

HOUSE AMENDMENTS TO HOUSE BILL 3564

By COMMITTEE ON HIGHER EDUCATION

March 31

1 On page 1 of the printed bill, delete line 3 and insert “348.500, 348.594, 348.597, 348.601, 348.603,
2 348.604, 348.605, 348.608, 350.050, 350.300, 476.696 and 659A.318.”.

3 On page 3, after line 20, insert:

4 “**SECTION 6.** ORS 348.500 is amended to read:

5 “348.500. (1) The Higher Education Coordinating Commission may establish Access to Student
6 Assistance Programs in Reach of Everyone (ASPIRE) to provide information about financial aid,
7 [and] education, [and] training **and career pathway** options beyond high school to students in
8 Oregon schools and colleges. The goals of the programs are to:

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

11 “(b) Help Oregon schools build a sustainable community of volunteer mentors; [and]

12 “(c) Educate students and families about the scholarship application process and other options
13 for paying for post-secondary education[.]; **and**

14 “**(d) Encourage the completion of a college or career pathway.**

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

21 “(3) Each year, the programs shall provide financial aid instruction to middle school, high school
22 and college students and make the instruction available to the students’ families. The instruction
23 should focus on areas of academic interest or career opportunities identified as particularly relevant
24 to the students and provide information on apprenticeships or technical and occupational career
25 pathways, with a focus on local apprenticeships or local technical and occupational career path-
26 ways.

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

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

30 “(b) The potential use of individual development accounts established under ORS 458.675 to
31 458.700 to pay for post-secondary education; and

32 “(c) The short-term and long-term economic impacts of each type of student loan or individual
33 development account.

34 “**(5)(a) The programs shall work directly with community-based organizations and other
35 entities with experience serving historically underserved communities in order to provide**

1 **these communities with information and resources designed to encourage college and career**
2 **readiness and to increase the participation of students from these communities in college**
3 **and career training.**

4 **“(b) The programs may provide grants or other support to organizations and entities**
5 **described in paragraph (a) of this subsection for the purpose of delivering culturally compe-**
6 **tent, multilingual programming and training opportunities.**

7 **“SECTION 7.** ORS 348.594 is amended to read:

8 **“348.594.** As used in ORS 348.594 to 348.615:

9 **“(1)(a) ‘Diploma mill’ means:**

10 **“(A) A school against which a court or public body, as defined in ORS 174.109, has issued a**
11 **ruling or finding, after due process procedures, that the school has engaged in dishonest, fraudulent**
12 **or deceptive practices related to the award of degrees, academic standards or student learning re-**
13 **quirements; [or]**

14 **“(B) An entity without legal authority as a school to issue degrees valid as credentials in the**
15 **jurisdiction that authorizes issuance of degrees[.]; or**

16 **“(C) A school or entity that:**

17 **“(i) Offers fee-based degrees, diplomas or certificates that may be used to represent to**
18 **the general public that the individual possessing the degree, diploma or certificate has com-**
19 **pleted a program of post-secondary education or training;**

20 **“(ii) Requires an individual to complete little or no education or coursework to obtain the**
21 **degree, diploma or certificate; and**

22 **“(iii) Has not been accredited by a post-secondary accrediting agency.**

23 **“(b) ‘Diploma mill’ does not include:**

24 **“(A) A school operating legally under ORS 348.604; or**

25 **“(B) A school that is actively seeking and able to show evidence of reasonable progress toward**
26 **[regional] institutional accreditation with [one of the regional] a post-secondary accrediting agency**
27 **[bodies recognized by the United States Department of Education].**

28 **“(2) ‘Post-secondary accrediting agency’ means a legal entity, or part of a legal entity,**
29 **that:**

30 **“(a) Conducts accrediting activities through voluntary peer review;**

31 **“(b) Makes decisions concerning the accreditation or pre-accreditation status of insti-**
32 **tutions and programs; and**

