

A-Engrossed Senate Bill 1522

Ordered by the Senate February 14
Including Senate Amendments dated February 14

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SUMMARY

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

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

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

Directs public universities and community colleges to charge eligible veterans in-state tuition for certain distance education courses.

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

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

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

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

Provides that appropriate education for children enrolled in educational program under Youth Corrections Education Program or Juvenile Detention Education Program includes transition services.

Allows for modifications to or exemptions from requirements related to provision of menstrual products in **certain** student bathrooms *[for certain programs of public education providers]*. **Requires provision of menstrual products in alternate location when public education provider does not have control of student bathrooms.**

Allows high school equivalency student, homeschooled student or student who attends public charter school to meet academic eligibility requirements for participation in interscholastic activities *[during school year in which student initially was determined to be academically ineligible]* **after student demonstrates that student meets specified academic standards and specified amount of time has passed.** Expands protections of right to participate in interscholastic athletics to students of all high school equivalency programs.

Directs Department of Corrections to develop plan and to provide online access to educational programs for adults in custody at Coffee Creek Correctional Facility and Snake River Correctional Institution.

Modifies eligibility requirements and award amounts for Oregon Promise program.

Allows Superintendent of Public Instruction to grant waiver of physical education requirements if school district or public charter school is unable to meet requirements because of human-created disaster or natural disaster.

Prohibits marijuana retailer or medical marijuana dispensary from being located within 1,000 feet of building where public prekindergarten or kindergarten program is provided by school district or education service district.

Modifies calculation of salary paid to active member of Public Employees Retirement System if member is public charter school employee, member was informed in writing that member was eligible to participate in system and public charter school made contributions to system on member's behalf.

Modifies determination of eligibility for part-time faculty member of public institution of higher education for purpose of health care benefits.

Declares emergency, effective on passage.

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

A BILL FOR AN ACT

1
2 Relating to education; creating new provisions; amending ORS 326.545, 326.700, 329.451, 329.496,
3 336.585, 336.590, 338.135, 339.450, 339.460, 341.522, 350.290, 350.355, 350.426, 352.287, 475C.097,
4 475C.101, 475C.105, 475C.833, 475C.840 and 475C.847; and declaring an emergency.

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

6
7 **TRANSFER COUNCIL MEMBERSHIP**

8
9 **SECTION 1.** ORS 350.426 is amended to read:

10 350.426. (1) The Transfer Council is established, consisting of 15 voting members, appointed by
11 the Higher Education Coordinating Commission, and one nonvoting, ex officio member.

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

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

19 (b) Four faculty members, two of whom are currently employed at a public university and two
20 of whom are currently employed at a community college;

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

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

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

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

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

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

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

40 (5)(a) The council:

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

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

44 (b) For a subcommittee established under this subsection that will make recommendations to the
45 council on a subject that will be submitted by the council to the commission under ORS 350.429

1 (1)(d)(A) to (D), the council may appoint any faculty member who is employed by a public university
2 listed in ORS 352.002 or a community college operated under ORS chapter 341, provided that the
3 subcommittee consists of equal numbers of faculty from public universities and community colleges.

4 (c) For a subcommittee established under this subsection that will not make recommendations
5 to the council on a subject that will be submitted by the council to the commission under ORS
6 350.429 (1)(d)(A) to (D), the council may appoint any individual employed by a public university listed
7 in ORS 352.002 or a community college operated under ORS chapter 341, including faculty,
8 registrars, academic advisors and academic administrators.

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

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

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

15 (B) Official action by the council on recommendations to be made to the commission under ORS
16 350.429 (1)(d)(A) to (D) requires the approval of three-fifths of the voting members of the council.

17 (c) Two or more voting members of the council who disagree with recommendations that are
18 submitted to the commission under ORS 350.429 (1)(d)(A) to (D) may jointly submit a minority report
19 to the commission that contains alternate recommendations. A minority report created under this
20 paragraph shall be submitted to the commission with the majority recommendations.

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

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

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

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

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

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

39
40 **IN-STATE TUITION PROVISIONS**

41
42 **SECTION 2.** ORS 350.290 is amended to read:

43 350.290. (1) A public university listed in ORS 352.002 or a community college shall charge an
44 enrolled student who is not a resident of this state and who is attending classes as an undergraduate
45 or graduate student on a public university or community college campus in this state tuition and

1 fees no greater than the resident rate if the student:

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

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

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

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

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

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

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

22 (3)(a) **Except as provided in paragraph (b) of this subsection**, distance education and self-
23 support courses as identified by each public university listed in ORS 352.002 and community college
24 are exempt from the tuition reduction provisions of this section.

25 **(b) The tuition reduction provisions of this section apply to distance education courses**
26 **as identified by each public university listed in ORS 352.002 and community college that are**
27 **taken by a person who:**

28 **(A) Is eligible to receive the tuition reduction provisions of this section when attending**
29 **classes as an undergraduate or graduate student on a public university or community college**
30 **campus in this state; and**

31 **(B) Served in the Armed Forces of the United States.**

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

33 352.287. (1) The governing board of a public university listed in ORS 352.002 shall exempt a
34 student who is not a citizen or a lawful permanent resident of the United States from paying non-
35 resident tuition and fees for enrollment as an undergraduate student and as a graduate student in
36 a degree program at a public university listed in ORS 352.002 if the student:

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (7) Not later than July 1 of each year, the Higher Education Coordinating Commission shall
44 report to the Speaker of the House of Representatives, the President of the Senate and the interim
45 committees of the Legislative Assembly with subject matter authority over higher education, for the

1 preceding academic year:

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

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

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

9 (9) As used in this section:

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

12 (A) The Republic of Palau;

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

14 (C) The Federated States of Micronesia.

