

SB 1522 A STAFF MEASURE SUMMARY**Senate Committee On Education****Action Date:** 02/10/22**Action:** Do pass with amendments and requesting referral to Ways and Means. (Printed A-Engrossed.)**Vote:** 3-1-1-0**Yeas:** 3 - Dembrow, Gelser Blouin, Gorsek**Nays:** 1 - Thomsen**Exc:** 1 - Robinson**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact**Prepared By:** Matthew Perreault, LPRO Analyst**Meeting Dates:** 2/1, 2/3, 2/8, 2/10**WHAT THE MEASURE DOES:**

Enacts provisions relating to both P-12 and higher education. Declares emergency, effective on passage.

- **Transfer Council membership:** Allows high school teacher who is employed by education service district to serve on Transfer Council.
- **In-State tuition provisions:** Removes exemption of distance learning courses from in-state tuition provisions for military veterans. Exempts individuals who are granted humanitarian parole, asylum, conditional permanent residency, or temporary protected status from nonresident tuition and fees at public universities.
- **Contact-sharing requirement for graduate student employees:** Requires public universities to develop and distribute form to graduate employees that waives privacy rights and authorizes universities to disclose contact information as a condition of employment.
- **Youth Corrections Education Program and Juvenile Detention Education Program:** Requires school districts and charter schools to accept and apply toward graduation requirements any academic credits earned by students in the Youth Corrections Education Program (YCEP), the Juvenile Detention Education Program (JDEP), and programs funded by long-term care or treatment facilities and hospitals. Requires Oregon Department of Education (ODE) to provide YCEP and JDEP students with support to transition into school settings or the workforce beginning in the 2022-2023 school year. Allows use of State School Fund moneys for transition services for YCEP and JDEP students.
- **Provision of menstrual products to students:** Modifies requirement for education providers to provide menstrual products in student bathrooms. Applies requirement to bathrooms for students in kindergarten and above. Allows for provision of menstrual products in alternate locations where bathrooms are not controlled by education providers. Allows for exemption from requirement for student bathrooms that are not located in commonly accessible areas on a public university or community college campus.
- **Participation in interscholastic activities:** Modifies eligibility requirements for homeschooled and high school equivalency students to participate in interscholastic activities based on timing of required examinations. Allows high school equivalency students to restore academic eligibility after a period of 18 weeks and completion of a required examination or practice test. Replaces statutory references to “GED” with “high school equivalency.”
- **Plan to ensure access to educational programs at correctional facilities:** Directs Department of Corrections (DOC) to develop and implement a plan to provide equipment, connectivity, and infrastructure allowing adults in custody (AICs) at Coffee Creek Correctional Facility and Snake River Correctional Facility to access online educational course content and materials. Requires DOC to submit plan to interim legislative committee by December 31, 2022. Requires DOC to implement plan by September 1, 2023. Specifies that adults in custody do not possess a legally enforceable right to access online educational programs. Allows for DOC to adopt

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rules necessary to implement provisions.

- **Eligibility for Oregon Promise grant:** Modifies eligibility requirements and award amounts of Oregon Promise grant program. Reduces minimum eligible grade point average to 2.0. Eliminates requirement for student to complete first-year experience. Increases minimum grant award amount to \$2,000, adjusted for inflation. Removes \$50 per term award reduction. Modifies ability of Higher Education Coordinating Commission to determine available funding resources to award grants. Applies to 2022-2023 academic year.
- **Physical education requirements:** Allows Superintendent of Public Instruction to grant waiver from statewide physical education instruction requirements for school districts and public charter schools that are affected by a natural or human-created disaster. Retroactively applies provisions to 2020-2021 school year. Provides that districts or charter schools that receive waiver may not be considered nonstandard for failure to comply with instructional requirements.
- **Locations of marijuana retailers:** Prohibits marijuana retailers from operating within 1,000 feet of public prekindergarten or kindergarten program that is operated by school district or education service district. Allows marijuana retailers to operate not less than 500 feet from prekindergarten or kindergarten program under certain circumstances. Becomes operative January 1, 2023.
- **PERS for public charter school members:** Provides that calculation of salary paid to public charter school employees between August 29, 2003 and January 1, 2020 will include contributions made to Public Employees Retirement System (PERS) only if employee was informed in writing of eligibility and contributions were made on employee's behalf.
- **Health care benefits for part-time faculty:** Modifies requirement for public institutions of higher education to offer health care benefits to part-time faculty members. Allows for calculation of part-time employment to be determined as an average proportion of full-time equivalent. Allows institutions to determine eligibility for benefits on an annual basis. Applies to determinations of benefit eligibility for open enrollment period that occurs after effective date.

