

Senate Bill 1522

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes high school teachers who are employed by education service districts to serve as members of Transfer Council.

Repeals provision exempting distance learning from requirement that eligible veterans be provided with in-state tuition.

Expands eligibility for in-state tuition to include individuals who are granted humanitarian parole, asylum, conditional permanent residency or temporary protected status by any federal agency, provided that individual has not previously established residence in any state or territory of United States or District of Columbia.

Requires graduate student employees at public university to sign form allowing university to release specified contact information.

Adds public universities and community colleges to list of educational employers required to provide materials and assistance to eligible employees concerning public service loan forgiveness program.

Requires school districts and public charter schools to accept credits earned by students in specified educational programs and to apply those credits to high school graduation requirements.

Allows for modifications to or exemptions from requirements related to provision of menstrual products in student bathrooms for certain programs of public education providers.

Allows high school equivalency student, homeschooled student or student who attends public charter school to meet academic eligibility requirements for participation in interscholastic activities during school year in which student initially was determined to be academically ineligible. Expands protections of right to participate in interscholastic athletics to students of all high school equivalency programs.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to education; creating new provisions; amending ORS 326.545, 329.451, 329.756, 339.450, 339.460, 350.290, 350.426 and 352.287; and declaring an emergency.

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

TRANSFER COUNCIL MEMBERSHIP

SECTION 1. ORS 350.426 is amended to read:

350.426. (1) The Transfer Council is established, consisting of 15 voting members, appointed by the Higher Education Coordinating Commission, and one nonvoting, ex officio member.

(2) Before appointing the voting members, the commission shall request nominations from official student, faculty and administrator organizations at public universities listed in ORS 352.002, community colleges operated under ORS chapter 341 and high schools in this state. The 15 voting members of the council shall consist of:

(a) Five academic officers, two of whom are currently employed at a public university, two of whom are currently employed at a community college and one of whom is currently employed at a public high school in this state;

(b) Four faculty members, two of whom are currently employed at a public university and two

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 of whom are currently employed at a community college;

2 (c) One teacher who both teaches accelerated college credit programs as defined in ORS 340.315
3 and is currently employed **either by an education service district or** at a public high school in
4 this state;

5 (d) Two individuals who specialize in assisting students who transfer between institutions, one
6 of whom is currently employed at a public university and one of whom is currently employed at a
7 community college; and

8 (e) Three students, one of whom is currently enrolled at a public university, one of whom is
9 currently enrolled at a community college and one of whom is currently enrolled at a high school
10 in this state.

11 (3) The chairperson of the commission, or a designee of the chairperson of the commission, shall
12 serve as a nonvoting, ex officio member.

13 (4)(a) The term of office of each voting member of the council is two years. Before the expiration
14 of the term of a member, the commission shall appoint a successor. A member is eligible for reap-
15 pointment.

16 (b) In order to serve as a member of the council, an individual must at all times meet the
17 qualifications for the appointment. If at any time a member fails to meet the qualifications for the
18 member's appointment, the position is vacant.

19 (c) If there is a vacancy for any cause, the commission shall make an appointment to become
20 immediately effective for the unexpired term.

21 (5)(a) The council:

22 (A) Shall select one or more of its members as chairperson or as cochairpersons; and

23 (B) May establish, in the manner set forth in this subsection, one or more subcommittees for the
24 purpose of advising the council on how to best fulfill its duties.

25 (b) For a subcommittee established under this subsection that will make recommendations to the
26 council on a subject that will be submitted by the council to the commission under ORS 350.429
27 (1)(d)(A) to (D), the council may appoint any faculty member who is employed by a public university
28 listed in ORS 352.002 or a community college operated under ORS chapter 341, provided that the
29 subcommittee consists of equal numbers of faculty from public universities and community colleges.

30 (c) For a subcommittee established under this subsection that will not make recommendations
31 to the council on a subject that will be submitted by the council to the commission under ORS
32 350.429 (1)(d)(A) to (D), the council may appoint any individual employed by a public university listed
33 in ORS 352.002 or a community college operated under ORS chapter 341, including faculty,
34 registrars, academic advisors and academic administrators.

35 (d) Appointment to a subcommittee established under this subsection does not entitle an indi-
36 vidual to vote as a member of the council.

37 (6)(a) A majority of the voting members of the council constitutes a quorum for the transaction
38 of business.

39 (b)(A) Except as provided in subparagraph (B) of this paragraph, official action by the council
40 requires the approval of a majority of the voting members of the council.

41 (B) Official action by the council on recommendations to be made to the commission under ORS
42 350.429 (1)(d)(A) to (D) requires the approval of three-fifths of the voting members of the council.

43 (c) Two or more voting members of the council who disagree with recommendations that are
44 submitted to the commission under ORS 350.429 (1)(d)(A) to (D) may jointly submit a minority report
45 to the commission that contains alternate recommendations. A minority report created under this

1 paragraph shall be submitted to the commission with the majority recommendations.

2 (7)(a) A majority of the members of a subcommittee established under subsection (5) of this
3 section constitutes a quorum for the transaction of business of the subcommittee.

4 (b)(A) Except as provided in subparagraph (B) of this paragraph, official action by a subcom-
5 mittee established under subsection (5) of this section requires approval of a majority of the mem-
6 bers of the subcommittee.

7 (B) Official action by a subcommittee on recommendations to be made to the council on a sub-
8 ject that will be submitted by the council to the commission under ORS 350.429 (1)(d)(A) to (D) re-
9 quires the approval of three-fifths of the members of the subcommittee.

10 (c) Two or more members of a subcommittee who disagree with recommendations that are sub-
11 mitted to the council on a subject that will be submitted by the council to the commission under
12 ORS 350.429 (1)(d)(A) to (D) may jointly submit a minority report to the council that contains al-
13 ternate recommendations. A minority report created under this paragraph shall be submitted to the
14 council with the majority recommendations.

15 (8)(a) The council shall meet at least every three months at a place, day and hour determined
16 by the chairperson or cochairpersons.

17 (b) In addition to the meetings required under paragraph (a) of this subsection, the commission
18 may call a meeting of the council if the commission finds a meeting to be necessary and a meeting
19 is not called by the chairperson or cochairpersons.

