

Requested by SENATE COMMITTEE ON EDUCATION

**PROPOSED AMENDMENTS TO
SENATE BILL 1522**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the
2 line and delete line 3 and insert “326.545, 326.700, 329.451, 329.496, 329.756,
3 336.585, 336.590, 338.135, 339.450, 339.460, 341.522, 350.290, 350.355, 350.426,
4 352.287, 475C.097, 475C.101, 475C.105, 475C.833, 475C.840 and 475C.847; and
5 declaring an emergency.”.

6 Delete lines 6 through 18 and delete pages 2 through 20 and insert:

7

8 **“TRANSFER COUNCIL MEMBERSHIP**

9

10 **“SECTION 1.** ORS 350.426 is amended to read:

11 “350.426. (1) The Transfer Council is established, consisting of 15 voting
12 members, appointed by the Higher Education Coordinating Commission, and
13 one nonvoting, ex officio member.

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

19 “(a) Five academic officers, two of whom are currently employed at a
20 public university, two of whom are currently employed at a community col-
21 lege and one of whom is currently employed at a public high school in this

1 state;

2 “(b) Four faculty members, two of whom are currently employed at a
3 public university and two of whom are currently employed at a community
4 college;

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

8 “(d) Two individuals who specialize in assisting students who transfer
9 between institutions, one of whom is currently employed at a public univer-
10 sity and one of whom is currently employed at a community college; and

11 “(e) Three students, one of whom is currently enrolled at a public uni-
12 versity, one of whom is currently enrolled at a community college and one
13 of whom is currently enrolled at a high school in this state.

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

16 “(4)(a) The term of office of each voting member of the council is two
17 years. Before the expiration of the term of a member, the commission shall
18 appoint a successor. A member is eligible for reappointment.

19 “(b) In order to serve as a member of the council, an individual must at
20 all times meet the qualifications for the appointment. If at any time a mem-
21 ber fails to meet the qualifications for the member’s appointment, the posi-
22 tion is vacant.

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

25 “(5)(a) The council:

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

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

1 “(b) For a subcommittee established under this subsection that will make
2 recommendations to the council on a subject that will be submitted by the
3 council to the commission under ORS 350.429 (1)(d)(A) to (D), the council
4 may appoint any faculty member who is employed by a public university
5 listed in ORS 352.002 or a community college operated under ORS chapter
6 341, provided that the subcommittee consists of equal numbers of faculty
7 from public universities and community colleges.

8 “(c) For a subcommittee established under this subsection that will not
9 make recommendations to the council on a subject that will be submitted by
10 the council to the commission under ORS 350.429 (1)(d)(A) to (D), the council
11 may appoint any individual employed by a public university listed in ORS
12 352.002 or a community college operated under ORS chapter 341, including
13 faculty, registrars, academic advisors and academic administrators.

14 “(d) Appointment to a subcommittee established under this subsection
15 does not entitle an individual to vote as a member of the council.

16 “(6)(a) A majority of the voting members of the council constitutes a
17 quorum for the transaction of business.

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

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

24 “(c) Two or more voting members of the council who disagree with rec-
25 ommendations that are submitted to the commission under ORS 350.429
26 (1)(d)(A) to (D) may jointly submit a minority report to the commission that
27 contains alternate recommendations. A minority report created under this
28 paragraph shall be submitted to the commission with the majority recom-
29 mendations.

30 “(7)(a) A majority of the members of a subcommittee established under

1 subsection (5) of this section constitutes a quorum for the transaction of
2 business of the subcommittee.

3 “(b)(A) Except as provided in subparagraph (B) of this paragraph, official
4 action by a subcommittee established under subsection (5) of this section
5 requires approval of a majority of the members of the subcommittee.

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

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

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

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

22

23 “IN-STATE TUITION PROVISIONS

24

25 “**SECTION 2.** ORS 350.290 is amended to read:

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

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

2 “(B) Was relieved or discharged from that service with either an honor-
3 able discharge or a general discharge under honorable conditions; and

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

7 “(b) Was, or is the dependent of, a resident of Oregon who left the state
8 within the previous five years in order to serve, and who subsequently
9 served, in the Armed Forces of the United States or in an international po-
10 sition with the state, the federal government or a humanitarian aid organ-
11 ization; or

12 “(c)(A) Was, or is the dependent of, a resident of Oregon who left the
13 state more than five years ago in order to serve, and who subsequently
14 served, in the Armed Forces of the United States or in an international po-
15 sition with the state, the federal government or a humanitarian aid organ-
16 ization; and

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

19 “(2) A person who served in the Armed Forces of the United States or in
20 an international position with the state, the federal government or a
21 humanitarian aid organization and who receives federal tuition benefits in
22 excess of the tuition and fees the person is charged under subsection (1) of
23 this section at a public university listed in ORS 352.002 or a community
24 college where the person is enrolled shall pay tuition and fees equal to the
25 federal tuition benefits received.

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

29 **“SECTION 3.** ORS 352.287 is amended to read:

30 “352.287. (1) The governing board of a public university listed in ORS

1 352.002 shall exempt a student who is not a citizen or a lawful permanent
2 resident of the United States from paying nonresident tuition and fees for
3 enrollment as an undergraduate student and as a graduate student in a de-
4 gree program at a public university listed in ORS 352.002 if the student:

5 “(a) During each of the three years immediately prior to receiving a high
6 school diploma or a modified diploma or leaving school before receiving a
7 high school diploma or a modified diploma, attended an elementary or a
8 secondary school in this state;

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

14 “(c) Received a high school diploma or a modified diploma from a sec-
15 ondary school in this state or received the equivalent of a high school di-
16 ploma; and

17 “(d) Shows intention to become a citizen or a lawful permanent resident
18 of the United States by submitting to the public university the student at-
19 tends or plans to attend an official copy of the student’s application to reg-
20 ister with a federal immigration program or federal deportation deferral
21 program or a statement of intent that the student will seek to obtain citi-
22 zenship as permitted under federal law.

23 “(2) The governing board shall exempt a student who is financially de-
24 pendent upon a person who is not a citizen or a lawful permanent resident
25 of the United States from paying nonresident tuition and fees for enrollment
26 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
29 school diploma or a modified diploma or leaving school before receiving a
30 high school diploma or a modified diploma, attended an elementary or a

1 secondary school in this state and resided in this state with the person upon
2 whom the student is dependent;

3 “(b) During each of the five years immediately prior to receiving a high
4 school diploma or a modified diploma or leaving school before receiving a
5 high school diploma or a modified diploma, attended an elementary or a
6 secondary school in any state or territory of the United States, the District
7 of Columbia or the Commonwealth of Puerto Rico and resided with the per-
8 son upon whom the student is dependent;

9 “(c) Received a high school diploma or a modified diploma from a sec-
10 ondary school in this state or received the equivalent of a high school di-
11 ploma; and

12 “(d) For a student who is not already a citizen or lawful permanent resi-
13 dent of the United States, shows intention to become a citizen or a lawful
14 permanent resident of the United States by submitting to the public univer-
15 sity the student attends or plans to attend an official copy of the student’s
16 application to register with a federal immigration program or federal
17 deportation deferral program or a statement of intent that the student will
18 seek to obtain citizenship as permitted under federal law.

19 “(3) A student who is a citizen or a lawful permanent resident of the
20 United States and who has resided outside of Oregon for more than three
21 years while serving in the Armed Forces of the United States, but who oth-
22 erwise meets the requirements of subsection (1) or (2) of this section, shall
23 qualify for exemption from nonresident tuition and fees for enrollment as an
24 undergraduate student and a graduate student in a degree program at a
25 public university listed in ORS 352.002 without having to reestablish resi-
26 dency in Oregon.

27 “(4) A student who is a COFA islander and who has not previously es-
28 tablished residence in any state or territory of the United States or the
29 District of Columbia other than Oregon shall qualify for exemption from
30 nonresident tuition and fees for enrollment as an undergraduate student and

1 a graduate student in a degree program at a public university listed in ORS
2 352.002.

3 “(5) A student who is a refugee or special immigrant visa holder and who
4 has not previously established residence in any state or territory of the
5 United States or the District of Columbia other than Oregon shall qualify
6 for exemption from nonresident tuition and fees for enrollment as an under-
7 graduate student and a graduate student in a degree program at a public
8 university listed in ORS 352.002.

9 “(6) The governing board shall adopt standards to implement the pro-
10 visions of this section.

11 “(7) Not later than July 1 of each year, the Higher Education Coordinat-
12 ing Commission shall report to the Speaker of the House of Representatives,
13 the President of the Senate and the interim committees of the Legislative
14 Assembly with subject matter authority over higher education, for the pre-
15 ceding academic year:

16 “(a) The number of students that applied and were accepted into public
17 universities under subsections (1) to (5) of this section; and

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

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

24 “(9) As used in this section:

25 “(a) ‘COFA islander’ means an individual who legally entered the United
26 States under a Compact of Free Association treaty between the United States
27 and any of the following countries:

28 “(A) The Republic of Palau;

29 “(B) The Republic of the Marshall Islands; or

30 “(C) The Federated States of Micronesia.

1 “(b) ‘Refugee’ means an individual who is granted refugee status for ad-
2 mission to the United States by the United States Citizenship and Immi-
3 gration Services.

4 “(c) ‘Special immigrant visa holder’ means:

5 “(A) An individual from Iraq or Afghanistan who was provided with the
6 status of special immigrant by the United States Department of Homeland
7 Security under:

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

10 “[B] (ii) Section 1244(b) of the Refugee Crisis in Iraq Act of 2007, P.L.
11 110-181, 122 Stat. 397; or

12 “[C] (iii) Section 602(b) of the Afghan Allies Protection Act of 2009, P.L.
13 111-8, 123 Stat. 807[.]; or

14 “(B) An individual who is granted humanitarian parole, asylum,
15 conditional permanent residency or temporary protected status by the
16 United States Department of Homeland Security or other federal
17 agency.

