

HB 2030-2
(LC 345)
3/6/19 (DRG/ps)

Requested by HOUSE COMMITTEE ON EDUCATION (at the request of the Higher Education Coordinating Commission).

**PROPOSED AMENDMENTS TO
HOUSE BILL 2030**

- 1 On page 1 of the printed bill, line 2, after “315.237,” insert “341.522,”.
- 2 In line 4, delete “418.653, 418.657, 418.658, 418.660 and 657.350” and insert
3 “657.350, 675.090 and 675.825”.
- 4 In line 5, delete “and”.
- 5 In line 6, before the period insert “; and prescribing an effective date”.
- 6 On page 2, delete lines 16 through 45 and delete page 3.
- 7 On page 4, delete lines 1 through 42 and insert:
- 8 **“SECTION 2.** ORS 341.522 is amended to read:
- 9 “341.522. (1) The Office of Student Access and Completion shall administer
10 the Oregon Promise program as provided by this section.
- 11 “(2) Subject to subsections (7) to (10) of this section, the office shall pro-
12 vide a grant for community college courses to a person who meets the cri-
13 teria described in subsections (3) to (6) of this section. The grant shall be
14 limited as provided by subsections (7) to (10) of this section.
- 15 “(3) A grant shall be awarded under this section to a person who meets
16 the following criteria:
- 17 “(a) Is enrolled in courses that are:
- 18 “(A) Offered at a community college in this state; and
- 19 “(B) Determined by the office, in accordance with rules adopted by the
20 Higher Education Coordinating Commission, to be required for completion
21 of:

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

3 “(ii) An associate degree; or

4 “(iii) A program in career and technical education;

5 “(b) Has been a resident of this state for at least 12 months prior to en-
6 rolling in the courses described in paragraph (a) of this subsection;

7 “(c) Attained the person’s highest level of education in this state prior
8 to:

9 “(A) Receiving a diploma under ORS 329.451;

10 “(B) Receiving a certificate for passing an approved high school equiv-
11 alency test such as the General Educational Development (GED) test as
12 provided by ORS 350.175;

13 “(C) Completing grade 12 in compliance with the requirements of ORS
14 339.035; or

15 “(D) Completing grade 12 at a private or parochial school, as described
16 in ORS 339.030 (1)(a);

17 “(d) Except as provided in subsections (4) and (5) of this section, attained
18 the person’s highest level of education as described in paragraph (c) of this
19 subsection within six months from the date that the person first enrolls in
20 courses described in paragraph (a) of this subsection for the purpose of re-
21 ceiving a grant under this section;

22 “(e) Earned a cumulative grade point average of 2.5 or better in high
23 school or otherwise demonstrated an equivalent academic ability, as deter-
24 mined by the office according to rules adopted by the commission;

25 “(f) Completed and submitted the Free Application for Federal Student
26 Aid for each academic year and accepted all state and federal aid grants
27 available to the person, if eligible to file the application; and

28 “(g) Has not completed either of the following:

29 “(A) More than a total of 90 credit hours, or the equivalent, at a post-
30 secondary institution of education; or

1 “(B) A curriculum, degree or program, as described in paragraph (a)(B)
2 of this subsection.

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

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

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

25 “(6)(a) A person continues to remain eligible to receive a grant under this
26 section if the person, in addition to satisfying the criteria specified in sub-
27 section (3) of this section, meets the following criteria:

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

30 “(B) Makes satisfactory academic progress toward a curriculum, degree

1 or program, as described in subsection (3)(a)(B) of this section, as prescribed
2 by the commission based on federal aid grant requirements;

3 “(C) Enrolls in courses described in subsection (3)(a) of this section for
4 a sufficient number of credit hours to be considered at least a half-time
5 student each term for at least three terms in each consecutive academic year;
6 and

7 “(D) Completes a first-year experience, as identified by the community
8 college and reported by the community college to the commission.

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

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

21 “(A) Except as provided by paragraphs (b) and (c) of this subsection, not
22 less than the greater of:

23 “(i) \$1,000; and

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

25 “(B) Not more than the lesser of:

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

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

29 “(b) The amount of a grant, as calculated under paragraph (a) of this
30 subsection, shall be reduced by \$50 for each term that the person receives a

1 grant under this section.