20 21 **IN-STATE TUITION PROVISIONS**

22
23 **SECTION 2.** ORS 350.290 is amended to read:

24 350.290. (1) A public university listed in ORS 352.002 or a community college shall charge an
25 enrolled student who is not a resident of this state and who is attending classes as an undergraduate
26 or graduate student on a public university or community college campus in this state tuition and
27 fees no greater than the resident rate if the student:

28 (a)(A) Served in the Armed Forces of the United States;

29 (B) Was relieved or discharged from that service with either an honorable discharge or a gen-
30 eral discharge under honorable conditions; and

31 (C) Provides proof that the student has established a physical presence in Oregon within 12
32 months of being enrolled at the public university or community college;

33 (b) Was, or is the dependent of, a resident of Oregon who left the state within the previous five
34 years in order to serve, and who subsequently served, in the Armed Forces of the United States or
35 in an international position with the state, the federal government or a humanitarian aid organiza-
36 tion; or

37 (c)(A) Was, or is the dependent of, a resident of Oregon who left the state more than five years
38 ago in order to serve, and who subsequently served, in the Armed Forces of the United States or
39 in an international position with the state, the federal government or a humanitarian aid organiza-
40 tion; and

41 (B) Since leaving the state in the manner provided in subparagraph (A) of this paragraph, has
42 never established residence in another state.

43 (2) A person who served in the Armed Forces of the United States or in an international posi-
44 tion with the state, the federal government or a humanitarian aid organization and who receives
45 federal tuition benefits in excess of the tuition and fees the person is charged under subsection (1)

1 of this section at a public university listed in ORS 352.002 or a community college where the person
2 is enrolled shall pay tuition and fees equal to the federal tuition benefits received.

3 *[(3) Distance education and self-support courses as identified by each public university listed in*
4 *ORS 352.002 and community college are exempt from the tuition reduction provisions of this section.]*

5 **SECTION 3.** ORS 352.287 is amended to read:

6 352.287. (1) The governing board of a public university listed in ORS 352.002 shall exempt a
7 student who is not a citizen or a lawful permanent resident of the United States from paying non-
8 resident tuition and fees for enrollment as an undergraduate student and as a graduate student in
9 a degree program at a public university listed in ORS 352.002 if the student:

10 (a) During each of the three years immediately prior to receiving a high school diploma or a
11 modified diploma or leaving school before receiving a high school diploma or a modified diploma,
12 attended an elementary or a secondary school in this state;

13 (b) During each of the five years immediately prior to receiving a high school diploma or a
14 modified diploma or leaving school before receiving a high school diploma or a modified diploma,
15 attended an elementary or a secondary school in any state or territory of the United States, the
16 District of Columbia or the Commonwealth of Puerto Rico;

17 (c) Received a high school diploma or a modified diploma from a secondary school in this state
18 or received the equivalent of a high school diploma; and

19 (d) Shows intention to become a citizen or a lawful permanent resident of the United States by
20 submitting to the public university the student attends or plans to attend an official copy of the
21 student's application to register with a federal immigration program or federal deportation deferral
22 program or a statement of intent that the student will seek to obtain citizenship as permitted under
23 federal law.

24 (2) The governing board shall exempt a student who is financially dependent upon a person who
25 is not a citizen or a lawful permanent resident of the United States from paying nonresident tuition
26 and fees for enrollment as an undergraduate student and as a graduate student in a degree program
27 at a public university listed in ORS 352.002 if the student:

28 (a) During each of the three years immediately prior to receiving a high school diploma or a
29 modified diploma or leaving school before receiving a high school diploma or a modified diploma,
30 attended an elementary or a secondary school in this state and resided in this state with the person
31 upon whom the student is dependent;

32 (b) During each of the five years immediately prior to receiving a high school diploma or a
33 modified diploma or leaving school before receiving a high school diploma or a modified diploma,
34 attended an elementary or a secondary school in any state or territory of the United States, the
35 District of Columbia or the Commonwealth of Puerto Rico and resided with the person upon whom
36 the student is dependent;

37 (c) Received a high school diploma or a modified diploma from a secondary school in this state
38 or received the equivalent of a high school diploma; and

39 (d) For a student who is not already a citizen or lawful permanent resident of the United States,
40 shows intention to become a citizen or a lawful permanent resident of the United States by submit-
41 ting to the public university the student attends or plans to attend an official copy of the student's
42 application to register with a federal immigration program or federal deportation deferral program
43 or a statement of intent that the student will seek to obtain citizenship as permitted under federal
44 law.

45 (3) A student who is a citizen or a lawful permanent resident of the United States and who has

1 resided outside of Oregon for more than three years while serving in the Armed Forces of the
 2 United States, but who otherwise meets the requirements of subsection (1) or (2) of this section, shall
 3 qualify for exemption from nonresident tuition and fees for enrollment as an undergraduate student
 4 and a graduate student in a degree program at a public university listed in ORS 352.002 without
 5 having to reestablish residency in Oregon.

6 (4) A student who is a COFA islander and who has not previously established residence in any
 7 state or territory of the United States or the District of Columbia other than Oregon shall qualify
 8 for exemption from nonresident tuition and fees for enrollment as an undergraduate student and a
 9 graduate student in a degree program at a public university listed in ORS 352.002.

10 (5) A student who is a refugee or special immigrant visa holder and who has not previously es-
 11 tablished residence in any state or territory of the United States or the District of Columbia other
 12 than Oregon shall qualify for exemption from nonresident tuition and fees for enrollment as an
 13 undergraduate student and a graduate student in a degree program at a public university listed in
 14 ORS 352.002.

15 (6) The governing board shall adopt standards to implement the provisions of this section.

16 (7) Not later than July 1 of each year, the Higher Education Coordinating Commission shall
 17 report to the Speaker of the House of Representatives, the President of the Senate and the interim
 18 committees of the Legislative Assembly with subject matter authority over higher education, for the
 19 preceding academic year:

20 (a) The number of students that applied and were accepted into public universities under sub-
 21 sections (1) to (5) of this section; and

22 (b) The financial impact of subsections (1) to (5) of this section on public universities listed in
 23 ORS 352.002.

24 (8) A student who is not a citizen or a lawful permanent resident of the United States, or who
 25 is a refugee, special immigrant visa holder or COFA islander, is eligible to receive scholarships and
 26 other financial aid from public universities listed in ORS 352.002.

27 (9) As used in this section:

28 (a) "COFA islander" means an individual who legally entered the United States under a Com-
 29 pact of Free Association treaty between the United States and any of the following countries:

30 (A) The Republic of Palau;

31 (B) The Republic of the Marshall Islands; or

32 (C) The Federated States of Micronesia.

33 (b) "Refugee" means an individual who is granted refugee status for admission to the United
 34 States by the United States Citizenship and Immigration Services.