18

19 **“CONTACT-SHARING REQUIREMENT**
20 **FOR GRADUATE STUDENT EMPLOYEES**

21

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

25 **“(a) Requires the graduate student to provide the contact informa-**
26 **tion described in ORS 243.804 (4)(a)(B); and**

27 **“(b) Waives any privacy rights to, and authorizes the public uni-**
28 **versity to disclose, the information described in paragraph (a) of this**
29 **subsection.**

30 **“(2) As a condition of employment, any graduate student who is**

1 **employed by a public university must:**

2 **“(a) Provide the contact information described in subsection (1)(a)**
3 **of this section; and**

4 **“(b) Sign the consent described in subsection (1)(b) of this section**
5 **to authorize the public university to release the contact information**
6 **that is part of the employment record.**

7

8 **“APPLICABILITY OF REQUIREMENT TO PROVIDE INFORMATION**
9 **ON PUBLIC SERVICE LOAN FORGIVENESS**

10

11 **“SECTION 5. ORS 329.756 is amended to read:**

12 **“329.756. (1) As used in this section:**

13 **“(a) ‘Education employer’ means a public charter school, a school district,**
14 **a community college operated under ORS chapter 341, a public uni-**
15 **versity listed in ORS 352.002, a tribal college[, a community college] or**
16 **university, as defined in 20 U.S.C. 1059c(b)(3), as in effect on September 25,**
17 **2021, and any other governmental agency within this state that employs a**
18 **teacher or a school nurse, as defined in ORS 336.204, in a full-time capacity**
19 **which, for the purposes of this paragraph, means including within the cal-**
20 **ulation of full-time equivalent work hours every hour in which the teacher**
21 **or school nurse engages in instruction and at least 3.35 additional hours for**
22 **each hour of instruction.**

23 **“(b) ‘Public service loan forgiveness program’ means the program under**
24 **which the United States Secretary of Education cancels the balance of in-**
25 **terest and principal due on eligible federal direct loans in accordance with**
26 **the criteria specified under 20 U.S.C. 1087e(m) and 34 C.F.R. 685.219, both**
27 **as in effect on September 25, 2021.**

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

30 **“(A) Increases awareness of the public service loan forgiveness program**

1 among eligible employees of the education employer; and

2 “(B) Increases participation by employees in the public service loan
3 forgiveness program.

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

6 “(A) Announcements and advertisements in an education employer’s offi-
7 cial publications and in any electronic mail or social media messages the
8 education employer sends to employees;

9 “(B) Inserts or other messages in employee paychecks or payment instru-
10 ments, to the extent practicable; or

11 “(C) Other periodic reminders in communications to employees.

12 “(c) An education employer shall direct an employee, as part of the
13 employee’s official duties, to become familiar with eligibility requirements,
14 application procedures and other information about the public service loan
15 forgiveness program and to provide assistance to other employees who re-
16 quest assistance with determining the employees’ eligibility for and applica-
17 tions to the public service loan forgiveness program.

18

19 **“YOUTH CORRECTIONS EDUCATION PROGRAM AND**
20 **JUVENILE DETENTION EDUCATION PROGRAM**

21

22 **“SECTION 6.** ORS 329.451 is amended to read:

23 “329.451. (1)(a) At or before grade 12, a school district or public charter
24 school shall award a high school diploma to a student who completes the
25 requirements established by subsection (2) of this section.

26 “(b) A school district or public charter school shall award a modified di-
27 ploma to a student who satisfies the requirements established by subsection
28 (7) of this section, an extended diploma to a student who satisfies the re-
29 quirements established by subsection (8) of this section or an alternative
30 certificate to a student who satisfies the requirements established by sub-

1 section (9) of this section.

2 “(c) A school district or public charter school may not deny a student
3 who has the documented history described in subsection (7)(b) or (8)(b) of
4 this section the opportunity to pursue a diploma with more stringent re-
5 quirements than a modified diploma or an extended diploma for the sole
6 reason that the student has the documented history.

7 “(d) A school district or public charter school may award a modified di-
8 ploma or extended diploma to a student only upon receiving consent as pro-
9 vided by subsection (6) of this section.

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

14 “(A) Twenty-four total credits;

15 “(B) Three credits of mathematics; and

16 “(C) Four credits of language arts.

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

21 “(A) Subjects for which the State Board of Education has established ac-
22 ademic content standards under ORS 329.045;

23 “(B) Courses provided as part of a career and technical education pro-
24 gram; or

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

27 “(c)(A) A school district or public charter school that requires students
28 to satisfy any requirements not specified by paragraph (a) of this subsection
29 or by rule of the State Board of Education must grant to a student a waiver
30 of the requirements established by the school district or public charter

1 school if the student is or, at any time from grade 9 to 12, was:

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

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

5 “(iii) A runaway, as determined under rules adopted by the State Board
6 of Education based on standards adopted by the Department of Human Ser-
7 vices;

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

11 “(v) A child of a migrant worker, as determined under rules adopted by
12 the State Board of Education; or

13 “(vi) Enrolled in the Youth Corrections Education Program or the Juve-
14 nile Detention Education Program.

15 “(B)(i) For any student identified under subparagraph (A) of this para-
16 graph, a school district or public charter school must accept any credits
17 earned by the student in [*another school district or public charter school*] **an**
18 **educational program in this state** and apply those credits toward re-
19 quirements specified by paragraph (a) of this subsection or by rule of the
20 State Board of Education if the credits satisfied those requirements in that
21 [*other school district or public charter school.*] **educational program in this**
22 **state.**

23 “(ii) **As used in this subparagraph, ‘educational program in this**
24 **state’ means an educational program that is:**

25 “(I) **Provided by a school district, a public charter school, the Youth**
26 **Corrections Education Program or the Juvenile Detention Education**
27 **Program; or**

28 “(II) **Funded as provided by ORS 343.243 for students in a long term**
29 **care or treatment facility described in ORS 343.961 or a hospital iden-**
30 **tified in ORS 343.261.**

1 “(3) A student providing work samples to demonstrate proficiency in Es-
2 sential Learning Skills as may be required under subsection (2) of this sec-
3 tion must be allowed to use accommodations described in the student’s
4 individualized education program or the student’s plan developed in accord-
5 ance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794. As
6 used in this subsection, the term ‘accommodations’:

7 “(a) Includes, but is not limited to:

8 “(A) Additional time to demonstrate proficiency.

9 “(B) The ability to demonstrate proficiency in an alternative location that
10 is secure and proctored.

11 “(C) The use of text-to-speech or speech-to-text technology or other
12 assistive technology.

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

15 “(4) A student may satisfy the requirements of subsection (2) of this sec-
16 tion in less than four years. If a student satisfies the requirements of sub-
17 section (2) of this section and a school district or public charter school has
18 received consent as provided by subsection (6) of this section, the school
19 district or public charter school shall award a high school diploma to the
20 student.

21 “(5) If a school district or public charter school has received consent as
22 provided by subsection (6) of this section, the school district or public char-
23 ter school may advance the student to the next grade level if the student has
24 satisfied the requirements for the student’s current grade level.

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

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

28 “(i) Is under 18 years of age and is not emancipated pursuant to ORS
29 419B.550 to 419B.558; or

30 “(ii) Has been determined not to have the ability to give informed consent

1 regarding the student's education pursuant to a protective proceeding under
2 ORS chapter 125; or

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

5 “(b) For the purpose of awarding a modified diploma or extended diploma
6 as provided by subsection (1)(d) of this section or of awarding a high school
7 diploma as provided by subsection (4) of this section, consent must be re-
8 ceived during the school year for which the diploma will be awarded.

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

14 “(a) Satisfy the requirements for a modified diploma established by the
15 State Board of Education; and

16 “(b) Have a documented history of an inability to maintain grade level
17 achievement due to significant learning and instructional barriers or have
18 a documented history of a medical condition that creates a barrier to
19 achievement.

20 “(8) A school district or public charter school shall award an extended
21 diploma only to students who have demonstrated the inability to meet the
22 full set of academic content standards for a high school diploma with rea-
23 sonable modifications and accommodations. To be eligible for an extended
24 diploma, a student must:

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

28 “(A) Two credits of mathematics;

29 “(B) Two credits of language arts;

30 “(C) Two credits of science;

1 “(D) Three credits of history, geography, economics or civics;
2 “(E) One credit of health;
3 “(F) One credit of physical education; and
4 “(G) One credit of the arts or a world language; and
5 “(b) Have a documented history of:
6 “(A) An inability to maintain grade level achievement due to significant
7 learning and instructional barriers;
8 “(B) A medical condition that creates a barrier to achievement; or
9 “(C) A change in the student’s ability to participate in grade level activ-
10 ities as a result of a serious illness or injury that occurred after grade eight.
11 “(9) A school district or public charter school shall award an alternative
12 certificate to a student who does not satisfy the requirements for a high
13 school diploma, a modified diploma or an extended diploma if the student
14 meets requirements established by the board of the school district or public
15 charter school.
16 “(10) A student shall have the opportunity to satisfy the requirements of
17 subsection (7), (8) or (9) of this section by the later of:
18 “(a) Four years after starting grade nine; or
19 “(b) The student reaching the age of 21 years, if the student is entitled
20 to a public education until the age of 21 years under state or federal law.
21 “(11)(a) A student may satisfy the requirements described in subsection
22 (7), (8) or (9) of this section in less than four years if consent is provided in
23 the manner described in subsection (6)(a) of this section.
24 “(b) The consent provided under this subsection must be written and must
25 clearly state that the parent, guardian or student is waiving the time allowed
26 under subsection (10) of this section. A consent may not be used to allow a
27 student to satisfy the requirements of subsection (7), (8) or (9) of this section
28 in less than three years.
29 “(c) A copy of all consents provided under this subsection for students in
30 a school district must be forwarded to the district superintendent.

1 “(d) Each school district must provide to the Superintendent of Public
2 Instruction information about the number of consents provided during a
3 school year.

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

6 “(A) Have the option of participating in a high school graduation cere-
7 mony with the class of the student; and

8 “(B) Have access to instructional hours, hours of transition services and
9 hours of other services that are designed to:

10 “(i) Meet the unique needs of the student; and

11 “(ii) When added together, provide a total number of hours of instruction
12 and services to the student that equals at least the total number of instruc-
13 tional hours that is required to be provided to students who are attending
14 a public high school.

