

# Chapter 348

2017 EDITION

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**GENERALLY****348.005 Policy on student financial aid.**

(1) The Legislative Assembly finds that:

(a) The State of Oregon can achieve its full economic and social potential only if all Oregonians have the opportunity to contribute to the full extent of their capabilities and only when financial barriers to their educational goals are removed;

(b) All Oregonians who meet the appropriate admissions requirements should be able to attend any community college, public university listed in ORS 352.002 or independent not-for-profit institution of post-secondary education regardless of individual economic or social circumstances;

(c) The interests of this state are best served when public subsidies supporting college students are distributed fairly, equitably and consciously to ensure maximum access and choice for all Oregonians at the least cost to the taxpayers;

(d) Need-based student financial aid is an effective, efficient and essential means of assisting Oregonians who are unable to afford the full cost of higher education;

(e) Student financial aid allows Oregonians with limited resources to select academic programs based on their interests, aptitudes and career goals;

(f) Student financial aid encourages and permits capable and promising Oregonians to persist in their education and training within this state; and

(g) By assisting Oregonians in this manner, student financial aid contributes to the quality of life of each Oregonian and to the social, cultural and economic well-being of all Oregonians.

(2) It is the intention of the Legislative Assembly to establish financial assistance programs to enable qualified Oregonians who need student aid to obtain post-secondary education in Oregon's community colleges, public universities or independent not-for-profit institutions of post-secondary education. [1993 c.239 §1; 2005 c.22 §242; 2011 c.637 §134]

**348.007 Financial aid eligibility for students with modified or extended diplomas.** A student who receives a modified diploma or extended diploma under ORS 329.451 may not be denied eligibility for financial aid to obtain post-secondary education in a public university listed in ORS 352.002, community college or independent not-for-profit institution of higher education that operates in this state for the sole reason that the student did not receive a high school diploma. [2013 c.725 §2]

**Note:** 348.007 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 348 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**348.010** [Formerly 351.570; 1987 c.102 §1; 1999 c.311 §4; 2005 c.22 §243; 2009 c.762 §5; 2013 c.768 §29; repealed by 2015 c.767 §4]

**348.015 Definitions.** As used in this section and ORS 348.017:

(1) "Account" means an account that is managed or operated by a third party financial firm and that is opened to facilitate the financial aid refund disbursement process.

(2) "Financial aid funds" means financial aid funds under Title IV, Part B, of the Higher Education Act of 1965, as amended, including credit balances.

(3) "Financial aid refund disbursement process" means the process of returning to a student the student's financial aid funds that are in excess of eligible education costs, including but not limited to fees and tuition.

(4) "Revenue sharing" means payment from a third party financial firm to a public or private post-secondary institution of education based on the balances or account activity of the accounts offered by the third party financial firm to students enrolled at the public or private post-secondary institution of education.

(5) "Third party financial firm" means a company, business or other organization that contracts with a public or private post-secondary institution of education to provide disbursement and management services of financial aid funds, or management of financial accounts, to students enrolled in the public or private post-secondary institution of education. [2015 c.633 §1]

**Note:** 348.015 and 348.017 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 348 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**348.017 Requirements for contracts between post-secondary institutions of education and third party financial firms for disbursement and management of financial aid funds.** (1) When contracting with third party financial firms for disbursement and management services of financial aid funds, or for management of financial accounts, the governing board or governing entity of a public or private post-secondary institution of education that enrolls one or more students who receive state or federal financial aid shall review and approve a contract after considering guidelines and policies established and recommended by the United States Consumer Financial Protection Bureau and the United States Department of Education.

(2) A contract between a public or private post-secondary institution of education and a third party financial firm for services described in subsection (1) of this section may not permit:

(a) Revenue sharing;

(b) The third party financial firm to charge a fee for the initial disbursement of the financial aid funds in an academic term to the student in a paper check or in an electronic funds transfer;

(c) The third party financial firm to charge a transaction fee for debit or similar transactions from an account; or

(d) The third party financial firm to charge a fee for inactivity in an account.

(3) A public or private post-secondary institution of education that contracts with a third party financial firm shall, after redacting from the contract information exempted from disclosure under ORS 192.311 to 192.478:

(a) Make the contract available for public inspection; and

(b) Publish the contract on the website operated by or for the public or private post-secondary institution of education. [2015 c.633 §2]

**Note:** See note under 348.015.

**348.040** [1965 c.532 §1; 1977 c.762 §6; 1981 c.324 §2; 1995 c.343 §33; 1999 c.704 §9; 2011 c.637 §135; 2012 c.104 §41; 2013 c.747 §§81,82; repealed by 2015 c.513 §1]

**348.050** [1965 c.532 §2; 1969 c.573 §3; 1977 c.725 §1; 1977 c.762 §7; 1981 c.324 §1; 1983 c.483 §1; 2011 c.637 §136; 2013 c.747 §196; repealed by 2015 c.513 §1]

**348.060** [1965 c.532 §3; repealed by 1971 c.577 §3]

**348.070** [1965 c.532 §4; 1995 c.343 §34; 2011 c.637 §137; 2012 c.104 §42; 2013 c.747 §83; repealed by 2015 c.513 §1]

**348.080** [1965 c.532 §10; repealed by 1967 c.477 §5]

**348.090** [1967 c.477 §4; repealed by 2015 c.513 §1]

**348.095** [1977 c.762 §10; 1987 c.130 §1; 2011 c.637 §138; 2013 c.747 §197; repealed by 2015 c.513 §1]

**348.100 Student loan information provided to students enrolled in institutions of higher education.** (1) As used in this section, “institution of higher education” has the meaning given that term in ORS 348.582.

(2) Each institution of higher education shall provide the following information to each student enrolled at the institution for whom the institution receives federal education loan information:

(a) An estimate of the total amount of federal education loans the student has received at the time the information is provided;

(b) The total cumulative amount of tuition and fees the student has paid to the institution of higher education at the time the information is provided;

(c) An estimate of the total potential payoff amount, or a range within which the total payoff amount may fall, including principal and interest, of the federal education loans the student has received at the time the information is provided;

(d) An estimate of the amount, including interest, that the student will have to pay each month to service the federal education loan amount set forth in paragraph (a) of this subsection, including the interest rate and number of repayment years used by the institution of higher education to calculate the monthly payment estimate pursuant to this paragraph;

(e) The percentage of the borrowing limit the student has reached for each type of federal education loan the student has received at the time the information is provided; and

(f) A statement that the information provided does not include private loans or credit card debt.

(3) The institution of higher education shall provide the information required under subsection (2) of this section on an annual basis. The information required to be provided under subsection (2) of this section must:

(a) Be provided to the student in a unified and comprehensive manner; and

(b) Be written in plain language that is easy to understand.

(4) An institution of higher education may include additional loan information resources when providing the information required under subsection (2) of this section.

(5) Institutions of higher education are not liable for any representations made under this section. [2017 c.320 §2]

**Note:** 348.100 first applies to the 2018-2019 academic year. See section 3, chapter 320, Oregon Laws 2017.

**348.105 Loan obligations enforceable against minor.** (1) As used in this section:

(a) “Educational institution” means any post-secondary educational institution that is approved or accredited by the Northwest Commission on Colleges and Universities or its successor, by its regional equivalent or by the appropriate official, department or agency of the state or nation in which the institution is located, and that is:

(A) A four-year college or university;

(B) A junior college or community college; or

(C) A technical, professional or career school.

(b) “Educational loan” means a loan or other aid or assistance for the purpose of furthering the obligor’s education at an educational institution.

(c) “Person” means an individual, corporation, government or governmental subdivision, agency, business trust, estate, trust, partnership or association, or any other legal entity.

(2) Notwithstanding any other provision of law, any written obligation made by any minor in consideration of an educational loan received by the minor from any person shall be as valid and binding as if the minor had, at the time of making and executing the obligation, attained the age of majority, but only if prior to the making of the educational loan an educational institution has certified in writing to the person making the educational loan that the minor is enrolled, or has been accepted for enrollment, in the educational institution.

(3) Any obligation mentioned in subsection (2) of this section may be enforced in any action or proceeding against such person in the name of the person and shall be valid, insofar as the issue of age is concerned, without the consent thereto of the parent or guardian of such person. Such person may not disaffirm the obligation because of age nor may such person interpose in any action or proceeding arising out of the educational loan the defense that the borrower is, or was, at the time of making or executing the obligation, a minor.

(4) Any parent or legal guardian who did not consent to guarantee or otherwise ensure performance of the obligation mentioned in subsection (2) of this section is not liable for payment of such obligation. [Formerly 348.805; 1977 c.725 §2; 1995 c.343 §35; 2005 c.22 §244; 2013 c.1 §46]

**348.115** [1991 c.947 §16; 1993 c.765 §51; 1999 c.704 §10; 2001 c.599 §4; 2011 c.637 §139; repealed by 2001 c.599 §8]

**348.117** [1991 c.947 §17; 2001 c.599 §5; 2010 c.42 §13; 2011 c.637 §140; repealed by 2001 c.599 §8]

**348.120** [1987 c.896 §§24,28; 1993 c.45 §283; renumbered 329.757 in 1993]

**348.125** [1987 c.896 §25; 1991 c.67 §89; 1993 c.45 §284; renumbered 329.765 in 1993]

**348.130** [1987 c.896 §26; 1989 c.159 §1; renumbered 329.775 in 1993]

**348.135** [1987 c.896 §27; 1993 c.45 §285; renumbered 329.780 in 1993]

## SCHOLARSHIPS AND GRANTS

**348.180 Definitions.** As used in this section and ORS 348.205, 348.250, 348.260, 348.263 and 348.285:

(1) “Cost of education” includes but is not limited to, tuition, fees and living expenses.

(2) “Eligible post-secondary institution” means:

(a) A public university listed in ORS 352.002;

(b) A community college operated under ORS chapter 341;

(c) The Oregon Health and Science University; or

(d) An Oregon-based, generally accredited, not-for-profit institution of higher education.

(3) “Qualified student” means any resident student, or student exempted from paying nonresident tuition under ORS 352.287, who plans to attend an eligible post-secondary institution and who:

(a) Has not achieved a baccalaureate or higher degree from any post-secondary institution;

(b) Is enrolled in an eligible program as defined by rule of the Higher Education Coordinating Commission; and

(c) Is making satisfactory academic progress as defined by rule of the commission. [1999 c.1070 §3; 2001 c.321 §1; 2007 c.802 §1; 2011 c.358 §2; 2011 c.637 §141; 2013 c.747 §84; 2015 c.513 §14; 2015 c.624 §3; 2015 c.846 §1]

**348.183 Legislative intent.** The Legislative Assembly recognizes:

(1) That an investment in educational opportunities for all Oregonians is an investment in a strong and stable economy and greater personal opportunities;

(2) That the single largest barrier to attending an institution of higher education is lack of finances;

(3) That keeping higher education affordable requires a shared effort and partnership by students, family, the federal government, state government and private philanthropy;

(4) The broad and diverse range of quality post-secondary educational services provided by Oregon’s institutions of higher education, including Oregon’s community colleges, public universities and independent not-for-profit institutions of higher education;

(5) The positive effects on Oregon’s citizens, families and economy of encouraging talented and hardworking students to stay in Oregon to pursue a post-secondary education; and

(6) That, in order to maintain affordable tuition at Oregon’s public universities and community colleges, the Legislative Assembly, through the Joint Committee on Ways and Means, should review tuition affordability on the basis of standards, including the Higher Education Price Index, median family income, enrollment growth and state appropriations made to public universities and community colleges in this state. This review by the Legislative Assembly on tuition and fee increases should occur biennially. [1999 c.1070 §2; 2007 c.802 §2; 2007 c.858 §38; 2011 c.637 §142]

**348.186** [1999 c.1070 §4; 2001 c.321 §2; 2007 c.858 §39; 2011 c.637 §143; 2013 c.747 §85; repealed by 2015 c.513 §1]

**348.205 Oregon Opportunity Grant program; rules.** (1) The Oregon Opportunity Grant program is established within the Higher Education Coordinating Commission.

(2) Under the program, the cost of education of a qualified student shall be shared by the student, the family of the student, the federal government and the state.

(3) The Director of the Office of Student Access and Completion shall determine the cost of education of a qualified student based on the type of eligible post-secondary institution the student is attending. The cost of education equals:

(a) For a student attending a community college, the average cost of education of attending a community college in this state;

(b) For a student attending a public university listed in ORS 352.002, the average cost of education of attending a public university;

(c) For a student attending a two-year Oregon-based, generally accredited, not-for-profit institution of higher education, the average cost of education of attending a community college in this state; and

(d) For a student attending the Oregon Health and Science University or a four-year Oregon-based, generally accredited, not-for-profit institution of higher education, the average cost of education of attending a public university listed in ORS 352.002.

(4)(a) The director shall determine the amount of the student share. The student share shall be based on:

(A) The type of eligible post-secondary institution the student is attending;

(B) The number of hours of work that the director determines may be reasonably expected from the student; and

(C) The amount of loans that the director determines would constitute a manageable debt burden for the student.

(b) The student shall determine how to cover the student share through income from work, loans, savings and scholarships.

(c) The student share for a student who attends a community college may not exceed the amount that the director determines a student may earn based on the number of hours of work reasonably expected from the student under paragraph (a) of this subsection.

(d) The student share for a student who attends an eligible post-secondary institution that is not a community college may not exceed the sum of the amount that the director determines a student may receive as loans

plus the amount a student may earn based on the number of hours of work reasonably expected from the student under paragraph (a) of this subsection.

(5) The director shall determine the amount of the family share. The family share shall be based on the resources of the family.

(6) The director shall determine the amount of the federal share based on how much the student or the student's family is expected to receive from the federal government.

(7)(a) The director shall determine the amount of the state share. The state share shall be equal to the cost of education reduced by the student share, family share and amount received by the student from the federal government.

(b) The director shall establish a minimum amount that a student may receive as a state share. If the director determines that the amount of the state share of a student is below the minimum amount, the student may not receive the state share.

(c) The director may not reduce the amount of the state share of a student based on amounts available to the student by virtue of being the designated beneficiary of a college savings network account established under ORS 178.300 to 178.355.

(8) Subject to subsection (9) of this section, if the director determines that there are insufficient moneys to award the state share to all qualified students, the director:

(a) May establish the maximum amount that a student may receive as a state share. This amount may vary based on whether the student is attending an eligible post-secondary institution on a half-time or full-time basis.

(b) May establish procedures that prioritize awarding Oregon Opportunity Grants to qualified students with the greatest financial need or whose circumstances would enhance the promotion of equity guidelines published by the Higher Education Coordinating Commission.

(c) May not reduce the amount of the state share awarded to students in the low income range in a greater proportion than the amount that the state share for students in other income ranges is reduced.

(9)(a) The Higher Education Coordinating Commission shall adopt rules that prioritize current foster children and former foster children for receiving Oregon Opportunity Grants when the Oregon Opportunity Grant program does not have sufficient funding to serve all eligible Oregon students.

(b) For the purposes of this subsection, "former foster child" has the meaning given

that term in ORS 350.300. [1971 c.735 §1; 1999 c.1070 §8; 2001 c.321 §8; 2007 c.802 §3; 2011 c.637 §144; 2011 c.642 §4; 2013 c.747 §86; 2013 c.768 §30; 2015 c.624 §1; 2017 c.66 §10]

**348.210** [Formerly 351.120 and then 351.605; 1967 c.530 §6; 1971 c.735 §2; 1973 c.721 §1; 1997 c.11 §8; 2005 c.22 §245; 2009 c.762 §63; 2011 c.637 §145; 2013 c.747 §87; repealed by 2015 c.513 §1]

**348.220** [Formerly 351.610; 1967 c.530 §7; repealed by 1971 c.735 §10]

**348.230** [Formerly 351.620; 1971 c.735 §3; 1973 c.721 §2; 1977 c.725 §3; 1989 c.845 §1; 2001 c.321 §3; 2011 c.637 §146; 2013 c.747 §88; repealed by 2015 c.513 §1]

**348.240** [Formerly 351.625; repealed by 1971 c.735 §10]

**348.250 Procedure for awarding grants under ORS 348.260.** (1) Grants established under ORS 348.260 shall be awarded by the Higher Education Coordinating Commission in the manner provided in this section.