33 **“(c) Is recognized by the United States Department of Education as an entity that con-**
34 **ducts the activities and makes the decisions described in this subsection.**

35 **“[(2)(a)] (3)(a) ‘School’ means a person, organization, school or institution of learning that con-**
36 **fers or offers to confer an academic degree upon a person or to provide academic credit applicable**
37 **to a degree.**

38 **“(b) ‘School’ does not include:**

39 **“(A) An Oregon community college;**

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

41 **“(C) The Oregon Health and Science University.**

42 **“SECTION 8.** ORS 348.597 is amended to read:

43 **“348.597. (1) Except as provided in subsection (2) of this section, ORS 348.594 to 348.615 apply**
44 **to all schools that operate in this state.**

45 **“(2) ORS 348.594 to 348.615 do not apply to:**

1 “(a) A school, or a separately accredited campus of a school, if the school:
2 “(A) Is a nonprofit school that is exempt from federal income tax under section 501(c)(3) of the
3 Internal Revenue Code;
4 “(B) **Prior to July 14, 2005**, conferred degrees in this state under the same control for at least
5 10 consecutive years; and
6 “(C) **Has received institutional accreditation from a post-secondary accrediting agency**
7 **as defined in ORS 348.594** [*Is accredited by a regional accrediting association or its national suc-*
8 *cessor*];
9 “(b) A school that, on July 14, 2005, was a school that met the criteria and followed procedures
10 to obtain [*a religious*] **an** exemption adopted by rule by the Oregon Student Access Commission [*and*
11 *that offered only degrees with approved titles in theology or religious occupations*]; or
12 “(c) A school that **received a religious exemption** [*is exempt from ORS 348.594 to 348.615*] un-
13 der ORS 348.604.
14 “(3) The Higher Education Coordinating Commission shall issue a separate license to issue de-
15 grees to each school that meets the requirements for exemption from evaluation by the commission
16 set forth in subsection (2)(a) of this section. The license shall remain in effect if the school continues
17 to meet the requirements of subsection (2)(a) of this section.
18 “**SECTION 9.** ORS 348.601 is amended to read:
19 “348.601. The Degree Authorization Account is established separate and distinct from the Gen-
20 eral Fund. All moneys received by the Higher Education Coordinating Commission under ORS
21 348.603, 348.606 and 348.609 shall be deposited into the account and are continuously appropriated
22 to the [*Higher Education Coordinating*] commission to carry out the duties, functions and powers of
23 the commission under ORS 348.594 to 348.615.
24 “**SECTION 10.** ORS 348.603 is amended to read:
25 “348.603. (1) The Higher Education Coordinating Commission shall:
26 “(a) Authorize approved schools to offer academic degree programs;
27 “(b) Authorize approved degree-granting schools to offer nondegree programs leading to a cer-
28 tificate or diploma;
29 “(c) Validate claims of degree possession;
30 “(d) Terminate substandard or fraudulent degree activities;
31 “(e) Terminate activities, **including the enrollment of Oregon students**, of diploma mills op-
32 erating in or from Oregon;
33 “(f) Except as provided in subsection (3) of this section, terminate the operation in or from
34 Oregon of post-secondary accrediting [*bodies*] **organizations that do not qualify as post-secondary**
35 **accrediting agencies** [*are not recognized by the United States Department of Education or by the*
36 *commission*]; and
37 “(g) Review proposed new publicly funded post-secondary programs and locations.
38 “(2) The commission, by rule, may impose a fee on any school or person requesting information
39 from the commission. The amount of the fee shall be established to recover designated expenses in-
40 curred by the commission in carrying out the administration of ORS 348.594 to 348.615. Any fees
41 collected under this subsection shall be deposited in the Degree Authorization Account established
42 under ORS 348.601.
43 “(3) Subsection (1)(f) of this section does not apply to [*a body*] **an organization** the role of which
44 is to accredit schools that offer only associate, bachelor’s or master’s degrees [*with titles*] **leading**
45 **to occupations** in theology or religious occupations or, if the schools also offer doctoral degrees,

1 offer doctoral degrees only in theology or religious occupations that have been approved by a
2 [*federally recognized accrediting organization*] **post-secondary accrediting agency**.