15 “(b)(A) The number of instructional hours, hours of transition services
16 and hours of other services that are appropriate for a student shall be de-
17 termined by the student’s individualized education program team. Based on
18 the student’s needs and performance level, the student’s individualized edu-
19 cation program team may decide that the student will not access the total
20 number of hours of instruction and services to which the student has access
21 under paragraph (a)(B) of this subsection.

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

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

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

1 “(i) The school district’s duty to comply with the requirements of para-
2 graph (a)(B) of this subsection; and

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

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

9 “(C) Include in the individualized education program for the student a
10 written statement that explains the reasons the student is not accessing the
11 total number of hours of instruction and services to which the student has
12 access under paragraph (a)(B) of this subsection.

13 “(d) For purposes of paragraph (a)(B) of this subsection, transition ser-
14 vices and other services designed to meet the unique needs of the student
15 may be provided to the student through an interagency agreement entered
16 into by the school district if the individualized education program developed
17 for the student indicates that the services may be provided by another
18 agency. A school district that enters into an interagency agreement as al-
19 lowed under this paragraph retains the responsibility for ensuring that the
20 student has access to the number of service hours required to be provided
21 to the student under this subsection. An agency is not required to change
22 any eligibility criteria or enrollment standards prior to entering into an
23 interagency agreement as provided by this paragraph.

24 “(13) A school district or public charter school shall:

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

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

30 “(c) Annually provide, to the parents or guardians of a student who has

1 the documented history described in subsection (8)(b) of this section, infor-
2 mation about the availability of a modified diploma, an extended diploma and
3 an alternative certificate and the requirements for the diplomas and certif-
4 icate:

5 “(A) Beginning in grade five; or

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

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

11 “(a) Native American items of cultural significance as provided by ORS
12 332.112; or

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

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

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

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

21 “329.451. (1)(a) At or before grade 12, a school district or public charter
22 school shall award a high school diploma to a student who completes the
23 requirements established by subsection (2) of this section.

24 “(b) A school district or public charter school shall award a modified di-
25 ploma to a student who satisfies the requirements established by subsection
26 (7) of this section, an extended diploma to a student who satisfies the re-
27 quirements established by subsection (8) of this section or an alternative
28 certificate to a student who satisfies the requirements established by sub-
29 section (9) of this section.

30 “(c) A school district or public charter school may not deny a student

1 who has the documented history described in subsection (7)(b) or (8)(b) of
2 this section the opportunity to pursue a diploma with more stringent re-
3 quirements than a modified diploma or an extended diploma for the sole
4 reason that the student has the documented history.

5 “(d) A school district or public charter school may award a modified di-
6 ploma or extended diploma to a student only upon receiving consent as pro-
7 vided by subsection (6) of this section.

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

13 “(A) Three credits of mathematics;

14 “(B) Four credits of language arts; and

15 “(C) One half-credit of civics.

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

20 “(A) Subjects for which the State Board of Education has established ac-
21 ademic content standards under ORS 329.045;

22 “(B) Courses provided as part of a career and technical education pro-
23 gram; or

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

26 “(c)(A) A school district or public charter school that requires students
27 to satisfy any requirements not specified by paragraph (a) of this subsection
28 or by rule of the State Board of Education must grant to a student a waiver
29 of the requirements established by the school district or public charter
30 school if the student is or, at any time from grade 9 to 12, was:

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

2 “(ii) Homeless, as determined under rules adopted by the State Board of

3 Education based on standards adopted by the Department of Human Services;

4 “(iii) A runaway, as determined under rules adopted by the State Board

5 of Education based on standards adopted by the Department of Human Ser-

6 vices;

7 “(iv) A child in a military family covered by the Interstate Compact on

8 Educational Opportunity for Military Children, as determined under rules

9 adopted by the State Board of Education;

10 “(v) A child of a migrant worker, as determined under rules adopted by

11 the State Board of Education; or

12 “(vi) Enrolled in the Youth Corrections Education Program or the Juve-

13 nile Detention Education Program.

14 “(B)(i) For any student identified under subparagraph (A) of this para-

15 graph, a school district or public charter school must accept any credits

16 earned by the student in [*another school district or public charter school*] **an**

17 **educational program in this state** and apply those credits toward re-

18 quirements specified by paragraph (a) of this subsection or by rule of the

19 State Board of Education if the credits satisfied those requirements in that

20 [*other school district or public charter school.*] **educational program in this**

21 **state.**

22 “(ii) **As used in this subparagraph, ‘educational program in this**

23 **state’ means an educational program that is:**

24 “(I) **Provided by a school district, a public charter school, the Youth**

25 **Corrections Education Program or the Juvenile Detention Education**

26 **Program; or**

27 “(II) **Funded as provided by ORS 343.243 for students in a long term**

28 **care or treatment facility described in ORS 343.961 or a hospital iden-**

29 **tified in ORS 343.261.**

30 “(3) A student providing work samples to demonstrate proficiency in Es-

1 sential Learning Skills as may be required under subsection (2) of this sec-
2 tion must be allowed to use accommodations described in the student’s
3 individualized education program or the student’s plan developed in accord-
4 ance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794. As
5 used in this subsection, the term ‘accommodations’:

6 “(a) Includes, but is not limited to:

7 “(A) Additional time to demonstrate proficiency.

8 “(B) The ability to demonstrate proficiency in an alternative location that
9 is secure and proctored.

10 “(C) The use of text-to-speech or speech-to-text technology or other
11 assistive technology.

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

14 “(4) A student may satisfy the requirements of subsection (2) of this sec-
15 tion in less than four years. If a student satisfies the requirements of sub-
16 section (2) of this section and a school district or public charter school has
17 received consent as provided by subsection (6) of this section, the school
18 district or public charter school shall award a high school diploma to the
19 student.

20 “(5) If a school district or public charter school has received consent as
21 provided by subsection (6) of this section, the school district or public char-
22 ter school may advance the student to the next grade level if the student has
23 satisfied the requirements for the student’s current grade level.

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

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

27 “(i) Is under 18 years of age and is not emancipated pursuant to ORS
28 419B.550 to 419B.558; or

29 “(ii) Has been determined not to have the ability to give informed consent
30 regarding the student’s education pursuant to a protective proceeding under

1 ORS chapter 125; or

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

4 “(b) For the purpose of awarding a modified diploma or extended diploma
5 as provided by subsection (1)(d) of this section or of awarding a high school
6 diploma as provided by subsection (4) of this section, consent must be re-
7 ceived during the school year for which the diploma will be awarded.

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

13 “(a) Satisfy the requirements for a modified diploma established by the
14 State Board of Education; and

15 “(b) Have a documented history of an inability to maintain grade level
16 achievement due to significant learning and instructional barriers or have
17 a documented history of a medical condition that creates a barrier to
18 achievement.

19 “(8) A school district or public charter school shall award an extended
20 diploma only to students who have demonstrated the inability to meet the
21 full set of academic content standards for a high school diploma with rea-
22 sonable modifications and accommodations. To be eligible for an extended
23 diploma, a student must:

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

27 “(A) Two credits of mathematics;

28 “(B) Two credits of language arts;

29 “(C) Two credits of science;

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

1 “(E) One credit of health;
2 “(F) One credit of physical education; and
3 “(G) One credit of the arts or a world language; and
4 “(b) Have a documented history of:
5 “(A) An inability to maintain grade level achievement due to significant
6 learning and instructional barriers;
7 “(B) A medical condition that creates a barrier to achievement; or
8 “(C) A change in the student’s ability to participate in grade level activ-
9 ities as a result of a serious illness or injury that occurred after grade eight.
10 “(9) A school district or public charter school shall award an alternative
11 certificate to a student who does not satisfy the requirements for a high
12 school diploma, a modified diploma or an extended diploma if the student
13 meets requirements established by the board of the school district or public
14 charter school.
15 “(10) A student shall have the opportunity to satisfy the requirements of
16 subsection (7), (8) or (9) of this section by the later of:
17 “(a) Four years after starting grade nine; or
18 “(b) The student reaching the age of 21 years, if the student is entitled
19 to a public education until the age of 21 years under state or federal law.
20 “(11)(a) A student may satisfy the requirements described in subsection
21 (7), (8) or (9) of this section in less than four years if consent is provided in
22 the manner described in subsection (6)(a) of this section.
23 “(b) The consent provided under this subsection must be written and must
24 clearly state that the parent, guardian or student is waiving the time allowed
25 under subsection (10) of this section. A consent may not be used to allow a
26 student to satisfy the requirements of subsection (7), (8) or (9) of this section
27 in less than three years.
28 “(c) A copy of all consents provided under this subsection for students in
29 a school district must be forwarded to the district superintendent.
30 “(d) Each school district must provide to the Superintendent of Public

1 Instruction information about the number of consents provided during a
2 school year.

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

5 “(A) Have the option of participating in a high school graduation cere-
6 mony with the class of the student; and

7 “(B) Have access to instructional hours, hours of transition services and
8 hours of other services that are designed to:

9 “(i) Meet the unique needs of the student; and

10 “(ii) When added together, provide a total number of hours of instruction
11 and services to the student that equals at least the total number of instruc-
12 tional hours that is required to be provided to students who are attending
13 a public high school.

14 “(b)(A) The number of instructional hours, hours of transition services
15 and hours of other services that are appropriate for a student shall be de-
16 termined by the student’s individualized education program team. Based on
17 the student’s needs and performance level, the student’s individualized edu-
18 cation program team may decide that the student will not access the total
19 number of hours of instruction and services to which the student has access
20 under paragraph (a)(B) of this subsection.