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

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

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

20 [(A)] (i) Section 1059(a) of the National Defense Authorization Act for Fiscal Year 2006, P.L.
21 109-163, 119 Stat. 3444;

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

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

26 **(B) An individual who is granted humanitarian parole, asylum, conditional permanent**
27 **residency or temporary protected status by the United States Department of Homeland Se-**
28 **curity or other federal agency.**

29
30 **CONTACT-SHARING REQUIREMENT**
31 **FOR GRADUATE STUDENT EMPLOYEES**
32

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

36 **(a) Requires the graduate student to provide the contact information described in ORS**
37 **243.804 (4)(a)(B); and**

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

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

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

43 **(b) Sign the consent described in subsection (1)(b) of this section to authorize the public**
44 **university to release the contact information that is part of the employment record.**
45

**YOUTH CORRECTIONS EDUCATION PROGRAM AND
JUVENILE DETENTION EDUCATION PROGRAM**

SECTION 5. ORS 329.451 is amended to read:

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

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

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

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

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

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

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

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

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

- (i) A foster child, as defined in ORS 30.297;
- (ii) Homeless, as determined under rules adopted by the State Board of Education based on standards adopted by the Department of Human Services;
- (iii) A runaway, as determined under rules adopted by the State Board of Education based on standards adopted by the Department of Human Services;
- (iv) A child in a military family covered by the Interstate Compact on Educational Opportunity for Military Children, as determined under rules adopted by the State Board of Education;
- (v) A child of a migrant worker, as determined under rules adopted by the State Board of Education; or
- (vi) Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education Program.

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

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

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

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

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

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

19 (A) Additional time to demonstrate proficiency.

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

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

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

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

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

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

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

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

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

38 (B) The student, if the student is 18 years of age or older or is emancipated pursuant to ORS
 39 419B.550 to 419B.558.

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

43 (7) A school district or public charter school shall award a modified diploma only to students
 44 who have demonstrated the inability to meet the full set of academic content standards for a high
 45 school diploma with reasonable modifications and accommodations. To be eligible for a modified di-

1 ploma, a student must:

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

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

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

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

- 14 (A) Two credits of mathematics;
- 15 (B) Two credits of language arts;
- 16 (C) Two credits of science;
- 17 (D) Three credits of history, geography, economics or civics;
- 18 (E) One credit of health;
- 19 (F) One credit of physical education; and
- 20 (G) One credit of the arts or a world language; and

21 (b) Have a documented history of:

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

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

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

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

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

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

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

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

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

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

45 (d) Each school district must provide to the Superintendent of Public Instruction information

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (A) Beginning in grade five; or

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

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

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

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

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

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

18 **SECTION 6.** ORS 329.451, as amended by section 1, chapter 175, Oregon Laws 2021, is amended
19 to read:

20 329.451. (1)(a) At or before grade 12, a school district or public charter school shall award a high
21 school diploma to a student who completes the requirements established by subsection (2) of this
22 section.

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

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

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

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

37 (A) Three credits of mathematics;

38 (B) Four credits of language arts; and

39 (C) One half-credit of civics.

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

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

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

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

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

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

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

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

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

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

15 (vi) Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education
16 Program.

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

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

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

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

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

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

35 (A) Additional time to demonstrate proficiency.

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

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

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

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

45 (5) If a school district or public charter school has received consent as provided by subsection

1 (6) of this section, the school district or public charter school may advance the student to the next
2 grade level if the student has satisfied the requirements for the student's current grade level.

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

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

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

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

9 (B) The student, if the student is 18 years of age or older or is emancipated pursuant to ORS
10 419B.550 to 419B.558.

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

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

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

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

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

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

30 (A) Two credits of mathematics;

31 (B) Two credits of language arts;

32 (C) Two credits of science;

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

34 (E) One credit of health;

35 (F) One credit of physical education; and

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

37 (b) Have a documented history of:

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

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

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

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

1 charter school.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (A) Beginning in grade five; or

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

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

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

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

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

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

34 **SECTION 7.** ORS 326.700 is amended to read:

35 326.700. It is the purpose of ORS 326.712 and 327.026 and this section that [*youths enrolled in*
36 *the Youth Corrections Education Program and the Juvenile Detention Education Program administered*
37 *by the Department of Education be treated as nearly the same as practicable in the distribution of the*
38 *State School Fund as children enrolled in common and union high school districts in this state.]:*

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

44 **(2) Students who are enrolled, or youth who had recently been enrolled, in the Youth**
45 **Corrections Education Program or the Juvenile Detention Education Program are able to**

1 **smoothly transition from these programs into school settings and workforce preparation**
2 **programs.**

3 **SECTION 8.** ORS 336.585 is amended to read:

4 336.585. (1) As used in this section:

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

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

10 (2)(a) The Department of Education shall provide or cause to be provided appropriate education
11 for children enrolled in an educational program under the Juvenile Detention Education Program.
12 The Superintendent of Public Instruction may contract with a school district or education service
13 district to provide or cause to be provided appropriate education to children enrolled in an educa-
14 tional program under the Juvenile Detention Education Program. **For the purpose of this section,**
15 **an appropriate education includes transition services from the Juvenile Detention Education**
16 **Program into school settings and workforce preparation programs and any necessary ongo-**
17 **ing support for a transition.**

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

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

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

25 (3) The superintendent shall pay the costs of providing education to children enrolled in an ed-
26 ucational program under the Juvenile Detention Education Program from the State School Fund
27 grant allocated for that purpose under ORS 327.026.