35 (c) "Special immigrant visa holder" means:

36 (A) An individual from Iraq or Afghanistan who was provided with the status of special immi-
 37 grant by the United States Department of Homeland Security under:

38 [(A)] (i) Section 1059(a) of the National Defense Authorization Act for Fiscal Year 2006, P.L.
 39 109-163, 119 Stat. 3444;

40 [(B)] (ii) Section 1244(b) of the Refugee Crisis in Iraq Act of 2007, P.L. 110-181, 122 Stat. 397;
 41 or

42 [(C)] (iii) Section 602(b) of the Afghan Allies Protection Act of 2009, P.L. 111-8, 123 Stat. 807[.];
 43 **or**

44 **(B) An individual who is granted humanitarian parole, asylum, conditional permanent**
 45 **residency or temporary protected status by the United States Department of Homeland Se-**

1 **curity or other federal agency.**

2
3 **CONTACT-SHARING REQUIREMENT**
4 **FOR GRADUATE STUDENT EMPLOYEES**

5
6 **SECTION 4.** (1) Each public university listed in ORS 352.002 shall develop a form for
7 graduate students enrolled at the public university who wish to be employed by the public
8 university that:

9 (a) Requires the graduate student to provide the contact information described in ORS
10 243.804 (4)(a)(B); and

11 (b) Waives any privacy rights to, and authorizes the public university to disclose, the
12 information described in paragraph (a) of this subsection.

13 (2) As a condition of employment, any graduate student who is employed by a public
14 university must:

15 (a) Provide the contact information described in subsection (1)(a) of this section; and

16 (b) Sign the consent described in subsection (1)(b) of this section to authorize the public
17 university to release the contact information that is part of the employment record.

18
19 **APPLICABILITY OF REQUIREMENT TO PROVIDE INFORMATION**
20 **ON PUBLIC SERVICE LOAN FORGIVENESS**

21
22 **SECTION 5.** ORS 329.756 is amended to read:

23 329.756. (1) As used in this section:

24 (a) "Education employer" means a public charter school, a school district, a **community college**
25 **operated under ORS chapter 341, a public university listed in ORS 352.002**, a tribal college, a
26 *community college*] or university, as defined in 20 U.S.C. 1059c(b)(3), as in effect on September 25,
27 2021, and any other governmental agency within this state that employs a teacher or a school nurse,
28 as defined in ORS 336.204, in a full-time capacity which, for the purposes of this paragraph, means
29 including within the calculation of full-time equivalent work hours every hour in which the teacher
30 or school nurse engages in instruction and at least 3.35 additional hours for each hour of instruc-
31 tion.

32 (b) "Public service loan forgiveness program" means the program under which the United States
33 Secretary of Education cancels the balance of interest and principal due on eligible federal direct
34 loans in accordance with the criteria specified under 20 U.S.C. 1087e(m) and 34 C.F.R. 685.219, both
35 as in effect on September 25, 2021.

36 (2)(a) An education employer shall provide all employees who qualify for a public service loan
37 forgiveness program with materials and assistance that:

38 (A) Increases awareness of the public service loan forgiveness program among eligible employ-
39 ees of the education employer; and

40 (B) Increases participation by employees in the public service loan forgiveness program.

41 (b) Materials described in paragraph (a) of this subsection may include, but are not limited to:

42 (A) Announcements and advertisements in an education employer's official publications and in
43 any electronic mail or social media messages the education employer sends to employees;

44 (B) Inserts or other messages in employee paychecks or payment instruments, to the extent
45 practicable; or

1 (C) Other periodic reminders in communications to employees.

2 (c) An education employer shall direct an employee, as part of the employee’s official duties, to
 3 become familiar with eligibility requirements, application procedures and other information about
 4 the public service loan forgiveness program and to provide assistance to other employees who re-
 5 quest assistance with determining the employees’ eligibility for and applications to the public service
 6 loan forgiveness program.

7
 8 **CREDIT TRANSFER REQUIREMENTS**

9
 10 **SECTION 6.** ORS 329.451 is amended to read:

11 329.451. (1)(a) At or before grade 12, a school district or public charter school shall award a high
 12 school diploma to a student who completes the requirements established by subsection (2) of this
 13 section.

14 (b) A school district or public charter school shall award a modified diploma to a student who
 15 satisfies the requirements established by subsection (7) of this section, an extended diploma to a
 16 student who satisfies the requirements established by subsection (8) of this section or an alternative
 17 certificate to a student who satisfies the requirements established by subsection (9) of this section.

18 (c) A school district or public charter school may not deny a student who has the documented
 19 history described in subsection (7)(b) or (8)(b) of this section the opportunity to pursue a diploma
 20 with more stringent requirements than a modified diploma or an extended diploma for the sole rea-
 21 son that the student has the documented history.

22 (d) A school district or public charter school may award a modified diploma or extended diploma
 23 to a student only upon receiving consent as provided by subsection (6) of this section.

24 (2)(a) In order to receive a high school diploma from a school district or public charter school,
 25 a student must satisfy the requirements established by the State Board of Education and the school
 26 district or public charter school and, while in grades 9 through 12, must complete at least:

- 27 (A) Twenty-four total credits;
- 28 (B) Three credits of mathematics; and
- 29 (C) Four credits of language arts.

30 (b) If a school district or public charter school requires a student to complete more than 24 total
 31 credits, as provided by paragraph (a)(A) of this subsection, the school district or public charter
 32 school may only require the student to complete additional credits for:

- 33 (A) Subjects for which the State Board of Education has established academic content standards
 34 under ORS 329.045;
- 35 (B) Courses provided as part of a career and technical education program; or
- 36 (C) Courses that provide, or qualify to provide, credit at post-secondary institutions of education.

37 (c)(A) A school district or public charter school that requires students to satisfy any require-
 38 ments not specified by paragraph (a) of this subsection or by rule of the State Board of Education
 39 must grant to a student a waiver of the requirements established by the school district or public
 40 charter school if the student is or, at any time from grade 9 to 12, was:

- 41 (i) A foster child, as defined in ORS 30.297;
- 42 (ii) Homeless, as determined under rules adopted by the State Board of Education based on
 43 standards adopted by the Department of Human Services;
- 44 (iii) A runaway, as determined under rules adopted by the State Board of Education based on
 45 standards adopted by the Department of Human Services;

1 (iv) A child in a military family covered by the Interstate Compact on Educational Opportunity
2 for Military Children, as determined under rules adopted by the State Board of Education;

3 (v) A child of a migrant worker, as determined under rules adopted by the State Board of Edu-
4 cation; or

5 (vi) Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education
6 Program.

