

HOUSE AMENDMENTS TO HOUSE BILL 2093

By COMMITTEE ON EDUCATION

April 14

1 On page 1 of the printed bill, line 2, delete “and”.

2 Delete line 3 and insert “341.522; and declaring an emergency.”.

3 Delete lines 5 through 24 and delete pages 2 through 17 and insert:

4 “**SECTION 1.** ORS 341.522, as amended by section 1, chapter 19, Oregon Laws 2020 (first special
5 session), is amended to read:

6 “341.522. (1) The Office of Student Access and Completion shall administer the Oregon Promise
7 program as provided by this section.

8 “(2) Subject to subsections (7) to (10) of this section, the office shall provide a grant for [*com-*
9 *munity college*] **post-secondary** courses to a person who meets the criteria described in subsections
10 (3) to (6) of this section. The grant shall be limited as provided by subsections (7) to (10) of this
11 section.

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

13 “(a) Is enrolled in courses that are:

14 “(A) Offered at a community college **operated under ORS chapter 341, a public university**
15 **listed in ORS 352.002, the Oregon Health and Science University or an Oregon-based, gener-**
16 **ally accredited, not-for-profit institution of higher education** [*in this state*]; and

17 “(B) Determined by the office, in accordance with rules adopted by the Higher Education Co-
18 ordinating Commission, to be required for completion of:

19 “(i) A one-year curriculum for students who plan to transfer to another post-secondary institu-
20 tion of education;

21 “(ii) An associate degree; [*or*]

22 “(iii) **A bachelor’s degree; or**

23 “[*iii*] (iv) A program in career and technical education;

24 “(b) Except as provided in subsection (5) of this section, has been a resident of this state for at
25 least 12 months prior to enrolling in the courses described in paragraph (a) of this subsection;

26 “(c) Attained the person’s highest level of education, except as provided in subsection (5) of this
27 section, in this state prior to:

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

29 “(B) Receiving a certificate for passing an approved high school equivalency test such as the
30 General Educational Development (GED) test as provided by ORS 350.175;

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

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

33 “(d) Except as provided in subsections (4) and (5) of this section, attained the person’s highest
34 level of education as described in paragraph (c) of this subsection within six months from the date
35 that the person first enrolls in courses described in paragraph (a) of this subsection for the purpose

1 of receiving a grant under this section;

2 “(e) Earned a cumulative grade point average of [2.5] **2.0** or better in high school or otherwise
3 demonstrated an equivalent academic ability, as determined by the office according to rules adopted
4 by the commission;

5 “(f) Completed and submitted the Free Application for Federal Student Aid for each academic
6 year and accepted all state and federal aid grants available to the person, if eligible to file the ap-
7 plication; and

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

9 “(A) More than **the equivalent of six academic quarters or four academic semesters of**
10 **full-time study as a student enrolled at a post-secondary institution of education** [*a total of*
11 *90 credit hours, or the equivalent, at a post-secondary institution of education*]; or

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

13 “(4)(a) If a person otherwise meets the required criteria and has been awarded a grant under
14 subsection (3) of this section, but the person enters into service with a career and technical student
15 organization relating to agriculture or farming that is approved by the Department of Education
16 under ORS 344.077 within six months after the person attained the person’s highest level of educa-
17 tion as described in subsection (3)(c) of this section, the person will continue to be eligible to receive
18 the grant if the person first enrolls in courses described in subsection (3)(a) of this section within
19 six months of finishing the person’s service with the career and technical student organization.

20 “(b) In addition to the situation described in paragraph (a) of this subsection, the commission
21 may waive the requirement set forth in subsection (3)(d) of this section for a person who shows that
22 the person was unable to timely enroll in courses described in subsection (3)(a) of this section due
23 to a significant hardship. The commission may adopt rules to implement this paragraph.

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

29 “(b)(A) A person who completes the highest level of education as described in subsection (3)(c)
30 of this section while confined in a correctional facility, either serving a sentence of incarceration
31 or as a young person, youth or youth offender, is not required to comply with the criteria set forth
32 in subsection (3)(d) of this section in order to receive a grant, provided that the person first enrolls
33 in courses described in subsection (3)(a) of this section within six months after the date on which
34 the person is first released from a correctional facility following completion of the highest level of
35 education described in subsection (3)(c) of this section.

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

39 “(C) As used in this paragraph:

40 “(i) ‘Correctional facility’ means any place used for the confinement of young persons, youth or
41 youth offenders or persons charged with or convicted of a crime or otherwise confined under a court
42 order, including a:

43 “(I) Youth correction facility;

44 “(II) Detention facility;

45 “(III) Department of Corrections institution;