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

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

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

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

35 (d) Receive funds under ORS chapter 329.

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

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

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

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

42 **SECTION 9.** ORS 336.590 is amended to read:

43 336.590. (1) As used in this section, “Youth Corrections Education Program” means the program
44 defined in ORS 326.695.

45 (2) The Department of Education shall provide or cause to be provided appropriate education

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

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

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

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

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

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

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

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

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

26 (e) Receive funds under ORS chapter 329.

27 **SECTION 10. (1) The amendments to ORS 326.700, 336.585 and 336.590 by sections 7 to 9**
28 **of this 2022 Act become operative on July 1, 2022.**

29 **(2) The amendments to ORS 326.700, 336.585 and 336.590 by sections 7 to 9 of this 2022**
30 **Act first apply to the 2022-2023 school year.**

31
32 **PROVISION OF MENSTRUAL PRODUCTS TO STUDENTS**

33
34 **SECTION 11.** ORS 326.545, as operative until July 1, 2022, is amended to read:

35 326.545. (1) As used in this section:

36 (a) "Public education provider" means:

37 (A) A school district;

38 (B) A public charter school;

39 (C) An education service district;

40 (D) A community college; or

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

42 (b) "Public school building" means a building used by a public education provider to provide
43 educational services to students.

44 (c) "Student bathroom" means a bathroom that is accessible by students **in kindergarten or**
45 **above**, including a gender-neutral bathroom, a bathroom designated for females and a bathroom

1 designated for males.

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

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

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

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

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

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

16 (c) **The provision of tampons and sanitary pads in an alternate location when the public**
17 **education provider does not have control of the student bathrooms used by the students of**
18 **the public education provider;**

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

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

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

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

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

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

33 **SECTION 12.** ORS 326.545 is amended to read:

34 326.545. (1) As used in this section:

35 (a) "Public education provider" means:

36 (A) A school district;

37 (B) A public charter school;

38 (C) An education service district;

39 (D) A community college; or

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

41 (b) "Public school building" means a building used by a public education provider to provide
42 educational services to students.

43 (c) "Student bathroom" means a bathroom that is accessible by students **in kindergarten or**
44 **above**, including a gender-neutral bathroom, a bathroom designated for females and a bathroom
45 designated for males.

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

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

7 (4) The State Board of Education and the Higher Education Coordinating Commission shall
8 adopt any rules necessary for the administration of this section. Rules adopted by the board and
9 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) **The provision of tampons and sanitary pads in an alternate location when the public**
13 **education provider does not have control of the student bathrooms used by the students of**
14 **the public education provider;**

15 (d) **Modifications to or exemptions from the requirements of this section for student**
16 **bathrooms that are not located in commonly accessible areas of the public school buildings**
17 **of a community college or a public university; and**

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

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

22 (B) For education service districts, distributions to be made as provided by subparagraph (A)
23 of this paragraph may not exceed 7.5 percent of the amounts available for distribution under ORS
24 327.008 (18);

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

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

29
30 **PARTICIPATION IN INTERSCHOLASTIC ACTIVITIES**

31
32 **SECTION 13.** ORS 339.460 is amended to read:

33 339.460. (1) As used in this section:

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

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

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

43 (d) “Interscholastic activities” includes:

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

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

4 (e) "Public charter school" has the meaning given that term in ORS 338.005.

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

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

13 (i) The school district's school or class attendance requirements; and

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

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

18 (b) For a homeschooled student or a student who attends a public charter school, the student
19 must *[meet]* **demonstrate academic eligibility by meeting** one of these requirements:

20 (A) Achieve a minimum score that places the student at or above the 23rd percentile, based on
21 national norms, on an examination from the list the State Board of Education adopts under ORS
22 339.035. The student must take the examination *[at the end of each school year]* **prior to the be-**
23 **ginning of the school year in which the student will participate in an interscholastic activity**
24 **and for which academic eligibility is being determined**, and the student's parent or legal guard-
25 ian must submit the results to the school district for use in determining **the student's academic**
26 eligibility *[for the following year]*.

27 (B) Meet alternative requirements that a school district adopts, in consultation with the
28 student's parent or legal guardian, to participate in interscholastic activities, including but not
29 limited to a requirement that a student submit a portfolio of work samples to a school district
30 committee for review to determine whether the student is eligible to participate in interscholastic
31 activities.

32 (c) For a *[GED]* **high school equivalency** student, the student must demonstrate **academic el-**
33 **igibility by showing** that, prior to beginning the interscholastic activity, the student has passed at
34 least one practice test administered through the *[GED]* **high school equivalency** program.