7 (B)(i) For any student identified under subparagraph (A) of this paragraph, a school district or
8 public charter school must accept any credits earned by the student in [*another school district or*
9 *public charter school*] **an educational program in this state** and apply those credits toward re-
10 quirements specified by paragraph (a) of this subsection or by rule of the State Board of Education
11 if the credits satisfied those requirements in that [*other school district or public charter school.*] **ed-**
12 **ucational program in this state.**

13 (ii) **As used in this subparagraph, “educational program in this state” means an educa-**
14 **tional program that is:**

15 (I) **Provided by a school district, a public charter school, the Youth Corrections Educa-**
16 **tion Program or the Juvenile Detention Education Program; or**

17 (II) **Funded as provided by ORS 343.243 for students in a long term care or treatment**
18 **facility described in ORS 343.961 or a hospital identified in ORS 343.261.**

19 (3) A student providing work samples to demonstrate proficiency in Essential Learning Skills
20 as may be required under subsection (2) of this section must be allowed to use accommodations de-
21 scribed in the student’s individualized education program or the student’s plan developed in ac-
22 cordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794. As used in this
23 subsection, the term “accommodations”:

24 (a) Includes, but is not limited to:

25 (A) Additional time to demonstrate proficiency.

26 (B) The ability to demonstrate proficiency in an alternative location that is secure and
27 proctored.

28 (C) The use of text-to-speech or speech-to-text technology or other assistive technology.

29 (b) Does not include modifications that lower the proficiency standards or that are used solely
30 to earn modified credit.

31 (4) A student may satisfy the requirements of subsection (2) of this section in less than four
32 years. If a student satisfies the requirements of subsection (2) of this section and a school district
33 or public charter school has received consent as provided by subsection (6) of this section, the
34 school district or public charter school shall award a high school diploma to the student.

35 (5) If a school district or public charter school has received consent as provided by subsection
36 (6) of this section, the school district or public charter school may advance the student to the next
37 grade level if the student has satisfied the requirements for the student’s current grade level.

38 (6)(a) For the purpose of receiving consent as provided by subsections (1)(d), (4) and (5) of this
39 section, consent shall be provided by:

40 (A) The parent or guardian of the student, if the student:

41 (i) Is under 18 years of age and is not emancipated pursuant to ORS 419B.550 to 419B.558; or

42 (ii) Has been determined not to have the ability to give informed consent regarding the student’s
43 education pursuant to a protective proceeding under ORS chapter 125; or

44 (B) The student, if the student is 18 years of age or older or is emancipated pursuant to ORS
45 419B.550 to 419B.558.

1 (b) For the purpose of awarding a modified diploma or extended diploma as provided by sub-
2 section (1)(d) of this section or of awarding a high school diploma as provided by subsection (4) of
3 this section, consent must be received during the school year for which the diploma will be awarded.

4 (7) A school district or public charter school shall award a modified diploma only to students
5 who have demonstrated the inability to meet the full set of academic content standards for a high
6 school diploma with reasonable modifications and accommodations. To be eligible for a modified di-
7 ploma, a student must:

8 (a) Satisfy the requirements for a modified diploma established by the State Board of Education;
9 and

10 (b) Have a documented history of an inability to maintain grade level achievement due to sig-
11 nificant learning and instructional barriers or have a documented history of a medical condition that
12 creates a barrier to achievement.

13 (8) A school district or public charter school shall award an extended diploma only to students
14 who have demonstrated the inability to meet the full set of academic content standards for a high
15 school diploma with reasonable modifications and accommodations. To be eligible for an extended
16 diploma, a student must:

17 (a) While in grade nine through completion of high school, complete 12 credits, which may not
18 include more than six credits earned in a self-contained special education classroom and shall in-
19 clude:

20 (A) Two credits of mathematics;

21 (B) Two credits of language arts;

22 (C) Two credits of science;

23 (D) Three credits of history, geography, economics or civics;

24 (E) One credit of health;

25 (F) One credit of physical education; and

26 (G) One credit of the arts or a world language; and

27 (b) Have a documented history of:

28 (A) An inability to maintain grade level achievement due to significant learning and instruc-
29 tional barriers;

30 (B) A medical condition that creates a barrier to achievement; or

31 (C) A change in the student's ability to participate in grade level activities as a result of a se-
32 rious illness or injury that occurred after grade eight.

33 (9) A school district or public charter school shall award an alternative certificate to a student
34 who does not satisfy the requirements for a high school diploma, a modified diploma or an extended
35 diploma if the student meets requirements established by the board of the school district or public
36 charter school.

37 (10) A student shall have the opportunity to satisfy the requirements of subsection (7), (8) or (9)
38 of this section by the later of:

39 (a) Four years after starting grade nine; or

40 (b) The student reaching the age of 21 years, if the student is entitled to a public education until
41 the age of 21 years under state or federal law.

42 (11)(a) A student may satisfy the requirements described in subsection (7), (8) or (9) of this sec-
43 tion in less than four years if consent is provided in the manner described in subsection (6)(a) of this
44 section.

45 (b) The consent provided under this subsection must be written and must clearly state that the

1 parent, guardian or student is waiving the time allowed under subsection (10) of this section. A
2 consent may not be used to allow a student to satisfy the requirements of subsection (7), (8) or (9)
3 of this section in less than three years.

4 (c) A copy of all consents provided under this subsection for students in a school district must
5 be forwarded to the district superintendent.

6 (d) Each school district must provide to the Superintendent of Public Instruction information
7 about the number of consents provided during a school year.

8 (12)(a) A student who qualifies to receive or receives a modified diploma, an extended diploma
9 or an alternative certificate shall:

10 (A) Have the option of participating in a high school graduation ceremony with the class of the
11 student; and

12 (B) Have access to instructional hours, hours of transition services and hours of other services
13 that are designed to:

14 (i) Meet the unique needs of the student; and

15 (ii) When added together, provide a total number of hours of instruction and services to the
16 student that equals at least the total number of instructional hours that is required to be provided
17 to students who are attending a public high school.

18 (b)(A) The number of instructional hours, hours of transition services and hours of other ser-
19 vices that are appropriate for a student shall be determined by the student's individualized education
20 program team. Based on the student's needs and performance level, the student's individualized ed-
21 ucation program team may decide that the student will not access the total number of hours of in-
22 struction and services to which the student has access under paragraph (a)(B) of this subsection.

23 (B) A school district may not unilaterally decrease the total number of hours of instruction and
24 services to which the student has access under paragraph (a)(B) of this subsection, regardless of the
25 age of the student.

26 (c) If a student's individualized education program team decides that the student will not access
27 the total number of hours of instruction and services to which the student has access under para-
28 graph (a)(B) of this subsection, the school district shall annually:

29 (A) Provide the following information in writing to the parent or guardian of the student:

30 (i) The school district's duty to comply with the requirements of paragraph (a)(B) of this sub-
31 section; and

32 (ii) The prohibition against a school district's unilaterally decreasing the total number of hours
33 of instruction and services to which the student has access.