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

24 “(c) If a student’s individualized education program team decides that the
25 student will not access the total number of hours of instruction and services
26 to which the student has access under paragraph (a)(B) of this subsection,
27 the school district shall annually:

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

30 “(i) The school district’s duty to comply with the requirements of para-

1 graph (a)(B) of this subsection; and

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

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

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

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

23 “(13) A school district or public charter school shall:

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

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

29 “(c) Annually provide, to the parents or guardians of a student who has
30 the documented history described in subsection (8)(b) of this section, infor-

1 mation about the availability of a modified diploma, an extended diploma and
2 an alternative certificate and the requirements for the diplomas and certifi-
3 cate:

4 “(A) Beginning in grade five; or

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

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

10 “(a) Native American items of cultural significance as provided by ORS
11 332.112; or

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

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

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

18 **“SECTION 8.** ORS 326.700 is amended to read:

19 “326.700. It is the purpose of ORS 326.712 and 327.026 and this section that
20 *[youths enrolled in the Youth Corrections Education Program and the Juvenile*
21 *Detention Education Program administered by the Department of Education*
22 *be treated as nearly the same as practicable in the distribution of the State*
23 *School Fund as children enrolled in common and union high school districts*
24 *in this state.]:*

25 **“(1) Students who are enrolled in the Youth Corrections Education**
26 **Program, as defined in ORS 326.695, or the Juvenile Detention Educa-**
27 **tion Program, as defined in ORS 326.695, receive an appropriate edu-**
28 **cation that is as nearly the same as practicable as the education that**
29 **is received by students enrolled in common and union high school**
30 **districts in this state; and**

1 **“(2) Students who are enrolled, or youth who had recently been**
2 **enrolled, in the Youth Corrections Education Program or the Juvenile**
3 **Detention Education Program are able to smoothly transition from**
4 **these programs into school settings and workforce preparation pro-**
5 **grams.**

6 **“SECTION 9.** ORS 336.585 is amended to read:

7 “336.585. (1) As used in this section:

8 “(a) ‘Juvenile Detention Education Program’ means the program defined
9 in ORS 326.695.

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

15 “(2)(a) The Department of Education shall provide or cause to be provided
16 appropriate education for children enrolled in an educational program under
17 the Juvenile Detention Education Program. The Superintendent of Public
18 Instruction may contract with a school district or education service district
19 to provide or cause to be provided appropriate education to children enrolled
20 in an educational program under the Juvenile Detention Education Program.
21 **For the purpose of this section, an appropriate education includes**
22 **transition services from the Juvenile Detention Education Program**
23 **into school settings and workforce preparation programs and any**
24 **necessary ongoing support for a transition.**

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

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

30 “(B) Must accept any credits previously earned by children in another

1 school or educational program in this state and apply those credits toward
2 the requirements prescribed by ORS 329.451 (2)(a) or by rule of the State
3 Board of Education.

4 “(3) The superintendent shall pay the costs of providing education to
5 children enrolled in an educational program under the Juvenile Detention
6 Education Program from the State School Fund grant allocated for that
7 purpose under ORS 327.026.

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

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

13 “(b) Administer a nationally normed assessment as provided by ORS
14 329.488.

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

17 “(d) Receive funds under ORS chapter 329.

18 “(5) The superintendent shall ensure that the resident district of each
19 child enrolled in an educational program under the Juvenile Detention Edu-
20 cation Program is notified, if the resident district can be reasonably identi-
21 fied. The purposes of the notification include, but are not limited to:

22 “(a) Removing the child from the resident district’s census;

23 “(b) Facilitating transfers of the child’s educational records; and

24 “(c) Facilitating planning for the child’s possible return to the resident
25 district.

26 **“SECTION 10.** ORS 336.590 is amended to read:

27 “336.590. (1) As used in this section, ‘Youth Corrections Education Pro-
28 gram’ means the program defined in ORS 326.695.

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

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

9 “(3) The superintendent shall pay the costs of providing education to
10 children enrolled in an educational program under the Youth Corrections
11 Education Program from the State School Fund grant allocated for that
12 purpose under ORS 327.026.

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

17 “(a) Award high school diplomas, modified diplomas, extended diplomas
18 and alternative certificates as provided by ORS 329.451 and 339.877. An edu-
19 cation service district that awards high school diplomas as provided by this
20 paragraph:

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

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

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

29 “(c) Administer a nationally normed assessment as provided by ORS
30 329.488.

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

3 “(e) Receive funds under ORS chapter 329.

4 **“SECTION 11. (1) The amendments to ORS 326.700, 336.585 and
5 336.590 by sections 8 to 10 of this 2022 Act become operative on July
6 1, 2022.**

7 **“(2) The amendments to ORS 326.700, 336.585 and 336.590 by sections
8 8 to 10 of this 2022 Act first apply to the 2022-2023 school year.**

9

10 **“PROVISION OF MENSTRUAL PRODUCTS TO STUDENTS**

11

12 **“SECTION 12.** ORS 326.545, as operative until July 1, 2022, is amended
13 to read:

14 “326.545. (1) As used in this section:

15 “(a) ‘Public education provider’ means:

16 “(A) A school district;

17 “(B) A public charter school;

18 “(C) An education service district;

19 “(D) A community college; or

20 “(E) A public university listed in ORS 352.002.

21 “(b) ‘Public school building’ means a building used by a public education
22 provider to provide educational services to students.

23 “(c) ‘Student bathroom’ means a bathroom that is accessible by students,
24 including a gender-neutral bathroom, a bathroom designated for females and
25 a bathroom designated for males.

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

29 “(b) Notwithstanding paragraph (a) of this subsection, if a public school
30 building has only one student bathroom, both tampons and sanitary pads

1 must be available at no cost to students through dispensers located in that
2 bathroom.

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

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

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

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

12 “(c) **Modifications to or exemptions from the requirements of this**
13 **section for the programs of a public education provider that:**

14 “(A) **Provide early childhood care or learning to preschool children;**
15 **or**

16 “(B) **Provide education or other services to students for whom the**
17 **requirements of this section may be a threat to the health or safety**
18 **of the students;**

19 “(d) **Modifications to or exemptions from the requirements of this**
20 **section for student bathrooms that are not located in commonly ac-**
21 **cessible areas of public school buildings of a community college or a**
22 **public university; and**

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

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

29 “(B) For education service districts, distributions to be made as provided
30 by subparagraph (A) of this paragraph may not exceed 7.5 percent of the

1 amounts available for distribution under ORS 327.008 (18);

2 “(C) For community colleges, distributions from the Community College
3 Support Fund to be made based on the full-time equivalent student enroll-
4 ment of the community college; and

5 “(D) For public universities, distributions from a public university sup-
6 port fund established by the commission by rule.

7 **“SECTION 13.** ORS 326.545 is amended to read:

8 “326.545. (1) As used in this section:

9 “(a) ‘Public education provider’ means:

10 “(A) A school district;

11 “(B) A public charter school;

12 “(C) An education service district;

13 “(D) A community college; or

14 “(E) A public university listed in ORS 352.002.

15 “(b) ‘Public school building’ means a building used by a public education
16 provider to provide educational services to students.

17 “(c) ‘Student bathroom’ means a bathroom that is accessible by students,
18 including a gender-neutral bathroom, a bathroom designated for females and
19 a bathroom designated for males.

20 “(2) Each public education provider shall ensure that both tampons and
21 sanitary pads are available at no cost to students through dispensers located
22 in every student bathroom of every public school building.

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

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

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

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

2 “(c) **Modifications to or exemptions from the requirements of this**
3 **section for the programs of a public education provider that:**

4 “(A) **Provide early childhood care or learning to preschool children;**
5 **or**

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

9 “(d) **Modifications to or exemptions from the requirements of this**
10 **section for student bathrooms that are not located in commonly ac-**
11 **cessible areas of the public school buildings of a community college**
12 **or a public university; and**

13 “[*(c)*] (e) Payments to public education providers for costs incurred under
14 this section, including:

15 “(A) For school districts, public charter schools and education service
16 districts and subject to subparagraph (B) of this paragraph, distributions
17 from amounts available under ORS 327.008 (18) to be made based on the av-
18 erage daily membership, as defined in ORS 327.006, of the district or school;

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

22 “(C) For community colleges, distributions from the Community College
23 Support Fund to be made based on the full-time equivalent student enroll-
24 ment of the community college; and

25 “(D) For public universities, distributions from a public university sup-
26 port fund established by the commission by rule.

27

28 **“PARTICIPATION IN INTERSCHOLASTIC ACTIVITIES**

29

30 **“SECTION 14.** ORS 339.460 is amended to read:

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

2 “(a) [*GED program*] **‘High school equivalency program’** means a pro-
3 gram provided [*by a school district or an education service district*] to assist
4 a student in earning a **certificate for passing an approved high school**
5 **equivalency test such as the** General Educational Development (GED)
6 [*certificate*] **test.**

7 “(b) [*GED student*] **‘High school equivalency student’** means a student
8 who is eligible to attend school under ORS 339.115 (1) and who is enrolled
9 in a [*GED*] **high school equivalency** program.

10 “(c) ‘Homeschooled student’ means a child who is taught by a private
11 teacher, a parent or a legal guardian, as described in ORS 339.030.

12 “(d) ‘Interscholastic activities’ includes:

13 “(A) For students in any grade from kindergarten through grade 12, ath-
14 letics, music, speech and other similar or related activities.

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

18 “(e) ‘Public charter school’ has the meaning given that term in ORS
19 338.005.

20 “(2) A school district may not deny a [*GED*] **high school equivalency**
21 student, a homeschooled student or a student who attends a public charter
22 school that does not provide interscholastic activities the opportunity to
23 participate in all interscholastic activities available in the school district
24 within the attendance boundaries in which the [*GED*] **high school equiv-**
25 **alency** student, homeschooled student or public charter school student re-
26 sides if the student fulfills the following conditions, as applicable:

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

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

1 “(ii) The class requirements of the voluntary association that administers
2 the interscholastic activity, if applicable.

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

6 “(b) For a homeschooled student or a student who attends a public char-
7 ter school, the student must meet one of these requirements:

8 “(A) Achieve a minimum score that places the student at or above the
9 23rd percentile, based on national norms, on an examination from the list the
10 State Board of Education adopts under ORS 339.035. The student must take
11 the examination [*at the end of each school year*] **prior to the beginning of**
12 **the school year in which the student will participate in an interscho-**
13 **lastic activity and for which academic eligibility is being determined,**
14 and the student’s parent or legal guardian must submit the results to the
15 school district for use in determining **the student’s academic** eligibility for
16 the [*following*] **subsequent school** year.

17 “(B) Meet alternative requirements that a school district adopts, in con-
18 sultation with the student’s parent or legal guardian, to participate in
19 interscholastic activities, including but not limited to a requirement that a
20 student submit a portfolio of work samples to a school district committee for
21 review to determine whether the student is eligible to participate in inter-
22 scholastic activities.