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

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

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

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

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

4 (4) [A *GED*] **A high school equivalency** student, a homeschooled student or a student who at-
5 tends a public charter school may participate in interscholastic activities while awaiting examina-
6 tion or practice test results **unless the student is awaiting the results to restore academic**
7 **eligibility.**

8 *[(5) A GED student, a homeschooled student or a student who attends a public charter school who*
9 *does not maintain academic eligibility is ineligible to participate in interscholastic activities for the*
10 *duration of the school year in which the student becomes academically ineligible and for the following*
11 *year. The student must take the required examinations or practice tests at the end of the second year*
12 *and meet the standards described in subsection (2)(b) or (c) of this section to become eligible for the*
13 *third year.]*

14 (5) **A high school equivalency student, a homeschooled student or a student who attends**
15 **a public charter school who does not maintain academic eligibility is ineligible to participate**
16 **in interscholastic activities for the school year in which the student is determined to be ac-**
17 **ademically ineligible unless:**

18 (a) **At least 18 weeks have passed from the later of the date that the student:**

19 **(A) Was determined to have not maintained academic eligibility; or**

20 **(B) Became a high school equivalency student or a homeschooled student; and**

21 **(b) The student takes the required examinations or practice tests and meets the stan-**
22 **dards described in subsection (2)(b) or (c) of this section.**

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

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

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

38 **SECTION 14.** ORS 339.450 is amended to read:

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

42 (1) Transferred between schools;

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

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

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

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

4
5 **PLAN TO ENSURE ACCESS TO EDUCATIONAL PROGRAMS**
6 **AT CORRECTIONAL FACILITIES**
7

8 **SECTION 15.** (1) The Department of Corrections shall develop a plan for providing the
9 equipment, connectivity and infrastructure necessary to ensure that adults in custody in the
10 Coffee Creek Correctional Facility and the Snake River Correctional Institution have online
11 access to:

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

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

14 (c) Education programs that provide college credit, a college degree, a college certifica-
15 tion, an industry-recognized certification or license or an apprenticeship.

16 (2) The department shall submit the plan developed under this section, in the manner
17 provided by ORS 192.245, to an interim committee of the Legislative Assembly related to ed-
18 ucation no later than December 31, 2022.

19 **SECTION 16.** Section 15 of this 2022 Act is repealed on January 2, 2024.

20 **SECTION 17.** (1) No later than September 1, 2023, the Department of Corrections shall
21 ensure that adults in custody in the Coffee Creek Correctional Facility and the Snake River
22 Correctional Institution have online access to:

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

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

25 (c) Education programs that provide college credit, a college degree, a college certifica-
26 tion, an industry-recognized certification or license or an apprenticeship.

27 (2) Nothing in this section establishes a legally enforceable right to online access to the
28 programs described in this section for adults in custody.

29 (3) The department shall adopt any rules necessary for establishing program eligibility
30 and participation criteria for online access for adults in custody.

31
32 **ELIGIBILITY FOR OREGON PROMISE GRANT**
33

34 **SECTION 18.** ORS 341.522 is amended to read:

35 341.522. (1) The Office of Student Access and Completion shall administer the Oregon Promise
36 program as provided by this section.

37 (2) Subject to subsections (7) to (10) of this section, the office shall provide a grant for commu-
38 nity college courses to a person who meets the criteria described in subsections (3) to (6) of this
39 section. The grant shall be limited as provided by subsections (7) to (10) of this section.

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

41 (a) Is enrolled in courses that are:

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

43 (B) Determined by the office, in accordance with rules adopted by the Higher Education Coor-
44 dinating Commission, to be required for completion of:

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

- 1 of education;
- 2 (ii) An associate degree; or
- 3 (iii) A program in career and technical education;
- 4 (b) Except as provided in subsection (5) of this section, has been a resident of this state for at
- 5 least 12 months prior to enrolling in the courses described in paragraph (a) of this subsection;
- 6 (c) Attained the person's highest level of education, except as provided in subsection (5) of this
- 7 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 equivalency test such as the
- 10 General Educational Development (GED) test as provided by ORS 350.175;
- 11 (C) Completing grade 12 in compliance with the requirements of ORS 339.035; or
- 12 (D) Completing grade 12 at a private or parochial school, as described in ORS 339.030 (1)(a);
- 13 (d) Except as provided in subsections (4) and (5) of this section, attained the person's highest
- 14 level of education as described in paragraph (c) of this subsection within six months from the date
- 15 that the person first enrolls in courses described in paragraph (a) of this subsection for the purpose
- 16 of receiving a grant under this section;
- 17 (e) Earned a cumulative grade point average of [2.5] **2.0** or better in high school or otherwise
- 18 demonstrated an equivalent academic ability, as determined by the office according to rules adopted
- 19 by the commission;
- 20 (f) Completed and submitted the Free Application for Federal Student Aid for each academic
- 21 year and accepted all state and federal aid grants available to the person, if eligible to file the ap-
- 22 plication; and
- 23 (g) Has not completed either of the following:
- 24 (A) More than a total of 90 credit hours, or the equivalent, at a post-secondary institution of
- 25 education; or
- 26 (B) A curriculum, degree or program, as described in paragraph (a)(B) of this subsection.
- 27 (4)(a) If a person otherwise meets the required criteria and has been awarded a grant under
- 28 subsection (3) of this section, but the person enters into service with a career and technical student
- 29 organization relating to agriculture or farming that is approved by the Department of Education
- 30 under ORS 344.077 within six months after the person attained the person's highest level of educa-
- 31 tion as described in subsection (3)(c) of this section, the person will continue to be eligible to receive
- 32 the grant if the person first enrolls in courses described in subsection (3)(a) of this section within
- 33 six months of finishing the person's service with the career and technical student organization.
- 34 (b) In addition to the situation described in paragraph (a) of this subsection, the commission may
- 35 waive the requirement set forth in subsection (3)(d) of this section for a person who shows that the
- 36 person was unable to timely enroll in courses described in subsection (3)(a) of this section due to a
- 37 significant hardship. The commission may adopt rules to implement this paragraph.
- 38 (5)(a) A member of the Oregon National Guard who has completed initial active duty training
- 39 is not required to comply with the criteria set forth in subsection (3)(d) of this section in order to
- 40 receive a grant, provided that the member first enrolls in courses described in subsection (3)(a) of
- 41 this section within six months after completing initial active duty training, as evidenced by an offi-
- 42 cial form issued by the United States Department of Defense.
- 43 (b)(A) A person who completes the highest level of education as described in subsection (3)(c)
- 44 of this section while confined in a correctional facility, either serving a sentence of incarceration
- 45 or as a young person, youth or adjudicated youth, is not required to comply with the criteria set