(2) Persons interested in obtaining a grant established under ORS 348.260 may apply to the Director of the Office of Student Access and Completion for a grant.

(3) The director shall screen or cause to be screened the applications and shall determine for each available grant the person best qualified to receive that grant. A qualified applicant is eligible to receive a grant established under ORS 348.260 if:

(a) The applicant's financial need is such that in the opinion of the director financial aid is warranted; and

(b) The applicant plans to be a student at the eligible post-secondary institution where the grant is to be used.

(4) The director shall not discriminate for or against any applicant for a grant.

(5) Nothing in this section or ORS 348.260, 348.505 to 348.615, 348.696 or 348.992 shall be construed to require any institution to admit a grant recipient or to attempt to control or influence the policies of the institution.

(6) Whenever funds are not available to award grants to all qualified students, the director may give priority to applicants who are or plan to be full-time students at the eligible post-secondary institution where the grant is to be used. A student shall be considered to be a full-time student if the combination of credit hours at more than one eligible post-secondary institution equals full-time attendance, according to the institution disbursing the grant funds.

(7) As used in this section, "discriminate" has the meaning given "discrimination" in ORS 659.850. [Formerly 351.630; 1973 c.721 §3; 1977 c.725 §4; 1993 c.45 §286; 1997 c.203 §1; 1997 c.524 §4; 2001 c.321 §4; 2010 c.20 §1; 2011 c.637 §147; 2013 c.747 §89; 2015 c.513 §15; 2017 c.66 §33]

**348.260 Oregon Opportunity Grant; amount; renewal.** (1) In addition to any other form of student financial aid authorized by law, the Higher Education Coordinating Commission may award Oregon Opportunity Grants to qualified students.

(2) The amount of a grant shall equal the state share of a qualified student's cost of education as determined by the Director of the Office of Student Access and Completion and comply with applicable rules and procedures described in ORS 348.205.

(3) Grant funds necessary to meet matching requirements for federal funds may also be used to award grants to qualified students in any eligible post-secondary institution approved by the commission.

(4) Grants may be awarded under this section to qualified students enrolled for any term, including summer term. The commission may prescribe the method and date or dates by which a student must apply to the commission to qualify for a grant.

(5)(a) A qualified student who receives a grant under this section may apply for renewal of the grant on an annual basis. The commission may not renew the grant if the qualified student has not made a timely application for renewal of the grant.

(b) The commission shall by rule establish academic standards and benchmarks that a qualified student must meet to have the student's grant renewed.

(c) If a qualified student who receives a grant under this section makes a timely application for renewal of the grant, meets the academic standards and benchmarks established by the commission under this subsection and continues to meet all other grant eligibility criteria, the grant shall be renewed for a second year of attendance at an eligible post-secondary institution.

(d) Upon timely application by a qualified student who meets the academic standards and benchmarks established by the commission under this subsection and who continues to meet all other grant eligibility criteria, the commission may continue to renew the grant until the qualified student has received the equivalent of four full-time undergraduate years of grant funding for an eligible program as defined by the commission.

(6)(a) The Director of the Office of Student Access and Completion shall inform eligible post-secondary institutions of the identity of qualified students who attend the institution and who receive a grant under this section for more than one academic year.

(b) To the extent possible, eligible post-secondary institutions shall ensure that qualified students identified under this sub-

section are made aware of the academic guidance and counseling services available at the institution.

(7) A qualified student who receives a grant under this section must attend the eligible post-secondary institution upon which the grant application is based unless the Director of the Office of Student Access and Completion authorizes the grant to be used at a different eligible post-secondary institution. A qualified student who receives a grant under this section may attend more than one eligible post-secondary institution if the grant application was based on the qualified student attending more than one eligible post-secondary institution.

(8) The commission may not make a grant award to any qualified student enrolled in a course of study required for and leading to a degree in theology, divinity or religious education.

(9)(a) The commission shall report annually on or before February 1 to committees of the Legislative Assembly related to higher education regarding the academic success and performance of qualified students who receive grants under this section.

(b) In order to meet the reporting requirements set forth in paragraph (a) of this subsection:

(A) The commission shall by rule design a method for evaluating the academic success and performance of students who receive a grant under this section; and

(B) Upon a request from the commission, eligible post-secondary institutions must provide the commission with the data necessary for the commission to conduct its analysis. [1971 c.735 §4; 1973 c.721 §4; 1977 c.725 §5; 1977 c.762 §8; 1987 c.175 §1; 1989 c.845 §2; 1993 c.820 §1; 1997 c.203 §2; 1999 c.1070 §11; 2001 c.321 §§5.6; 2007 c.802 §4; 2011 c.637 §148; 2013 c.747 §90; 2015 c.624 §4; 2017 c.66 §34]

**Note:** Section 5 (2), chapter 624, Oregon Laws 2015, provides:

**Sec. 5.** (2) The first report to the committees of the Legislative Assembly related to higher education required under ORS 348.260, as amended by section 4 of this 2015 Act, must be filed by February 1, 2020. [2015 c.624 §5(2)]

**348.263 Award of moneys from Oregon Opportunity Grant program to reward student persistence and encourage degree completion.** (1) In addition to any other form of student financial aid authorized by law, the Higher Education Coordinating Commission may award moneys from the Oregon Opportunity Grant program to qualified students to reward student persistence and encourage completion of degree programs at eligible post-secondary institutions.

(2) Awards made under this section are not subject to the maximum Oregon Oppor-

tunity Grant amount established under ORS 348.205.

(3) The commission shall establish by rule eligibility criteria for awards made under this section. These criteria shall include, but not be limited to, whether the qualified student is attending an eligible post-secondary institution on a full-time or half-time basis.

(4)(a) The Director of the Office of Student Access and Completion shall administer, and determine the size of, awards made under this section.

(b) In determining the size of awards made under this section, the director shall consider basing the size of the awards on a percentage of the maximum Oregon Opportunity Grant amount established under ORS 348.205. [2015 c.624 §2; 2017 c.66 §35]

**Note:** 348.263 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 348 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**348.265** [1977 c.762 §9; 1989 c.845 §4; 2011 c.637 §149; 2013 c.747 §91; repealed by 2015 c.513 §1]

**348.270 Scholarships for children of public safety officers.** (1) In addition to any other scholarships provided by law, the Higher Education Coordinating Commission shall award scholarships to any individual applying for enrollment or enrolled in an institution of higher education who is the natural child, adopted child or stepchild of any public safety officer, reserve officer or volunteer firefighter who, in the line of duty, was killed or so disabled, as determined by the Director of the Office of Student Access and Completion, that:

(a) The income of the public safety officer is less than that earned by public safety officers performing duties comparable to those performed at the highest rank or grade attained by the public safety officer; or

(b) The income of the reserve officer or volunteer firefighter working in their primary profession or type of employment is less than that earned by individuals in the same profession or type of employment with similar levels of education and experience.

(2) Except as provided in this subsection, scholarships awarded under this section shall be in an amount equal to the amount of tuition and all fees levied by the institution of higher education against the recipient of the scholarship. Scholarships awarded to students who attend independent institutions may not exceed the amount of tuition and all fees levied by the University of Oregon.

(3) If a student who is the dependent of a deceased public safety officer, reserve officer or volunteer firefighter continues to re-



main enrolled in a public university listed in ORS 352.002, a community college or an Oregon-based, regionally accredited independent institution, the student is entitled to renewal of the scholarship until the student has received the equivalent of four years of undergraduate education and four years of post-graduate education.

(4) If a student who is the dependent of a public safety officer, reserve officer or volunteer firefighter with a disability continues to remain enrolled in a public university listed in ORS 352.002, a community college or an Oregon-based, regionally accredited independent institution, the student is entitled to renewal of the scholarship until the student has received the equivalent of four years of undergraduate education.

(5) The Director of the Office of Student Access and Completion may require proof of a student's relationship to a public safety officer, reserve officer or volunteer firefighter described in subsection (1) of this section.

(6) As used in this section:

(a) "Institution of higher education" means a public university listed in ORS 352.002, the Oregon Health and Science University, a community college operated under ORS chapter 341 or an Oregon-based, regionally accredited independent institution.

(b) "Public safety officer" means:

(A) A firefighter or police officer as those terms are defined in ORS 237.610.

(B) A member of the Oregon State Police.

(C) A police officer commissioned by a university under ORS 352.121 or 353.125.

(D) An authorized tribal police officer as defined in ORS 181A.680.

(c) "Reserve officer" has the meaning given that term in ORS 133.005.

(d) "Volunteer firefighter" has the meaning given that term in ORS 652.050. [1973 c.784 §1; 1977 c.725 §6; 1995 c.162 §70; 1997 c.515 §1; 2001 c.730 §1; 2007 c.70 §146; 2011 c.506 §36; 2011 c.637 §150; 2011 c.642 §2; 2011 c.644 §§28,51; 2013 c.1 §47,48; 2013 c.116 §§2,3; 2013 c.180 §§36,37; 2013 c.747 §§92,93; 2014 c.12 §§1,2; 2015 c.174 §19; 2015 c.513 §§5,6; 2017 c.66 §36]

**348.272 Scholarships for current or former foster children.** (1) As used in this section:

(a) "Former foster child" has the meaning given that term in ORS 350.300.

(b) "Institution of higher education" means a public university listed in ORS 352.002, the Oregon Health and Science University, a community college operated under ORS chapter 341 or an Oregon-based, regionally accredited independent institution.

(2) In addition to any other scholarships provided by law, the Higher Education Coor-

inating Commission shall award scholarships to any individual applying for enrollment or enrolled in an institution of higher education who is a current foster child or former foster child.

(3) Scholarships awarded under this section shall be in an amount to be determined by the commission based on the funds that are made available for the awarding year.

(4) If a student who is a current foster child or former foster child continues to remain enrolled in a public university listed in ORS 352.002, a community college or an Oregon-based, regionally accredited independent institution, the student is entitled to apply for renewal of the scholarship until the student has received the equivalent of four years of undergraduate education.

(5) The Director of the Office of Student Access and Completion may require proof that a student is a current foster child or former foster child. [2015 c.513 §7; 2017 c.66 §37]

**Note:** 348.272 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 348 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**348.280 Award of scholarships under ORS 348.270 and 348.272; rules.** (1) The Higher Education Coordinating Commission shall:

(a) Determine which students are eligible to receive scholarships under ORS 348.270 and 348.272.

(b) Grant the appropriate scholarships under ORS 348.270 and 348.272.

(c) Make necessary rules for application and distribution of the benefits available under ORS 348.270 and 348.272 and this section.

(d) In awarding scholarships pursuant to its authority under ORS 348.520, give priority to students who are eligible to receive scholarships under ORS 348.270 and 348.272.

(2) The Higher Education Coordinating Commission shall establish rules and procedures necessary to carry out the provisions of ORS 348.270 and 348.272 and this section, including but not limited to the usual and customary rules for analyzing financial need. [1973 c.784 §§2,3; 1997 c.515 §2; 2007 c.71 §95; 2011 c.637 §151; 2013 c.747 §94; 2015 c.513 §16]

**348.282 Definitions for ORS 348.282 and 348.283.** As used in this section and ORS 348.283:

(1) "Armed Forces of the United States" means:

(a) The Army, Navy, Air Force, Marine Corps and Coast Guard of the United States;

(b) The reserves of the Army, Navy, Air Force, Marine Corps and Coast Guard of the United States; and

(c) The Oregon National Guard and a National Guard of any other state or territory.

(2) "Public post-secondary institution" means:

(a) A public university listed in ORS 352.002; and

(b) A community college operated under ORS chapter 341.

(3) "Veteran" has the meaning given that term in ORS 408.225. [2005 c.831 §8; 2009 c.41 §17; 2011 c.637 §152; 2013 c.747 §95; 2013 c.768 §31]

**Note:** 348.282 and 348.283 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 348 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**348.283 Oregon Troops to Teachers program; rules.** (1) There is established within the Higher Education Coordinating Commission the Oregon Troops to Teachers program. Through the program, the commission shall pay for all of the resident tuition charges of a veteran imposed by a public post-secondary institution, provided the veteran:

(a) Was discharged from the Armed Forces of the United States;

(b) Is a resident of Oregon or is exempted from paying nonresident tuition under ORS 352.287; and

(c) Agrees to teach:

(A) In an Oregon school district or public charter school classified as serving a high poverty area for not less than three years; or

(B) In the area of mathematics, science or special education for not less than four years.

(2) An award under subsection (1) of this section shall be used for the purpose of paying resident tuition. The commission may not award funds under subsection (1) of this section for the purpose of paying for books, supplies, housing, food or any other costs associated with attending a public post-secondary institution.

(3) The commission shall adopt rules necessary for the implementation and administration of this section in consultation with the Department of Education and the public universities listed in ORS 352.002. [2005 c.831 §9; 2009 c.762 §64; 2011 c.637 §153; 2013 c.747 §96; 2013 c.768 §32; 2015 c.767 §113; 2015 c.846 §4]

**Note:** See note under 348.282.

**348.285 Oregon Roadmap to Language Excellence Scholarships; rules.** (1) In addition to any other form of student financial aid authorized by law, the Higher Education Coordinating Commission may award, to the extent funds are made available, an Oregon

Roadmap to Language Excellence Scholarship to a qualified student.

(2) The commission may:

(a) Award an initial Oregon Roadmap to Language Excellence Scholarship for up to \$2,000 to a qualified student who:

(A) Is a United States citizen or a non-citizen legally residing in the United States;

(B) Has received a diploma from a high school in this state or the equivalent;

(C) Is attending an eligible post-secondary institution in this state;

(D) Is pursuing an Associate of Arts or more advanced degree; and

(E) Demonstrates proficiency in speaking, reading and writing in a natural, human-based language other than English, excluding computer-based languages, musical notation and Esperanto.

(b) Award a subsequent Oregon Roadmap to Language Excellence Scholarship for up to \$2,000 to a student receiving a scholarship under paragraph (a) of this subsection who has demonstrated a measurable gain of proficiency in speaking, reading and writing skills in the same language for which the scholarship was awarded during the previous academic year.

(c) Award a reduced subsequent Oregon Roadmap to Language Excellence Scholarship to a student receiving a scholarship under paragraph (a) of this subsection who has not demonstrated a measurable gain of proficiency in speaking, reading and writing skills in the same language for which the scholarship was awarded during the previous academic year. The reduced scholarship is for \$500 less than the amount of the scholarship awarded the previous academic year. The commission may not award a reduced subsequent scholarship for consecutive academic years.

(3) The maximum amount of scholarships awarded to a person under this section may not exceed \$8,000.

(4) The commission may award scholarships under this section to a person for the year of the initial scholarship and the next three consecutive years. The Higher Education Coordinating Commission shall adopt rules allowing a waiver of the requirement that the scholarships be awarded in consecutive years for students with approved leaves of absence for appropriate reasons such as illness, emergency, military service and other appropriate reasons as determined by the commission.

(5) The commission may not award scholarships under this section to a student who is enrolled in a course of study required

for and leading to a degree in theology, divinity or religious education.

(6) The Higher Education Coordinating Commission shall adopt rules:

(a) Establishing priority for Oregon Roadmap to Language Excellence Scholarships when funds are not available to award scholarships to all qualified students.

(b) Setting standards for appropriate levels of language proficiency and improved language proficiency needed for eligible students to qualify for scholarships under this section.

(c) Choosing an assessment method for measuring language proficiency in speaking, reading and writing for the purposes of paragraph (b) of this subsection. The assessment method must comply with the American Council on the Teaching of Foreign Languages proficiency guidelines, and must measure only Intermediate-Mid level language skills and higher. [2011 c.358 §1; 2013 c.747 §97]

**Note:** 348.285 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 348 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**348.290 Financial aid to study barbering, hairdressing, manicure and esthetics.** The Executive Director of the Office of Student Access and Completion shall apply the interest on the amount transferred to the Oregon Student Assistance Fund under section 4, chapter 377, Oregon Laws 1985, to provide financial aid, as defined in ORS 348.505, to students to study barbering, hairdressing, manicure and esthetics at eligible post-secondary schools. [1985 c.377 §3; 1987 c.31 §19; 2005 c.117 §13; 2011 c.637 §154; 2013 c.747 §98]

**348.295 Scholarships for culturally and linguistically diverse teacher candidates; rules.** (1) In addition to any other form of student financial aid authorized by law, the Higher Education Coordinating Commission may award scholarships to culturally and linguistically diverse teacher candidates to use at approved educator preparation providers, as defined in ORS 342.120, for the purpose of advancing the goal described in ORS 342.437.

