are youths or adjudicated youths,
22 who are charged with or convicted of a crime or who are detained therein
23 after having been found guilty except for insanity of a crime under ORS
24 161.290 to 161.373 or having been found responsible except for insanity under
25 ORS 419C.411.

26 (iii) “Department of Corrections institution” has the meaning given that
27 term in ORS 421.005.

28 (iv) “Local correctional facility” has the meaning given that term in ORS
29 169.005.

30 (v) “Youth correction facility” has the meaning given that term in ORS
31 420.005.

(c)(A) If a person was a foster child:

(i) The person shall be treated as meeting the residency criteria for eligibility under subsection (3)(b) of this section if, but for the person's placement in out-of-state foster care, the person otherwise meets the requirements of subsection (3)(b) of this section.

(ii) The person shall be treated as attaining the person's highest level of education in this state under subsection (3)(c) of this section if the person attained the person's highest level of education while placed in out-of-state foster care and the person's highest level of education substantially meets the requirements under subsection (3)(c) of this section.

(iii) The person is not required to comply with the criteria set forth in subsection (3)(d) of this section in order to receive a grant provided that the person completes the highest level of education as described in subparagraph (A)(ii) of this paragraph while in a treatment program and the person first enrolls in courses described in subsection (3)(a) of this section within 12 months after the date on which the person is released from the treatment program.

(B) Upon request from the commission, the Department of Human Services shall provide documentation of the placement status of a person described in paragraph (c)(A) of this subsection.

(C) As used in this paragraph:

(i) "Foster care" means substitute care for children placed by the Department of Human Services or a tribal child welfare agency away from the child's parents and for whom the department or agency has placement and care responsibility, including placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions and preadoptive homes.

(ii) "Foster child" means a child over whom the Department of Human Services retained jurisdiction under ORS 417.200 for the duration of the child's placement in foster care outside the State of Oregon.

(6)(a) A person continues to remain eligible to receive a grant under this

section if the person, in addition to satisfying the criteria specified in subsection (3) of this section, meets the following criteria:

(A) Maintains at least the minimum cumulative grade point average prescribed by the commission based on federal aid grant requirements;

(B) Makes satisfactory academic progress toward a curriculum, degree or program, as described in subsection (3)(a)(B) of this section, as prescribed by the commission based on federal aid grant requirements; **and**

(C) Enrolls in courses described in subsection (3)(a) of this section for a sufficient number of credit hours to be considered at least a half-time student each term for at least three terms in each consecutive academic year. [; and]

[(D) Completes a first-year experience, as identified by the community college and reported by the community college to the commission.]

(b) A person who fails to meet an eligibility requirement described in paragraph (a) of this subsection becomes ineligible to receive a grant under this section for the term after which the person fails to meet the eligibility requirement, unless the eligibility requirement is waived by the office according to rules adopted by the commission.

(7)(a) The total amount of a grant awarded under this section shall be based on each term that a person is enrolled in courses described in subsection (3)(a) of this section. Except as provided in subsections (9) and (10) of this section, after the amount of tuition for the person for the term is reduced by any amounts received by the person in state and federal aid grants, the person shall be eligible for a grant under this section in an amount that equals:

(A) Except as provided by *[paragraphs]* **paragraph** (b) *[and (c)]* of this subsection, not less than the greater of:

(i) **\$2,000, adjusted for inflation based on the increase of the average cost of tuition at a community college operated under ORS chapter 341 in a manner determined by the commission by rule[\$1,000];** and

(ii) The person's actual cost for tuition.

(B) Not more than the lesser of:

(i) The average cost of tuition at a community college in this state, as determined by the office; and

(ii) The person's actual cost for tuition.

[(b) The amount of a grant, as calculated under paragraph (a) of this subsection, shall be reduced by \$50 for each term that the person receives a grant under this section.]