34 (B) Obtain a signed acknowledgment from the parent or guardian of the student that the parent
35 or guardian received the information described in subparagraph (A) of this paragraph.

36 (C) Include in the individualized education program for the student a written statement that
37 explains the reasons the student is not accessing the total number of hours of instruction and ser-
38 vices to which the student has access under paragraph (a)(B) of this subsection.

39 (d) For purposes of paragraph (a)(B) of this subsection, transition services and other services
40 designed to meet the unique needs of the student may be provided to the student through an inter-
41 agency agreement entered into by the school district if the individualized education program devel-
42 oped for the student indicates that the services may be provided by another agency. A school
43 district that enters into an interagency agreement as allowed under this paragraph retains the re-
44 sponsibility for ensuring that the student has access to the number of service hours required to be
45 provided to the student under this subsection. An agency is not required to change any eligibility

1 criteria or enrollment standards prior to entering into an interagency agreement as provided by this
2 paragraph.

3 (13) A school district or public charter school shall:

4 (a) Ensure that students have on-site access to the appropriate resources to achieve a high
5 school diploma, a modified diploma, an extended diploma or an alternative certificate at each high
6 school in the school district or at the public charter school.

7 (b) Provide literacy instruction to all students until graduation.

8 (c) Annually provide, to the parents or guardians of a student who has the documented history
9 described in subsection (8)(b) of this section, information about the availability of a modified di-
10 ploma, an extended diploma and an alternative certificate and the requirements for the diplomas and
11 certificate:

12 (A) Beginning in grade five; or

13 (B) Beginning after a documented history described in subsection (8)(b) of this section has been
14 established.

15 (14) A school district or public charter school shall allow a student to participate in the high
16 school graduation ceremony with the class of the student and to wear:

17 (a) Native American items of cultural significance as provided by ORS 332.112; or

18 (b) A dress uniform issued to the student by a branch of the Armed Forces of the United States
19 if the student:

20 (A) Qualifies to receive a high school diploma, a modified diploma, an extended diploma or an
21 alternative certificate under this section; and

22 (B) Has completed basic training for, and is an active member of, a branch of the Armed Forces
23 of the United States.

24 **SECTION 7.** ORS 329.451, as amended by section 1, chapter 175, Oregon Laws 2021, is amended
25 to read:

26 329.451. (1)(a) At or before grade 12, a school district or public charter school shall award a high
27 school diploma to a student who completes the requirements established by subsection (2) of this
28 section.

29 (b) A school district or public charter school shall award a modified diploma to a student who
30 satisfies the requirements established by subsection (7) of this section, an extended diploma to a
31 student who satisfies the requirements established by subsection (8) of this section or an alternative
32 certificate to a student who satisfies the requirements established by subsection (9) of this section.

33 (c) A school district or public charter school may not deny a student who has the documented
34 history described in subsection (7)(b) or (8)(b) of this section the opportunity to pursue a diploma
35 with more stringent requirements than a modified diploma or an extended diploma for the sole rea-
36 son that the student has the documented history.

37 (d) A school district or public charter school may award a modified diploma or extended diploma
38 to a student only upon receiving consent as provided by subsection (6) of this section.

39 (2)(a) In order to receive a high school diploma from a school district or public charter school,
40 a student must satisfy the requirements established by the State Board of Education and the school
41 district or public charter school and, while in grades 9 through 12, must complete at least 24 total
42 credits, which must include at least:

43 (A) Three credits of mathematics;

44 (B) Four credits of language arts; and

45 (C) One half-credit of civics.

1 (b) If a school district or public charter school requires a student to complete more than 24 total
 2 credits, as provided by paragraph (a) of this subsection, the school district or public charter school
 3 may only require the student to complete additional credits for:

4 (A) Subjects for which the State Board of Education has established academic content standards
 5 under ORS 329.045;

6 (B) Courses provided as part of a career and technical education program; or

7 (C) Courses that provide, or qualify to provide, credit at post-secondary institutions of education.

8 (c)(A) A school district or public charter school that requires students to satisfy any require-
 9 ments not specified by paragraph (a) of this subsection or by rule of the State Board of Education
 10 must grant to a student a waiver of the requirements established by the school district or public
 11 charter school if the student is or, at any time from grade 9 to 12, was:

12 (i) A foster child, as defined in ORS 30.297;

13 (ii) Homeless, as determined under rules adopted by the State Board of Education based on
 14 standards adopted by the Department of Human Services;

15 (iii) A runaway, as determined under rules adopted by the State Board of Education based on
 16 standards adopted by the Department of Human Services;

17 (iv) A child in a military family covered by the Interstate Compact on Educational Opportunity
 18 for Military Children, as determined under rules adopted by the State Board of Education;

19 (v) A child of a migrant worker, as determined under rules adopted by the State Board of Edu-
 20 cation; or

21 (vi) Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education
 22 Program.

23 (B)(i) For any student identified under subparagraph (A) of this paragraph, a school district or
 24 public charter school must accept any credits earned by the student in [*another school district or*
 25 *public charter school*] **an educational program in this state** and apply those credits toward re-
 26 quirements specified by paragraph (a) of this subsection or by rule of the State Board of Education
 27 if the credits satisfied those requirements in that [*other school district or public charter school.*] **ed-**
 28 **ucational program in this state.**

29 (ii) **As used in this subparagraph, “educational program in this state” means an educa-**
 30 **tional program that is:**

31 (I) **Provided by a school district, a public charter school, the Youth Corrections Educa-**
 32 **tion Program or the Juvenile Detention Education Program; or**

33 (II) **Funded as provided by ORS 343.243 for students in a long term care or treatment**
 34 **facility described in ORS 343.961 or a hospital identified in ORS 343.261.**

35 (3) A student providing work samples to demonstrate proficiency in Essential Learning Skills
 36 as may be required under subsection (2) of this section must be allowed to use accommodations de-
 37 scribed in the student’s individualized education program or the student’s plan developed in ac-
 38 cordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794. As used in this
 39 subsection, the term “accommodations”:

40 (a) Includes, but is not limited to:

41 (A) Additional time to demonstrate proficiency.

42 (B) The ability to demonstrate proficiency in an alternative location that is secure and
 43 proctored.

44 (C) The use of text-to-speech or speech-to-text technology or other assistive technology.

45 (b) Does not include modifications that lower the proficiency standards or that are used solely

1 to earn modified credit.