(2) Scholarships awarded under this section shall be in amounts of \$5,000 each academic year, for a maximum of two academic years.

(3) The commission shall adopt rules necessary for the implementation and administration of this section in consultation with the Educator Advancement Council and the Chief Education Office. [2017 c.639 §9]

**Note:** The amendments to 348.295 by section 26, chapter 639, Oregon Laws 2017, become operative June 30, 2019. See section 72, chapter 774, Oregon Laws 2015,

as amended by section 14, chapter 682, Oregon Laws 2015, section 20, chapter 763, Oregon Laws 2015, and section 27, chapter 639, Oregon Laws 2017. The text that is operative on and after June 30, 2019, is set forth for the user's convenience.

**348.295.** (1) In addition to any other form of student financial aid authorized by law, the Higher Education Coordinating Commission may award scholarships to culturally and linguistically diverse teacher candidates to use at approved educator preparation providers, as defined in ORS 342.120, for the purpose of advancing the goal described in ORS 342.437.

(2) Scholarships awarded under this section shall be in amounts of \$5,000 each academic year, for a maximum of two academic years.

(3) The commission shall adopt rules necessary for the implementation and administration of this section in consultation with the Educator Advancement Council and the Department of Education.

**348.300** [1973 c.791 §1; repealed by 1977 c.725 §8]

**348.303 Scholars for a Healthy Oregon Initiative; qualifications; service requirements; penalties; reporting requirements; rules.** (1) As used in this section:

(a) "Designated service site" means a rural health clinic as defined in 42 U.S.C. 1395x(aa)(2), a rural critical access hospital as defined in ORS 442.470, a federally qualified health center as defined in 42 U.S.C. 1396d(l)(2) or any geographic area, population group or facility that is located in Oregon and has been designated by the Health Resources and Services Administration of the United States Department of Health and Human Services as a health professional shortage area, a medically underserved area or a medically underserved population.

(b) "Health care practitioner" means a:

(A) Physician licensed under ORS chapter 677;

(B) Dentist licensed under ORS chapter 679;

(C) Nurse practitioner licensed under ORS 678.375 to 678.390;

(D) Physician assistant licensed under ORS 677.505 to 677.525; or

(E) Certified registered nurse anesthetist licensed under ORS chapter 678.

(c) "Participant" means a person who has been selected by the Oregon Health and Science University to receive a scholarship under subsection (5) of this section.

(d) "Prospective health care practitioner" means a person who has been accepted into, but has not yet started, a health care program at the Oregon Health and Science University that meets the educational requirements for licensure as a physician, dentist, nurse practitioner, physician assistant or certified registered nurse anesthetist.

(e) "Service agreement" means the agreement executed by a prospective health

care practitioner under subsection (3) of this section.

(2) There is created the Scholars for a Healthy Oregon Initiative, to be administered by the Oregon Health and Science University pursuant to rules adopted by the university.

(3) A prospective health care practitioner who wishes to participate in the initiative shall submit an application to the Oregon Health and Science University in accordance with rules adopted by the university. To be eligible to be a participant in the initiative, a prospective health care practitioner must:

(a) Have been accepted into, but not yet started, the first year of the prospective health care practitioner's health care education at the Oregon Health and Science University;

(b) Be considered a resident of Oregon under the university's admission guidelines or qualify as a student exempted from paying nonresident tuition under ORS 352.287;

(c) Execute a service agreement stating that:

(A) Immediately upon the prospective health care practitioner's completion of the health care education degree, residency or training, as established for each degree by the Oregon Health and Science University by rule, the participant will practice as a health care practitioner in a designated service site in this state approved by the university for one year longer than the number of years the participant spent in the health care program for which the participant received a scholarship; and

(B) While practicing as a health care practitioner in a designated service site, the participant must see all patients, regardless of any patient's ability to pay for services; and

(d) Meet other requirements established by the university by rule.

(4) The Oregon Health and Science University may select participants from among the prospective health care practitioners who submit applications as provided in subsection (3) of this section. The university shall give preference to prospective health care practitioners who are:

(a) Individuals admitted to the Oregon Health and Science University as a student from rural heritage, as defined by the university's admission policy;

(b) First generation college students; or

(c) Individuals from a diverse or under-represented community.

(5) The Oregon Health and Science University shall provide a scholarship covering the entire cost of tuition and fees for the

participant's health care education at the university.

(6) A participant receiving a scholarship under subsection (5) of this section who fails to complete the terms of the service agreement shall repay the amount received plus an additional penalty of 25 percent of the amount received to the Oregon Health and Science University. The total amount to be paid to the university under this subsection shall be reduced for every full year that the participant complied with the service agreement on a pro rata basis, as computed by the total number of years agreed to in the service agreement.

(7) A participant receiving a scholarship under subsection (5) of this section who fails to complete the health care degree for which the scholarship was awarded shall repay the amount received to the Oregon Health and Science University.

(8) In the event that a participant is required to repay the Oregon Health and Science University under subsection (6) or (7) of this section, the university may:

(a) Collect any amounts due;

(b) Have any amounts due be collected by the Collections Unit in the Department of Revenue under ORS 293.250; or

(c) Contract with a collections agency to collect any amounts due.

(9) Any moneys received or collected by the Oregon Health and Science University under subsections (6) to (8) of this section shall be deposited into a separate fund held by the university for the purpose of carrying out the provisions of this section. The university may not use the moneys in these funds for any other purpose.

(10) The Oregon Health and Science University may accept funds from any public or private source for the purposes of carrying out the provisions of this section.

(11) Not later than December 1 of each even-numbered year, the Oregon Health and Science University shall report to the Legislative Assembly on the status of the Scholars for a Healthy Oregon Initiative. The report shall include, for the previous biennium:

(a) The total number of active participants in the initiative; and

(b) A breakdown of active participants in the initiative by health care practitioner category. [2013 c.511 §1; 2015 c.846 §5; 2017 c.718 §7]

**Note:** 348.303 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 348 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**348.305** [1969 c.624 §1; repealed by 1971 c.735 §10]

**348.310** [1979 c.532 §2; 2011 c.637 §155; 2013 c.747 §99; 2017 c.66 §38; repealed by 2015 c.513 §2]

- 348.315** [1969 c.624 §2; repealed by 1971 c.735 §10]  
**348.320** [1979 c.532 §4; 1987 c.660 §17; 2009 c.595 §221; 2011 c.637 §156; 2013 c.747 §100; 2015 c.846 §6; 2017 c.66 §39; repealed by 2015 c.513 §2]  
**348.325** [1969 c.624 §3; repealed by 1971 c.735 §10]  
**348.330** [1979 c.532 §5; 2011 c.637 §157; 2013 c.747 §101; repealed by 2015 c.513 §2]  
**348.335** [1969 c.624 §4; repealed by 1971 c.735 §10]  
**348.340** [1979 c.532 §8; 2011 c.637 §158; 2013 c.747 §102; 2017 c.66 §40; repealed by 2015 c.513 §2]  
**348.345** [1969 c.624 §5; repealed by 1971 c.735 §10]  
**348.350** [1979 c.532 §10; 2011 c.637 §159; 2013 c.747 §103; 2017 c.66 §41; repealed by 2015 c.513 §2]  
**348.355** [1969 c.624 §6; repealed by 1971 c.735 §10]  
**348.360** [1979 c.532 §6; 2011 c.637 §160; 2013 c.747 §104; 2017 c.66 §42; repealed by 2015 c.513 §2]  
**348.365** [1969 c.624 §8; repealed by 1971 c.735 §10]  
**348.370** [1979 c.532 §§7,9; 2011 c.637 §161; 2013 c.747 §105; 2017 c.66 §43; repealed by 2015 c.513 §2]  
**348.375** [1969 c.624 §9; repealed by 1971 c.735 §10]  
**348.380** [1979 c.532 §3; 1987 c.660 §18; repealed by 1993 c.742 §34]  
**348.390** [1979 c.532 §§1,12; 1989 c.966 §31; 2011 c.637 §162; 2013 c.747 §106; 2017 c.66 §44; repealed by 2015 c.513 §2]  
**348.393** [1995 c.179 §2; repealed by 2007 c.426 §7]

### SPEECH-LANGUAGE PATHOLOGIST GRANTS AND STIPENDS

**348.394 Definitions for ORS 348.394 to 348.406.** As used in ORS 348.394 to 348.406:

- (1) “Eligible post-secondary institution” means:
- (a) A public university listed in ORS 352.002;
  - (b) A community college as defined in ORS 341.005; or
  - (c) A generally accredited, not-for-profit institution of higher education.

(2) “Participant” means a student who receives a grant under ORS 348.401. [2007 c.839 §21; 2011 c.637 §163]

**Note:** 348.394 to 348.406 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 348 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

- 348.395** [1995 c.179 §4; repealed by 2007 c.426 §7]  
**348.397** [1995 c.179 §5; 1997 c.174 §1; repealed by 2007 c.426 §7]

**348.398 Department of Education authority; grants; stipends; rules.** (1) The Department of Education shall establish a program to increase the number of speech-language pathologists and speech-language pathology assistants in Oregon.

(2) Through the program the department may award:

- (a) Grants to students studying to become licensed speech-language pathologists or certified speech-language pathology assistants as provided in ORS 348.401; and

(b) Stipends to licensed speech-language pathologists who are employed by education service districts or school districts and provide training to participants.

(3) The State Board of Education may adopt any rules necessary for the administration of ORS 348.394 to 348.406. [2007 c.839 §22]

**Note:** See note under 348.394.

**348.399** [1995 c.179 §7; 1997 c.174 §2; repealed by 2007 c.426 §7]

**348.401 Grant eligibility; amount; employment requirement.** (1) To be eligible for participation in the program under ORS 348.394 to 348.406, a student must:

(a) Be registered as a student in an eligible post-secondary institution;

(b) Agree to receive training as a student under the supervision of a staff person employed by an education service district or a school district;

(c) Agree to be employed in Oregon for a minimum of two years as a speech-language pathologist or speech-language pathology assistant within the education service district where the participant received training as a student;

(d) Agree to pay back any amount received by the participant as a grant if the participant does not meet the employment requirement of the program; and

(e) Meet other requirements placed on the participant by the Department of Education.

(2) The Department of Education shall award to each participant selected by the department for participation in the program:

(a) A grant in an amount that is up to \$2,000 per academic year for participants who are registered in programs to become speech-language pathology assistants; and

(b) A grant in an amount that is up to \$9,000 per academic year for participants who are registered in programs to become speech-language pathologists.

(3) Notwithstanding subsection (2) of this section, a participant may not receive a grant under this section that is in an amount that is greater than the tuition costs of the participant.

(4) A participant shall complete the employment requirement specified under subsection (1) of this section not later than three years after the date the participant graduates from the program. The department may grant a participant additional time to complete the employment requirement as follows:

(a) For the period of enrollment if a participant returns to school on a full-time basis

in any course of study at an eligible post-secondary institution; and

(b) For a period determined by the State Board of Education for other reasons allowed by the board.

(5) If a participant does not meet the employment requirement, the participant must pay back any amount received by the participant as a grant under the program. The department shall deposit any moneys received under this subsection in the Speech-Language Pathologist Training Fund. [2007 c.839 §23]

**Note:** See note under 348.394.

**348.403 Stipend eligibility; amount.** (1) The Department of Education may award stipends to licensed speech-language pathologists who are employed by education service districts or school districts and who provide training to participants.

(2) The department may award to a licensed speech-language pathologist:

(a) A stipend in an amount that may be up to \$400 per participant for providing training to the participant to become a licensed speech-language pathologist.

(b) A stipend in an amount that may be up to \$200 per participant for providing training to the participant to become a certified speech-language pathology assistant. [2007 c.839 §24]

**Note:** See note under 348.394.

**348.405** [1989 c.227 §2; 1993 c.322 §1; 1999 c.704 §11; repealed by 2007 c.426 §7]

**348.406 Speech-Language Pathologist Training Fund.** (1) The Speech-Language Pathologist Training Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Speech-Language Pathologist Training Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the Department of Education for the purpose of awarding grants and stipends under ORS 348.394 to 348.406.

(2) The department may seek grants and donations to provide funding for the program. The department shall deposit any moneys received under this subsection in the fund. [2007 c.839 §25]

**Note:** See note under 348.394.

**348.410** [1989 c.227 §1; 1993 c.322 §2; 1999 c.704 §12; repealed by 2007 c.426 §7]

**348.415** [1989 c.227 §§3,4,8; 1993 c.322 §3; repealed by 2007 c.426 §7]

**348.420** [1989 c.227 §§5,7,9; 1993 c.322 §4; repealed by 2007 c.426 §7]

**348.425** [1989 c.227 §6; repealed by 2007 c.426 §7]

**348.427** [1993 c.765 §40; 1999 c.704 §13; 2011 c.637 §164; 2013 c.747 §107; repealed by 2015 c.513 §1]

**348.429** [1993 c.765 §41; 2011 c.637 §165; 2013 c.747 §108; repealed by 2015 c.513 §1]

**348.431** [1993 c.765 §42(1); repealed by 2015 c.513 §1]

**348.433** [1993 c.765 §43; repealed by 2015 c.513 §1]

**348.436** [1999 c.243 §2; 2011 c.637 §166; 2013 c.747 §109; repealed by 2015 c.513 §1]

### NURSING FACULTY LOAN REPAYMENT PROGRAM

**348.440 Definitions for ORS 348.444 and 348.448.** As used in ORS 348.444 and 348.448:

(1) “Nurse” means any person who is licensed under ORS 678.010 to 678.410 as a registered nurse.

(2) “Qualifying loan” means any loan made to a nursing student under:

(a) Programs under Title IV, parts B, D and E, of the Higher Education Act of 1965, as amended; or

(b) The Nursing Student Loan and Health Education Assistance Loan programs administered by the United States Department of Health and Human Services. [2009 c.815 §1]

**Note:** 348.440 to 348.448 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 348 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**348.444 Nursing Faculty Loan Repayment Program; rules.** (1) There is created the Nursing Faculty Loan Repayment Program, to be administered by the Higher Education Coordinating Commission. The purpose of the program is to provide loan repayments on behalf of nurse educators at nursing schools in Oregon who have earned a master’s or doctoral degree from an accredited nursing education program.

(2) The Higher Education Coordinating Commission shall by rule adopt, in consultation with the Oregon State Board of Nursing and the Oregon Center for Nursing, criteria for participation in the Nursing Faculty Loan Repayment Program. [2009 c.815 §2; 2011 c.637 §167; 2013 c.747 §110]

**Note:** See note under 348.440.

**348.448 Program eligibility; amount; eligibility period; adjustments to maximum amount.** (1) To be eligible to participate in the Nursing Faculty Loan Repayment Program, a nurse educator or prospective nurse educator shall submit a letter of interest to the Director of the Office of Student Access and Completion.

(2) At the end of each school year in which a nurse practices as a nurse educator in Oregon, the director shall pay an amount not to exceed the lesser of 20 percent of the total of the nurse’s outstanding qualifying loans or \$10,000 as adjusted under subsection (4) of this section.

(3) The director may make the annual payments under this section for up to:

(a) Three years for a nurse educator who has earned a master's degree; or

(b) Five years for a nurse educator who has earned a doctoral degree.

(4)(a) The director shall adjust annually the maximum dollar amount allowed under subsection (2) of this section by multiplying that amount by a cost-of-living adjustment as specified in this subsection.

(b) The cost-of-living adjustment applied to the maximum dollar amount allowed under subsection (2) of this section shall be equal to the ratio of the seasonally adjusted United States City Average Consumer Price Index for All Urban Consumers as published by the Bureau of Labor Statistics of the United States Department of Labor for April of that calendar year divided by the value of the same index for April 2009.