2 **“(c)(A) If the office determines both that the person’s actual cost**
3 **for tuition exceeds the amount set forth in paragraph (a)(A)(i) of this**
4 **subsection and that the person’s actual cost for tuition exceeds the**
5 **average cost of tuition at a community college in this state, the person**
6 **shall be eligible for a grant in an amount that equals the average cost**
7 **of tuition at a community college in this state.**

8 **“(B) If the office determines that the person’s actual cost for tui-**
9 **tion is less than the amount set forth in paragraph (a)(A)(i) of this**
10 **subsection, the person shall be eligible for a grant in an amount that**
11 **equals the amount set forth in paragraph (a)(A)(i) of this subsection.**

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

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

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

23 **“(9) Prior to the start of the fall term of each academic year, the com-**
24 **mission shall determine whether there are sufficient moneys to award a**
25 **grant under this section to each person who meets the criteria described in**
26 **subsections (3) to (6) of this section. On the basis of this determination the**
27 **commission may:**

28 **“(a) Limit eligibility to receive a grant under this section to a person**
29 **whose family contribution, as determined by the commission by rule, is at**
30 **or below the level the commission determines is necessary to allow the**

1 commission to operate the Oregon Promise program with available moneys;
2 or

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

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

8 “(A) Decrease the total amount of the grant awarded; or

9 “(B) Increase the amount that a person must pay under subsection (7)(b)
10 of this section for each term that the person receives a grant under this
11 section.

12 “(b) If at any time the commission determines that the amount of moneys
13 available to operate the Oregon Promise program exceeds the amount deter-
14 mined under subsection (9) of this section, the commission may reduce or
15 eliminate any limitation on eligibility to receive a grant under this section
16 that was previously imposed by the commission under subsection (9)(a) of
17 this section.

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

21 “(11) The commission shall adopt any rules necessary for the adminis-
22 tration of this section, including any requirements related to:

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

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

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

30 “(d) Prescribing eligibility requirements and grant calculations for per-

1 sons dually enrolled in a community college and a public university; and

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

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

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

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

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

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

16 “(e) The overall success rate of the program and financial impact of the
17 program.

18 **“SECTION 3.** ORS 675.825 is amended to read:

19 “675.825. (1) A person may not:

20 “(a) Attempt to obtain or obtain a license or license renewal by bribery
21 or fraudulent representation.

22 “(b) Engage in or purport to the public to be engaged in the practice of
23 professional counseling under the title ‘licensed professional counselor’ un-
24 less the person is a licensee.

25 “(c) Engage in or purport to the public to be engaged in the practice of
26 marriage and family therapy under the title of ‘licensed marriage and family
27 therapist’ unless the person is a licensee.

28 “(d) Engage in the practice of professional counseling or marriage and
29 family therapy unless:

30 “(A) The person is a licensee, registered intern or graduate student pur-

1 suing a graduate degree in counseling or marriage and family therapy; or

2 “(B) The person is exempted from the licensing requirements of ORS
3 675.715 to 675.835 by subsection (3) of this section.

4 “(e) Provide counseling or therapy services of a psychotherapeutic nature
5 if the person’s license to practice as a professional counselor or as a mar-
6 riage and family therapist has been revoked by the Oregon Board of Licensed
7 Professional Counselors and Therapists because the person engaged in sexual
8 activity with a client.

9 “(2) A licensed psychologist whose license, or a regulated social worker
10 whose authorization to practice regulated social work, was issued prior to
11 October 1, 1991, may use the title ‘marriage and family therapist.’

12 “(3) The licensing requirements of ORS 675.715 to 675.835 do not apply to
13 a person who is:

14 “(a) Licensed, certified, registered or similarly regulated under the laws
15 of this state and who is performing duties within the authorized scope of
16 practice of the license, certification, registration or regulation.

17 “(b) A recognized member of the clergy, provided that the person is acting
18 in the person’s ministerial capacity.

19 “(c) Employed by a local, state or federal agency, **a public university**
20 **listed in ORS 352.002** or any agency licensed or certified by the state to
21 provide mental health or health services, if the person’s activities constitut-
22 ing professional counseling or marriage and family therapy are performed
23 within the scope of the person’s employment.

24 “(d) Authorized to provide addiction treatment services under rules of the
25 Department of Human Services.

26 “(4) Nothing in ORS 675.715 to 675.835 limits or prevents the practice of
27 a person’s profession or restricts a person from providing counseling services
28 or services related to marriage and family if the person:

29 “(a) Does not meet the requirements of ORS 675.715 (1)(b); or

30 “(b) Does not practice:

1 “(A) Marriage and family therapy as defined in ORS 675.705 (6)(a); or

2 “(B) Professional counseling as defined in ORS 675.705 (7)(a).

3 “(5) Each violation of this section is a separate violation.

4 “(6) The board may levy a civil penalty not to exceed \$2,500 for each
5 separate violation of this section.