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

27 “(3)(a) In addition to the requirements set forth in subsection (2) of this
28 section, a public charter school that enrolls a student who intends to par-
29 ticipate in an interscholastic activity must pay to the school district or
30 school that offers the interscholastic activity, as appropriate and if the

1 school district or school requires payment as provided by this subsection:

2 “(A) An annual fee that is equivalent to not more than five percent of the
3 amount of the school district’s General Purpose Grant per ADMw, as calcu-
4 lated under ORS 327.013; and

5 “(B) An additional annual fee that is equivalent to not more than five
6 percent of the amount of the school district’s General Purpose Grant per
7 ADMw, as calculated under ORS 327.013, if participating in the interscho-
8 lastic activity requires the student to enroll in a course for credit.

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

12 “(c) A public charter school is required to pay a fee described in para-
13 graph (a) of this subsection only once per year per student participating in
14 an interscholastic activity at a school in the school district, regardless of the
15 number of interscholastic activities in which the student participates.

16 “(4) A [*GED*] **high school equivalency** student, a homeschooled student
17 or a student who attends a public charter school may participate in inter-
18 scholastic activities while awaiting examination or practice test results.

19 “(5)(a) **Except as provided by paragraph (b) of this subsection**, a
20 [*GED*] **high school equivalency** student, a homeschooled student or a stu-
21 dent who attends a public charter school who does not maintain academic
22 eligibility is ineligible to participate in interscholastic activities for [*the*
23 *duration of*] the school year in which the student **is determined to be ac-**
24 **ademically ineligible.** [*becomes academically ineligible and for the following*
25 *year. The student must take the required examinations or practice tests at the*
26 *end of the second year and meet the standards described in subsection (2)(b)*
27 *or (c) of this section to become eligible for the third year.*]

28 “(b) **A student is no longer determined to be academically ineligible**
29 **to participate in interscholastic activities during a school year if, at**
30 **any time during the school year, the student takes the required ex-**

1 **aminations or practice tests and meets the standards described in**
2 **subsection (2)(b) or (c) of this section.**

3 “(6)(a) A [*GED*] **high school equivalency** student, a homeschooled stu-
4 dent or a student who attends a public charter school must fulfill the same
5 responsibilities and standards of behavior and performance, including related
6 class or practice requirements, as other students who participate in the
7 interscholastic activity. The student must also comply with all public school
8 requirements during the time of participation.

9 “(b) A student who attends a public charter school must be allowed to
10 participate in an interscholastic activity in the same manner that a resident
11 of the school district may participate in the interscholastic activity. A school
12 district may not give priority to residents of the school district to participate
13 in interscholastic activities, but may require a student who attends a public
14 charter school to satisfy any standards for acceptance for participation.

15 “(7) A [*GED*] **high school equivalency** student, a homeschooled student
16 or a student who attends a public charter school who participates in inter-
17 scholastic activities must reside within the attendance boundaries of the
18 school at which the student participates unless the school district has a
19 policy that allows any student attending a school of the school district to
20 participate in interscholastic activities at any school of the school district.

21 **“SECTION 15.** ORS 339.450 is amended to read:

22 “339.450. A school, school district or association, whether public or pri-
23 vate, may not deny any grade or high school student the right to participate
24 in interscholastic athletics solely on the ground that the student:

25 “(1) Transferred between schools;

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

27 “(3) Participated in athletics at another school; or

28 “(4) Is eligible to attend school under ORS 339.115 (1) and is enrolled in
29 a program [*provided by a school district or an education service district to*
30 *earn a General Educational Development (GED) certificate*] **to earn a cer-**

1 tificate for passing an approved high school equivalency test, such as
2 the General Educational Development (GED) test.

3
4 **“PLAN TO ENSURE ACCESS TO EDUCATIONAL PROGRAMS**
5 **AT CORRECTIONAL FACILITIES**

6
7 **“SECTION 16. (1) The Department of Corrections shall develop a**
8 **plan for providing the equipment, connectivity and infrastructure**
9 **necessary to ensure that adults in custody in the Coffee Creek**
10 **Correctional Facility and the Snake River Correctional Institution**
11 **have online access to:**

12 **“(a) The adult basic skills development program described in ORS**
13 **421.084;**

14 **“(b) The professional and technical program described in ORS**
15 **421.081; and**

16 **“(c) Education programs that provide college credit, a college de-**
17 **gree, a college certification, an industry-recognized certification or li-**
18 **cence or an apprenticeship.**

19 **“(2) The department shall submit the plan developed under this**
20 **section, in the manner provided by ORS 192.245, to an interim com-**
21 **mittee of the Legislative Assembly related to education no later than**
22 **December 31, 2022.**

23 **“SECTION 17. Section 16 of this 2022 Act is repealed on January 2,**
24 **2024.**

25 **“SECTION 18. (1) No later than September 1, 2023, the Department**
26 **of Corrections shall ensure that adults in custody in the Coffee Creek**
27 **Correctional Facility and the Snake River Correctional Institution**
28 **have online access to:**

29 **“(a) The adult basic skills development program described in ORS**
30 **421.084;**

1 **“(b) The professional and technical program described in ORS**
2 **421.081; and**

3 **“(c) Education programs that provide college credit, a college de-**
4 **gree, a college certification, an industry-recognized certification or li-**
5 **cence or an apprenticeship.**

6 **“(2) Nothing in this section establishes a legally enforceable right**
7 **to online access to the programs described in this section for adults**
8 **in custody.**

9 **“(3) The department shall adopt any rules necessary for establishing**
10 **program eligibility and participation criteria for online access for**
11 **adults in custody.**

12

13 **“ELIGIBILITY FOR OREGON PROMISE GRANT**

14

15 **“SECTION 19. ORS 341.522 is amended to read:**

16 **“341.522. (1) The Office of Student Access and Completion shall administer**
17 **the Oregon Promise program as provided by this section.**

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

22 **“(3) A grant shall be awarded under this section to a person who meets**
23 **the following criteria:**

24 **“(a) Is enrolled in courses that are:**

25 **“(A) Offered at a community college in this state; and**

26 **“(B) Determined by the office, in accordance with rules adopted by the**
27 **Higher Education Coordinating Commission, to be required for completion**
28 **of:**

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

1 “(ii) An associate degree; or
2 “(iii) A program in career and technical education;
3 “(b) Except as provided in subsection (5) of this section, has been a resi-
4 dent of this state for at least 12 months prior to enrolling in the courses
5 described in paragraph (a) of this subsection;
6 “(c) Attained the person’s highest level of education, except as provided
7 in subsection (5) of this section, in this state prior to:
8 “(A) Receiving a diploma under ORS 329.451;
9 “(B) Receiving a certificate for passing an approved high school equiv-
10 alency test such as the General Educational Development (GED) test as
11 provided by ORS 350.175;
12 “(C) Completing grade 12 in compliance with the requirements of ORS
13 339.035; or
14 “(D) Completing grade 12 at a private or parochial school, as described
15 in ORS 339.030 (1)(a);
16 “(d) Except as provided in subsections (4) and (5) of this section, attained
17 the person’s highest level of education as described in paragraph (c) of this
18 subsection within six months from the date that the person first enrolls in
19 courses described in paragraph (a) of this subsection for the purpose of re-
20 ceiving a grant under this section;
21 “(e) Earned a cumulative grade point average of [2.5] **2.0** or better in high
22 school or otherwise demonstrated an equivalent academic ability, as deter-
23 mined by the office according to rules adopted by the commission;
24 “(f) Completed and submitted the Free Application for Federal Student
25 Aid for each academic year and accepted all state and federal aid grants
26 available to the person, if eligible to file the application; and
27 “(g) Has not completed either of the following:
28 “(A) More than a total of 90 credit hours, or the equivalent, at a post-
29 secondary institution of education; or
30 “(B) A curriculum, degree or program, as described in paragraph (a)(B)

1 of this subsection.

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

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

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

24 “(b)(A) A person who completes the highest level of education as de-
25 scribed in subsection (3)(c) of this section while confined in a correctional
26 facility, either serving a sentence of incarceration or as a young person,
27 youth or adjudicated youth, is not required to comply with the criteria set
28 forth in subsection (3)(d) of this section in order to receive a grant, provided
29 that the person first enrolls in courses described in subsection (3)(a) of this
30 section within six months after the date on which the person is first released

1 from a correctional facility following completion of the highest level of ed-
2 ucation described in subsection (3)(c) of this section.

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

7 “(C) As used in this paragraph:

8 “(i) ‘Adjudicated youth,’ ‘detention facility,’ ‘young person’ and ‘youth’
9 have the meanings given those terms in ORS 419A.004.

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

14 “(I) Youth correction facility;

15 “(II) Detention facility;

16 “(III) Department of Corrections institution;

17 “(IV) Local correctional facility; or

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

24 “(iii) ‘Department of Corrections institution’ has the meaning given that
25 term in ORS 421.005.

26 “(iv) ‘Local correctional facility’ has the meaning given that term in ORS
27 169.005.

28 “(v) ‘Youth correction facility’ has the meaning given that term in ORS
29 420.005.

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

1 “(i) The person shall be treated as meeting the residency criteria for el-
2 igibility under subsection (3)(b) of this section if, but for the person’s place-
3 ment in out-of-state foster care, the person otherwise meets the requirements
4 of subsection (3)(b) of this section.

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

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

17 “(B) Upon request from the commission, the Department of Human Ser-
18 vices shall provide documentation of the placement status of a person de-
19 scribed in paragraph (c)(A) of this subsection.

20 “(C) As used in this paragraph:

21 “(i) ‘Foster care’ means substitute care for children placed by the De-
22 partment of Human Services or a tribal child welfare agency away from the
23 child’s parents and for whom the department or agency has placement and
24 care responsibility, including placements in foster family homes, foster homes
25 of relatives, group homes, emergency shelters, residential facilities, child
26 care institutions and preadoptive homes.

27 “(ii) ‘Foster child’ means a child over whom the Department of Human
28 Services retained jurisdiction under ORS 417.200 for the duration of the
29 child’s placement in foster care outside the State of Oregon.

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

1 section if the person, in addition to satisfying the criteria specified in sub-
2 section (3) of this section, meets the following criteria:

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

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

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

12 “[*(D) Completes a first-year experience, as identified by the community col-
13 lege and reported by the community college to the commission.*]

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

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

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

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

1 “(ii) The person’s actual cost for tuition.