(c) If the value of the dollar amount determined under paragraph (a) of this subsection is not a multiple of \$100, the director shall round the dollar amount to the next lower multiple of \$100. [2009 c.815 §3; 2011 c.637 §168; 2013 c.747 §111; 2017 c.66 §45]

**Note:** See note under 348.440.

**348.450** [1978 c.1 §1; 1995 c.343 §36; renumbered 344.257 in 1995]

**348.460** [1978 c.1 §2; 1995 c.343 §37; renumbered 344.259 in 1995]

### COOPERATION BETWEEN PUBLIC UNIVERSITIES AND COMMUNITY COLLEGES

**348.470 Legislative findings; cooperation between public universities and community colleges.** The Legislative Assembly finds and declares that:

(1) It is the policy of this state to encourage cooperation between public universities listed in ORS 352.002 and community colleges on issues affecting students who transfer between the two segments; and

(2) All unnecessary obstacles that restrict student transfer opportunities between the two segments shall be eliminated. [1987 c.375 §1; 2013 c.768 §33]

### ASPIRE PROGRAMS

**348.500 Purpose; goals; financial aid instruction.** (1) The Higher Education Coordinating Commission may establish Access to Student Assistance Programs in Reach of Everyone (ASPIRE) to provide information about financial aid and education and training options beyond high school to students in Oregon schools and colleges. The goals of the programs are to:

(a) Provide mentoring and resources to help students access education and training beyond high school;

(b) Help Oregon schools build a sustainable community of volunteer mentors; and

(c) Educate students and families about the scholarship application process and other options for paying for post-secondary education.

(2) The programs shall bring together students, school staff, community volunteers and parents to help students overcome obstacles to their continuing education. The programs may provide training, technical assistance and other resources to Oregon middle schools, high schools and colleges on how to establish a volunteer-based program. Adult volunteers who are trained through the program may provide mentoring, training and encouragement to students about post-secondary options and financial aid.

(3) Each year, the programs shall provide financial aid instruction to middle school, high school and college students and make the instruction available to the students' families. The instruction should focus on areas of academic interest or career opportunities identified as particularly relevant to the students and provide information on apprenticeships or technical and occupational career pathways, with a focus on local apprenticeships or local technical and occupational career pathways.

(4) The financial aid instruction required under subsection (3) of this section must outline:

(a) The different types of student loans that are available to students attending post-secondary institutions of education;

(b) The potential use of individual development accounts established under ORS 458.675 to 458.700 to pay for post-secondary education; and

(c) The short-term and long-term economic impacts of each type of student loan or individual development account. [2007 c.293 §2; 2011 c.637 §169; 2013 c.747 §112; 2015 c.253 §1; 2017 c.66 §6]

### HIGHER EDUCATION COORDINATING COMMISSION AND OFFICE OF STUDENT ACCESS AND COMPLETION (Administration)

**348.505 "Financial aid" defined.** As used in ORS 348.500 to 348.695, "financial aid" includes loans, grants, scholarships, work opportunities and other forms of financial aid to assist students in completing their post-high-school education. [1967 c.430 §2; 1997 c.652 §33; 1999 c.704 §14; 2007 c.426 §1; 2011 c.637 §170; 2013 c.747 §113]

**348.510** [Formerly 351.635; 1967 c.430 §3; 1969 c.695 §5; 1975 c.151 §1; 1977 c.725 §7; 1985 c.565 §61; 1995 c.120 §1; 1999 c.704 §1; 2011 c.637 §170a; repealed by 2013 c.747 §203]

**348.511 Office of Student Access and Completion; director.** (1) The Office of Student Access and Completion is established and shall operate under the direction and control of the Higher Education Coordinating Commission.

(2) The executive director of the Higher Education Coordinating Commission shall appoint the Director of the Office of Student Access and Completion.

(3) The Director of the Office of Student Access and Completion shall:

(a) Be responsible for the performance of the duties, functions and powers of the Office of Student Access and Completion;

(b) Be paid a salary as provided by law or, if not so provided, as prescribed by the commission; and

(c) Subject to any applicable provisions of ORS chapter 240, appoint all subordinate officers and employees of the office, prescribe their duties and fix their compensation. [2013 c.747 §10; 2016 c.30 §1; 2017 c.66 §46]

**Note:** 348.511 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 348 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**348.520 Duties of director.** The Director of the Office of Student Access and Completion shall:

(1) Make available to qualified persons financial aid from financial sources available to the director.

(2) Determine qualifications of persons to receive financial aid.

(3) Maintain reports and records on persons applying for and receiving financial aid from the director.

(4) Withhold any financial aid if the recipient thereof fails to maintain the standards established for receipt of that aid.

(5) Recommend to the Legislative Assembly not less than once every biennium matters relating to the establishment, administration, modification, transfer, reduction or cancellation of financial aid.

(6) Prior to implementing changes to the Oregon Opportunity Grant program, report to the Higher Education Coordinating Commission and the Legislative Assembly or the Emergency Board any proposed change:

(a) That increases or decreases the total amount awarded as Oregon Opportunity Grants that was approved as part of the budget enacted by the Legislative Assembly for the Higher Education Coordinating Commission; and

(b) To the methodology used to determine the student share, family share or state share under ORS 348.205.

(7) Encourage the establishment of financial aid programs by private agencies.

(8) Collect and disseminate information pertaining to all types of available financial aid.

(9) Review the administrative practices and evaluate the effectiveness of all public and private post-secondary financial aid programs in Oregon.

(10) Disburse state appropriations for financial aid in such a manner as to maximize its role in cooperative coordination of financial aid programs. [Formerly 351.640; 1967 c.430 §4; 1973 c.815 §4; 1997 c.652 §34; 2007 c.802 §5; 2011 c.637 §§171,171a; 2013 c.747 §114; 2017 c.66 §47]

**348.530 Powers.** The Higher Education Coordinating Commission may:

(1) Negotiate for and contract with private and governmental agencies for the establishment of financial aid programs.

(2) Receive gifts of any type, including gifts of stock and real property, for the purpose of establishing, continuing and increasing financial aid.

(3) Administer any form of financial aid submitted to and accepted for administration by the commission.

(4) Authorize payment from funds appropriated therefor, of costs, commissions, attorney fees and other reasonable expenses, including refund of overpayment of fees, that are related to and necessary for making and protecting guaranteed loans and recovering moneys and loans and management of property acquired in connection with such loans.

(5) Sue and be sued.

(6) Cooperatively coordinate all types of financial aid activities.

(7) Deny financial aid to any student owing a refund or in default on financial aid previously made available to that student. [Formerly 351.645; 1967 c.430 §5; 1973 c.721 §5; 1977 c.725 §9; 1981 c.209 §1; 1987 c.48 §1; 1995 c.179 §8; 1997 c.652 §35; 2003 c.360 §§1,2; 2007 c.426 §§2,3; 2011 c.637 §172; 2013 c.747 §115; 2015 c.513 §17]

**348.540** [Formerly 351.650; 2011 c.637 §172a; repealed by 2013 c.747 §203]

**348.550** [Formerly 351.655; 1969 c.314 §24; 2011 c.637 §172b; repealed by 2013 c.747 §203]

**348.560 Staff; office space.** Subject to any applicable provisions of the State Personnel Relations Law, the Higher Education Coordinating Commission may employ and fix the compensation of any employees it deems necessary for the effective conduct of the work under its charge. The commission may also arrange with a public university listed in ORS 352.002 or a community college for use of staff and office space of the public university or community college. [Formerly 351.660; 2011 c.637 §172c; 2013 c.747 §116]



**348.563 Authority of Higher Education Coordinating Commission to require fingerprints.** For the purpose of requesting a state or nationwide criminal records check under ORS 181A.195, the Higher Education Coordinating Commission may require the fingerprints of a person who:

(1)(a) Is employed or applying for employment by the Director of the Office of Student Access and Completion; or

(b) Provides services or seeks to provide services to the director as a contractor or volunteer; and

(2) Is, or will be, working or providing services in a position:

(a) In which the person has direct access to facilities where students reside or to persons under 18 years of age, elderly persons or persons with disabilities;

(b) In which the person is providing information technology services and has control over, or access to, information technology systems that would allow the person to harm the information technology systems or the information contained in the systems;

(c) In which the person has access to information, the disclosure of which is prohibited by state or federal laws, rules or regulations or information that is defined as confidential under state or federal laws, rules or regulations; or

(d) That has payroll functions or in which the person has responsibility for receiving, receipting or depositing money or negotiable instruments, for billing, collections or other financial transactions or for purchasing or selling property or has access to property held in trust or to private property in the temporary custody of the state. [2005 c.730 §70; 2011 c.637 §173; 2013 c.747 §117; 2017 c.66 §48]

**Note:** 348.563 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 348 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**348.570 Funds in State Treasury.** (1)(a) There is established in the State Treasury a fund, separate and distinct from the General Fund, to be known as the Oregon Student Assistance Fund. Interest earned by the fund shall be credited to the fund.

(b) The fund shall consist of moneys appropriated to the Higher Education Coordinating Commission for deposit into the fund, collections and penalties received by the Director of the Office of Student Access and Completion under ORS 442.545 and any donations or grants received by the commission for a purpose of the fund.

(c) Moneys in the fund are continuously appropriated to the commission for:

(A) Investments as provided by ORS 293.701 to 293.857;

(B) The payment of expenses of the commission in carrying out the purposes of ORS 348.250, 348.285, 348.505 to 348.615, 348.625 to 348.695, 348.696 and 348.992; and

(C) The purpose of carrying out the provisions of ORS 348.272.

(d) The commission shall use moneys in the fund for those purposes for which the moneys were provided to or received or collected by the commission.

(2) There is established in the State Treasury a fund, separate and distinct from the General Fund, to be known as the ASPIRE Program Fund. Moneys received from donations and grants shall be credited to the ASPIRE Program Fund. Moneys in the fund are continuously appropriated to the commission for the purposes of investment, as provided by ORS 293.701 to 293.857, and for carrying out the provisions of ORS 348.500. Interest earned by the fund shall be credited to the fund.

(3)(a) There is established in the State Treasury the Nursing Faculty Loan Repayment Fund, separate and distinct from the General Fund. Interest earned on the Nursing Faculty Loan Repayment Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the commission for carrying out ORS 348.440 to 348.448. The Nursing Faculty Loan Repayment Fund consists of:

(A) Moneys appropriated to the commission for the Nursing Faculty Loan Repayment Program created in ORS 348.444; and

(B) Grants, gifts or donations received by the commission for the program.

(b) Any unexpended funds in the fund at the end of a biennium shall be retained in the fund and may be expended in subsequent biennia. [Formerly 351.665; 1967 c.335 §41; 1967 c.430 §§6, 7; 1969 c.573 §4; 1975 c.520 §5; 1977 c.725 §10; 1981 c.209 §2; 1983 c.639 §1; 1987 c.48 §2; 1987 c.842 §18; 1989 c.966 §32; 1997 c.524 §5; 1999 c.704 §3; 2001 c.599 §6; 2001 c.730 §2; 2003 c.360 §§4,5; 2007 c.293 §§3,4; 2007 c.426 §§4,5; 2009 c.815 §4; 2011 c.358 §3; 2011 c.637 §174; 2011 c.642 §3; 2013 c.747 §118; 2015 c.513 §8; 2015 c.829 §5; 2017 c.17 §29; 2017 c.66 §49]

**348.575** [1969 c.573 §2; 1983 c.639 §2; 1985 c.565 §62; repealed by 2007 c.426 §7]

**348.576 STEM Fund.** (1) The STEM Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the STEM Fund shall be credited to the fund. Moneys in the STEM Fund are continuously appropriated to the Higher Education Coordinating Commission for the purpose of providing scholarships to

students to encourage study in science, technology, engineering and mathematics.

(2) The commission may accept grants, donations, contributions or gifts from any source for deposit in the STEM Fund. [2012 c.94 §3; 2013 c.747 §198]

**Note:** 348.576 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 348 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**348.580 Agreements with community foundations.** (1) Subject to the terms of the governing instruments and applicable law, the Higher Education Coordinating Commission may enter into agreements with one or more community foundations in Oregon to assume the management of the privately funded student aid programs of the commission. The commission may transfer to the community foundation any or all gifts or scholarship grants received by the commission from any private donor.

(2) All gifts or scholarship grant funds received by the commission that are not transferred to community foundations pursuant to subsection (1) of this section shall be placed in the hands of the State Treasurer, who is designated as the custodian thereof and who may hold, in the manner provided by law, the principal and interest on the gifts and grants. Funds may be withdrawn periodically by the commission to provide for administrative expenditures and make payments upon scholarships awarded by the commission.

(3) As used in this section, “community foundation” means an organization that is:

(a) A community trust or foundation within the meaning of section 170 of the Internal Revenue Code of 1986 and section 1.170A-9(e)(10) of the Treasury Regulations thereunder;

(b) Exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code of 1986; and

(c) Not a private foundation within the meaning of section 509 of the Internal Revenue Code of 1986. [Formerly 351.670; 1967 c.335 §42; 1987 c.394 §6; 1993 c.258 §1; 1995 c.12 §5; 1997 c.524 §1; 2011 c.637 §175; 2013 c.747 §119]

**348.582 Definitions.** As used in ORS 348.584 and 348.586, “institution of higher education” means:

(1) A public university listed in ORS 352.002;

(2) A community college as defined in ORS 341.005;

(3) The Oregon Health and Science University;

(4) A career school as defined in ORS 345.010;

(5) A private post-secondary institution authorized to confer academic degrees under ORS 348.594 to 348.615; and

(6) A private post-secondary institution that meets the criteria set forth in ORS 348.597 (2)(a). [2014 c.84 §2; 2016 c.30 §4]

**Note:** 348.582 to 348.586 were added to and made a part of ORS chapter 348 by legislative action but were not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

**348.584 Provision of information about affordability and value of institutions of higher education; rules.** (1) Each year, the Higher Education Coordinating Commission shall identify the federal or national entity that best provides information about the affordability and value of institutions of higher education in Oregon.

(2) An institution of higher education that operates in this state shall, at the time of application, provide the institution’s students with:

(a) A link to the page of the Internet website maintained by the entity identified in subsection (1) of this section that discusses the affordability and value of the institution; or

(b) A complete and accurate copy of the page of the Internet website maintained by the entity identified in subsection (1) of this section that discusses the affordability and value of the institution. The institution may provide this copy to students electronically or by mail.

(3) If an institution of higher education maintains an Internet website, the institution shall make publicly available on the website in a prominent location the Internet link and copy described in subsection (2) of this section.

(4) The requirements set forth for institutions of higher education in subsections (2) and (3) of this section apply only to institutions whose affordability and value is analyzed by the entity identified in subsection (1) of this section.

(5) The commission shall work toward developing an Internet website that provides information about the affordability and value of all institutions of higher education that operate in this state.

(6) The commission may adopt rules to implement this section. [2014 c.84 §3]

**Note:** See note under 348.582.

**348.586 Prohibited promotional activities for institutions of higher education.** An institution of higher education that operates in this state may not:

(1) Promise or guarantee employment, or overstate the availability of jobs, upon com-

pletion of an educational program or degree from the institution.

(2) Advertise inaccurately regarding length of time required to learn a trade or skill.

(3) Omit from an advertisement, or from promotional material, information indicating which educational programs are delivered by means of distance education.

(4) Advertise, or indicate in promotional material, that the institution is accredited, if the institution is not accredited.

(5) Solicit students for enrollment by advertising material in "help wanted" or similar columns in a magazine, newspaper or similar publication.

(6) Use advertising that does not identify the institution.

(7) Compensate or offer to compensate a student enrolled at the institution to act as an agent of the institution to solicit, refer or recruit a person for enrollment in the institution, other than through regular student employment. This subsection does not prohibit an institution from, during a calendar year, awarding tokens or gifts with an aggregate value of \$100 or less to a student for referring a person to the institution. A token or gift may not be in the form of money.

(8) Pay any consideration to a person to induce the person to sign an enrollment agreement for an educational program.

(9) Imply or suggest that:

(a) The institution is affiliated with a government agency, public or private corporation, agency or association, if it is not so affiliated.