2 (4) A student may satisfy the requirements of subsection (2) of this section in less than four
3 years. If a student satisfies the requirements of subsection (2) of this section and a school district
4 or public charter school has received consent as provided by subsection (6) of this section, the
5 school district or public charter school shall award a high school diploma to the student.

6 (5) If a school district or public charter school has received consent as provided by subsection
7 (6) of this section, the school district or public charter school may advance the student to the next
8 grade level if the student has satisfied the requirements for the student's current grade level.

9 (6)(a) For the purpose of receiving consent as provided by subsections (1)(d), (4) and (5) of this
10 section, consent shall be provided by:

11 (A) The parent or guardian of the student, if the student:

12 (i) Is under 18 years of age and is not emancipated pursuant to ORS 419B.550 to 419B.558; or

13 (ii) Has been determined not to have the ability to give informed consent regarding the student's
14 education pursuant to a protective proceeding under ORS chapter 125; or

15 (B) The student, if the student is 18 years of age or older or is emancipated pursuant to ORS
16 419B.550 to 419B.558.

17 (b) For the purpose of awarding a modified diploma or extended diploma as provided by sub-
18 section (1)(d) of this section or of awarding a high school diploma as provided by subsection (4) of
19 this section, consent must be received during the school year for which the diploma will be awarded.

20 (7) A school district or public charter school shall award a modified diploma only to students
21 who have demonstrated the inability to meet the full set of academic content standards for a high
22 school diploma with reasonable modifications and accommodations. To be eligible for a modified di-
23 ploma, a student must:

24 (a) Satisfy the requirements for a modified diploma established by the State Board of Education;
25 and

26 (b) Have a documented history of an inability to maintain grade level achievement due to sig-
27 nificant learning and instructional barriers or have a documented history of a medical condition that
28 creates a barrier to achievement.

29 (8) A school district or public charter school shall award an extended diploma only to students
30 who have demonstrated the inability to meet the full set of academic content standards for a high
31 school diploma with reasonable modifications and accommodations. To be eligible for an extended
32 diploma, a student must:

33 (a) While in grade nine through completion of high school, complete 12 credits, which may not
34 include more than six credits earned in a self-contained special education classroom and shall in-
35 clude:

36 (A) Two credits of mathematics;

37 (B) Two credits of language arts;

38 (C) Two credits of science;

39 (D) Three credits of history, geography, economics or civics;

40 (E) One credit of health;

41 (F) One credit of physical education; and

42 (G) One credit of the arts or a world language; and

43 (b) Have a documented history of:

44 (A) An inability to maintain grade level achievement due to significant learning and instruc-
45 tional barriers;

1 (B) A medical condition that creates a barrier to achievement; or

2 (C) A change in the student's ability to participate in grade level activities as a result of a se-
 3 rious illness or injury that occurred after grade eight.

4 (9) A school district or public charter school shall award an alternative certificate to a student
 5 who does not satisfy the requirements for a high school diploma, a modified diploma or an extended
 6 diploma if the student meets requirements established by the board of the school district or public
 7 charter school.

8 (10) A student shall have the opportunity to satisfy the requirements of subsection (7), (8) or (9)
 9 of this section by the later of:

10 (a) Four years after starting grade nine; or

11 (b) The student reaching the age of 21 years, if the student is entitled to a public education until
 12 the age of 21 years under state or federal law.

13 (11)(a) A student may satisfy the requirements described in subsection (7), (8) or (9) of this sec-
 14 tion in less than four years if consent is provided in the manner described in subsection (6)(a) of this
 15 section.

16 (b) The consent provided under this subsection must be written and must clearly state that the
 17 parent, guardian or student is waiving the time allowed under subsection (10) of this section. A
 18 consent may not be used to allow a student to satisfy the requirements of subsection (7), (8) or (9)
 19 of this section in less than three years.

20 (c) A copy of all consents provided under this subsection for students in a school district must
 21 be forwarded to the district superintendent.

22 (d) Each school district must provide to the Superintendent of Public Instruction information
 23 about the number of consents provided during a school year.

24 (12)(a) A student who qualifies to receive or receives a modified diploma, an extended diploma
 25 or an alternative certificate shall:

26 (A) Have the option of participating in a high school graduation ceremony with the class of the
 27 student; and

28 (B) Have access to instructional hours, hours of transition services and hours of other services
 29 that are designed to:

30 (i) Meet the unique needs of the student; and

31 (ii) When added together, provide a total number of hours of instruction and services to the
 32 student that equals at least the total number of instructional hours that is required to be provided
 33 to students who are attending a public high school.

34 (b)(A) The number of instructional hours, hours of transition services and hours of other ser-
 35 vices that are appropriate for a student shall be determined by the student's individualized education
 36 program team. Based on the student's needs and performance level, the student's individualized ed-
 37 ucation program team may decide that the student will not access the total number of hours of in-
 38 struction and services to which the student has access under paragraph (a)(B) of this subsection.

39 (B) A school district may not unilaterally decrease the total number of hours of instruction and
 40 services to which the student has access under paragraph (a)(B) of this subsection, regardless of the
 41 age of the student.

42 (c) If a student's individualized education program team decides that the student will not access
 43 the total number of hours of instruction and services to which the student has access under para-
 44 graph (a)(B) of this subsection, the school district shall annually:

45 (A) Provide the following information in writing to the parent or guardian of the student:

1 (i) The school district’s duty to comply with the requirements of paragraph (a)(B) of this sub-
 2 section; and

3 (ii) The prohibition against a school district’s unilaterally decreasing the total number of hours
 4 of instruction and services to which the student has access.

5 (B) Obtain a signed acknowledgment from the parent or guardian of the student that the parent
 6 or guardian received the information described in subparagraph (A) of this paragraph.

7 (C) Include in the individualized education program for the student a written statement that
 8 explains the reasons the student is not accessing the total number of hours of instruction and ser-
 9 vices to which the student has access under paragraph (a)(B) of this subsection.

10 (d) For purposes of paragraph (a)(B) of this subsection, transition services and other services
 11 designed to meet the unique needs of the student may be provided to the student through an inter-
 12 agency agreement entered into by the school district if the individualized education program devel-
 13 oped for the student indicates that the services may be provided by another agency. A school
 14 district that enters into an interagency agreement as allowed under this paragraph retains the re-
 15 sponsibility for ensuring that the student has access to the number of service hours required to be
 16 provided to the student under this subsection. An agency is not required to change any eligibility
 17 criteria or enrollment standards prior to entering into an interagency agreement as provided by this
 18 paragraph.

19 (13) A school district or public charter school shall:

20 (a) Ensure that students have on-site access to the appropriate resources to achieve a high
 21 school diploma, a modified diploma, an extended diploma or an alternative certificate at each high
 22 school in the school district or at the public charter school.

