

Requested by Representative OWENS

**PROPOSED AMENDMENTS TO
HOUSE BILL 2093**

- 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
5 Laws 2020 (first special session), is amended to read:
- 6 “341.522. (1) The Office of Student Access and Completion shall administer
7 the Oregon Promise program as provided by this section.
- 8 “(2) Subject to subsections (7) to (10) of this section, the office shall pro-
9 vide a grant for [*community college*] **post-secondary** courses to a person who
10 meets the criteria described in subsections (3) to (6) of this section. The
11 grant shall be limited as provided by subsections (7) to (10) of this section.
- 12 “(3) A grant shall be awarded under this section to a person who meets
13 the following criteria:
- 14 “(a) Is enrolled in courses that are:
- 15 “(A) Offered at a community college **operated under ORS chapter 341,**
16 **a public university listed in ORS 352.002, the Oregon Health and Sci-**
17 **ence University or an Oregon-based, generally accredited, not-for-**
18 **profit institution of higher education** [*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 bachelor’s degree; or**

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

6 “(b) Except as provided in subsection (5) of this section, has been a resi-
7 dent of this state for at least 12 months prior to enrolling in the courses
8 described in paragraph (a) of this subsection;

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

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

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

15 “(C) Completing grade 12 in compliance with the requirements of ORS
16 339.035; or

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

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

24 “(e) Earned a cumulative grade point average of [2.5] **2.0** or better in high
25 school or otherwise demonstrated an equivalent academic ability, as deter-
26 mined by the office according to rules adopted by the commission;

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

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

1 “(A) More than **the equivalent of six academic quarters or four aca-**
2 **dem ic semesters of full-time study as a student enrolled at a post-**
3 **secondary institution of education** [*a total of 90 credit hours, or the*
4 *equivalent, at a post-secondary institution of education*]; or

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

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

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

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

29 “(b)(A) A person who completes the highest level of education as de-
30 scribed in subsection (3)(c) of this section while confined in a correctional

1 facility, either serving a sentence of incarceration or as a young person,
2 youth or youth offender, is not required to comply with the criteria set forth
3 in subsection (3)(d) of this section in order to receive a grant, provided that
4 the person first enrolls in courses described in subsection (3)(a) of this sec-
5 tion within six months after the date on which the person is first released
6 from a correctional facility following completion of the highest level of ed-
7 ucation described in subsection (3)(c) of this section.

8 “(B) The eligibility requirements described in subsection (6)(a)(C) of this
9 section may be waived by the office according to rules adopted by the com-
10 mission for a person who receives a grant under this section in the manner
11 described in subparagraph (A) of this paragraph.

12 “(C) As used in this paragraph:

13 “(i) ‘Correctional facility’ means any place used for the confinement of
14 young persons, youth or youth offenders or persons charged with or con-
15 victed of a crime or otherwise confined under a court order, including a:

16 “(I) Youth correction facility;

17 “(II) Detention facility;

18 “(III) Department of Corrections institution;

19 “(IV) Local correctional facility; or

20 “(V) State hospital or a secure intensive community inpatient facility,
21 with respect to persons detained therein who are youth or youth offenders,
22 who are charged with or convicted of a crime or who are detained therein
23 after having been found guilty except for insanity of a crime under ORS
24 161.290 to 161.373 or having been found responsible except for insanity under
25 ORS 419C.411.

26 “(ii) ‘Department of Corrections institution’ has the meaning given that
27 term in ORS 421.005.

28 “(iii) ‘Detention facility,’ ‘young person,’ ‘youth’ and ‘youth offender’ have
29 the meanings given those terms in ORS 419A.004.

30 “(iv) ‘Local correctional facility’ has the meaning given that term in ORS

1 169.005.

2 “(v) ‘Youth correction facility’ has the meaning given that term in ORS
3 420.005.

4 “(c)(A) If a person was a foster child:

5 “(i) The person shall be treated as meeting the residency criteria for el-
6 igibility under subsection (3)(b) of this section if, but for the person’s place-
7 ment in out-of-state foster care, the person otherwise meets the requirements
8 of subsection (3)(b) of this section.

9 “(ii) The person shall be treated as attaining the person’s highest level
10 of education in this state under subsection (3)(c) of this section if the person
11 attained the person’s highest level of education while placed in out-of-state
12 foster care and the person’s highest level of education substantially meets
13 the requirements under subsection (3)(c) of this section.