(b) The institution is a public institution, if it is not a public institution.

(c) The institution grants degrees, if the institution does not grant degrees.

(10) Use the phrase, "approved to operate," or similar words or phrases, without indicating that "approved to operate" means compliance with standards set by law. If the Higher Education Coordinating Commission has authorized an institution to offer an approved degree program, the institution may indicate the approval but may not state or imply that:

(a) The institution or its educational programs are endorsed or recommended by the State of Oregon or the commission.

(b) The approval to operate means the institution exceeds minimum standards set by law.

(11) Direct any individual to perform an act that violates this section, to refrain from reporting unlawful conduct to the commis-

sion or any other government agency or to persuade a student not to complain to the commission.

(12) Compensate an employee involved in recruitment, enrollment, admissions, attendance or sales of educational materials to students on the basis of a commission, commission draw, bonus, quota or similar method related to the recruitment, enrollment, admissions, attendance or sales of educational materials to students.

(13) Require a student to provide personal contact information in order to obtain, from the institution's Internet website:

(a) Educational program information required to be in the school catalog; or

(b) Any information required to be disseminated under the consumer information provisions of the Higher Education Act of 1965, as amended.

(14) Offer an associate, baccalaureate, master's or doctoral degree without disclosing to students at the time of application whether the institution or the degree program is accredited and any known limitation of the degree, including, but not limited to:

(a) Whether completion of the educational program will meet license, registration, certificate or other authorization requirements to practice a profession or trade in this state.

(b) That a student enrolled in an institution that is not accredited is not eligible for federal financial aid programs. [2014 c.84 §4]

**Note:** See note under 348.582.

**348.590 Continuous appropriation of certain funds.** All funds for and relating to student aid programs received by the Higher Education Coordinating Commission pursuant to federal grant or from any other source, except moneys appropriated from the State Treasury for a specified period of time, hereby are continuously appropriated to the commission for the purposes for which such funds were provided and received by the commission. [Formerly 351.672; 1987 c.394 §7; 2011 c.637 §176; 2013 c.747 §120]

**348.592 Loan cancellation insurance.**

(1) The Director of the Office of Student Access and Completion may obtain loan cancellation insurance for any person holding a loan under this section and ORS 348.505 to 348.530 and 348.570.

(2) The insurance shall insure the life of the student who borrows under this section and ORS 348.505 to 348.530 and 348.570 for the amount of the principal and interest due on the loan and the State of Oregon shall be named as the beneficiary. If the borrower dies before repaying the loan, the insurance shall be used to pay the balance of the loan

and the director shall issue a satisfaction of the obligation.

(3) The Oregon Department of Administrative Services shall procure bids for the purchasing of insurance in compliance with the laws governing the purchase and furnishing of services to state agencies. [Formerly 348.620; 2011 c.637 §177; 2013 c.747 §121; 2017 c.66 §50]

**Note:** 348.592 was added to and made a part of 348.500 to 348.695 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

### (Degrees)

**348.594 Definitions for ORS 348.594 to 348.615.** As used in ORS 348.594 to 348.615:

(1)(a) “Diploma mill” means:

(A) A school against which a court or public body, as defined in ORS 174.109, has issued a ruling or finding, after due process procedures, that the school has engaged in dishonest, fraudulent or deceptive practices related to the award of degrees, academic standards or student learning requirements; or

(B) An entity without legal authority as a school to issue degrees valid as credentials in the jurisdiction that authorizes issuance of degrees.

(b) “Diploma mill” does not include:

(A) A school operating legally under ORS 348.604; or

(B) A school that is actively seeking and able to show evidence of reasonable progress toward regional accreditation with one of the regional post-secondary accrediting bodies recognized by the United States Department of Education.

(2)(a) “School” means a person, organization, school or institution of learning that confers or offers to confer an academic degree upon a person or to provide academic credit applicable to a degree.

(b) “School” does not include:

(A) An Oregon community college;

(B) A public university listed in ORS 352.002; or

(C) The Oregon Health and Science University. [1997 c.652 §8; 1999 c.59 §93; 2005 c.546 §8; 2007 c.325 §1; 2016 c.30 §2]

**348.596 Purpose of ORS 348.594 to 348.615.** It is the purpose of ORS 348.594 to 348.615 to provide for the protection of the citizens of Oregon and their post-secondary schools by ensuring the quality of higher education and preserving the integrity of an academic degree as a public credential. [1997 c.652 §9; 1999 c.59 §94]

**348.597 Applicability of ORS 348.594 to 348.615.** (1) Except as provided in subsection (2) of this section, ORS 348.594 to 348.615 apply to all schools that operate in this state.

(2) ORS 348.594 to 348.615 do not apply to:

(a) A school, or a separately accredited campus of a school, if the school:

(A) Is a nonprofit school that is exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code;

(B) Conferred degrees in this state under the same control for at least 10 consecutive years; and

(C) Is accredited by a regional accrediting association or its national successor;

(b) A school that, on July 14, 2005, was a school that met the criteria and followed procedures to obtain a religious exemption adopted by rule by the Oregon Student Access Commission and that offered only degrees with approved titles in theology or religious occupations; or

(c) A school that is exempt from ORS 348.594 to 348.615 under ORS 348.604.

(3) The Higher Education Coordinating Commission shall issue a separate license to issue degrees to each school that meets the requirements for exemption from evaluation by the office set forth in subsection (2)(a) of this section. The license shall remain in effect if the school continues to meet the requirements of subsection (2)(a) of this section. [2005 c.546 §1; 2007 c.325 §4; 2009 c.172 §1; 2011 c.353 §1; 2011 c.637 §178; 2016 c.30 §3]

**Note:** Section 10, chapter 30, Oregon Laws 2016, provides:

**Sec. 10.** The requirement set forth in ORS 348.597 (2)(a)(B), as amended by section 3 of this 2016 Act, applies only to determinations as to whether ORS 348.594 to 348.615 apply to a school that are made on or after the effective date of this 2016 Act [January 1, 2017]. If ORS 348.594 to 348.615 do not apply to a school on the effective date of this 2016 Act, ORS 348.594 to 348.615 continue to not apply to the school even if the school has not conferred degrees in this state under the same control for at least 10 consecutive years. [2016 c.30 §10]

**Note:** 348.597, 348.604, 348.605, 348.607 and 348.608 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 348 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**348.599** [1997 c.652 §7; 1999 c.704 §15; repealed by 2011 c.637 §291a]

**348.600** [Formerly 351.675; repealed by 1977 c.725 §11]

**348.601 Degree Authorization Account.** The Degree Authorization Account is established separate and distinct from the General Fund. All moneys received by the Higher Education Coordinating Commission under ORS 348.603, 348.606 and 348.609 shall be deposited into the account and are continuously appropriated to the Higher Educa-

tion Coordinating Commission to carry out the duties, functions and powers of the commission under ORS 348.594 to 348.615. [2003 c.674 §5; 2011 c.637 §179]

**348.603 Duties of commission relating to degree authorization and nondegree programs; fees; rules.** (1) The Higher Education Coordinating Commission shall:

(a) Authorize approved schools to offer academic degree programs;

(b) Authorize approved degree-granting schools to offer nondegree programs leading to a certificate or diploma;

(c) Validate claims of degree possession;

(d) Terminate substandard or fraudulent degree activities;

(e) Terminate activities of diploma mills operating in or from Oregon;

(f) Except as provided in subsection (3) of this section, terminate the operation in or from Oregon of post-secondary accrediting bodies that are not recognized by the United States Department of Education or by the commission; and

(g) Review proposed new publicly funded post-secondary programs and locations.

(2) The commission, by rule, may impose a fee on any school or person requesting information from the commission. The amount of the fee shall be established to recover designated expenses incurred by the commission in carrying out the administration of ORS 348.594 to 348.615. Any fees collected under this subsection shall be deposited in the Degree Authorization Account established under ORS 348.601.

(3) Subsection (1)(f) of this section does not apply to a body the role of which is to accredit schools that offer only associate, bachelor's or master's degrees with titles in theology or religious occupations or, if the schools also offer doctoral degrees, offer doctoral degrees only in theology or religious occupations that have been approved by a federally recognized accrediting organization. [1997 c.652 §10; 2001 c.454 §2; 2003 c.674 §1; 2007 c.325 §2; 2009 c.328 §3; 2011 c.637 §180; 2013 c.288 §2; 2013 c.658 §1]

**348.604 Exemption from ORS 348.594 to 348.615.** Upon application from a school, as defined in ORS 348.594, the Higher Education Coordinating Commission shall grant an exemption from ORS 348.594 to 348.615 to the school if the school:

(1) Is, or is operated by, a nonprofit corporation;

(2) Offers only associate, bachelor's or master's degrees with titles in theology or religious occupations, or, if the school also offers doctoral degrees, offers doctoral degrees in theology or religious occupations

that have been approved by a federally recognized accrediting organization;

(3) Teaches students with faculty members who:

(a) Hold degrees:

(A) From a school that, at the time of the conferral of the degrees, was accredited by a federally recognized accrediting organization, held an exemption under this section, or was a school that, on July 14, 2005, met the criteria and followed procedures to obtain a religious exemption adopted by rule by the Oregon Student Access Commission and that offered only degrees with approved titles in theology or religious occupations;

(B) That are at least one level above the degree level of the program in which the faculty members teach or that are the terminal degrees in the field in which the faculty members teach; and

(C) That are not honorary degrees; or

(b) Possess sufficient compensatory qualifications to substitute for academic degrees in the fields in which the faculty members teach;

(4) Offers a curriculum:

(a) Of a duration and level that is comparable to the curriculums offered by schools that are not exempt under this section; and

(b) That, with higher degrees, increases the difficulty of the work expected of students;

(5) Requires students to complete academic assignments and to demonstrate learning appropriate to the curriculum;

(6) Awards credit toward degrees proportionate to the work done by students;

(7) Offers admission:

(a) To a student:

(A) With a high school diploma or an equivalent credential; or

(B) Who completed the equivalent of a high school education through home study; and

(b) Based on evidence that the student can reasonably expect to complete a degree and benefit from the education offered;

(8) Provides or arranges for faculty members and students to have access to information that supports instruction and stimulates research or independent study in all areas of the curriculum;

(9) Provides accurate and appropriate credit transcripts to students of the school and accurate and appropriate diplomas to graduates of the school;

(10) Charges tuition by the credit hour or other fixed rate for instruction during an academic term and does not charge tuition

or fees for the award of a degree or charge a single fee for an entire degree program;

(11) Provides the oversight required by the Higher Education Coordinating Commission over a faculty member or administrator who has:

(a) Been convicted of a felony; or

(b) Violated a state or federal law related to the operation of a school;

(12) Provides facilities that permit private communication between faculty members and students;

(13) Provides a number of faculty members that is adequate for the number of students enrolled;

(14) Provides clear and accurate information to students about the school's expectations of students in the school's courses;

(15) Ensures that a student who is pursuing a degree is making continuous progress toward the degree;

(16) Before a student enrolls in the school, informs the student that a school to which the student might transfer retains the discretion whether to accept the transfer of credits earned at the school;

(17) Provides official transcripts of faculty members to the commission; and

(18) Pays the fee imposed by ORS 348.607. [2005 c.546 §2; 2011 c.353 §2; 2011 c.637 §181; 2013 c.747 §180]

**Note:** See second note under 348.597.

**348.605 Restrictions and duties of exempted schools.** (1) A school that obtains an exemption under ORS 348.604 or that, on July 14, 2005, met the criteria and followed procedures to obtain a religious exemption adopted by rule by the Oregon Student Access Commission and that offered only degrees with approved titles in theology or religious occupations may not:

(a) Award more than 25 percent of the credit toward a degree for noninstructional activities, such as challenge examinations and professional or life experiences;

(b) Represent that the school is:

(A) Approved by the State of Oregon; or

(B) Accredited by an organization unless the organization is recognized as an accreditor by the United States Department of Education; or

(c) Pay a faculty member a commission or otherwise base a faculty member's compensation on the faculty member's recruitment of students to the school.

(2) A school that obtains an exemption under ORS 348.604 or that, on July 14, 2005, met the criteria and followed procedures to obtain a religious exemption adopted by rule

by the Oregon Student Access Commission and that offered only degrees with approved titles in theology or religious occupations shall:

(a) Preserve official transcripts for all faculty members and students;

(b) Notify the Higher Education Coordinating Commission if a faculty member or administrator at the school has:

(A) Been convicted of a felony; or

(B) Violated a state or federal law related to the operation of a school;

(c) Place in any course catalog that is available to students or to the public a notice that states: "(Name of school) has been granted exempt status by the State of Oregon to offer theological and/or religious occupations degrees.";

(d) If the school closes, return to students tuition payments for the current term on a prorated basis;

(e) If the school provides placement services to a student, describe the placement services clearly and accurately to the student and avoid giving unrealistic expectations of placement to the student; and

(f) If an administrator claims to possess an academic degree:

(A) Ensure that the administrator possesses the academic degree that the administrator claims to possess; and

(B) Require that the degree is from a school that, at the time of the conferral of the degree, was accredited by a federally recognized accrediting organization, held an exemption under this section, or was a school that, on July 14, 2005, met the criteria and followed procedures to obtain a religious exemption adopted by rule by the Oregon Student Access Commission and offered only degrees with approved titles in theology or religious occupations. [2005 c.546 §3; 2011 c.353 §3; 2011 c.637 §182]

**Note:** See second note under 348.597.

**348.606 Prohibition on conferring or offering of degree before approval obtained; fees; rules.** (1) A school may not confer or offer to confer any academic degree upon a person, or provide services purporting to lead to a degree in whole or in part, without first obtaining approval from the Higher Education Coordinating Commission. The commission shall adopt by rule standards and procedures for the approval of schools.

(2) A school based outside of Oregon may not offer any educational credit or degree within Oregon, including through the Internet, mail or telephone, without first obtaining approval from the commission. This subsection does not apply to schools operat-

ing as part of an interstate agreement entered into under ORS 350.075 (3).

(3)(a) The commission, by rule, may impose fees on any school applying for approval to confer or offer to confer a degree upon a person or to provide academic credit applicable to a degree. Any fee imposed under this section is nonrefundable.

(b) The amount of each fee in this section is established to recover designated expenses incurred by the commission in carrying out the administration of ORS 348.594 to 348.615, and may not exceed the amounts specified in this section adjusted for inflation annually, beginning on July 1, 2012, pursuant to the increase, if any, from the preceding year in the U.S. City Average Consumer Price Index for All Urban Consumers (All Items) as published by the Bureau of Labor Statistics of the United States Department of Labor.

(4) For periodic review of a school's general administrative and academic operations, and continued oversight and support of the school, the commission may impose the following fee on each school, to be paid biennially:

(a) \$2,000 for a full review and oversight of a school with a complex organizational structure.

(b) \$1,000 for a full review and oversight of a school wholly administered and governed at a single campus in this state.

(5) For periodic evaluation of academic programs offered by schools subject to continued oversight, the commission may impose the following fees per program for the following degrees or certificates:

(a) \$2,000 for a nondegree certificate.

(b) \$3,000 for an associate degree.

(c) \$4,000 for a bachelor's degree, master's degree or doctoral degree.

(6) Notwithstanding subsections (4) and (5) of this section, the commission may impose the following fees on each school that is not based in this state, offers distance learning courses or programs in this state and is not operating as part of an interstate agreement entered into under ORS 350.075 (3):

(a) \$7,000, to be paid biennially, for a full review and oversight of a school.

(b) \$1,000 for each new program application not offered at the time of the school's initial application to the commission.

(7)(a) In addition to the fees described in subsections (4) to (6) of this section, the commission may impose on each school that is not based in this state a fee of \$1,000 per program that, as part of the program, places students in a practicum based in this state.

(b) This subsection does not apply to a placement that is part of an online program offered by a school.

(c) The commission may waive the fee imposed under this subsection for limited placements or special circumstances that involve Oregon residents who return to this state for a practicum.

(8) In addition to the fees described in subsections (4) to (7) of this section:

(a) The commission may impose a fee of not more than \$500 for a change in program, based on the scope and complexity of the proposed program change.