3 “**SECTION 11.** ORS 348.604 is amended to read:

4 “348.604. Upon application from a school, as defined in ORS 348.594, the Higher Education Co-
5 ordinating Commission shall grant an exemption from ORS 348.594 to 348.615 to the school if the
6 school:

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

8 “(2) Offers only associate, bachelor’s or master’s degrees [*with titles*] **leading to occupations** in
9 theology or religious occupations, or, if the school also offers doctoral degrees, offers doctoral de-
10 grees in theology or religious occupations that have been approved by a [*federally recognized ac-*
11 *crediting organization*] **post-secondary accrediting agency as defined in ORS 348.594**;

12 “(3) Teaches students with faculty members who:

13 “(a) Hold degrees:

14 “(A) From a school that, at the time of the conferral of the degrees, was accredited by a **post-**
15 **secondary accrediting agency as defined in ORS 348.594** [*federally recognized accrediting organ-*
16 *ization*], held an exemption under this section, or was a school that, on July 14, 2005, met the
17 criteria and followed procedures to obtain a religious exemption adopted by rule by the Oregon
18 Student Access Commission and that offered only degrees [*with approved titles*] **leading to occupa-**
19 **tions** in theology or religious occupations;

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

22 “(C) That are not honorary degrees; or

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

25 “(4) Offers a curriculum:

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

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

29 “(5) Requires students to complete academic assignments and to demonstrate learning appropri-
30 ate to the curriculum;

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

32 “(7) Offers admission:

33 “(a) To a student:

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

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

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

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

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

42 “(10) Charges tuition by the credit hour or other fixed rate for instruction during an academic
43 term and does not charge tuition or fees for the award of a degree or charge a single fee for an
44 entire degree program;

45 “(11) Provides the oversight required by the Higher Education Coordinating Commission over

1 a faculty member or administrator who has:

2 “(a) Been convicted of a felony; or

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

4 “(12) Provides facilities that permit private communication between faculty members and stu-

5 dents;

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

7 “(14) Provides clear and accurate information to students about the school’s expectations of

8 students in the school’s courses;

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

10 degree;

11 “(16) Before a student enrolls in the school, informs the student that a school to which the

12 student might transfer retains the discretion whether to accept the transfer of credits earned at the

13 school;

14 “(17) Provides official transcripts of faculty members to the **Higher Education Coordinating**

15 **Commission**; and

16 “(18) Pays the fee imposed by ORS 348.607.

17 “**SECTION 12.** ORS 348.605 is amended to read:

18 “348.605. (1) A school that obtains an exemption under ORS 348.604 or that, on July 14, 2005,

19 met the criteria and followed procedures to obtain a religious exemption adopted by rule by the

20 Oregon Student Access Commission and that offered only degrees [*with approved titles*] **leading to**

21 **occupations** in theology or religious occupations may not:

22 “(a) Award more than 25 percent of the credit toward a degree for noninstructional activities,

23 such as challenge examinations and professional or life experiences;

24 “(b) Represent that the school is:

25 “(A) Approved by the State of Oregon; or

26 “(B) Accredited by an organization unless the organization **qualifies as a post-secondary ac-**

27 **crediting agency as defined in ORS 348.594** [*is recognized as an accreditor by the United States*

28 *Department of Education*]; or

29 “(c) Pay a faculty member a commission or otherwise base a faculty member’s compensation on

30 the faculty member’s recruitment of students to the school.