23 (b) Provide literacy instruction to all students until graduation.

24 (c) Annually provide, to the parents or guardians of a student who has the documented history
 25 described in subsection (8)(b) of this section, information about the availability of a modified di-
 26 ploma, an extended diploma and an alternative certificate and the requirements for the diplomas and
 27 certificate:

28 (A) Beginning in grade five; or

29 (B) Beginning after a documented history described in subsection (8)(b) of this section has been
 30 established.

31 (14) A school district or public charter school shall allow a student to participate in the high
 32 school graduation ceremony with the class of the student and to wear:

33 (a) Native American items of cultural significance as provided by ORS 332.112; or

34 (b) A dress uniform issued to the student by a branch of the Armed Forces of the United States
 35 if the student:

36 (A) Qualifies to receive a high school diploma, a modified diploma, an extended diploma or an
 37 alternative certificate under this section; and

38 (B) Has completed basic training for, and is an active member of, a branch of the Armed Forces
 39 of the United States.

40
 41 **PROVISION OF MENSTRUAL PRODUCTS TO STUDENTS**

42
 43 **SECTION 8.** ORS 326.545, as operative until July 1, 2022, is amended to read:

44 326.545. (1) As used in this section:

45 (a) “Public education provider” means:

- 1 (A) A school district;
- 2 (B) A public charter school;
- 3 (C) An education service district;
- 4 (D) A community college; or
- 5 (E) A public university listed in ORS 352.002.

6 (b) “Public school building” means a building used by a public education provider to provide
7 educational services to students.

8 (c) “Student bathroom” means a bathroom that is accessible by students, including a gender-
9 neutral bathroom, a bathroom designated for females and a bathroom designated for males.

10 (2)(a) Each public education provider shall ensure that both tampons and sanitary pads are
11 available at no cost to students through dispensers located in at least two student bathrooms of
12 every public school building.

13 (b) Notwithstanding paragraph (a) of this subsection, if a public school building has only one
14 student bathroom, both tampons and sanitary pads must be available at no cost to students through
15 dispensers located in that bathroom.

16 (3) A public education provider, and any employee of a public education provider, is not liable
17 in a criminal action or for civil damages as a result of a student’s use of a tampon or sanitary pad
18 made available under this section.

19 (4) The State Board of Education and the Higher Education Coordinating Commission shall
20 adopt any rules necessary for the administration of this section. Rules adopted by the board and
21 commission shall provide for:

- 22 (a) The number of dispensers required in each student bathroom;
- 23 (b) The types of products available in each student bathroom; *[and]*

24 (c) **Modifications to or exemptions from the requirements of this section for the pro-**
25 **grams of a public education provider that:**

26 (A) **Provide early childhood care or learning to preschool children; or**

27 (B) **Provide education or other services to students for whom the requirements of this**
28 **section may be a threat to the health or safety of the students; and**

29 *[(c)]* (d) Payments to public education providers for costs incurred under this section, including:

30 (A) For school districts, public charter schools and education service districts and subject to
31 subparagraph (B) of this paragraph, distributions from amounts available under ORS 327.008 (18) to
32 be made based on the average daily membership, as defined in ORS 327.006, of the district or school;

33 (B) For education service districts, distributions to be made as provided by subparagraph (A)
34 of this paragraph may not exceed 7.5 percent of the amounts available for distribution under ORS
35 327.008 (18);

36 (C) For community colleges, distributions from the Community College Support Fund to be made
37 based on the full-time equivalent student enrollment of the community college; and

38 (D) For public universities, distributions from a public university support fund established by the
39 commission by rule.

40 **SECTION 9.** ORS 326.545 is amended to read:

41 326.545. (1) As used in this section:

42 (a) “Public education provider” means:

- 43 (A) A school district;
- 44 (B) A public charter school;
- 45 (C) An education service district;

1 (D) A community college; or

2 (E) A public university listed in ORS 352.002.

3 (b) “Public school building” means a building used by a public education provider to provide
4 educational services to students.

5 (c) “Student bathroom” means a bathroom that is accessible by students, including a gender-
6 neutral bathroom, a bathroom designated for females and a bathroom designated for males.

7 (2) Each public education provider shall ensure that both tampons and sanitary pads are avail-
8 able at no cost to students through dispensers located in every student bathroom of every public
9 school building.

10 (3) A public education provider, and any employee of a public education provider, is not liable
11 in a criminal action or for civil damages as a result of a student’s use of a tampon or sanitary pad
12 made available under this section.

13 (4) The State Board of Education and the Higher Education Coordinating Commission shall
14 adopt any rules necessary for the administration of this section. Rules adopted by the board and
15 commission shall provide for:

16 (a) The number of dispensers required in each student bathroom;

17 (b) The types of products available in each student bathroom; *[and]*

18 (c) **Modifications to or exemptions from the requirements of this section for the pro-**
19 **grams of a public education provider that:**

20 **(A) Provide early childhood care or learning to preschool children; or**

21 **(B) Provide education or other services to students for whom the requirements of this**
22 **section may be a threat to the health or safety of the students; and**

23 *[(c)]* **(d)** Payments to public education providers for costs incurred under this section, including:

24 (A) For school districts, public charter schools and education service districts and subject to
25 subparagraph (B) of this paragraph, distributions from amounts available under ORS 327.008 (18) to
26 be made based on the average daily membership, as defined in ORS 327.006, of the district or school;

27 (B) For education service districts, distributions to be made as provided by subparagraph (A)
28 of this paragraph may not exceed 7.5 percent of the amounts available for distribution under ORS
29 327.008 (18);

30 (C) For community colleges, distributions from the Community College Support Fund to be made
31 based on the full-time equivalent student enrollment of the community college; and

32 (D) For public universities, distributions from a public university support fund established by the
33 commission by rule.

34
35 **PARTICIPATION IN INTERSCHOLASTIC ACTIVITIES**

36
37 **SECTION 10.** ORS 339.460 is amended to read:

38 339.460. (1) As used in this section:

39 (a) [*“GED program”*] **“High school equivalency program”** means a program provided [*by a*
40 *school district or an education service district*] to assist a student in earning a **certificate for pass-**
41 **ing an approved high school equivalency test such as the** General Educational Development
42 (GED) [*certificate*] **test.**

43 (b) [*“GED student”*] **“High school equivalency student”** means a student who is eligible to at-
44 tend school under ORS 339.115 (1) and who is enrolled in a [*GED*] **high school equivalency pro-**
45 **gram.**

1 (c) “Homeschooled student” means a child who is taught by a private teacher, a parent or a
2 legal guardian, as described in ORS 339.030.