(b) For review of qualifications of staff prior to hiring, the commission may impose a fee of:

(A) Not more than \$50 for each new instructor.

(B) Not more than \$100 for each new administrator or senior academic staff person.

(9) In addition to the fees described in subsections (4) to (8) of this section, the commission may assess:

(a) The actual costs related to the use of experts to evaluate programs leading to professional licensure by the state, if such costs exceed 10 percent of the base fees.

(b) Costs associated with travel expenses for:

(A) Schools subject to review and oversight under subsection (4) of this section; or

(B) Schools located outside this state that seek authorization to offer degrees without accreditation to residents of this state.

(10) Any fees collected under this section shall be deposited in the Degree Authorization Account established under ORS 348.601.

(11) As used in this section, "practicum" means a portion of a degree program that involves a supervised field placement in a professional or workplace environment. [1997 c.652 §11; 1999 c.59 §95; 2003 c.674 §2; 2005 c.546 §9; 2007 c.325 §3; 2011 c.637 §183; 2013 c.593 §1; 2015 c.775 §1]

**348.607 Fee for exemption application; prohibition on requirements for religious exemption.** (1)(a) The Higher Education Coordinating Commission may impose a fee on a school that applies for an exemption under ORS 348.604.

(b) The amount of the fee may not exceed the actual cost to the commission of determining the school's compliance with the requirements for an exemption under ORS 348.604, and may not exceed \$1,000.

(2) Except as provided in ORS 348.604 or 348.608 or section 6, chapter 546, Oregon Laws 2005, the commission may not impose requirements for a religious exemption from

ORS 348.594 to 348.615. [2005 c.546 §4; 2007 c.325 §5; 2011 c.637 §184; 2013 c.593 §2]

**Note:** See second note under 348.597.

**348.608 Certification by exempt school; suspension or revocation of exemption; appeal.** (1) Each year, on a date prescribed by the Higher Education Coordinating Commission, a school that obtains an exemption under ORS 348.604 or a school that, on July 14, 2005, met the criteria and followed procedures to obtain a religious exemption adopted by rule by the Oregon Student Access Commission and that offered only degrees with approved titles in theology or religious occupations, shall submit to the Higher Education Coordinating Commission a statement that reads: "(Name of School) hereby certifies that the school remains in compliance with all conditions for a religious exemption from ORS 348.594 to 348.615."

(2) A school that obtains an exemption under ORS 348.604 or a school that, on July 14, 2005, met the criteria and followed procedures to obtain a religious exemption adopted by rule by the Oregon Student Access Commission and that offered only degrees with approved titles in theology or religious occupations remains exempt unless the Higher Education Coordinating Commission suspends or revokes the exemption.

(3) The Higher Education Coordinating Commission may suspend or revoke an exemption if:

(a) After the notice and opportunity to cure provided in subsection (4) of this section, a school fails to provide the statement required by subsection (1) of this section;

(b) The commission has received a complaint from a student or former student of the school that the school is failing to comply with a condition for exemption under ORS 348.604, the commission determines that the complaint is valid, the school has been provided with notice and opportunity to cure as required by subsection (4) of this section and the school fails to comply with the condition listed in the notice; or

(c) After the notice and opportunity to cure provided in subsection (4) of this section, a school is in violation of ORS 348.605.

(4) The Higher Education Coordinating Commission shall provide notice of and 90 days to cure a school's:

(a) Failure to provide the statement required by subsection (1) of this section;

(b) Failure to maintain compliance with a condition for exemption under ORS 348.604 if the commission has received a complaint from a student or former student of the school that the school is failing to comply with a condition for exemption under ORS

348.604 and the commission has determined the complaint is valid; or

(c) Violation of ORS 348.605.

(5) A school may appeal the denial, suspension or revocation of an exemption to the Higher Education Coordinating Commission.

(6) A school may appeal the Higher Education Coordinating Commission's decision that a faculty member does not possess sufficient compensatory qualifications to substitute for an academic degree in the field in which the faculty member teaches.

(7) The Higher Education Coordinating Commission shall conduct an appeal under this section as a contested case under ORS chapter 183.

(8)(a) If a school appeals the denial, suspension or revocation of an exemption and the Higher Education Coordinating Commission upholds the denial, suspension or revocation, the commission shall provide the school 90 days to cure the grounds for the denial, suspension or revocation. If the school does not cure the grounds for the denial, suspension or revocation within 90 days after the commission upholds the denial, suspension or revocation, then the denial, suspension or revocation becomes effective 90 days after the issuance of the decision on the appeal by the commission.

(b) If a school does not appeal the denial, suspension or revocation of an exemption to the commission and the school does not cure the grounds for the denial, suspension or revocation within the period of time to appeal the decision to the commission, then the denial, suspension or revocation becomes effective upon the expiration of the period of time to appeal. [2005 c.546 §5; 2011 c.353 §4; 2011 c.637 §185; 2013 c.747 §122; 2016 c.30 §9]

**Note:** See second note under 348.597.

**348.609 Representation of possession of academic degree; complaints; civil penalties; rules; fees.** (1) A person may not claim or represent that the person possesses any academic degree unless the degree has been awarded to or conferred upon the person by a school that:

(a) Has accreditation recognized by the United States Department of Education or the foreign equivalent of such accreditation;

(b) Has been approved by the Higher Education Coordinating Commission to offer and confer degrees in Oregon;

(c) Is described in ORS 348.597; or

(d) Is located in the United States and has been found by the commission to meet standards of academic quality comparable to those of an institution located in the United States that has accreditation, recognized by the United States Department of Education,



to offer degrees of the type and level claimed by the person.

(2)(a) A person who has been awarded a degree from a school other than a school described in subsection (1) of this section may claim or represent that the person possesses an academic degree if:

(A) The person has been awarded a degree from a school that has the legal authority to issue degrees in the jurisdiction where the degree is issued; and

(B) The claim or representation is accompanied by a disclaimer that states: “(Name of school) does not have accreditation recognized by the United States Department of Education and has not been approved by the Higher Education Coordinating Commission.”

(b) A disclaimer allowed under this subsection shall be made in any resume, letterhead, business card, announcement or advertisement in which the person is claiming or representing to have an academic degree from a school that does not meet the requirements of subsection (1) of this section.

(c) A person may not use a disclaimer described in this subsection for a degree received from a diploma mill.

(d) This subsection does not alter any requirement for obtaining a license, admission into a school, teaching or employment or for other areas in which a degree from an accredited school is required.

(3) The commission shall adopt, by rule, standards and procedures for responding to complaints about degree claims and for validation of degree claims. Failure of a person to provide documentation of a claimed degree shall be prima facie evidence that the claim of such person to such degree is a violation of this section.

(4) The commission, by rule, may impose a fee on any school or person requesting validation of degree claims. The amount of the fee shall be established to recover designated expenses incurred by the commission in carrying out the administration of ORS 348.594 to 348.615. Any fees collected under this subsection shall be deposited in the Degree Authorization Account established under ORS 348.601.

(5)(a) The commission may cause a civil suit to be instituted in the circuit court for legal or equitable remedies, including injunctive relief, to ensure compliance with this section. The commission may recover attorney fees and court costs for any such action.

(b) The commission shall adopt a schedule of civil penalties for violations of this

section. A civil penalty shall not exceed \$1,000 per violation.

(c) In addition to any action or penalty provided by law, any person who violates this section shall incur a civil penalty in an amount prescribed by the schedule adopted by the commission. Any civil penalty imposed under this subsection shall be imposed in the manner provided in ORS 183.745. All penalties recovered under this subsection shall be paid into the State Treasury and credited to the General Fund.

(6) The provisions of this section do not apply to a person who is a graduate of a veterinary college, or a veterinary department of a university or college, of good standing and repute, as determined by the Oregon State Veterinary Medical Examining Board. [1997 c.652 §12; 2001 c.454 §1; 2003 c.674 §3; 2005 c.196 §4; 2005 c.546 §10a; 2009 c.173 §1; 2011 c.637 §186]

**348.610** [1967 c.430 §8; repealed by 1971 c.577 §3]

**348.611** [2009 c.328 §2; 2011 c.637 §187; repealed by 2013 c.288 §1]

**348.612 Probation or suspension or revocation of approval; rules; hearing.** (1) The Higher Education Coordinating Commission may place a school, or a program within a school, on probation, or suspend or revoke any approval given to a school under ORS 348.606, for proper cause after a hearing.

(2) The commission shall by rule establish criteria for placing a school or program on probation or for suspending or revoking approval given to a school under ORS 348.606.

(3)(a) If the commission places a school or program on probation, the commission shall establish conditions that the school or program must meet to continue to operate in this state. These conditions may include requiring a school to increase or alter the amount of the bond or letter of credit required under ORS 348.613.

(b) If the commission determines that a school has failed to satisfy the conditions of probation established by the commission under this subsection, the commission may suspend or revoke any approval given to the school under ORS 348.606.

(c) If the commission determines that a school has failed to comply with the requirements of approval given to a school under ORS 348.606 or otherwise failed to maintain a bond or letter of credit as required under ORS 348.613, the commission may suspend or revoke any approval given to a school under ORS 348.606.

(4) At least 20 days before holding a hearing under this section, the school must have received written notice of the place, time and reason for the hearing. Hearings shall be held in accordance with rules

adopted by the commission. [1997 c.652 §13; 2011 c.637 §188; 2015 c.327 §3]

**348.613 Bond or letter of credit requirement for schools approved to confer academic degree.** (1) A school approved by the Higher Education Coordinating Commission to confer any academic degree under ORS 348.606 shall annually obtain a bond or letter of credit demonstrating that the school is financially sound and capable of fulfilling its commitments to students. A bond or letter of credit must be purchased and maintained by the school for the entire period that the school operates in this state.

(2)(a) A bond obtained pursuant to this section must be with a corporate surety licensed to do business in this state.

(b) A letter of credit obtained under this section must be an irrevocable letter of credit issued by an insured institution as defined in ORS 706.008.

(3) The corporate surety for a bond obtained pursuant to this section, or the insured institution for a letter of credit obtained pursuant to this section, must notify the commission if the bond or letter of credit is canceled for any reason. Except as provided in subsection (6) of this section, the surety or institution is liable under the bond or letter of credit until the latest of the following dates:

(a) The date specified in the notice to the commission that the bond or letter of credit is canceled;

(b) The 30th business day after the date the surety or institution mails the notice to the commission that the bond or letter of credit is canceled; or

(c) The date on which the commission receives the notice from the surety or institution that the bond or letter of credit is canceled.

(4) A bond or letter of credit obtained pursuant to this section shall:

(a) Be filed with, and stored by, the commission;

(b) Be executed to the State of Oregon;

(c) Be in an amount, equal to or less than the rolling annual average of prepaid tuition held by the school at any time, calculated by the commission to reimburse students enrolled at the school for tuition paid by the student to the school if the school ceases to provide instruction;

(d) Be in a form approved by the Attorney General; and

(e) Contain as a condition of the bond or letter of credit that the school that is approved by the commission must provide educational services without fraud or fraudulent

representation and in compliance with ORS chapter 348 and any applicable rules adopted by the commission.

(5)(a) In addition to any other remedies provided by law, a student enrolled in a school that is subject to this section shall have a personal right of action against the school, against the surety on the school's bond and against the letter of credit if the student suffers monetary loss as a result of the school's failure to provide instruction for which the student has paid tuition.

(b) A student who brings a claim under this subsection may not recover more than the amount of the student's monetary loss.

(6) The sureties on a bond obtained pursuant to this section, and the issuer of a letter of credit obtained pursuant to this section, are not liable for any action that occurs after the date on which the commission revokes the approval of a school under ORS 348.612. [2015 c.327 §2]

**348.615 Appeal procedure.** If the Higher Education Coordinating Commission refuses to grant approval to a school to confer degrees or revokes the approval to confer degrees, the refusal or revocation shall be subject to the right of review by an action brought in the circuit court of the county in which the school is located. Such review shall be tried as an action not triable by right to a jury. [1997 c.652 §14; 2011 c.637 §189]

#### (Scholarship Program Tax Credit)

**348.616 Minimum criteria for certification of employer program; rules.** (1) The Higher Education Coordinating Commission shall develop and adopt rules that provide the minimum criteria that an employer must meet in order for the employer's scholarship program for employees and dependents to be certified as eligible for the employee and dependent scholarship program tax credit provided under ORS 348.621. The commission shall adopt rules to determine:

(a) The types of educational programs, institutions and expenses related to the programs and institutions for which scholarships may be offered to employees and dependents, and scholarship moneys expended on their behalf;

(b) The types of employees and dependents to whom scholarships must be offered;

(c) The minimum and maximum annual dollar amounts of a scholarship that would be a qualified scholarship under ORS 315.237;

(d) The minimum annual number of hours of instruction that a scholarship beneficiary must commit to in order to be eligible for a scholarship; and

(e) Any other requirements as the commission may provide.

(2) An employer must employ at least four full-time equivalent employees but no more than 250 employees in order to be certified as eligible for the employee and dependent scholarship program tax credit under ORS 348.621.

(3) An employer seeking to claim the tax credit provided under ORS 315.237 must apply to the Director of the Office of Student Access and Completion for both employee and dependent scholarship program certification under ORS 348.618 and tax credit certification under ORS 348.621. [2001 c.475 §§2,4; 2011 c.637 §190; 2013 c.747 §124; 2017 c.66 §51]

**348.618 Requirements for program certification application; acceptance and rejection of application.** (1) An application for employee and dependent scholarship program certification shall be filed by the employer establishing the program. The application shall be filed with the Director of the Office of Student Access and Completion at least three months prior to the close of the first tax year for which a tax credit under ORS 315.237 will be claimed.

(2) The application shall be filed on a form prescribed by the director and shall contain the information required by the director, including:

(a) The date on which the proposed employee and dependent scholarship program will first be available to the employer's employees and their dependents;

(b) The total number of employees of the employer;

(c) The total number of employees who will be eligible, or whose dependents will be eligible, to participate in the program;

(d) The criteria to be used by the employer in determining the eligibility of an employee or an employee's dependent for a scholarship under the program; and

(e) The annual limit, if any, on the amount of funds to be used for scholarships under the program.

(3) The director shall certify an application that describes an employee and dependent scholarship program that is in compliance with the rules adopted by the Higher Education Coordinating Commission under ORS 348.616 (1), if made by an employer that meets the employment requirements of ORS 348.616 (1) and (2).

(4) The director shall certify or reject an application within 60 days of receipt of the application and shall notify the employer of the director's determination.

(5) An employer whose application has been rejected by the director shall be af-

forded an opportunity to amend the application to address the director's objections to the original application.

(6) In the case of an employer whose proposed employee and dependent scholarship program has been certified by the director, the director shall send a letter of program certification to the employer. The letter of program certification shall set forth or incorporate by reference the statements made in the application being certified.

(7) A letter of program certification issued under this section shall remain valid until the employer changes the terms of eligibility for a scholarship under the program, changes the minimum or maximum amount of a scholarship under the program or ceases to be an employer. [2001 c.475 §5; 2011 c.637 §191; 2013 c.747 §125; 2017 c.66 §52]

**348.620** [1967 c.430 §9; 1971 c.577 §2; renumbered 348.592 in 1997]

**348.621 Requirements for tax credit certification application.** (1) An application for tax credit certification shall be filed by an employer that has obtained program certification under ORS 348.618 or that has applied for program certification and is awaiting such certification by the Director of the Office of Student Access and Completion.

(2) The application for tax credit certification shall be filed by the employer with the director. The application shall be filed at the time prescribed by the director, but no later than October 1 of the calendar year in which begins the tax year for which a credit under ORS 315.237 will be claimed.

(3) The application shall be filed on a form prescribed by the director and shall contain the information required by the director, including the amount of scholarship moneys the employer has provided or intends to provide to employees or dependents during the calendar year for which tax credit certification is being sought and the number of employees employed by the employer for the calendar year.

(4) The director shall consider applications in the chronological order in which the applications are received and shall approve applications to the extent the amount set forth in the application, when added to the total amount already certified by the director for the calendar year under this section, does not exceed \$1 million.