2 “(B) Not more than the lesser of:

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

5 “(ii) The person’s actual cost for tuition.

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

9 “[*(c)(A)*] **(b)(a)** If the office determines both that the person’s actual cost
10 for tuition exceeds the amount set forth in paragraph (a)(A)(i) of this sub-
11 section and that the person’s actual cost for tuition exceeds the average cost
12 of tuition at a community college in this state, the person shall be eligible
13 for a grant in an amount that equals the average cost of tuition at a com-
14 munity college in this state.

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

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

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

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

30 “(9) Prior to the start of the fall term of each academic year, the com-

1 mission shall determine whether there are sufficient moneys to award a
2 grant under this section to each person who meets the criteria described in
3 subsections (3) to (6) of this section. **When making a determination under**
4 **this subsection, the commission may consider both projected resources**
5 **and statutory modifications that will take effect during the current**
6 **biennium.** On the basis of this determination the commission may:

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

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

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

17 “[*(A)*] decrease the total amount of the grant awarded.[: or]

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

21 “(b) If at any time the commission determines that the amount of moneys
22 available to operate the Oregon Promise program exceeds the amount deter-
23 mined under subsection (9) of this section, the commission may reduce or
24 eliminate any limitation on eligibility to receive a grant under this section
25 that was previously imposed by the commission under subsection (9)(a) of
26 this section.

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

30 “(11) The commission shall adopt any rules necessary for the adminis-

1 tration of this section, including any requirements related to:

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

4 “(b) Determining whether a person is eligible for a grant under this sec-
5 tion, including whether the person shall be given priority as allowed under
6 subsection (8) of this section;

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

9 “(d) Prescribing eligibility requirements and grant calculations for per-
10 sons dually enrolled in a community college and a public university; and

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

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

17 “(a) Student completion rates of curricula, degrees and programs de-
18 scribed in subsection (3)(a)(B) of this section;

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

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

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

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

27 **“SECTION 20. The amendments to ORS 341.522 by section 19 of this**
28 **2022 Act first apply to the 2022-2023 academic year.**

29

30 **“PHYSICAL EDUCATION REQUIREMENTS**

1 **“SECTION 21.** ORS 329.496 is amended to read:

2 “329.496. (1) Every public school student in kindergarten through grade
3 eight shall participate in physical education for the entire school year.

4 “(2)(a) Students in kindergarten through grade five, and students in grade
5 six at a school that teaches kindergarten through grade six, shall participate
6 in physical education for at least 150 minutes during each school week.

7 “(b) Except as provided by paragraph (a) of this subsection, students in
8 grades six through eight shall participate in physical education for at least
9 225 minutes during each school week.

10 “(c) Notwithstanding the time requirements established by paragraphs (a)
11 and (b) of this subsection, the State Board of Education shall adopt rules
12 that prorate the time requirements for:

13 “(A) School weeks with scheduled school closures, including closures for
14 holidays, inservice days and days scheduled for parent-teacher conferences;

15 “(B) School weeks with unscheduled school closures, including closures
16 for inclement weather and emergencies;

17 “(C) School weeks with out-of-school activities that occur during usual
18 school hours, including field trips and outdoor school programs;

19 “(D) Part-time school programs, including half-day kindergarten; and

20 “(E) Irregular class schedules, including class schedules based on a four-
21 day week.

22 “(d) School districts and public charter schools are not required to comply
23 with the time requirements established by paragraphs (a) and (b) of this
24 subsection for school years during the biennium in which the total amounts
25 appropriated or allocated to the State School Fund and available for dis-
26 tribution to school districts are less than the amounts determined to be
27 needed for school districts through the State School Fund under the tenta-
28 tive budget prepared as provided by ORS 291.210. After the beginning of a
29 biennium, a school district or a public charter school may cease to comply
30 with the time requirements established by paragraphs (a) and (b) of this

1 subsection if the amounts appropriated or allocated to the State School Fund
2 and available for distribution to school districts are less than the amounts
3 determined to be needed for distribution through the State School Fund, as
4 calculated under ORS 291.210.

5 “(3) School districts and public charter schools shall offer instruction in
6 physical education that meets the academic content standards for physical
7 education adopted by the State Board of Education under ORS 329.045. The
8 instruction shall be a sequential, developmentally appropriate curriculum
9 that is designed, implemented and evaluated to help students develop the
10 knowledge, motor skills, self-management skills, attitudes and confidence
11 needed to adopt and maintain physical activity throughout their lives.

12 “(4)(a) School districts and public charter schools shall devote at least 50
13 percent of physical education class time to actual physical activity in each
14 school week, with as much class time as possible spent in moderate physical
15 activity.

16 “(b)(A) For the purpose of satisfying the time requirements established
17 by subsection (2) of this section, school districts and public charter schools
18 may provide up to 45 minutes of activities during each school week that:

19 “(i) Meet the academic content standards for physical education adopted
20 by the State Board of Education under ORS 329.045;

21 “(ii) Are provided for students by a teacher whose license allows the
22 teacher to provide instruction in physical education to those students, even
23 if the teacher does not have a physical education endorsement; and

24 “(iii) Have been reviewed by a licensed teacher with a physical education
25 endorsement.

26 “(B) The Department of Education shall:

27 “(i) Review and, as appropriate, approve activities that are developed by
28 nonprofit professional organizations representing health and physical educa-
29 tion educators if the activities meet the requirements of subparagraph (A)
30 of this paragraph; and

1 “(ii) Make available to school districts and public charter schools a list
2 of activities approved as provided by this subparagraph.

3 “(C) School districts and public charter schools may provide activities
4 that meet the requirements of subparagraph (A) of this paragraph even if the
5 activities are not approved as provided by subparagraph (B) of this para-
6 graph.

7 “(5)(a) Notwithstanding subsections (1), (2) and (4) of this section, a stu-
8 dent with disabilities shall have suitably adapted physical education incor-
9 porated as part of the individualized education program developed for the
10 student under ORS 343.151.

11 “(b) Notwithstanding subsections (1), (2) and (4) of this section, a student
12 who does not have an individualized education program but has chronic
13 health problems, other disabling conditions or other special needs that pre-
14 clude the student from participating in regular physical education instruc-
15 tion shall have suitably adapted physical education incorporated as part of
16 an individualized health plan developed for the student by the school district
17 or public charter school.

18 “(6) School districts and public charter schools shall assess school cur-
19 ricula at regular intervals to measure the attainment of the minimum num-
20 ber of minutes that students are required to participate in physical education
21 under this section.

22 “(7)(a) All teachers of physical education for public school students in
23 kindergarten through grade eight shall be adequately prepared and shall
24 regularly participate in professional development activities to effectively de-
25 liver the physical education program.

26 “(b)(A) Notwithstanding any licensing or endorsement requirements es-
27 tablished by the Teacher Standards and Practices Commission, a teacher
28 with an elementary multiple subject endorsement may instruct students in
29 activities described in subsection (4)(b) of this section if the activities are
30 reviewed by a licensed teacher with a physical education endorsement.

1 “(B) A teacher described in this paragraph may provide instruction in
2 activities described in subsection (4)(b) of this section to students who are
3 not regularly taught by the teacher as long as the instruction in the activ-
4 ities to students who are not regularly taught by the teacher does not exceed
5 45 minutes during each school week. Nothing in this subparagraph allows a
6 school district to employ a teacher for the sole purpose of providing in-
7 struction in activities described in subsection (4)(b) of this section.

8 “(8) A school district that does not comply with the requirements of this
9 section is considered to be nonstandard under ORS 327.103.

10 **“(9)(a) Notwithstanding subsection (8) of this section and pursuant**
11 **to rules adopted by the State Board of Education, the Superintendent**
12 **of Public Instruction may grant a waiver of the requirements of this**
13 **section to a school district or a public charter school if the super-**
14 **intendent finds that the school district or public charter school is un-**
15 **able to meet the requirements because of a human-created disaster**
16 **or a natural disaster.**

17 **“(b) A waiver granted under this subsection may be:**

18 **“(A) In whole or in part of the requirements prescribed by this**
19 **section; and**

20 **“(B) Granted for only one school year, but may be renewed for**
21 **subsequent school years based on rules adopted by the board if the**
22 **school district or public charter school continues to be impacted by the**
23 **disaster.**

24 **“SECTION 22. (1) The amendments to ORS 329.496 by section 21 of**
25 **this 2022 Act first apply to the 2020-2021 school year.**

26 **“(2) Notwithstanding ORS 329.496 or section 2, chapter 301, Oregon**
27 **Laws 2017, a school district may not be considered to be nonstandard**
28 **for failure to comply with the provisions of ORS 329.496 or section 2,**
29 **chapter 301, Oregon Laws 2017, if the school district receives a waiver**
30 **as provided by ORS 329.496 (9).**

1 **“LOCATIONS OF MARIJUANA RETAILERS**

2
3 **“SECTION 23.** ORS 475C.097 is amended to read:

4 “475C.097. (1) The retail sale of marijuana items is subject to regulation
5 by the Oregon Liquor and Cannabis Commission.

6 “(2) A marijuana retailer must have a retail license issued by the com-
7 mission for the premises at which marijuana items are sold. To hold a retail
8 license under this section, a marijuana retailer:

9 “(a) Must apply for a license in the manner described in ORS 475C.033;

10 “(b) Must provide proof that the applicant is 21 years of age or older;

11 “(c) May not be located in an area that is zoned exclusively for residen-
12 tial use;

13 “(d) Except as provided in ORS 475C.101, may not be located within 1,000
14 feet of:

15 **“(A) A building where a public prekindergarten or kindergarten**
16 **program is provided by a school district or an education service dis-**
17 **trict;**

18 “[(A)] **(B)** A public elementary or secondary school for which attendance
19 is compulsory under ORS 339.020; or

20 “[(B)] **(C)** A private or parochial elementary or secondary school, teach-
21 ing children as described in ORS 339.030 (1)(a); and

22 “(e) Must meet the requirements of any rule adopted by the commission
23 under subsection (3) of this section.