1 “(IV) Local correctional facility; or
2 “(V) State hospital or a secure intensive community inpatient facility, with respect to persons
3 detained therein who are youth or youth offenders, who are charged with or convicted of a crime
4 or who are detained therein after having been found guilty except for insanity of a crime under ORS
5 161.290 to 161.373 or having been found responsible except for insanity under ORS 419C.411.
6 “(ii) ‘Department of Corrections institution’ has the meaning given that term in ORS 421.005.
7 “(iii) ‘Detention facility,’ ‘young person,’ ‘youth’ and ‘youth offender’ have the meanings given
8 those terms in ORS 419A.004.
9 “(iv) ‘Local correctional facility’ has the meaning given that term in ORS 169.005.
10 “(v) ‘Youth correction facility’ has the meaning given that term in ORS 420.005.
11 “(c)(A) If a person was a foster child:
12 “(i) The person shall be treated as meeting the residency criteria for eligibility under subsection
13 (3)(b) of this section if, but for the person’s placement in out-of-state foster care, the person other-
14 wise meets the requirements of subsection (3)(b) of this section.
15 “(ii) The person shall be treated as attaining the person’s highest level of education in this state
16 under subsection (3)(c) of this section if the person attained the person’s highest level of education
17 while placed in out-of-state foster care and the person’s highest level of education substantially
18 meets the requirements under subsection (3)(c) of this section.
19 “(iii) The person is not required to comply with the criteria set forth in subsection (3)(d) of this
20 section in order to receive a grant provided that the person completes the highest level of education
21 as described in subparagraph (A)(ii) of this paragraph while in a treatment program and the person
22 first enrolls in courses described in subsection (3)(a) of this section within 12 months after the date
23 on which the person is released from the treatment program.
24 “(B) Upon request from the commission, the Department of Human Services shall provide doc-
25 umentation of the placement status of a person described in paragraph (c)(A) of this subsection.
26 “(C) As used in this paragraph:
27 “(i) ‘Foster care’ means substitute care for children placed by the Department of Human Ser-
28 vices or a tribal child welfare agency away from the child’s parents and for whom the department
29 or agency has placement and care responsibility, including placements in foster family homes, foster
30 homes of relatives, group homes, emergency shelters, residential facilities, child care institutions and
31 preadoptive homes.
32 “(ii) ‘Foster child’ means a child over whom the Department of Human Services retained juris-
33 diction under ORS 417.200 for the duration of the child’s placement in foster care outside the State
34 of Oregon.
35 “(6)(a) A person continues to remain eligible to receive a grant under this section if the person,
36 in addition to satisfying the criteria specified in subsection (3) of this section, meets the following
37 criteria:
38 “(A) Maintains at least the minimum cumulative grade point average prescribed by the com-
39 mission based on federal aid grant requirements;
40 “(B) Makes satisfactory academic progress toward a curriculum, degree or program, as de-
41 scribed in subsection (3)(a)(B) of this section, as prescribed by the commission based on federal aid
42 grant requirements; **and**
43 “(C) Enrolls in courses described in subsection (3)(a) of this section for a sufficient number of
44 credit hours to be considered at least a half-time student each term for at least three terms in each
45 consecutive academic year[; *and*]

1 “(D) *Completes a first-year experience, as identified by the community college and reported by the*
2 *community college to the commission*].

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

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

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

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

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

18 “(B) Not more than the lesser of:

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

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

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

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

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

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

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

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

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

1 nation the commission may:

2 “(a) Limit eligibility to receive a grant under this section to a person whose [*family*
3 *contribution*] **financial resources**, as determined by the commission by rule, [*is*] **are** at or below the
4 level the commission determines [*is*] **are** necessary to allow the commission to operate the Oregon
5 Promise program with available moneys; or

6 “(b) Reduce or eliminate any limitation on eligibility previously imposed by the commission un-
7 der paragraph (a) of this subsection.

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

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

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

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

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

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

22 “(a) Specifying the form and timelines for submitting an application for a grant under this sec-
23 tion;

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

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

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

30 “(e) Evaluating the impact of the program established under this section, including any re-
31 quirements for reporting data needed for evaluations.

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

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

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

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

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

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

44 “**SECTION 2. The amendments to ORS 341.522 by section 1 of this 2021 Act first apply to**
45 **the 2022-2023 academic year.**

1 “**SECTION 3.** The Higher Education Coordinating Commission may take any action before
2 the operative date specified in section 2 of this 2021 Act that is necessary to enable the
3 commission to exercise, on and after the operative date specified in section 2 of this 2021
4 Act, all the duties, functions and powers conferred on the commission by the amendments
5 to ORS 341.522 by section 1 of this 2021 Act.

6 “**SECTION 4.** (1) As used in this section, ‘special eligibility student’ means a person:

7 “(a) Who applied to the Office of Student Access and Completion for an Oregon Promise
8 program grant under ORS 341.522 for any academic term during the 2020-2021 academic year;
9 and

10 “(b) Who the office determined was ineligible to receive a grant solely due to the office’s
11 determination to limit eligibility based on family contribution.

12 “(2) Notwithstanding any other provision of law, a special eligibility student may receive
13 a grant under the Oregon Promise program operated under ORS 341.522 if the special eligi-
14 bility student:

15 “(a)(A) Applies for enrollment beginning in the fall 2021 academic term at a community
16 college operated under ORS chapter 341; or

17 “(B) Requests that the office grant the student a waiver from enrolling beginning in the
18 fall 2021 academic term at a community college due to significant hardship; and

19 “(b) Meets the criteria set forth in the version of ORS 341.522 (3)(a) to (c) and (e) to (g)
20 that is operative and applies on the effective date of this 2021 Act.

21 “(3) The office shall make a determination on whether to grant a request for a waiver
22 made under subsection (2)(a)(B) of this section according to a process established by the
23 Higher Education Coordinating Commission by rule.

24 “(4) The office shall make reasonable efforts and use the residential addresses and elec-
25 tronic mail addresses in its possession to attempt to notify any former applicant who quali-
26 fies as a special eligibility student of the eligibility, enrollment and waiver deadlines
27 established in this section.

28 “**SECTION 5.** Section 4 of this 2021 Act is repealed on July 2, 2028.

29 “**SECTION 6.** In addition to and not in lieu of any other appropriation, there is appro-
30 priated to the Higher Education Coordinating Commission, for the biennium beginning July
31 1, 2021, out of the General Fund, the amount of \$28,932,328 for the purpose of operating the
32 Oregon Promise program in the manner set forth in section 4 of this 2021 Act and in ORS
33 341.522 as amended by section 1 of this 2021 Act.

34 “**SECTION 7.** This 2021 Act being necessary for the immediate preservation of the public
35 peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect
36 July 1, 2021.”.

37