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

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

8 (C) As used in this paragraph:

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

11 (ii) “Correctional facility” means any place used for the confinement of young persons, youths
12 or adjudicated youths or persons charged with or convicted of a crime or otherwise confined under
13 a court order, including 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, with respect to persons
19 detained therein who are youths or adjudicated youths, who are charged with or convicted of a
20 crime or who are detained therein after having been found guilty except for insanity of a crime
21 under ORS 161.290 to 161.373 or having been found responsible except for insanity under ORS
22 419C.411.

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

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

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

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

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

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

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

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

41 (C) As used in this paragraph:

42 (i) “Foster care” means substitute care for children placed by the Department of Human Ser-
43 vices or a tribal child welfare agency away from the child’s parents and for whom the department
44 or agency has placement and care responsibility, including placements in foster family homes, foster
45 homes of relatives, group homes, emergency shelters, residential facilities, child care institutions and

1 preadoptive homes.

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

5 (6)(a) A person continues to remain eligible to receive a grant under this section if the person,
6 in addition to satisfying the criteria specified in subsection (3) of this section, meets the following
7 criteria:

8 (A) Maintains at least the minimum cumulative grade point average prescribed by the commis-
9 sion based on federal aid grant requirements;

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

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

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

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

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

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

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

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

33 (B) Not more than the lesser of:

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

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

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

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

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

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

5 [(e)] (d) The commission may prescribe by rule whether to include fees, and any limitations re-
 6 lated to the inclusion of fees, when determining the actual cost of tuition or the average cost of
 7 tuition under this subsection.

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

11 (9) Prior to the start of the fall term of each academic year, the commission shall determine
 12 whether there are sufficient moneys to award a grant under this section to each person who meets
 13 the criteria described in subsections (3) to (6) of this section. **When making a determination un-**
 14 **der this subsection, the commission may consider both projected resources and statutory**
 15 **modifications that will take effect during the current biennium.** On the basis of this determi-
 16 nation the commission may:

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

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

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

25 [(A)] decrease the total amount of the grant awarded.[: or]

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

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

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

35 (11) The commission shall adopt any rules necessary for the administration of this section, in-
 36 cluding any requirements related to:

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

38 (b) Determining whether a person is eligible for a grant under this section, including whether
 39 the person shall be given priority as allowed under subsection (8) of this section;

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

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

44 (e) Evaluating the impact of the program established under this section, including any require-
 45 ments for reporting data needed for evaluations.

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

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

6 (b) The amount of federal aid grants received by persons who received a grant under this sec-
7 tion;

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

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

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

13 **SECTION 19. The amendments to ORS 341.522 by section 18 of this 2022 Act first apply**
14 **to the 2022-2023 academic year.**

15
16 **PHYSICAL EDUCATION REQUIREMENTS**

17
18 **SECTION 20.** ORS 329.496 is amended to read:

19 329.496. (1) Every public school student in kindergarten through grade eight shall participate in
20 physical education for the entire school year.

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

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

26 (c) Notwithstanding the time requirements established by paragraphs (a) and (b) of this sub-
27 section, the State Board of Education shall adopt rules that prorate the time requirements for:

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

30 (B) School weeks with unscheduled school closures, including closures for inclement weather
31 and emergencies;

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

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

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

36 (d) School districts and public charter schools are not required to comply with the time re-
37 quirements established by paragraphs (a) and (b) of this subsection for school years during the
38 biennium in which the total amounts appropriated or allocated to the State School Fund and avail-
39 able for distribution to school districts are less than the amounts determined to be needed for school
40 districts through the State School Fund under the tentative budget prepared as provided by ORS
41 291.210. After the beginning of a biennium, a school district or a public charter school may cease
42 to comply with the time requirements established by paragraphs (a) and (b) of this subsection if the
43 amounts appropriated or allocated to the State School Fund and available for distribution to school
44 districts are less than the amounts determined to be needed for distribution through the State
45 School Fund, as calculated under ORS 291.210.