(5) An employer may not receive tax credit certification:

(a) For an amount that is greater than \$1 million;

(b) If the employer employs fewer than four full-time equivalent employees for the calendar year; or

(c) If the employer employs more than 250 employees for the calendar year.

(6) The director shall send written notice of the amount of the tax credit certification, or written notice that no amount is being certified, to the employer and to the Department of Revenue within 60 days of the date an application is filed under this section.

(7) The employer shall keep the written certification in the employer's records for at least five years and shall furnish the certification to the Department of Revenue if requested. [2001 c.475 §6; 2011 c.637 §192; 2013 c.747 §126; 2017 c.66 §53]

#### **(Alternative Student Loan Program)**

**348.625 Definitions for ORS 348.570 and 348.625 to 348.695.** As used in ORS 348.570 and 348.625 to 348.695:

(1) "Alternative student loan program" means a program established by the Higher Education Coordinating Commission to fund loans to eligible students, or to qualifying parents of eligible students, to help meet expenses of eligible students of attending post-secondary educational institutions; provided, however, that alternative student loan program loans may be made only to students who have applied for student financial aid under Title IV, Part B of the Higher Education Act of 1965, as amended, and have received information on their eligibility for programs under that Act, or the parents of students who have made such application and received such information.

(2) "Eligible student" means a student enrolled in an eligible post-secondary educational institution located in Oregon or a student who is an Oregon resident and who is enrolled in an eligible post-secondary educational institution located outside of Oregon. The Director of the Office of Student Access and Completion shall determine, among other things, what constitutes enrollment and which post-secondary educational institutions are eligible institutions under the alternative student loan program.

(3) "Lender" means an insured institution as defined in ORS 706.008 that is authorized to do business in Oregon and that has entered into an agreement with the Higher Education Coordinating Commission to originate, service and administer alternative student loans in the manner authorized by ORS 348.570 and 348.625 to 348.695. [1987 c.842 §2; 1989 c.131 §1; 1997 c.631 §464; 1999 c.59 §96; 1999 c.704 §16; 2011 c.637 §193; 2013 c.747 §127; 2017 c.66 §54]

**348.630 Eligible recipients; limitations; credit check.** (1) Loans may be made under the alternative student loan program to an eligible student or to a parent of an eligible student.

(2) Loans made under the alternative student loan program shall not exceed the eligible costs of education as determined by the Director of the Office of Student Access and Completion, minus other financial aid received, or \$10,000, whichever is less, for any eligible student during a single calendar year. Total loans made for any eligible student under the alternative student loan program shall not exceed \$40,000.

(3) Under the alternative student loan program, borrowers shall undergo a credit check by the lender or by the director and shall be creditworthy or provide a creditworthy cosigner. [1987 c.842 §3; 2011 c.637 §194; 2013 c.747 §128; 2107 c.66 §55]

#### **348.635 Establishment of loan terms and conditions.**

In consultation with private sector lenders, the Director of the Office of Student Access and Completion shall establish the terms and conditions, including but not limited to maturities and repayment provisions, of student loans for which the director shall provide funding. The director may also set standards of academic achievement which borrowers must maintain to receive loans. [1987 c.842 §4; 2011 c.637 §195; 2013 c.747 §129; 2017 c.66 §56]

#### **348.640 Administration of loans by private lenders; repayment to state; risk of loss.**

(1) The Director of the Office of Student Access and Completion shall provide funding to lenders pursuant to contracts which shall provide, among other things, the terms and conditions under which private sector lenders, using funding made available by the director, shall originate, service and administer loans pursuant to the alternative student loan program. Lenders shall receive and process loan applications from borrowers, perform credit analysis, approve or deny loan requests, and for loans that are approved, originate, document, administer and service the loans. The director shall make provision for payment to lenders of the reasonable costs of origination, servicing and administration of loans. Payment may be made directly by borrowers or by the director, as the director may determine.

(2) Loans shall be structured in such a manner that anticipated payments of principal and interest shall permit timely repayment of the revenue bonds to be issued by the State of Oregon pursuant to ORS 348.570 and 348.625 to 348.695. As a condition of participation in the alternative student loan program by private sector lenders, the director shall procure from each such lender a guarantee or letter of credit ensuring that the director shall receive full and timely repayment of principal of and interest due on loans originated, serviced and administered by the lender. The director shall provide by

contract for payment by the director or by borrowers, as the director may determine, of the reasonable costs of such guarantees or letters of credit. It is the intention of ORS 348.570 and 348.625 to 348.695 that participating private sector lenders, not the director, shall bear the entire risk of loss, nontimely repayment or nonpayment of alternative student loan program loans. [1987 c.842 §5; 2011 c.637 §196; 2013 c.747 §130; 2017 c.66 §57]

**348.645** [1987 c.842 §7; repealed by 2007 c.426 §7]

**348.650** [1987 c.842 §6; repealed by 2007 c.426 §7]

**348.655 Issuance of revenue bonds; amount; interest tax exempt.** In consultation with the Higher Education Coordinating Commission, the State Treasurer may issue revenue bonds in an amount not to exceed \$30 million annually, the proceeds of which shall be used to provide funding for loans to be made pursuant to the alternative student loan program. Interest on the bonds shall be exempt from personal income taxation by the State of Oregon. [1987 c.842 §8; 2011 c.637 §197; 2013 c.747 §131]

**348.660 Determination to issue revenue bonds; duties of State Treasurer; factors to consider.** (1) If the State Treasurer, in consultation with the Higher Education Coordinating Commission, determines that revenue bonds should be issued under ORS 348.570 and 348.625 to 348.695:

(a) The State Treasurer, in consultation with the commission, may authorize and issue in the name of the State of Oregon revenue bonds secured by revenues from repayment of loans to finance or refinance in whole or part the costs of the loan program. Refunding bonds may be issued to refinance the revenue bonds.

(b) The State Treasurer, in consultation with the commission, shall designate the underwriter, trustee and bond counsel and enter into appropriate agreements with each to carry out the provisions of ORS 348.570 and 348.625 to 348.695.

(2) Any trustee designated by the State Treasurer, in consultation with the commission, must agree to furnish financial statements and audit reports for each bond issue.

(3) In determining whether to issue revenue bonds under ORS 348.570 and 348.625 to 348.695, the State Treasurer, in consultation with the commission, shall consider:

(a) The bond market for the types of bonds proposed for issuance.

(b) The terms and conditions of the proposed issue.

(c) Any other relevant factors as the State Treasurer, in consultation with the commission, considers necessary to protect the financial integrity of the state. [1987 c.842 §§9,10; 2011 c.637 §198; 2013 c.747 §132]

**348.665 Laws governing issuance of bonds; powers of State Treasurer.** Bonds authorized under ORS 348.570 and 348.625 to 348.695 shall be issued in accordance with the provisions of ORS chapter 286A. The State Treasurer, in consultation with the Higher Education Coordinating Commission, may establish special accounts or subaccounts in the Oregon Student Assistance Fund established by ORS 348.570 and may pledge the assets or the revenues, or any portion of the assets or revenues, of the alternative student loan program. [1987 c.842 §11; 2007 c.783 §143; 2011 c.637 §199; 2013 c.747 §133; 2015 c.513 §18]

**348.670 Administrative expenses.** The administrative expenses of the State Treasurer and the Director of the Office of Student Access and Completion shall be charged against bond proceeds or repayment revenues. [1987 c.842 §12; 2011 c.637 §200; 2013 c.747 §134; 2017 c.66 §58]

**348.675 Refunding of bonds.** The State Treasurer, in consultation with the Higher Education Coordinating Commission, may refund any bonds by the issuance of new bonds, whether the bonds to be refunded have or have not matured. The refunding bonds may be exchanged for bonds to be refunded and the proceeds applied to the purchase, redemption or payment of the bonds. [1987 c.842 §13; 2011 c.637 §201; 2013 c.747 §135]

**348.680 Validity of bonds.** The validity of bonds issued under ORS 348.570 and 348.625 to 348.695 shall not be dependent on nor be affected by the validity or regularity of any proceeding relating to the loans for which the bonds are issued. The official action authorizing such bonds may provide that the bonds shall contain a recital that they are issued pursuant to ORS 348.570 and 348.625 to 348.695 and such recital shall be conclusive evidence of their validity and of the regularity of their issuance. [1987 c.842 §14]

**348.685 Covenants in actions authorizing bonds; contents.** The official action authorizing the issuance of bonds under ORS 348.570 and 348.625 to 348.695 may contain covenants, notwithstanding that such covenants may limit the exercises of powers conferred by ORS 348.570 and 348.625 to 348.695 in the following respects and in such other respects as the state, acting through the State Treasurer, in consultation with the Higher Education Coordinating Commission, or the designee of the commission, may decide:

(1) The use and disposition of the revenues from repayment;

(2) The creation and maintenance of special accounts or subaccounts in the Oregon Student Assistance Fund established by ORS

348.570 and the regulation, use and disposition thereof;

(3) The purpose or purposes to which the proceeds of sale of bonds may be applied and the use and disposition of such proceeds;

(4) The events of default and the rights and liabilities arising thereon and the terms and conditions upon which the holders of any bonds may bring any suit or action on such bonds or on any coupons appurtenant thereto;

(5) The issuance of other or additional bonds or instruments payable from or constituting a charge against the revenues from repayment;

(6) The keeping of books of account and the inspection and audit of books of account;

(7) The terms and conditions upon which any or all of the bonds shall become or may be declared due before maturity and the terms and conditions upon which such declaration and its consequences may be waived;

(8) The rights, liabilities, powers and duties arising upon the breach of any covenants, conditions or obligations;

(9) The appointing of and vesting in a trustee or trustees of the right to hold or dispose of any funds, accounts, revenues or assets of the alternative student loan program, to receive or assign any pledge of the funds, accounts, revenues or assets or to enforce any covenants made to secure or to pay the bonds, the powers and duties of such trustee or trustees, and the limitation of the liabilities of the trustee or trustees;

(10) The terms and conditions upon which the holder or holders of the bonds, or the holders of any proportion or percentage of them, may enforce any covenants made under ORS 348.570 and 348.625 to 348.695; and

(11) A procedure by which the terms of any official action authorizing bonds or of any other contract with bondholders, including but not limited to an indenture of trust or similar instrument, may be amended or abrogated, and the amount of bonds to which the holders may consent, and the manner in which the consent may be given. [1987 c.842 §15; 2011 c.637 §202; 2013 c.747 §136; 2015 c.513 §19]

**348.690 Liability of state for bonds.** (1) Revenue bonds issued under ORS 348.570 and 348.625 to 348.695:

(a) Shall not be payable from nor charged upon any funds other than the revenue pledged to the payment thereof, except as provided in this section, nor shall the state be subject to any liability thereon. No holder or holders of such bonds shall ever have the right to compel any exercise of the taxing

power of the state to pay any such bonds or the interest thereon, nor to enforce payment thereof against any property of the state.

(b) Shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the state other than the Oregon Student Assistance Fund established by ORS 348.570, any account or subaccount thereof or student loans, if any, owned or acquired by the Higher Education Coordinating Commission pursuant to the alternative student loan program.

(2) Each bond issued under ORS 348.570 and 348.625 to 348.695 shall recite in substance that the bond, including interest on the bond, is payable solely from the revenue pledged to the payment of the bond. No such bond shall constitute a debt of the state or a lending of the credit of the state within the meaning of any constitutional or statutory limitation. However, nothing in ORS 348.570 and 348.625 to 348.695 is intended to impair the rights of holders of bonds to enforce covenants made for the security of the bonds as provided in ORS 348.685. [1987 c.842 §16; 2011 c.637 §203; 2013 c.747 §137; 2015 c.513 §20]

**348.695 Rights and remedies of bondholders and trustees.** Subject to any contractual limitation binding upon the holders of any issue of revenue bonds, or a trustee thereof, including but not limited to the restriction of the exercise of any remedy to a specified proportion or percentage of such holders, any holder of bonds, or any trustee thereof, for the equal benefit and protection of all bondholders similarly situated, may:

(1) By action or proceeding for legal or equitable remedies, enforce their rights against the state and any of its officers, agents and employees, and may require and compel the state or any such officers, agents or employees to perform and carry out duties and obligations under ORS 348.570 and 348.625 to 348.695 and covenants and agreements with bondholders;

(2) By action, require the state to account as if it were the trustee of an express trust;

(3) By action, enjoin any acts or things which may be unlawful or in violation of the right of the bondholders;

(4) Bring action upon the bonds; and

(5) Exercise any right or remedy conferred by ORS 348.570 and 348.625 to 348.695 without exhausting and without regard to any other right or remedy conferred by ORS 348.570 and 348.625 to 348.695 or any other law of this state, none of which rights and remedies is intended to be exclusive of any other, and each is cumulative and in addition to every other right and remedy. [1987 c.842 §17]

**EDUCATION STABILITY FUND****348.696 Education Stability Fund; investment; earnings; transfer of excess earnings.**

(1) Pursuant to Article XV, section 4 (4)(d), of the Oregon Constitution, the Education Stability Fund is established separate and distinct from the General Fund. Moneys in the Education Stability Fund shall be invested as provided in ORS 293.701 to 293.790. Except as provided in subsection (2) of this section, all declared earnings on moneys in the fund, including declared earnings on moneys in the Oregon Growth Account, shall be transferred and are appropriated continuously as follows:

(a) 75 percent to the Oregon Education Fund established by ORS 348.716; and

(b) 25 percent to the Higher Education Coordinating Commission for the Oregon Opportunity Grant program under ORS 348.260.

(2) If the Director of the Oregon Department of Administrative Services determines for any biennium that the amount to be transferred and appropriated continuously to the Oregon Education Fund under subsection (1)(a) of this section exceeds the amount needed to pay for public education and education lottery bond debt service in that biennium, the amount of the excess for that biennium shall be transferred and is appropriated continuously to the Higher Education Coordinating Commission for the Oregon Opportunity Grant program under ORS 348.260. [1995 c.12 §2; 1997 c.524 §2; 1997 c.612 §11; 1999 c.44 §§26,27; 1999 c.704 §§17,18; 1999 c.1070 §§13,14; 2001 c.920 §12; 2001 c.922 §§27,28; 2002 s.s.3 c.6 §§2,3; 2005 c.22 §§246,247; 2005 c.748 §§19,20; 2009 c.805 §3; 2011 c.637 §204; 2011 c.699 §7; 2013 c.747 §138; 2015 c.840 §22; 2016 c.118 §18]

**348.699** [1995 c.12 §6; repealed by 1997 c.524 §6]

**348.701** [1995 c.811 §5(5); 1997 c.323 §1; 1999 c.42 §3; 1999 c.54 §1; 2001 c.52 §1; 2001 c.922 §1; 2005 c.835 §25; 2007 c.172 §1; repealed by 2012 c.90 §10]

**348.702 Oregon Growth Account.**

(1) There is created within the Education Stability Fund the Oregon Growth Account, to which shall be credited, in the manner provided in subsection (2) of this section, 10 percent of the funds transferred under Article XV, section 4, of the Oregon Constitution, from the Administrative Services Economic Development Fund to the Education Stability Fund. Separate records shall be maintained for moneys in the Oregon Growth Account that are available for the purposes specified in subsection (5) of this section. The account may be credited with unrestricted appropriations, gifts, donations, grants or contract proceeds from any source, with investments or funds from any source and with returns on investments made from the account.

(2) The Oregon Department of Administrative Services may credit to the Oregon Growth Account from the first funds transferred in a fiscal year to the Education Stability Fund under Article XV, section 4, of the Oregon Constitution, an amount up to the amount the department estimates to be 10 percent of the funds required to be transferred to the Education Stability Fund for that fiscal year.

(3) If at the end of the fiscal year the amount credited to the Oregon Growth Account under subsection (2) of this section is less than or greater than 10 percent of the amount required to be transferred under Article XV, section 4, of the Oregon Constitution, to the Education Stability Fund, the amount credited to the Oregon Growth Account shall be adjusted in one of the following ways:

(a) The amount credited to the account in the following fiscal year may be adjusted;

(b) Any excess may be transferred from the Oregon Growth Account to the Education Stability Fund; or

(c) Any shortage may be transferred from the Education Stability Fund to the Oregon Growth Account from funds available for that purpose.