3 (d) “Interscholastic activities” includes:

4 (A) For students in any grade from kindergarten through grade 12, athletics, music, speech and
5 other similar or related activities.

6 (B) For students in any grade from kindergarten through grade eight, activities that are offered
7 only before or after regular school hours and that may, but are not required to, involve interaction
8 among other schools.

9 (e) “Public charter school” has the meaning given that term in ORS 338.005.

10 (2) A school district may not deny a *[GED]* **high school equivalency** student, a homeschooled
11 student or a student who attends a public charter school that does not provide interscholastic ac-
12 tivities the opportunity to participate in all interscholastic activities available in the school district
13 within the attendance boundaries in which the *[GED]* **high school equivalency** student,
14 homeschooled student or public charter school student resides if the student fulfills the following
15 conditions, as applicable:

16 (a)(A) For a *[GED]* **high school equivalency** student or a homeschooled student, the student
17 must meet all school district eligibility requirements except:

18 (i) The school district’s school or class attendance requirements; and

19 (ii) The class requirements of the voluntary association that administers the interscholastic ac-
20 tivity, if applicable.

21 (B) For a student who attends a public charter school, the student must meet all school district
22 eligibility requirements except the school district’s school or class attendance requirements.

23 (b) For a homeschooled student or a student who attends a public charter school, the student
24 must meet one of these requirements:

25 (A) Achieve a minimum score that places the student at or above the 23rd percentile, based on
26 national norms, on an examination from the list the State Board of Education adopts under ORS
27 339.035. The student must take the examination *[at the end of each school year]* **prior to the be-**
28 **ginning of the school year in which the student will participate in an interscholastic activity**
29 **and for which academic eligibility is being determined**, and the student’s parent or legal guard-
30 ian must submit the results to the school district for use in determining **the student’s academic**
31 eligibility for the *[following]* **subsequent school** year.

32 (B) Meet alternative requirements that a school district adopts, in consultation with the
33 student’s parent or legal guardian, to participate in interscholastic activities, including but not
34 limited to a requirement that a student submit a portfolio of work samples to a school district
35 committee for review to determine whether the student is eligible to participate in interscholastic
36 activities.

37 (c) For a *[GED]* **high school equivalency** student, the student must demonstrate that, prior to
38 beginning the interscholastic activity, the student has passed at least one practice test administered
39 through the *[GED]* **high school equivalency** program.

40 (3)(a) In addition to the requirements set forth in subsection (2) of this section, a public charter
41 school that enrolls a student who intends to participate in an interscholastic activity must pay to
42 the school district or school that offers the interscholastic activity, as appropriate and if the school
43 district or school requires payment as provided by this subsection:

44 (A) An annual fee that is equivalent to not more than five percent of the amount of the school
45 district’s General Purpose Grant per ADMw, as calculated under ORS 327.013; and

1 (B) An additional annual fee that is equivalent to not more than five percent of the amount of
 2 the school district's General Purpose Grant per ADMw, as calculated under ORS 327.013, if partic-
 3 ipating in the interscholastic activity requires the student to enroll in a course for credit.

4 (b) The school district and the public charter school shall enter into an agreement to specify the
 5 amount of the fees described in paragraph (a) of this subsection.

6 (c) A public charter school is required to pay a fee described in paragraph (a) of this subsection
 7 only once per year per student participating in an interscholastic activity at a school in the school
 8 district, regardless of the number of interscholastic activities in which the student participates.

9 (4) A **[GED] high school equivalency** student, a homeschooled student or a student who attends
 10 a public charter school may participate in interscholastic activities while awaiting examination or
 11 practice test results.

12 (5)(a) **Except as provided by paragraph (b) of this subsection, a [GED] high school equiv-**
 13 **alency** student, a homeschooled student or a student who attends a public charter school who does
 14 not maintain academic eligibility is ineligible to participate in interscholastic activities for [*the du-*
 15 *ration of*] the school year in which the student **is determined to be academically ineligible.** [*be-*
 16 *comes academically ineligible and for the following year. The student must take the required*
 17 *examinations or practice tests at the end of the second year and meet the standards described in sub-*
 18 *section (2)(b) or (c) of this section to become eligible for the third year.*]

19 (b) **A student is no longer determined to be academically ineligible to participate in**
 20 **interscholastic activities during a school year if, at any time during the school year, the**
 21 **student takes the required examinations or practice tests and meets the standards described**
 22 **in subsection (2)(b) or (c) of this section.**

23 (6)(a) A **[GED] high school equivalency** student, a homeschooled student or a student who at-
 24 tends a public charter school must fulfill the same responsibilities and standards of behavior and
 25 performance, including related class or practice requirements, as other students who participate in
 26 the interscholastic activity. The student must also comply with all public school requirements during
 27 the time of participation.

28 (b) A student who attends a public charter school must be allowed to participate in an inter-
 29 scholastic activity in the same manner that a resident of the school district may participate in the
 30 interscholastic activity. A school district may not give priority to residents of the school district to
 31 participate in interscholastic activities, but may require a student who attends a public charter
 32 school to satisfy any standards for acceptance for participation.

33 (7) A **[GED] high school equivalency** student, a homeschooled student or a student who attends
 34 a public charter school who participates in interscholastic activities must reside within the attend-
 35 ance boundaries of the school at which the student participates unless the school district has a
 36 policy that allows any student attending a school of the school district to participate in interscho-
 37 lastic activities at any school of the school district.

38 **SECTION 11.** ORS 339.450 is amended to read:

39 339.450. A school, school district or association, whether public or private, may not deny any
 40 grade or high school student the right to participate in interscholastic athletics solely on the ground
 41 that the student:

42 (1) Transferred between schools;

43 (2) Attends a public charter school, as defined in ORS 338.005;

44 (3) Participated in athletics at another school; or

45 (4) Is eligible to attend school under ORS 339.115 (1) and is enrolled in a program [*provided by*

1 *a school district or an education service district to earn a General Educational Development (GED)*
2 *certificate] to earn a certificate for passing an approved high school equivalency test, such as*
3 **the General Educational Development (GED) test.**

4
5 **CAPTIONS**

6
7 **SECTION 12. The unit captions used in this 2022 Act are provided only for the conven-**
8 **ience of the reader and do not become part of the statutory law of this state or express any**
9 **legislative intent in the enactment of this 2022 Act.**

10
11 **EMERGENCY CLAUSE**

12
13 **SECTION 13. This 2022 Act being necessary for the immediate preservation of the public**
14 **peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect**
15 **on its passage.**