1 (3) School districts and public charter schools shall offer instruction in physical education that
2 meets the academic content standards for physical education adopted by the State Board of Educa-
3 tion under ORS 329.045. The instruction shall be a sequential, developmentally appropriate curric-
4 ulum that is designed, implemented and evaluated to help students develop the knowledge, motor
5 skills, self-management skills, attitudes and confidence needed to adopt and maintain physical ac-
6 tivity throughout their lives.

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

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

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

15 (ii) Are provided for students by a teacher whose license allows the teacher to provide instruc-
16 tion in physical education to those students, even if the teacher does not have a physical education
17 endorsement; and

18 (iii) Have been reviewed by a licensed teacher with a physical education endorsement.

19 (B) The Department of Education shall:

20 (i) Review and, as appropriate, approve activities that are developed by nonprofit professional
21 organizations representing health and physical education educators if the activities meet the re-
22 quirements of subparagraph (A) of this paragraph; and

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

25 (C) School districts and public charter schools may provide activities that meet the requirements
26 of subparagraph (A) of this paragraph even if the activities are not approved as provided by sub-
27 paragraph (B) of this paragraph.

28 (5)(a) Notwithstanding subsections (1), (2) and (4) of this section, a student with disabilities shall
29 have suitably adapted physical education incorporated as part of the individualized education pro-
30 gram developed for the student under ORS 343.151.

31 (b) Notwithstanding subsections (1), (2) and (4) of this section, a student who does not have an
32 individualized education program but has chronic health problems, other disabling conditions or
33 other special needs that preclude the student from participating in regular physical education in-
34 struction shall have suitably adapted physical education incorporated as part of an individualized
35 health plan developed for the student by the school district or public charter school.

36 (6) School districts and public charter schools shall assess school curricula at regular intervals
37 to measure the attainment of the minimum number of minutes that students are required to partic-
38 ipate in physical education under this section.

39 (7)(a) All teachers of physical education for public school students in kindergarten through
40 grade eight shall be adequately prepared and shall regularly participate in professional development
41 activities to effectively deliver the physical education program.

42 (b)(A) Notwithstanding any licensing or endorsement requirements established by the Teacher
43 Standards and Practices Commission, a teacher with an elementary multiple subject endorsement
44 may instruct students in activities described in subsection (4)(b) of this section if the activities are
45 reviewed by a licensed teacher with a physical education endorsement.

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

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

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

14 (b) A waiver granted under this subsection may be:

15 (A) In whole or in part of the requirements prescribed by this section; and

16 (B) Granted for only one school year, but may be renewed for subsequent school years
17 based on rules adopted by the board if the school district or public charter school continues
18 to be impacted by the disaster.

19 **SECTION 21.** (1) The amendments to ORS 329.496 by section 20 of this 2022 Act first apply
20 to the 2020-2021 school year.

21 (2) Notwithstanding ORS 329.496 or section 2, chapter 301, Oregon Laws 2017, a school
22 district may not be considered to be nonstandard for failure to comply with the provisions
23 of ORS 329.496 or section 2, chapter 301, Oregon Laws 2017, if the school district receives a
24 waiver as provided by ORS 329.496 (9).

25 LOCATIONS OF MARIJUANA RETAILERS

26 **SECTION 22.** ORS 475C.097 is amended to read:

27
28 475C.097. (1) The retail sale of marijuana items is subject to regulation by the Oregon Liquor
29 and Cannabis Commission.

30 (2) A marijuana retailer must have a retail license issued by the commission for the premises
31 at which marijuana items are sold. To hold a retail license under this section, a marijuana retailer:

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

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

34 (c) May not be located in an area that is zoned exclusively for residential use;

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

36 (A) A building where a public prekindergarten or kindergarten program is provided by a
37 school district or an education service district;

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

40 [(B)] (C) A private or parochial elementary or secondary school, teaching children as described
41 in ORS 339.030 (1)(a); and

42 (e) Must meet the requirements of any rule adopted by the commission under subsection (3) of
43 this section.

44 (3) The commission shall adopt rules that:
45

1 (a) Require a marijuana retailer to annually renew a license issued under this section;

2 (b) Establish application, licensure and renewal of licensure fees for marijuana retailers;

3 (c) Require marijuana items sold by a marijuana retailer to be tested in accordance with ORS
4 475C.544;

5 (d) Notwithstanding ORS 475C.205, allow a marijuana retailer to deliver marijuana items to an-
6 other marijuana retailer that has on the marijuana retailer's license application a person that has
7 an interest in or authority over the management of the other marijuana retailer;

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

16 (f) Require a marijuana retailer to meet any public health and safety standards and industry best
17 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 475C.005 to 475C.525, the cost
20 of administering ORS 475C.005 to 475C.525; and

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

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

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

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

27 **(A) A building where a public prekindergarten or kindergarten program is provided by a**
28 **school district or an education service district;**

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

31 [(B)] **(C)** A private or parochial elementary or secondary school, teaching children as described
32 in ORS 339.030 (1)(a); and

33 (b) The Oregon Liquor and Cannabis Commission determines that there is a physical or ge-
34 ographic barrier capable of preventing children from traversing to the premises of the marijuana
35 retailer; or

36 (2) The marijuana retailer was established before August 1, 2017, in accordance with a city or
37 county ordinance adopted under section 29b, chapter 83, Oregon Laws 2016.