ISSUES DISCUSSED:

- Eligibility requirements for high school equivalency students to participate in interscholastic activities
- Provision of menstrual products in long-term care or treatment facilities
- Funding for transitional services for YCEP and JDEP students
- Existing law pertaining to sharing contact information for collective bargaining
- Characteristics of Oregon Promise grant program
- Potential for adults in custody to access Pell grants and online education
- Ability for charter school employees to access PERS

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

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

In-State tuition provisions: Recent changes in federal law relating to education and vocational training for veterans require distance learning to be offered at the same tuition rates as in-person courses. Because Oregon law exempts distance learning courses from in-state tuition provisions for military veterans, Senate Bill 1522 A removes this exemption to comply with federal law. Additionally, in 2021 the legislature passed Senate Bill 553, which extended in-state tuition benefits to individuals from Compact of Free Association (COFA) island nations, refugees, and special immigrant visa holders. Senate Bill 1522 A expands the list of eligible individuals to include those with humanitarian parole, asylum, conditional permanent residency, or temporary protected status.

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Contact-sharing requirement for graduate student employees: The federal Family Educational Rights and Privacy Act (FERPA) governs the privacy rights of students at all institutions of education. Oregon law provides for public employees involved in collective bargaining be allowed access to contact information. Conflicts may arise when students become employees of the institution that require the sharing of private contact information with the employer. Senate Bill 1522 A requires public universities to provide graduate employees with a form that waives their privacy rights under FERPA and authorizes universities to disclose contact information as a condition of employment.

Youth Corrections Education Program and Juvenile Detention Education Program (YCEP/JDEP): Administrators at YCEP and JDEP sites reported challenges using state school fund money for transition services, as well as challenges getting school districts throughout the state to accept YCEP and JDEP credits when students return to their home school districts. Senate Bill 1522 A allows for the use of state school fund money for transition services and requires school districts to accept credits earned while students are enrolled in YCEP and JDEP facilities.

Provision of menstrual products to students: House Bill 3294 (2021) required all public education providers to offer free menstrual products in bathrooms used by students. Senate Bill 1522 A applies this to student bathrooms for kindergarten and above; it also exempts student bathrooms in facilities where providers do not have direct control, such as in long-term care and treatment facilities, and in private student bathrooms at higher education institutions.

Participation in Interscholastic Activities: House Bill 2817 (2021) allowed students who are enrolled in high school equivalency programs, commonly called GED programs, to participate in interscholastic activities. Senate Bill 1522 A modifies the eligibility requirements to participate in interscholastic activities for homeschooled and high school equivalency students based on the timing of required examinations and an 18-week waiting period. It also replaces statutory references to “GED” with “high school equivalency.”

Plan to ensure access to educational programs at correctional facilities: In 2020, Congress reinstated eligibility for adults in custody (AICs) to access Pell grants for higher education. Applications for Pell grants and other financial aid are made through the online Free Application for Federal Student Aid (FAFSA). Senate Bill 235 A (2021), which was not enacted, would have directed the Department of Corrections (DOC) to develop and implement a plan to provide equipment, connectivity, and infrastructure to AICs at Coffee Creek Correctional Facility and Snake River Correctional Facility. Senate Bill 1522 A contains similar provisions.

Eligibility for Oregon Promise grant: The Oregon Promise grant program is a last-dollar, non-need-based financial aid program that provides Oregon high school graduates with funds to attend a community college. House Bill 2093 A (2021), which was not enacted, would have expanded the program to allow students to use the grant at public universities as well as doubling the minimum award amount, lowering the minimum grade point average for eligibility, and several other changes. Senate Bill 1522 A narrows these proposed changes to apply to community colleges but otherwise contains similar provisions.

Physical education requirements: As a result of the COVID-19 pandemic, school districts have been unable to fulfill the physical education instructional time requirements as required by statute. Senate Bill 1522 A allows for a retroactive waiver from the statewide physical education instruction requirements for school districts and public charter schools that are affected by a natural or human-created disaster.

Locations of marijuana retailers: Current law prohibits marijuana retailers from operating within 1,000 feet of public schools. Senate Bill 1522 A extends that prohibition to prekindergarten facilities and kindergarten programs that are operated by school districts and education service districts beginning January 1, 2023.

PERS for public charter school members: Oregon law provides for public charter school employees to be eligible for benefits under the Public Employees Retirement System (PERS). Senate Bill 111 (2021) expanded those provisions to charter school employees who resided outside of Oregon. Senate Bill 1522 A narrows that provision

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to include contributions made to PERS only if employees were informed in writing of their eligibility in PERS and that contributions were made on their behalf.

Health care benefits for part-time faculty: Senate Bill 551 (2021) allowed for part-time faculty at institutions of higher education to access employer-provided health care benefits. Senate Bill 1522 A allows for the calculation of part-time employment to be determined as an average proportion of full-time equivalent at a single institution or multiple institutions and allows institutions to determine eligibility for benefits on an annual basis rather than a semiannual basis.