24 “(3) The commission shall adopt rules that:

25 “(a) Require a marijuana retailer to annually renew a license issued un-
26 der this section;

27 “(b) Establish application, licensure and renewal of licensure fees for
28 marijuana retailers;

29 “(c) Require marijuana items sold by a marijuana retailer to be tested in
30 accordance with ORS 475C.544;

1 “(d) Notwithstanding ORS 475C.205, allow a marijuana retailer to deliver
2 marijuana items to another marijuana retailer that has on the marijuana
3 retailer’s license application a person that has an interest in or authority
4 over the management of the other marijuana retailer;

5 “(e) Subject to the limitations and privileges described in ORS 475C.149
6 (3), allow a marijuana retailer registered under ORS 475C.149 to sell medical
7 grade cannabinoid products, cannabinoid concentrates and cannabinoid ex-
8 tracts at retail in the same manner that rules adopted under ORS 475C.005
9 to 475C.525 allow a marijuana retailer to sell general use cannabinoid pro-
10 ducts, cannabinoid concentrates and cannabinoid extracts at retail, excepting
11 those circumstances where differentiating between the sale of medical grade
12 cannabinoid products, cannabinoid concentrates and cannabinoid extracts
13 and the sale of general use cannabinoid products, cannabinoid concentrates
14 and cannabinoid extracts is necessary to protect the public health and safety;
15 and

16 “(f) Require a marijuana retailer to meet any public health and safety
17 standards and industry best practices established by the commission by rule.

18 “(4) Fees adopted under subsection (3)(b) of this section:

19 “(a) May not exceed, together with other fees collected under ORS
20 475C.005 to 475C.525, the cost of administering ORS 475C.005 to 475C.525; and

21 “(b) Shall be deposited in the Marijuana Control and Regulation Fund
22 established under ORS 475C.297.

23 **“SECTION 24.** ORS 475C.101 is amended to read:

24 “475C.101. Notwithstanding ORS 475C.097 (2)(d), a marijuana retailer may
25 be located within 1,000 feet of a [*school*] **building described in ORS**
26 **475C.097 (2)(d)** if:

27 “(1)(a) The marijuana retailer is not located within 500 feet of:

28 “(A) **A building where a public prekindergarten or kindergarten**
29 **program is provided by a school district or an education service dis-**
30 **trict;**

1 “[A] (B) A public elementary or secondary school for which attendance
2 is compulsory under ORS 339.020; or

3 “[B] (C) A private or parochial elementary or secondary school, teach-
4 ing children as described in ORS 339.030 (1)(a); and

5 “(b) The Oregon Liquor and Cannabis Commission determines that there
6 is a physical or geographic barrier capable of preventing children from
7 traversing to the premises of the marijuana retailer; or

8 “(2) The marijuana retailer was established before August 1, 2017, in ac-
9 cordance with a city or county ordinance adopted under section 29b, chapter
10 83, Oregon Laws 2016.

11 **“SECTION 25.** ORS 475C.105 is amended to read:

12 “475C.105. If a [*school*] **building** described in ORS 475C.097 (2)(d) that has
13 not previously been attended by children is established within 1,000 feet of
14 a premises for which a license has been issued under ORS 475C.097, the
15 marijuana retailer located at that premises may remain at that location un-
16 less the Oregon Liquor and Cannabis Commission revokes the license of the
17 marijuana retailer under ORS 475C.265.

18 **“SECTION 26.** ORS 475C.833 is amended to read:

19 “475C.833. (1)(a) The Oregon Health Authority shall establish by rule a
20 medical marijuana dispensary registration system for the purpose of tracking
21 and regulating the transfer of:

22 “(A) Usable marijuana, immature marijuana plants and seeds from regis-
23 try identification cardholders, designated primary caregivers and persons
24 responsible for marijuana grow sites to medical marijuana dispensaries;

25 “(B) Medical cannabinoid products, cannabinoid concentrates and
26 cannabinoid extracts from persons responsible for marijuana processing sites
27 to medical marijuana dispensaries; and

28 “(C) Usable marijuana, immature marijuana plants, seeds, medical
29 cannabinoid products, cannabinoid concentrates and cannabinoid extracts
30 from medical marijuana dispensaries to registry identification cardholders

1 and designated primary caregivers.

2 “(b) A person may not operate an establishment for the purpose of pro-
3 viding the services described in paragraph (a) of this subsection unless the
4 person is registered under this section.

5 “(2) The registration system established under subsection (1) of this sec-
6 tion must require an applicant for a medical marijuana dispensary to submit
7 an application to the authority that includes:

8 “(a) The name of the individual who owns the medical marijuana
9 dispensary or, if a business entity owns the medical marijuana dispensary,
10 the name of each individual who has a financial interest in the medical
11 marijuana dispensary;

12 “(b) The name of the individual or individuals responsible for the medical
13 marijuana dispensary, if different from the name of the individual who owns
14 the medical marijuana dispensary;

15 “(c) The address of the medical marijuana dispensary;

16 “(d) Proof that each individual responsible for the medical marijuana
17 dispensary is 21 years of age or older;

18 “(e) Documentation, as required by the authority by rule, that demon-
19 strates the medical marijuana dispensary meets the requirements of sub-
20 section (3) of this section; and

21 “(f) Any other information that the authority considers necessary.

22 “(3) To qualify for registration under this section, a medical marijuana
23 dispensary:

24 “(a) May not be located in an area that is zoned for residential use;

25 “(b) May not be located at the same address as a marijuana grow site;

26 “(c) Must be registered as a business, or have filed an application to
27 register as a business, with the office of the Secretary of State;

28 “(d) Except as provided under ORS 475C.840, may not be located within
29 1,000 feet of:

30 “(A) **A building where a public prekindergarten or kindergarten**

1 **program is provided by a school district or an education service dis-**
2 **trict;**

3 “[A] (B) A public elementary or secondary school for which attendance
4 is compulsory under ORS 339.020; or

5 “[B] (C) A private or parochial elementary or secondary school, teach-
6 ing children as described in ORS 339.030 (1)(a);

7 “(e) Must not be located within 1,000 feet of another medical marijuana
8 dispensary; and

9 “(f) Must meet the requirements of any rule adopted by the authority
10 under subsection (10) of this section.

11 “(4)(a) The authority shall conduct a criminal records check under ORS
12 181A.195 for each individual named in an application submitted under sub-
13 section (2) of this section.

14 “(b) An individual convicted for the manufacture or delivery of a con-
15 trolled substance in Schedule I or Schedule II may not own or be responsible
16 for a medical marijuana dispensary for two years from the date the individ-
17 ual is convicted.

18 “(c) An individual convicted more than once for the manufacture or de-
19 livery of a controlled substance in Schedule I or Schedule II may not own
20 or be responsible for a medical marijuana dispensary.

21 “(5) If a person submits the application required under subsection (2) of
22 this section, if the medical marijuana dispensary identified in the application
23 meets the requirements of this section and any rules adopted under this
24 section and if each individual named in the application passes the criminal
25 records check required under subsection (4) of this section, the authority
26 shall register the medical marijuana dispensary and issue proof of registra-
27 tion. Proof of registration must be displayed on the premises of the medical
28 marijuana dispensary at all times.

29 “(6) A medical marijuana dispensary that is registered under this section
30 is not required to register with the State Board of Pharmacy under ORS

1 475.125.

2 “(7) The individual or individuals responsible for a medical marijuana
3 dispensary shall maintain documentation of each transfer of usable
4 marijuana, medical cannabinoid products, cannabinoid concentrates,
5 cannabinoid extracts, immature marijuana plants and seeds.

6 “(8) The authority may inspect:

7 “(a) The premises of a proposed medical marijuana dispensary or a regis-
8 tered medical marijuana dispensary to ensure compliance with this section
9 and ORS 475C.843 and any rules adopted under this section or ORS 475C.843;
10 and

11 “(b) The records of a registered medical marijuana dispensary to ensure
12 compliance with subsection (7) of this section.

13 “(9) Subject to the provisions of ORS chapter 183, the authority may re-
14 fuse to register an applicant under this section or may suspend or revoke the
15 registration of a medical marijuana dispensary if the authority determines
16 that the applicant, the owner of the medical marijuana dispensary, a person
17 responsible for the medical marijuana dispensary, or an employee of the
18 medical marijuana dispensary, violated a provision of ORS 475C.770 to
19 475C.919, a rule adopted under ORS 475C.770 to 475C.919 or an ordinance
20 adopted pursuant to ORS 475C.897.

21 “(10) The authority shall adopt rules to implement this section, including
22 rules that:

23 “(a) Require a registered medical marijuana dispensary to annually renew
24 the registration for that dispensary;

25 “(b) Establish fees for registering, and renewing the registration of, a
26 medical marijuana dispensary;

27 “(c) Require that each medical marijuana dispensary install and maintain
28 a minimum security system that includes video surveillance, an alarm system
29 and a safe;

30 “(d) Require that usable marijuana, medical cannabinoid products,

1 cannabinoid concentrates, cannabinoid extracts and immature marijuana
2 plants transferred by a medical marijuana dispensary be tested to ensure the
3 public health and safety; and

4 “(e) Impose any other standard on the operation of a medical marijuana
5 dispensary to ensure the public health and safety.

6 **“SECTION 27.** ORS 475C.840 is amended to read:

7 “475C.840. Notwithstanding ORS 475C.833 (3)(d), a medical marijuana
8 dispensary may be located within 1,000 feet of a [*school*] **building described**
9 **in ORS 475C.833 (3)(d)** if:

10 “(1)(a) The medical marijuana dispensary is not located within 500 feet
11 of:

12 “(A) **A building where a public prekindergarten or kindergarten**
13 **program is provided by a school district or an education service dis-**
14 **trict;**

15 “[*(A)*] (B) A public elementary or secondary school for which attendance
16 is compulsory under ORS 339.020; or

17 “[*(B)*] (C) A private or parochial elementary or secondary school, teach-
18 ing children as described in ORS 339.030 (1)(a); and

19 “(b) The Oregon Health Authority determines that there is a physical or
20 geographic barrier capable of preventing children from traversing to the
21 premises of the medical marijuana dispensary; or

22 “(2) The medical marijuana dispensary was established before August 1,
23 2017, in accordance with a city or county ordinance adopted under section
24 29, chapter 83, Oregon Laws 2016.