38 **SECTION 24.** ORS 475C.105 is amended to read:

39 475C.105. If a [school] **building** described in ORS 475C.097 (2)(d) that has not previously been
40 attended by children is established within 1,000 feet of a premises for which a license has been is-
41 sued under ORS 475C.097, the marijuana retailer located at that premises may remain at that lo-
42 cation unless the Oregon Liquor and Cannabis Commission revokes the license of the marijuana
43 retailer under ORS 475C.265.

44 **SECTION 25.** ORS 475C.833 is amended to read:

45 475C.833. (1)(a) The Oregon Health Authority shall establish by rule a medical marijuana

1 dispensary registration system for the purpose of tracking and regulating the transfer of:

2 (A) Usable marijuana, immature marijuana plants and seeds from registry identification
3 cardholders, designated primary caregivers and persons responsible for marijuana grow sites to
4 medical marijuana dispensaries;

5 (B) Medical cannabinoid products, cannabinoid concentrates and cannabinoid extracts from
6 persons responsible for marijuana processing sites to medical marijuana dispensaries; and

7 (C) Usable marijuana, immature marijuana plants, seeds, medical cannabinoid products,
8 cannabinoid concentrates and cannabinoid extracts from medical marijuana dispensaries to registry
9 identification cardholders and designated primary caregivers.

10 (b) A person may not operate an establishment for the purpose of providing the services de-
11 scribed in paragraph (a) of this subsection unless the person is registered under this section.

12 (2) The registration system established under subsection (1) of this section must require an ap-
13 plicant for a medical marijuana dispensary to submit an application to the authority that includes:

14 (a) The name of the individual who owns the medical marijuana dispensary or, if a business
15 entity owns the medical marijuana dispensary, the name of each individual who has a financial in-
16 terest in the medical marijuana dispensary;

17 (b) The name of the individual or individuals responsible for the medical marijuana dispensary,
18 if different from the name of the individual who owns the medical marijuana dispensary;

19 (c) The address of the medical marijuana dispensary;

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

22 (e) Documentation, as required by the authority by rule, that demonstrates the medical
23 marijuana dispensary meets the requirements of subsection (3) of this section; and

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

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

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

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

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

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

31 **(A) A building where a public prekindergarten or kindergarten program is provided by a**
32 **school district or an education service district;**

33 ~~[(A)]~~ **(B)** A public elementary or secondary school for which attendance is compulsory under
34 ORS 339.020; or

35 ~~[(B)]~~ **(C)** A private or parochial elementary or secondary school, teaching children as described
36 in ORS 339.030 (1)(a);

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

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

40 (4)(a) The authority shall conduct a criminal records check under ORS 181A.195 for each indi-
41 vidual named in an application submitted under subsection (2) of this section.

42 (b) An individual convicted for the manufacture or delivery of a controlled substance in Sched-
43 ular I or Schedule II may not own or be responsible for a medical marijuana dispensary for two years
44 from the date the individual is convicted.

45 (c) An individual convicted more than once for the manufacture or delivery of a controlled

1 substance in Schedule I or Schedule II may not own or be responsible for a medical marijuana
2 dispensary.

3 (5) If a person submits the application required under subsection (2) of this section, if the med-
4 ical marijuana dispensary identified in the application meets the requirements of this section and
5 any rules adopted under this section and if each individual named in the application passes the
6 criminal records check required under subsection (4) of this section, the authority shall register the
7 medical marijuana dispensary and issue proof of registration. Proof of registration must be displayed
8 on the premises of the medical marijuana dispensary at all times.

9 (6) A medical marijuana dispensary that is registered under this section is not required to reg-
10 ister with the State Board of Pharmacy under ORS 475.125.

11 (7) The individual or individuals responsible for a medical marijuana dispensary shall maintain
12 documentation of each transfer of usable marijuana, medical cannabinoid products, cannabinoid
13 concentrates, cannabinoid extracts, immature marijuana plants and seeds.

14 (8) The authority may inspect:

15 (a) The premises of a proposed medical marijuana dispensary or a registered medical marijuana
16 dispensary to ensure compliance with this section and ORS 475C.843 and any rules adopted under
17 this section or ORS 475C.843; and

18 (b) The records of a registered medical marijuana dispensary to ensure compliance with sub-
19 section (7) of this section.

20 (9) Subject to the provisions of ORS chapter 183, the authority may refuse to register an appli-
21 cant under this section or may suspend or revoke the registration of a medical marijuana dispensary
22 if the authority determines that the applicant, the owner of the medical marijuana dispensary, a
23 person responsible for the medical marijuana dispensary, or an employee of the medical marijuana
24 dispensary, violated a provision of ORS 475C.770 to 475C.919, a rule adopted under ORS 475C.770
25 to 475C.919 or an ordinance adopted pursuant to ORS 475C.897.

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

27 (a) Require a registered medical marijuana dispensary to annually renew the registration for
28 that dispensary;

29 (b) Establish fees for registering, and renewing the registration of, a medical marijuana
30 dispensary;

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

33 (d) Require that usable marijuana, medical cannabinoid products, cannabinoid concentrates,
34 cannabinoid extracts and immature marijuana plants transferred by a medical marijuana dispensary
35 be tested to ensure the public health and safety; and

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

38 **SECTION 26.** ORS 475C.840 is amended to read:

39 475C.840. Notwithstanding ORS 475C.833 (3)(d), a medical marijuana dispensary may be located
40 within 1,000 feet of a [school] **building described in ORS 475C.833 (3)(d)** if:

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

42 **(A) A building where a public prekindergarten or kindergarten program is provided by a**
43 **school district or an education service district;**

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

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

3 (4) An employee of a public charter school operating within a school district who is granted a
4 leave of absence from the school district and returns to employment with the school district shall
5 retain seniority and benefits as an employee pursuant to the terms of the leave of absence.
6 Notwithstanding ORS 243.650 to 243.809, a school district that was the employer of an employee of
7 a public charter school not operating within the school district may make provisions for the return
8 of the employee to employment with the school district.