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

21 “(B) Upon request from the commission, the Department of Human Ser-
22 vices shall provide documentation of the placement status of a person de-
23 scribed in paragraph (c)(A) of this subsection.

24 “(C) As used in this paragraph:

25 “(i) ‘Foster care’ means substitute care for children placed by the De-
26 partment of Human Services or a tribal child welfare agency away from the
27 child’s parents and for whom the department or agency has placement and
28 care responsibility, including placements in foster family homes, foster homes
29 of relatives, group homes, emergency shelters, residential facilities, child
30 care institutions and preadoptive homes.

1 “(ii) ‘Foster child’ means a child over whom the Department of Human
2 Services retained jurisdiction under ORS 417.200 for the duration of the
3 child’s placement in foster care outside the State of Oregon.

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

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

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

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

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

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

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

30 “(A) Except as provided by [*paragraphs*] **paragraph** (b) [*and (c)*] of this

1 subsection, not less than the greater of:

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

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

6 “(B) Not more than the lesser of:

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

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

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

13 “[~~(c)(A)~~] **(b)(A)** If the office determines both that the person’s actual cost
14 for tuition exceeds the amount set forth in paragraph (a)(A)(i) of this sub-
15 section and that the person’s actual cost for tuition exceeds the average cost
16 of tuition at a community college in this state, the person shall be eligible
17 for a grant in an amount that equals the average cost of tuition at a com-
18 munity college in this state.

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

23 “[~~(d)~~] **(c)** The minimum amount of a grant, as calculated under paragraphs
24 (a) [~~to (c)~~] **and (b)** of this subsection, may be prorated for a person who is
25 enrolled in courses described in subsection (3)(a) of this section for a suffi-
26 cient number of credit hours to be considered at least a half-time student but
27 not a full-time student.

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

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

4 “(9) Prior to the start of the fall term of each academic year, the com-
5 mission shall determine whether there are sufficient moneys to award a
6 grant under this section to each person who meets the criteria described in
7 subsections (3) to (6) of this section. **When making a determination under**
8 **this subsection, the commission may consider both projected resources**
9 **and statutory modifications that will take effect during the current**
10 **biennium.** On the basis of this determination the commission may:

11 “(a) Limit eligibility to receive a grant under this section to a person
12 whose [*family contribution*] **financial resources**, as determined by the com-
13 mission by rule, [*is*] **are** at or below the level the commission determines
14 [*is*] **are** necessary to allow the commission to operate the Oregon Promise
15 program with available moneys; or

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

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

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

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

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

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

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

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

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

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

13 “(d) Prescribing eligibility requirements and grant calculations for per-
14 sons dually enrolled in a community college and a public university; and

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

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

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

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

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

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

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

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

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

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

11 **“(a) Who applied to the Office of Student Access and Completion**
12 **for an Oregon Promise program grant under ORS 341.522 for any aca-**
13 **ademic term during the 2020-2021 academic year; and**

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

17 **“(2) Notwithstanding any other provision of law, a special eligibility**
18 **student may receive a grant under the Oregon Promise program op-**
19 **erated under ORS 341.522 if the special eligibility student:**

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

22 **“(B) Requests that the office grant the student a waiver from en-**
23 **rolling beginning in the fall 2021 academic term at a community col-**
24 **lege due to significant hardship; and**

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

28 **“(3) The office shall make a determination on whether to grant a**
29 **request for a waiver made under subsection (2)(a)(B) of this section**
30 **according to a process established by the Higher Education Coordi-**

1 nating Commission by rule.

2 “(4) The office shall make reasonable efforts and use the residential
3 addresses and electronic mail addresses in its possession to attempt
4 to notify any former applicant who qualifies as a special eligibility
5 student of the eligibility, enrollment and waiver deadlines established
6 in this section.

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

8 “SECTION 6. In addition to and not in lieu of any other appropri-
9 ation, there is appropriated to the Higher Education Coordinating
10 Commission, for the biennium beginning July 1, 2021, out of the Gen-
11 eral Fund, the amount of \$28,932,328 for the purpose of operating the
12 Oregon Promise program in the manner set forth in section 4 of this
13 2021 Act and in ORS 341.522 as amended by section 1 of this 2021 Act.

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

17