~~[(c)(A)]~~ **(b)(a)** If the office determines both that the person's actual cost for tuition exceeds the amount set forth in paragraph (a)(A)(i) of this subsection and that the person's actual cost for tuition exceeds the average cost of tuition at a community college in this state, the person shall be eligible for a grant in an amount that equals the average cost of tuition at a community college in this state.

(B) If the office determines that the person's actual cost for tuition is less than the amount set forth in paragraph (a)(A)(i) of this subsection, the person shall be eligible for a grant in an amount that equals the amount set forth in paragraph (a)(A)(i) of this subsection.

~~[(d)]~~ **(c)** The minimum amount of a grant, as calculated under paragraphs (a) *[to (c)]* **and (b)** of this subsection, may be prorated for a person who is enrolled in courses described in subsection (3)(a) of this section for a sufficient number of credit hours to be considered at least a half-time student but not a full-time student.

~~[(e)]~~ **(d)** The commission may prescribe by rule whether to include fees, and any limitations related to the inclusion of fees, when determining the actual cost of tuition or the average cost of tuition under this subsection.

(8) The commission may adopt by rule the priority by which grants are awarded, which may allow for preference to be given to persons enrolled in school districts or high schools that meet specified criteria.

(9) Prior to the start of the fall term of each academic year, the commission shall determine whether there are sufficient moneys to award a grant under this section to each person who meets the criteria described in sub-

sections (3) to (6) of this section. **When making a determination under this subsection, the commission may consider both projected resources and statutory modifications that will take effect during the current biennium.** On the basis of this determination the commission may:

(a) Limit eligibility to receive a grant under this section to a person whose [*family contribution*] **financial resources**, as determined by the commission by rule, [*is*] **are** at or below the level the commission determines is necessary to allow the commission to operate the Oregon Promise program with available moneys; or

(b) Reduce or eliminate any limitation on eligibility previously imposed by the commission under paragraph (a) of this subsection.

(10)(a) If at any time the commission determines that there are insufficient moneys to provide a grant to each person who has been awarded a grant under this section, the commission may[:]

[(A)] decrease the total amount of the grant awarded[; or]

[(B) *Increase the amount that a person must pay under subsection (7)(b) of this section for each term that the person receives a grant under this section*].

(b) If at any time the commission determines that the amount of moneys available to operate the Oregon Promise program exceeds the amount determined under subsection (9) of this section, the commission may reduce or eliminate any limitation on eligibility to receive a grant under this section that was previously imposed by the commission under subsection (9)(a) of this section.

(c) The commission shall promptly notify the interim committees of the Legislative Assembly responsible for higher education each time the commission takes any action under paragraph (a) or (b) of this subsection.

(11) The commission shall adopt any rules necessary for the administration of this section, including any requirements related to:

(a) Specifying the form and timelines for submitting an application for a grant under this section;

(b) Determining whether a person is eligible for a grant under this sec-

tion, including whether the person shall be given priority as allowed under subsection (8) of this section;

(c) Implementing programs or policies that improve the academic success or completion rates for persons who receive a grant under this section;

(d) Prescribing eligibility requirements and grant calculations for persons dually enrolled in a community college and a public university; and

(e) Evaluating the impact of the program established under this section, including any requirements for reporting data needed for evaluations.

(12) No later than December 31 of each even-numbered year, the commission shall submit to an interim legislative committee related to education a report that summarizes the commission's findings on the impact of the program established under this section. The report shall include:

(a) Student completion rates of curricula, degrees and programs described in subsection (3)(a)(B) of this section;

(b) The amount of federal aid grants received by persons who received a grant under this section;

(c) The financial impact of the program on school districts that had students receive a grant under this section;

(d) The financial impact and the enrollment impact of the program on community colleges and public universities in this state; and

(e) The overall success rate of the program and financial impact of the program.

SECTION 14. The amendments to ORS 341.522 by section 13 of this 2022 Act first apply to the 2022-2023 academic year.

SECTION 15. This 2022 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect on its passage.