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

11 (b) For purposes of determining the salary paid *[between August 29, 2003, and January 1, 2020,*
12 *to a]* **to an active** member of the Public Employees Retirement System under ORS 238A.005 (17)
13 **during the period between August 29, 2003, and January 1, 2020**, remuneration paid to a member
14 in return for services to a public charter school is deemed includable in the member's taxable in-
15 come under Oregon law during a period of continuous employment with any public charter school
16 if:

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

19 **(B) The member was informed in writing by the public charter school during the period**
20 **of continuous employment that the member was eligible to participate in the Public Em-**
21 **ployees Retirement System and the public charter school made contributions to the system**
22 **on the member's behalf;**

23 *[(B)]* (C) The remuneration was, or would have been if the member were an Oregon resident,
24 includable in the member's taxable income under Oregon law during the period of continuous em-
25 ployment; and

26 *[(C)]* (D) The member resided and performed services in the United States during the period of
27 continuous employment.

28 (c) As used in this subsection, "continuous employment" means employment with a public char-
29 ter school that is not interrupted by a period of more than 30 consecutive calendar days.

30 (6) For teacher licensing, employment experience in public charter schools shall be considered
31 equivalent to experience in public schools.

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

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

36 (c) Notwithstanding paragraph (a) or (b) of this subsection, at least one-half of the total full-time
37 equivalent (FTE) teaching and administrative staff at the public charter school shall be licensed by
38 the commission pursuant to ORS 342.125.

39 (8) Notwithstanding ORS 243.650, a public charter school shall be considered a school district
40 for purposes of ORS 243.650 to 243.809. An employee of a public charter school may be a member
41 of a labor organization or organize with other employees to bargain collectively. Bargaining units
42 at the public charter school may be separate from other bargaining units of the sponsor or of the
43 school district in which the public charter school is located. Employees of a public charter school
44 may be part of the bargaining units of the sponsor or of the school district in which the public
45 charter school is located.

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

3
4 **HEALTH CARE BENEFITS FOR PART-TIME FACULTY**

5
6 **SECTION 30.** ORS 350.355 is amended to read:

7 350.355. (1)(a) Except as provided in paragraph (b) of this subsection, a part-time faculty member
8 at a public institution of higher education is eligible for the same employee-only health care benefits
9 as full-time faculty members if the part-time faculty member is working at a level equal to at least
10 half of a full-time equivalent employee **determined as an average** either at a single public institu-
11 tion of higher education or in aggregate at multiple public institutions of higher education during
12 at least three of the four previous academic terms.

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

17 (2)(a) In order to receive employee-only health care benefits under this section, a part-time fac-
18 ulty member must select a home public institution of higher education for the duration of the benefit
19 year under a process established by each institution. A home public institution of higher education
20 selected under this subsection:

21 (A) Must be one at which the part-time faculty member is working during the academic term
22 at the time of the application; and

23 (B) Is responsible for:

24 (i) Determining whether the part-time faculty member is eligible to receive health care benefits
25 under this section;

26 (ii) Determining, on [*a semiannual*] **an annual** basis, whether a part-time faculty member who
27 was found to be eligible to receive health care benefits under sub-subparagraph (i) of this subpara-
28 graph continues to be eligible to receive health care benefits under this section;

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

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

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

36 (b) In order to receive health care benefits under this section, a part-time faculty member must
37 provide the home public institution of higher education with all information necessary for the in-
38 stitution to determine the eligibility of the part-time faculty member to receive health care benefits
39 under this section.

40 (3)(a) Except as provided in paragraph (b) of this subsection, a part-time faculty member at a
41 public institution of higher education shall pay 10 percent of all insurance premiums for health
42 benefit plans.

43 (b) A public institution of higher education may provide by collective bargaining at the institu-
44 tion to pay for some or all of the insurance premiums that must otherwise be paid by a part-time
45 faculty member under paragraph (a) of this subsection. The public institution of higher education

1 may not be reimbursed under subsection (4) of this section for the costs the institution incurs to
2 provide health benefit plans under this paragraph.

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

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

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

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

16 **SECTION 31. The amendments to ORS 350.355 by section 30 of this 2022 Act apply to de-**
17 **terminations of eligibility for health benefits that are made for an open enrollment period**
18 **that occurs on or after the effective date of this 2022 Act.**

19
20 **CAPTIONS**

21
22 **SECTION 32. The unit captions used in this 2022 Act are provided only for the conven-**
23 **ience of the reader and do not become part of the statutory law of this state or express any**
24 **legislative intent in the enactment of this 2022 Act.**

25
26 **EMERGENCY CLAUSE**

27
28 **SECTION 33. This 2022 Act being necessary for the immediate preservation of the public**
29 **peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect**
30 **on its passage.**

31 _____