(4) Adjustments required by subsection (3) of this section shall be made without consideration of any interest or other earnings that have accrued during the fiscal year.

(5) The purpose of the Oregon Growth Account is to earn returns for the Education Stability Fund.

(6) The investment of funds in the Oregon Growth Account shall be governed by the Oregon Growth Board.

(7) The Oregon Business Development Department, on behalf of the Oregon Growth Board, may use moneys in the Oregon Growth Account to pay the administrative costs associated with the account and with administering those portions of ORS 284.881 to 284.890 that pertain to the account. [1995 c.811 §§3,4; 1997 c.323 §2; 2001 c.922 §2; 2002 s.s.3 c.6 §4; 2003 c.14 §154; 2003 c.606 §6; 2005 c.835 §32; 2007 c.71 §96; 2007 c.172 §2; 2009 c.805 §§1,2; 2012 c.90 §§7a,33a; 2013 c.732 §10; 2015 c.818 §3]

**348.703** [1995 c.811 §5(1) to (4); 1997 c.323 §5; 1999 c.42 §4; 2001 c.52 §2; 2001 c.922 §3; 2002 s.s.3 c.6 §5; 2003 c.606 §7; 2003 c.794 §258; 2007 c.172 §3; repealed by 2012 c.90 §10]

**348.704** [2001 c.922 §8; repealed by 2012 c.90 §10]

**348.705** [Formerly 351.265; 1987 c.880 §1; repealed by 1997 c.652 §63]

**348.706** [2001 c.922 §7; 2005 c.835 §33; 2007 c.172 §4; repealed by 2012 c.90 §10]

**348.707** [1997 c.323 §3; 2001 c.52 §3; 2001 c.922 §4; 2002 s.s.3 c.6 §7; repealed by 2012 c.90 §10]

**348.710** [1999 c.42 §6; repealed by 2012 c.90 §10]

**348.715** [Formerly 351.270; 1982 s.s.1 c.20 §4; 1985 c.555 §17; 1987 c.880 §2; 1991 c.667 §15; repealed by 1997 c.652 §63]

**348.716 Oregon Education Fund; use; payment of education lottery bonds.** The Oregon Education Fund is established in the State Treasury, separate and distinct from the General Fund. Moneys in the Oregon Education Fund are continuously appropriated to the Oregon Department of Administrative Services for public education and education lottery bond debt service. Seventy-five percent of the declared earnings of the Education Stability Fund as described in ORS 348.696 shall be transferred monthly to the Oregon Education Fund as directed by the Director of the Oregon Department of Administrative Services. Investment earnings on amounts in the Oregon Education Fund shall be credited to the Oregon Education Fund. The Legislative Assembly may, but shall be under no legal obligation to, allocate and appropriate amounts in the Oregon Education Fund to pay education lottery bonds. The Director of the Oregon Department of Administrative Services may specify when during any fiscal year amounts shall be transferred from the Oregon Education Fund to be used for public education or education lottery bonds. [1999 c.44 §8; 2001 c.536 §10; 2002 s.s.3 c.6 §§8,8a; 2009 c.805 §6]

**Note:** 348.716 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 348 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**348.725** [1975 c.553 §3; 1987 c.880 §3; repealed by 1991 c.667 §17]

**348.735** [Formerly 351.275; repealed by 1987 c.880 §19]

**348.745** [Formerly 351.280; repealed by 1987 c.880 §19]

## OPEN EDUCATIONAL RESOURCES

**348.748 Short title.** ORS 348.748 to 348.757 shall be known and may be cited as Oregon's Open Educational Resources (OER) Program. [2017 c.708 §2]

**Note:** 348.748 to 348.757 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 348 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**348.750 Definitions; Open Educational Resources Grant Program.** (1) As used in ORS 348.748 to 348.757, "open educational resources" means teaching, learning and research resources that:

(a) Reside in the public domain or that have been released under an intellectual property license that permits their free use and repurposing by others; and

(b) Conform to the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)

and to any additional accessibility standards established by the Higher Education Coordinating Commission by rule.

(2) The Open Educational Resources Grant Program is established within the Higher Education Coordinating Commission and in collaboration with public universities listed in ORS 352.002 and community colleges. The purpose of the program is to encourage the use of low or no-cost open educational resources in Oregon's post-secondary institutions of education.

(3) Subject to the availability of funds, the commission shall award grants on a competitive basis to public universities listed in ORS 352.002, community colleges or consortia of public universities and community colleges.

(4) In awarding grants under subsection (3) of this section, the commission shall give priority to applications that propose to:

(a) Adapt or otherwise make use of existing open educational resources;

(b) Leverage grants awarded under this section with matching private funds or other resources;

(c) Utilize students in the design or production of open educational resource materials;

(d) Involve coordinated activities between two or more public universities and community colleges;

(e) Focus on high-enrollment courses;

(f) Address a need not currently met by existing available resources; and

(g) Assist in convening faculty from public universities and community colleges to promote the use of open educational resources within post-secondary education. [2015 c.727 §1]

**Note:** See note under 348.748.

## **348.752 Coordination of OER Program.**

(1) The Higher Education Coordinating Commission shall regularly convene faculty, staff and librarians from public universities listed in ORS 352.002 and community colleges for the purpose of coordinating Oregon's Open Educational Resources (OER) Program by:

(a) Assisting and advising faculty at public universities and community colleges on the adoption, implementation and storage of open educational resource materials that are transferable between public universities and community colleges;

(b) Determining whether to develop a statewide repository of open educational resource materials for the purpose of supporting the program and, if applicable, developing a plan for the development of the repository; and



(c) Developing criteria that may be used to provide up to \$150,000 to public universities and community colleges for the purpose of increasing the creation, adoption or implementation of open educational resources.

(2) The commission may enter into contracts or agreements with public or private entities for the purpose of fulfilling its obligations under this section. [2017 c.708 §3]

**Note:** See note under 348.748.

**348.753** [2015 c.727 §2; repealed by 2017 c.708 §6]

**348.755** [Formerly 351.285; 1987 c.880 §4; repealed by 1997 c.652 §63]

**348.756 Report on OER Program.** (1) The Higher Education Coordinating Commission shall provide a report on Oregon's Open Educational Resources (OER) Program to the committees of the Legislative Assembly relating to higher education during each regular session of the Legislative Assembly held during an odd-numbered year. The report shall include:

(a) A summary of the current status of Oregon's Open Educational Resources (OER) Program;

(b) A calculation of the amount of monies students have saved as a result of the program since the previous report filed under this section;

(c) A calculation of the amount of monies the commission anticipates future students will save as a result of the program; and

(d) An evaluation of existing barriers preventing the adoption of further open educational resources at public universities listed in ORS 352.002 and community colleges.

(2) Any entity that enters into a contract or agreement with the commission under ORS 348.752 must collaborate in the creation of each report required under subsection (1) of this section. [2017 c.708 §4]

**Note:** See note under 348.748.

**348.757 Designation of courses whose materials consist of open or free textbooks or other low-cost course materials.** Each public university listed in ORS 352.002 and community college shall prominently designate courses whose course materials exclusively consist of open or free textbooks or other low-cost or no-cost course materials. The course designation required by this section must appear in the published course descriptions that are on the Internet or are otherwise provided to students at the time of course registration, including on the cam-

pus bookstore course materials list that is provided for the course. [2015 c.727 §4]

**Note:** See note under 348.748.

**348.765** [Amended by 1987 c.880 §5; repealed by 1997 c.652 §63]

**348.785** [Formerly 351.297; 1987 c.880 §6; repealed by 1991 c.667 §17]

**348.795** [Formerly 351.298; 1987 c.880 §7; repealed by 1991 c.667 §17]

**348.805** [1969 c.182 §1; 1971 c.577 §1; renumbered 348.105]

**348.815** [Formerly 351.301; repealed by 1991 c.667 §17]

**348.825** [Formerly 351.302; 1987 c.880 §8; repealed by 1991 c.667 §17]

**348.830** [1979 c.308 §2; 1987 c.880 §9; repealed by 1997 c.652 §63]

**348.835** [Formerly 351.710; 1979 c.308 §3; 1981 c.167 §1; 1987 c.880 §10; 1995 c.119 §1; repealed by 1997 c.652 §63]

**348.840** [1982 s.s.1 c.20 §2; 1987 c.880 §11; repealed by 1997 c.652 §63]

**348.841** [1999 c.746 §1; 2001 c.12 §1; 2003 c.280 §6; 2007 c.843 §12; 2012 c.31 §25; 2013 c.377 §25; 2014 c.52 §27; 2015 c.442 §19; 2015 c.843 §8; renumbered 178.300 in 2015]

**348.844** [1999 c.746 §2; 2001 c.12 §2; 2003 c.280 §7; 2015 c.843 §9; renumbered 178.305 in 2015]

**348.845** [Formerly 351.720; 1987 c.880 §12; repealed by 1997 c.652 §63]

**348.849** [1999 c.746 §3; 2003 c.280 §8; 2009 c.762 §65; 2011 c.413 §1; 2015 c.843 §6; renumbered 178.310 in 2015]

**348.853** [1999 c.746 §5; 2003 c.280 §9; 2005 c.297 §1; 2015 c.843 §10; renumbered 178.315 in 2015]

**348.855** [Formerly 351.730; 1979 c.284 §139; 1987 c.880 §13; repealed by 1997 c.652 §63]

**348.856** [2003 c.280 §22; 2005 c.297 §2; 2015 c.843 §11; renumbered 178.320 in 2015]

**348.857** [1999 c.746 §6; 2001 c.12 §5; 2003 c.280 §10; 2011 c.527 §3; 2015 c.843 §12; renumbered 178.335 in 2015]

**348.860** [1999 c.746 §7; 2003 c.280 §11; 2015 c.843 §13; renumbered 178.340 in 2015]

**348.863** [1999 c.746 §8; 2001 c.12 §6; 2003 c.280 §12; 2015 c.843 §14; renumbered 178.345 in 2015]

**348.865** [Formerly 351.740; repealed by 1997 c.652 §63]

**348.867** [1999 c.746 §9; 2001 c.12 §7; 2003 c.280 §13; 2015 c.843 §15; renumbered 178.350 in 2015]

**348.869** [2001 c.12 §4; 2003 c.280 §14; 2015 c.843 §16; renumbered 178.325 in 2015]

**348.870** [1999 c.746 §10; 2003 c.280 §15; 2015 c.843 §17; renumbered 178.355 in 2015]

**348.873** [1999 c.746 §11; 2003 c.280 §16; 2011 c.413 §2; 2015 c.843 §18; renumbered 178.330 in 2015]

**348.875** [Formerly 351.750; 1979 c.308 §4; 1987 c.880 §14; repealed by 1997 c.652 §63]

**348.885** [Formerly 351.760; 1979 c.308 §5; 1987 c.880 §15; repealed by 1997 c.652 §63]

**348.890** [1977 c.306 §3; 1987 c.880 §16; 1997 c.249 §109; 1999 c.450 §1; 2009 c.762 §66; 2011 c.637 §§205,205a; 2013 c.768 §35; repealed by 2015 c.366 §100]

**COORDINATION OF STATE AGENCIES**

**348.900 Needs assessment for health care occupations; evaluation of health care education programs.** (1) The Employment Department, in consultation with health care industry employers, shall perform a statewide and regional needs assessment for health care occupations to identify emerging occupations and occupations for which there is high demand or a shortage of workers. The assessment shall be performed as necessary on a periodic basis, as determined by the department, in consultation with industry employers. To perform the needs assessment, the department may consider any reliable data sources available to the department.

(2) Based on the needs assessment, the Higher Education Coordinating Commission shall inform the community colleges, public universities listed in ORS 352.002, Oregon Health and Science University and health care industry employers of the identified statewide needs and invite the development of health care education programs that are responsive to those needs.

(3) When approving health care education programs, the commission, the governing board of a public university listed in ORS 352.002 and the Oregon Health and Science University Board of Directors shall use the statewide needs assessment to evaluate whether a program fulfills statewide needs. If the commission or the board determines there is a statewide need, the commission or the board shall facilitate the:

(a) Coordination of new health care education programs and existing health care education programs that are similar to the new health care education programs to address the statewide need; and

(b) Alignment of health care education programs relating to statewide access, student transferability between programs, course articulation and common student learning outcomes for health care education programs.

(4) In the development and approval of health care education programs, community colleges, public universities, Oregon Health and Science University, the commission, the governing board of a public university listed in ORS 352.002 and the Oregon Health and Science University Board of Directors shall consider issues related to statewide access, student transferability between programs,

course articulation and common student learning outcomes for health care education programs. The community colleges, public universities, Oregon Health and Science University and commission shall continue to provide and improve upon an effective articulation and transfer framework for students in Oregon's post-secondary sectors. [2005 c.202 §1; 2011 c.637 §§206,206a; 2013 c.747 §140; 2013 c.768 §36; 2015 c.767 §218]

**Note:** 348.900 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 348 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**348.910 Applied baccalaureate degrees.**

(1) As used in this section, "applied baccalaureate degree" means a bachelor's degree designed to incorporate applied associate courses and degrees with additional coursework emphasizing higher-order thinking skills and advanced technical knowledge and skills.

(2) The Higher Education Coordinating Commission shall develop a plan for offering applied baccalaureate degree programs at community colleges and public universities listed in ORS 352.002. The commission shall consider the following types of programs for the purpose of offering some of these types and the possibility of combinations of these types:

(a) A career ladder program that requires a substantial number of upper level courses in the same technical area of study as the student's applied associate degree;

(b) An inverse program that reverses the traditional curriculum sequence by adding general education courses in the student's third and fourth years to the associate degree courses taken in the student's first and second years;

(c) A management ladder program that combines associate degree requirements with applied management skills coursework; and

(d) A work experience program that combines general education and technical coursework with direct, supervised work experience in a relevant field.

(3) The plan must include the following elements:

(a) The method by which the applied baccalaureate degree programs will be created, including any necessary accreditation by the relevant accrediting agency;

(b) The criteria for approving the degree and course options offered by public univer-

sities listed in ORS 352.002 and community colleges;

(c) The articulation agreements between community colleges and public universities listed in ORS 352.002 necessary to ensure that the applied baccalaureate degree programs are as widely available as possible;

(d) The resources required to implement the applied baccalaureate degree program;

(e) The timeline necessary to implement the applied baccalaureate degree program; and

(f) A recommendation as to whether community colleges should be allowed to offer applied baccalaureate degrees. [2009 c.779 §1; 2011 c.9 §36; 2011 c.637 §§207,207a]

**Note:** 348.910 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 348 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

### EDUCATION COMMISSION OF THE STATES

**348.950 Education Commission of the States; members; dues.** (1) If the state decides to participate in the activities of the Education Commission of the States, it may pay the appropriate dues. Other costs of membership may be paid from funds available therefor.

(2) The persons appointed to represent the state in activities of the commission shall be appointed as follows:

(a) Three by the Governor, to serve at the pleasure of the Governor.

(b) Two by the President of the Senate, who shall be members of the Senate, to serve

at the pleasure of the President of the Senate and until the convening of the odd-numbered year regular session of the Legislative Assembly next following the appointment. Members appointed under this paragraph are entitled to payment of compensation and expense reimbursement under ORS 171.072, payable from funds appropriated to the Legislative Assembly.

(c) Two by the Speaker of the House of Representatives, who shall be members of the House of Representatives, to serve at the pleasure of the Speaker of the House and until the convening of the odd-numbered year regular session of the Legislative Assembly next following the appointment. Members appointed under this paragraph are entitled to payment of compensation and expense reimbursement under ORS 171.072, payable from funds appropriated to the Legislative Assembly. [Formerly 189.110; 1987 c.879 §13; 2011 c.545 §15]

**348.990** [Derived from 351.990; 1979 c.308 §6; repealed by 1997 c.652 §63]

### PENALTIES

**348.992 Criminal penalty.** Violation of any of the provisions of ORS 348.594 to 348.615 by any person individually or on behalf of an organization or group is a Class B misdemeanor. [1997 c.652 §15; 1999 c.59 §97]

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### CHAPTER 349

[Reserved for expansion]