31 “(2) A school that obtains an exemption under ORS 348.604 or that, on July 14, 2005, met the

32 criteria and followed procedures to obtain a religious exemption adopted by rule by the Oregon

33 Student Access Commission and that offered only degrees [*with approved titles*] **leading to occupa-**

34 **tions** in theology or religious occupations shall:

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

36 “(b) Notify the Higher Education Coordinating Commission if a faculty member or administrator

37 at the school has:

38 “(A) Been convicted of a felony; or

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

40 “(c) Place in any course catalog that is available to students or to the public a notice that

41 states: ‘(Name of school) has been granted exempt status by the State of Oregon to offer theological

42 and/or religious occupations degrees.’;

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

44 basis;

45 “(e) If the school provides placement services to a student, describe the placement services

1 clearly and accurately to the student and avoid giving unrealistic expectations of placement to the
2 student; and

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

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

6 “(B) Require that the degree is from a school that, at the time of the conferral of the degree,
7 was accredited by a [*federally recognized accrediting organization*] **post-secondary accrediting**
8 **agency as defined in ORS 348.594**, held an exemption under this section, or was a school that, on
9 July 14, 2005, met the criteria and followed procedures to obtain a religious exemption adopted by
10 rule by the Oregon Student Access Commission and offered only degrees [*with approved titles*]
11 **leading to occupations** in theology or religious occupations.

12 “**SECTION 13.** ORS 348.608 is amended to read:

13 “348.608. (1) Each year, on a date prescribed by the Higher Education Coordinating Commission,
14 a school that obtains an exemption under ORS 348.604 or a school that, on July 14, 2005, met the
15 criteria and followed procedures to obtain a religious exemption adopted by rule by the Oregon
16 Student Access Commission and that offered only degrees [*with approved titles*] **leading to occupa-**
17 **tions** in theology or religious occupations, shall submit to the Higher Education Coordinating
18 Commission a statement that reads: ‘(Name of School) hereby certifies that the school remains in
19 compliance with all conditions for a religious exemption from ORS 348.594 to 348.615.’

20 “(2) A school that obtains an exemption under ORS 348.604 or a school that, on July 14, 2005,
21 met the criteria and followed procedures to obtain a religious exemption adopted by rule by the
22 Oregon Student Access Commission and that offered only degrees [*with approved titles*] **leading to**
23 **occupations** in theology or religious occupations remains exempt unless the Higher Education Co-
24 ordinating Commission suspends or revokes the exemption.

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

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

28 “(b) The commission has received a complaint from a student or former student of the school
29 that the school is failing to comply with a condition for exemption under ORS 348.604, the commis-
30 sion determines that the complaint is valid, the school has been provided with notice and opportu-
31 nity to cure as required by subsection (4) of this section and the school fails to comply with the
32 condition listed in the notice; or

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

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

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

38 “(b) Failure to maintain compliance with a condition for exemption under ORS 348.604 if the
39 commission has received a complaint from a student or former student of the school that the school
40 is failing to comply with a condition for exemption under ORS 348.604 and the commission has de-
41 termined the complaint is valid; or

42 “(c) Violation of ORS 348.605.

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

45 “(6) A school may appeal the Higher Education Coordinating Commission’s decision that a fac-

1 ulty member does not possess sufficient compensatory qualifications to substitute for an academic
2 degree in the field in which the faculty member teaches.

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

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

11 “(b) If a school does not appeal the denial, suspension or revocation of an exemption to the
12 commission and the school does not cure the grounds for the denial, suspension or revocation within
13 the period of time to appeal the decision to the commission, then the denial, suspension or revoca-
14 tion becomes effective upon the expiration of the period of time to appeal.

15 “**SECTION 14.** ORS 659A.318 is amended to read:

16 “659A.318. (1) If an employer requires an applicant or employee to have an academic degree
17 from a post-secondary institution to qualify for a position, but does not require a degree with a
18 specific title, it is an unlawful employment practice for the employer to refuse to hire or promote
19 or in any manner discriminate or retaliate against the applicant or employee only because the ap-
20 plicant or employee meets the educational requirements for the position by having a degree [*with*
21 *a title*] **leading to occupations** in theology or religious occupations from a school that, when the
22 degree was issued, was a school:

23 “(a) That, on July 14, 2005, met the criteria and followed procedures to obtain a religious ex-
24 emption adopted by rule by the Oregon Student Access Commission and that offered only degrees
25 [*with approved titles*] **leading to occupations** in theology or religious occupations; or

26 “(b) Exempt from ORS 348.594 to 348.615 under ORS 348.604.