6 **“SECTION 4.** ORS 675.090 is amended to read:

7 “675.090. (1) ORS 675.010 to 675.150 do not apply to:

8 “(a) A person who teaches psychology, conducts psychological research
9 or provides consulting services to an organization or institution, provided
10 that the person does not supervise direct psychological services and does not
11 treat any behavioral, emotional or mental disorder of an individual.

12 “(b) The provision of expert testimony by a person described in paragraph
13 (a) of this subsection.

14 “(c) A graduate student enrolled in an approved psychology program who
15 is pursuing a graduate degree in psychology, provided that the graduate
16 student renders services only for academic credit as part of an organized and
17 supervised training program.

18 “(d) A person pursuing certification, licensure or a graduate degree in any
19 of the certified or licensed professions exempted from ORS 675.010 to 675.150.

20 “(e) A person who is licensed, certified or otherwise authorized by the
21 State of Oregon to provide mental health services, provided that the services
22 are rendered within the person’s lawful scope of practice and that the person
23 does not use the title ‘psychologist’ in connection with the activities de-
24 scribed in this paragraph.

25 “(f) A person who is employed by a local, state or federal government
26 agency **or a public university listed in ORS 352.002**, or employed by a
27 community mental health program or drug and alcohol treatment program
28 licensed or certified by the State of Oregon, to the extent that the person’s
29 activities and services are rendered within the person’s scope of employment
30 and are performed within the confines of the employing agency and provided

1 that the person does not use the title ‘psychologist’ in connection with the
2 activities authorized under this paragraph.

3 “(g) A person who is a recognized member of the clergy, provided that the
4 person is acting in the person’s ministerial capacity and does not use the
5 title ‘psychologist.’

6 “(h) A person who has credentials as a school psychologist, provided that
7 the person is an employee of an educational institution and practices only
8 within a school setting. A person acting under this paragraph may use the
9 title ‘school psychologist.’

10 “(2)(a) Notwithstanding subsection (1)(f) of this section, a person with a
11 doctoral degree in psychology who is employed by and practicing psychology
12 at a local, state or federal government agency, **a public university listed**
13 **in ORS 352.002** or a community mental health program or drug and alcohol
14 treatment program licensed or certified by the State of Oregon may practice
15 psychology without a license under ORS 675.010 to 675.150 for no more than
16 24 months after the person begins practicing psychology at the agency or
17 program.

18 “(b) Before the person obtains a license under ORS 675.010 to 675.150:

19 “(A) The person may practice psychology only within the scope of the
20 person’s employment and within the confines of the employing agency or
21 program; and

22 “(B) The person may not use the title ‘psychologist.’

23 “(3) A person performing the functions described in subsection (1)(a) and
24 (b) of this section may use the title ‘psychologist’ only if the person holds
25 a doctoral degree in psychology from an approved doctoral program in psy-
26 chology.

27 “(4) A person described in subsection (1)(c) of this section may use the
28 title ‘psychological intern’ or ‘psychological trainee,’ provided that the
29 training program described in subsection (1)(c) of this section is under the
30 supervision and responsibility of a licensed psychologist in accordance with

1 rules adopted by the Oregon Board of Psychology.

2 “(5) Nothing in this section exempts from ORS 675.010 to 675.150 a person
3 whose license to practice psychology is revoked or suspended because the
4 person engaged in sexual activity with a client.

5 “**NOTE:** Section 5 was deleted by amendment. Subsequent sections were
6 not renumbered.”.

7 On page 15, after line 23, insert:

8 “(c) Notwithstanding paragraph (b) of this subsection, the commission
9 may not exercise any authority, express or implied, statutorily provided to
10 a governing board of a public university listed in ORS 352.002 or a commu-
11 nity college operated under ORS chapter 341.”.

12 On page 18, after line 34, insert:

13 “(c) Notwithstanding paragraph (b) of this subsection, the commission
14 may not exercise any authority, express or implied, statutorily provided to
15 a governing board of a public university listed in ORS 352.002 or a commu-
16 nity college operated under ORS chapter 341.”.

17 On page 21, after line 18, insert:

18 “(c) Notwithstanding paragraph (b) of this subsection, the commission
19 may not exercise any authority, express or implied, statutorily provided to
20 a governing board of a public university listed in ORS 352.002 or a commu-
21 nity college operated under ORS chapter 341.”.

22 On page 25, after line 29, insert:

23 “**SECTION 29. This 2019 Act takes effect on the 91st day after the**
24 **date on which the 2019 regular session of the Eightieth Legislative**
25 **Assembly adjourns sine die.”.**

26
