

SB 1522 -3, -4, -5, -6 STAFF MEASURE SUMMARY

Senate Committee On Education

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Meeting Dates: 2/1, 2/3, 2/8

WHAT THE MEASURE DOES:

Transfer Council Membership: Allows high school teacher who is employed by education service district to serve on Transfer Council.

In-State Tuition Provisions: Removes exemption of distance learning courses from in-state tuition provisions for military veterans. Exempts individuals who are granted humanitarian parole, asylum, conditional permanent residency, or temporary protected status from nonresident tuition and fees at public universities.

Contact-Sharing Requirement for Graduate Student Employees: Requires public universities to develop and distribute form to graduate employees that waives privacy rights and authorizes universities to disclose contact information as a condition of employment.

Applicability of Requirement to Provide Information on Public Service Loan Forgiveness: Adds public universities and community colleges to list of employers that must provide full-time teachers and school nurses with information regarding the Public Service Loan Forgiveness program.

Credit Transfer Requirements: Requires school districts and charter schools to accept and apply toward graduation requirements any academic credits earned by students in the Youth Corrections Education Program (YCEP), the Juvenile Detention Education Program (JDEP), and long-term care or treatment facilities.

Provision of Menstrual Products to Students: Creates exemption from requirement for education providers to provide menstrual products in student bathrooms for early childhood care and learning providers and in environments for which requirements may pose a threat to student health and safety.

Participation in Interscholastic Activities: Modifies eligibility requirements for homeschooled and high school equivalency students to participate in interscholastic activities based on timing of required examinations. Replaces statutory references to “GED” with “high school equivalency.”

Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-3 Replaces the measure. Maintains all previous provisions.

Provision of menstrual products to students: Creates exemption from requirement for education providers to provide menstrual products in student bathrooms that are not located in commonly accessible areas of a building of a community college or public university.

Plan to ensure access to educational programs at correctional facilities: Directs Department of Corrections (DOC) to develop and implement a plan to provide equipment, connectivity, and infrastructure allow adults in custody (AICs) at Coffee Creek Correctional Facility and Snake River Correctional Facility to access online educational course content and materials. Requires DOC to submit plan to interim legislative committee by December 31, 2022. Requires DOC to implement plan by September 1, 2023.

Eligibility for Oregon Promise Grant: Modifies eligibility requirements and award amounts of Oregon Promise grant program. Reduces minimum eligible grade point average to 2.0. Eliminates requirement for student to complete first-year experience. Increases minimum grant award amount to \$2,000, adjusted for inflation. Removes \$50 per term award reduction. Modifies ability of Higher Education Coordinating Commission to determine available funding resources to award grants. Applies to 2022-2023 academic year.

Physical education requirements: Allows Superintendent of Public Instruction to grant waiver from statewide physical education instruction requirements for school districts and public charter schools that are affected by a natural or human-created disaster. Retroactively applies provisions to 2020-2021 school year. Provides that districts or charter schools that receive waiver may not be considered nonstandard for failure to comply with instructional requirements.

Locations of marijuana retailers: Prohibits marijuana retailers from operating within 1,000 feet of public prekindergarten or kindergarten program that is operated by school district or education service district. Allows marijuana retailers to operate not less than 500 feet from prekindergarten or kindergarten program under certain circumstances. Becomes operative January 1, 2023.

PERS for public charter school members: Provides that calculation of salary paid to public charter school employees between August 29, 2003 and January 1, 2020 will include contributions made to Public Employees Retirement System (PERS) only if employee was informed in writing of eligibility in PERS and that contributions were made on employee's behalf.

Health care benefits for part-time faculty: Modifies requirement for public institutions of higher education to offer health care benefits to part-time faculty members. Allows for calculation of part-time employment to be determined as an average proportion of full-time equivalent. Allows institutions to determine eligibility for benefits on an annual basis. Applies to determinations of benefit eligibility for open enrollment period that occurs after effective date.

Declares emergency, effective on passage.

-4 Replaces the measure. Removes portion relating to applicability of information on public service loan forgiveness. Maintains all other provisions contained in -3 amendment.

-5 Replaces the measure. Modifies language related to provision of menstrual products in alternate locations where bathrooms are not controlled by education providers. Maintains all other provisions contained in -4 amendment.

-6 Replaces the measure. Specifies that provisions relating to in-state tuition for distance learning courses apply only to students who served in the Armed Forces of the United States. Provides that high school equivalency students may restore academic eligibility to participate in interscholastic activities after a period of 18 weeks and taking a required examination or practice test. Maintains all other provisions contained in -5 amendment.

BACKGROUND:

Transfer Council Membership: In an effort to streamline credit transfer pathways for students, the legislature passed Senate Bill 233 (2021), which established the Transfer Council within the Higher Education Coordinating Commission and directed the council to develop a common course numbering system for public institutions of higher education. Senate Bill 1522 allows a high school teacher who is employed by education service district to serve on the Transfer Council.

In-State Tuition Provisions: Recent changes in federal law relating to education and vocational training for veterans require distance learning to be offered at the same tuition rates as in-person courses. Because Oregon

law exempts distance learning courses from in-state tuition provisions for military veterans, Senate Bill 1522 removes this exemption to comply with federal law. Additionally, in 2021 the legislature passed Senate Bill 553, which extended in-state tuition benefits to individuals from Compact of Free Association (COFA) island nations, refugees, and special immigrant visa holders. Senate Bill 1522 expands the list of eligible individuals to include those with humanitarian parole, asylum, conditional permanent residency, or temporary protected status.

Contact-Sharing Requirement for Graduate Student Employees: The federal Family Educational Rights and Privacy Act (FERPA) governs the privacy rights of students at all institutions of education. Conflicts may arise when students become employees of the institution that require the sharing of private contact information with the employer. Senate Bill 1522 requires public universities to provide graduate employees with a form that waives their privacy rights under FERPA and authorizes universities to disclose contact information as a condition of employment.

Applicability of Requirement to Provide Information on Public Service Loan Forgiveness: House Bill 3255 (2021) required all education employers to provide eligible employees with information and assistance regarding the federal Public Service Loan Forgiveness program. Senate Bill 1522 adds public universities and community colleges to the definition of education employers.

Credit Transfer Requirements: Students who are released from the Youth Corrections Education Program (YCEP) or the Juvenile Detention Education Program (JDEP) may find that their earned academic credits may not smoothly transfer or be applied toward meeting graduation requirements in other school districts. Senate Bill 1522 requires school districts and charter schools to accept and apply any academic credits earned by students in YCEP, JDEP, or long-term care or treatment facilities toward graduation requirements.

Provision of Menstrual Products to Students: House Bill 3294 (2021) required all public education providers to offer free menstrual products in bathrooms used by students. Senate Bill 1522 creates an exemption to that requirement for student bathrooms at early childhood care and learning providers and in environments for which the requirement may pose a threat to student health and safety, such as long-term care and treatment facilities.

Participation in Interscholastic Activities: House Bill 2817 (2021) allowed students who are enrolled in high school equivalency programs, commonly called GED programs, to participate in interscholastic activities. Senate Bill 1522 modifies the eligibility requirements to participate in interscholastic activities for homeschooled and high school equivalency students based on the timing of required examinations and replaces statutory references to “GED” with “high school equivalency.”