27 “(2) If an employer other than a public body, as defined in ORS 192.311, offers employees bene-
28 fits of tuition reimbursement, educational debt reduction, educational incentive or educational con-
29 tribution or gift match for educational services provided by a post-secondary institution and the
30 employer does not restrict the program to specific institutions or degrees with specific titles, it is
31 an unlawful employment practice for the employer to refuse to offer the benefit to or in any manner
32 discriminate or retaliate against an employee because the employee attends or seeks to attend a
33 school that is:

34 “(a) A school that, on July 14, 2005, met the criteria and followed procedures to obtain a reli-
35 gious exemption adopted by rule by the Oregon Student Access Commission and that offered only
36 degrees [*with approved titles*] **leading to occupations** in theology or religious occupations; or

37 “(b) Exempt from ORS 348.594 to 348.615 under ORS 348.604.

38 “**SECTION 15.** ORS 350.300, as amended by section 2, chapter 42, Oregon Laws 2022, is
39 amended to read:

40 “350.300. (1) Notwithstanding ORS 341.290, 352.105 or 353.050, a student who is a current foster
41 child or former foster child or a current homeless youth or former homeless youth, under 25 years
42 of age and enrolled in courses totaling one or more credit hours at an institution of higher education
43 as an undergraduate student shall have the amount of tuition and all fees levied against the student
44 waived if attending an institution of higher education for purposes of pursuing an initial under-
45 graduate degree.

1 “(2) A student is entitled to waiver of tuition and all fees under subsection (1) of this section
2 until the student has received the equivalent of four years of undergraduate education.

3 “(3) As a condition of receiving a tuition waiver for an academic year, **if the student is eligible**
4 **to file** the [student must complete and submit the] Free Application for Federal Student Aid (FAFSA)
5 [for that academic year], **the student must complete and submit the application for that aca-**
6 **demie year.**

7 “(4) A waiver of tuition and all fees under subsection (1) of this section may be reduced by the
8 amount of any federal aid scholarships or grants, an award from the Oregon Opportunity Grant
9 program established under ORS 348.205 and any other aid received from the institution of higher
10 education. For the purposes of this subsection, ‘federal aid scholarships or grants’ does not include
11 Chafee Educational and Training Voucher Program grants under 42 U.S.C. 677.

12 “(5) As used in this section:

13 “(a) ‘Former foster child’ means an individual who, for a total of six or more months while be-
14 tween 14 and 21 years of age, was:

15 “(A) A ward of the court pursuant to ORS 419B.100 (1)(b) to (e), in the legal custody of the
16 Department of Human Services for out-of-home placement and not dismissed from care before
17 reaching 16 years of age; or

18 “(B) An Indian child subject to ORS 419B.600 to 419B.654, under the jurisdiction of a tribal court
19 for out-of-home placement and not dismissed from care before reaching 16 years of age.

20 “(b) ‘Homeless youth’ means a person who:

21 “(A) Experienced homelessness for a total of six or more months while between 14 and 24 years
22 of age;

23 “(B) While experiencing homelessness as described in subparagraph (A) of this paragraph, re-
24 ceived services from an organization contracted by the Department of Human Services to provide
25 services to homeless persons or from a host home, as defined by the department by rule; and

26 “(C) Was at least 16 years of age when the person last received the services described in sub-
27 paragraph (B) of this paragraph.

28 “(c) ‘Institution of higher education’ means:

29 “(A) A public university listed in ORS 352.002;

30 “(B) A community college operated under ORS chapter 341; or

31 “(C) The Oregon Health and Science University.”.

32