25 **“SECTION 28.** ORS 475C.847 is amended to read:

26 “475C.847. If a [*school*] **building** described in ORS 475C.833 (3)(d) that has
27 not previously been attended by children is established within 1,000 feet of
28 a medical marijuana dispensary, the medical marijuana dispensary may re-
29 main at its current location unless the Oregon Health Authority revokes the
30 registration of the medical marijuana dispensary.

1 **“SECTION 29. The amendments to ORS 475C.097, 475C.101, 475C.105,**
2 **475C.833, 475C.840 and 475C.847 by sections 23 to 28 of this 2022 Act be-**
3 **come operative on January 1, 2023.**

4
5 **“PERS FOR PUBLIC CHARTER SCHOOL MEMBERS**

6
7 **“SECTION 30. ORS 338.135 is amended to read:**

8 “338.135. (1) Employee assignment to a public charter school shall be
9 voluntary.

10 “(2)(a) A public charter school or the sponsor of the public charter school
11 is considered the employer of any employees of the public charter school. If
12 a school district board is not the sponsor of the public charter school, the
13 school district board may not be the employer of the employees of the public
14 charter school and the school district board may not collectively bargain
15 with the employees of the public charter school. The public charter school
16 governing body shall control the selection of employees at the public charter
17 school.

18 “(b) If a virtual public charter school or the sponsor of a virtual public
19 charter school contracts with a for-profit entity to provide educational ser-
20 vices through the virtual public charter school, the for-profit entity may not
21 be the employer of any employees of the virtual public charter school unless:

22 “(A) The employee is an administrator who does not have any teaching
23 responsibilities; and

24 “(B) Both the executive officer of the sponsor and the public charter
25 school governing body approve employment by the for-profit entity. The
26 executive officer or governing body may choose to grant approval under this
27 subparagraph:

28 “(i) For all employees of the for-profit entity who meet the description in
29 subparagraph (A) of this paragraph;

30 “(ii) Based on the job categories of the employees who meet the de-

1 description in subparagraph (A) of this paragraph; or

2 “(iii) On a case-by-case basis for each employee who meets the description
3 in subparagraph (A) of this paragraph.

4 “(3) The school district board of the school district within which the
5 public charter school is located shall grant a leave of absence to any em-
6 ployee who chooses to work in the public charter school. The length and
7 terms of the leave of absence shall be set by negotiated agreement or by
8 board policy. However, the length of the leave of absence may not be less
9 than two years unless:

10 “(a) The charter of the public charter school is terminated or the public
11 charter school is dissolved or closed during the leave of absence; or

12 “(b) The employee and the school district board have mutually agreed to
13 a different length of time.

14 “(4) An employee of a public charter school operating within a school
15 district who is granted a leave of absence from the school district and re-
16 turns to employment with the school district shall retain seniority and ben-
17 efits as an employee pursuant to the terms of the leave of absence.
18 Notwithstanding ORS 243.650 to 243.809, a school district that was the em-
19 ployer of an employee of a public charter school not operating within the
20 school district may make provisions for the return of the employee to em-
21 ployment with the school district.

22 “(5)(a) For purposes of ORS chapters 238 and 238A, a public charter
23 school shall be considered a public employer and as such shall participate
24 in the Public Employees Retirement System.

25 “(b) For purposes of determining the salary paid [*between August 29, 2003,*
26 *and January 1, 2020, to a*] **to an active** member of the Public Employees
27 Retirement System under ORS 238A.005 (17) **during the period between**
28 **August 29, 2003, and January 1, 2020**, remuneration paid to a member in
29 return for services to a public charter school is deemed includable in the
30 member’s taxable income under Oregon law during a period of continuous

1 employment with any public charter school if:

2 “(A) The member was hired in a qualifying position by any public charter
3 school on or after August 29, 2003;

4 **“(B) The member was informed in writing by the public charter**
5 **school during the period of continuous employment that the member**
6 **was eligible to participate in the Public Employees Retirement System**
7 **and the public charter school made contributions to the system on the**
8 **member’s behalf;**

9 “[B)] (C) The remuneration was, or would have been if the member were
10 an Oregon resident, includable in the member’s taxable income under Oregon
11 law during the period of continuous employment; and

12 “[C)] (D) The member resided and performed services in the United
13 States during the period of continuous employment.

14 “(c) As used in this subsection, ‘continuous employment’ means employ-
15 ment with a public charter school that is not interrupted by a period of more
16 than 30 consecutive calendar days.

17 “(6) For teacher licensing, employment experience in public charter
18 schools shall be considered equivalent to experience in public schools.

19 “(7)(a) Any person employed as an administrator in a public charter
20 school shall be licensed or registered to administer by the Teacher Standards
21 and Practices Commission.

22 “(b) Any person employed as a teacher in a public charter school shall
23 be licensed or registered to teach by the commission.

24 “(c) Notwithstanding paragraph (a) or (b) of this subsection, at least
25 one-half of the total full-time equivalent (FTE) teaching and administrative
26 staff at the public charter school shall be licensed by the commission pur-
27 suant to ORS 342.125.

28 “(8) Notwithstanding ORS 243.650, a public charter school shall be con-
29 sidered a school district for purposes of ORS 243.650 to 243.809. An employee
30 of a public charter school may be a member of a labor organization or or-

1 ganize with other employees to bargain collectively. Bargaining units at the
2 public charter school may be separate from other bargaining units of the
3 sponsor or of the school district in which the public charter school is lo-
4 cated. Employees of a public charter school may be part of the bargaining
5 units of the sponsor or of the school district in which the public charter
6 school is located.

7 “(9) An entity described in ORS 338.005 (4) may not waive the right to
8 sponsor a public charter school in a collective bargaining agreement.

9

10 “HEALTH CARE BENEFITS FOR PART-TIME FACULTY

11

12 “**SECTION 31.** ORS 350.355 is amended to read:

13 “350.355. (1)(a) Except as provided in paragraph (b) of this subsection, a
14 part-time faculty member at a public institution of higher education is eli-
15 gible for the same employee-only health care benefits as full-time faculty
16 members if the part-time faculty member is working at a level equal to at
17 least half of a full-time equivalent employee **determined as an average** ei-
18 ther at a single public institution of higher education or in aggregate at
19 multiple public institutions of higher education during at least three of the
20 four previous academic terms.

21 “(b) The total cost of providing any health benefit plan offered by a public
22 institution of higher education to a part-time faculty member under this
23 section may not increase annually by more than the annual increase in pre-
24 mium amounts paid for contracted health benefit plans that is permitted
25 under ORS 243.135 (8)(b) or 243.866 (9)(b).

26 “(2)(a) In order to receive employee-only health care benefits under this
27 section, a part-time faculty member must select a home public institution of
28 higher education for the duration of the benefit year under a process estab-
29 lished by each institution. A home public institution of higher education
30 selected under this subsection:

1 “(A) Must be one at which the part-time faculty member is working dur-
2 ing the academic term at the time of the application; and

3 “(B) Is responsible for:

4 “(i) Determining whether the part-time faculty member is eligible to re-
5 ceive health care benefits under this section;

6 “(ii) Determining, on [*a semiannual*] **an annual** basis, whether a part-time
7 faculty member who was found to be eligible to receive health care benefits
8 under sub-subparagraph (i) of this subparagraph continues to be eligible to
9 receive health care benefits under this section;

10 “(iii) Collecting the premiums for health benefit plans that must be paid
11 by the part-time faculty member under subsection (3) of this section;

12 “(iv) Paying the full cost of the insurance premiums for providing health
13 benefit plans to the part-time faculty member, subject to reimbursement as
14 described in subsection (4) of this section; and

15 “(v) Administering and providing health benefit plans to the part-time
16 faculty member in the manner described in this section.

17 “(b) In order to receive health care benefits under this section, a part-time
18 faculty member must provide the home public institution of higher education
19 with all information necessary for the institution to determine the eligibility
20 of the part-time faculty member to receive health care benefits under this
21 section.

22 “(3)(a) Except as provided in paragraph (b) of this subsection, a part-time
23 faculty member at a public institution of higher education shall pay 10 per-
24 cent of all insurance premiums for health benefit plans.

25 “(b) A public institution of higher education may provide by collective
26 bargaining at the institution to pay for some or all of the insurance premi-
27 ums that must otherwise be paid by a part-time faculty member under para-
28 graph (a) of this subsection. The public institution of higher education may
29 not be reimbursed under subsection (4) of this section for the costs the in-
30 stitution incurs to provide health benefit plans under this paragraph.

1 “(4)(a) Every three months a public institution of higher education may
2 request reimbursement from the Higher Education Coordinating Commission
3 for the cost of paying insurance premiums for providing health benefit plans
4 to each part-time faculty member who has selected the institution as the
5 faculty member’s home public institution of higher education under sub-
6 section (2) of this section.

7 “(b) The commission shall use moneys from the Part-Time Faculty Insur-
8 ance Fund established under ORS 350.357 to fully reimburse each public in-
9 stitution of higher education for all documented costs requested by the
10 institution under this subsection, except for any costs described in subsection
11 (3) of this section.

12 “(5) Unless otherwise provided for by collective bargaining, a part-time
13 faculty member at a public institution of higher education who is eligible for
14 health care benefits under subsection (1) of this section may receive health
15 care benefits only in the manner provided by this section.

16 “(6) The Higher Education Coordinating Commission may adopt rules
17 necessary to implement subsection (4) of this section.

18 **“SECTION 32. The amendments to ORS 350.355 by section 31 of this**
19 **2022 Act apply to determinations of eligibility for health benefits that**
20 **are made for an open enrollment period that occurs on or after the**
21 **effective date of this 2022 Act.**

22

23

“CAPTIONS

24

25 **“SECTION 33. The unit captions used in this 2022 Act are provided**
26 **only for the convenience of the reader and do not become part of the**
27 **statutory law of this state or express any legislative intent in the**
28 **enactment of this 2022 Act.**

29

30

“EMERGENCY CLAUSE

1 **“SECTION 34. This 2022 Act being necessary for the immediate**
2 **preservation of the public peace, health and safety, an emergency is**
3 **declared to exist, and this 2022 Act takes effect on its passage.”.**

4
