

**A-Engrossed**  
**House Bill 3471**

Ordered by the House April 14  
Including House Amendments dated April 14

Sponsored by Representatives DEMBROW, WINGARD; Representative HUNT

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires state institution of higher education, community college or Oregon Health and Science University to waive tuition and fees for current or former foster child under 25 years of age. **Conditions receipt of waiver.** Expands college scholarship program to include current foster children.

**Directs Oregon Student Assistance Commission to adopt rules to prioritize awarding of Oregon Opportunity Grants to current foster children and former foster children when grant funds are not sufficient to serve all eligible students.**

**A BILL FOR AN ACT**

1  
2 Relating to higher education; creating new provisions; and amending ORS 348.205, 348.270 and  
3 348.570.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. (1) Notwithstanding ORS 341.290, 351.070 (3) or 353.050, a current foster child**  
6 **or former foster child under 25 years of age who enrolls in an institution of higher education**  
7 **as an undergraduate student not later than three years after the date the student was re-**  
8 **moved from the care of the Department of Human Services, the date the student graduated**  
9 **from high school or the date the student received the equivalent of a high school diploma,**  
10 **whichever date is earliest, shall have the amount of tuition and all fees levied against the**  
11 **student waived if attending an institution of higher education listed in ORS 352.002, a com-**  
12 **munity college operated under ORS chapter 341 or Oregon Health and Science University for**  
13 **purposes of pursuing an initial undergraduate degree.**

14 **(2) A student who is a current foster child or former foster child is entitled to waiver**  
15 **of tuition and all fees under subsection (1) of this section until the student has received the**  
16 **equivalent of four years of undergraduate education.**

17 **(3) As a condition of receiving a tuition waiver for an academic year, a current foster**  
18 **child or former foster child must:**

19 **(a) Complete and submit the Free Application for Federal Student Aid for that academic**  
20 **year; and**

21 **(b) For years after the first academic year at an institution of higher education, have**  
22 **completed a minimum of 30 volunteer service hours in the previous academic year perform-**  
23 **ing community service activities such as mentoring foster youth or assisting in the provision**  
24 **of peer support service activities, according to policies developed by the institution of higher**  
25 **education at which the current foster child or former foster child is enrolled.**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (4) A waiver of tuition and all fees under subsection (1) of this section may be reduced  
2 by the amount of any federal aid scholarships or grants, an award from the Oregon Oppor-  
3 tunity Grant program established under ORS 348.205 and any other aid received from the  
4 institution of higher education. For the purposes of this subsection, “federal aid scholarships  
5 or grants” does not include Chafee Education and Training Grant vouchers (P.L. 107-133).

6 (5) As used in this section, “former foster child” means an individual who, for a total of  
7 12 or more months while between 16 and 21 years of age, was a ward of the court pursuant  
8 to ORS 419B.100 (1)(b) to (e) and in the legal custody of the Department of Human Services  
9 for out-of-home placement.

10 **SECTION 2.** ORS 348.270 is amended to read:

11 348.270. (1) In addition to any other scholarships provided by law, the Oregon Student Assist-  
12 ance Commission shall award scholarships in any state institution under the State Board of Higher  
13 Education, in the Oregon Health and Science University, in any community college operated under  
14 ORS chapter 341, or in any Oregon-based regionally accredited independent institution, to any stu-  
15 dent applying for enrollment or who is enrolled therein, who is:

16 (a) The natural child, adopted child or stepchild of any public safety officer who, in the line of  
17 duty, was killed or so disabled, as determined by the Oregon Student Assistance Commission, that  
18 the income of the public safety officer is less than that earned by public safety officers performing  
19 duties comparable to those performed at the highest rank or grade attained by the public safety of-  
20 ficer; or

21 (b) A **current foster child or** former foster child who enrolls in an institution of higher edu-  
22 cation as an undergraduate student not later than three years from the date the student was re-  
23 moved from the care of the Department of Human Services, the date the student graduated from  
24 high school or the date the student received the equivalent of a high school diploma, whichever date  
25 is earliest.

26 (2) Scholarships awarded under this section to students who are dependents of public safety of-  
27 ficers or who are **current foster children or** former foster children shall equal the amount of tui-  
28 tion and all fees levied by the institution against the recipient of the scholarship. However,  
29 scholarships awarded to students who attend independent institutions shall not exceed the amount  
30 of tuition and all fees levied by the University of Oregon.

31 (3) If the student who is the dependent of a deceased public safety officer continues to remain  
32 enrolled in a state institution of higher education or a community college or an independent insti-  
33 tution within the State of Oregon, the student shall be entitled to renewal of the scholarship until  
34 the student has received the equivalent of four years of undergraduate education and four years of  
35 post-graduate education.

36 (4) If the student who is a **current foster child or** former foster child or who is the dependent  
37 of a public safety officer with a disability continues to remain enrolled in a state institution of  
38 higher education or a community college or an independent institution within the State of Oregon,  
39 the student shall be entitled to renewal of the scholarship until the student has received the equiv-  
40 alent of four years of undergraduate education.

41 (5) The Oregon Student Assistance Commission may require proof of the student’s relationship  
42 to a public safety officer described in subsection (1) of this section or proof that the student is a  
43 **current foster child or** former foster child.

44 (6) As used in this section:

45 (a) “Former foster child” means an individual who, for a total of 12 or more months while be-

1 tween the ages of 16 and 21, was a ward of the court pursuant to ORS 419B.100 (1)(b) to (e) and in  
2 the legal custody of the Department of Human Services for out-of-home placement.

3 (b) "Public safety officer" means:

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

5 (B) A member of the Oregon State Police.

6 **SECTION 3.** ORS 348.570 is amended to read:

7 348.570. (1) There is established in the State Treasury a fund, separate and distinct from the  
8 General Fund, to be known as the Oregon Student Assistance Fund for investment as provided by  
9 ORS 293.701 to 293.820 and for the payment of the expenses of the Oregon Student Assistance  
10 Commission in carrying out the purposes of ORS 348.210 to 348.250, 348.505 to 348.615, 348.696 and  
11 348.992. Interest earned by the fund shall be credited to the fund.

12 (2) There is established in the State Treasury a fund, separate and distinct from the General  
13 Fund, to be known as the Alternative Student Loan Program Fund for investment as provided by  
14 ORS 293.701 to 293.820 and for the payment of expenses of the commission in carrying out the pur-  
15 poses of ORS 348.625 to 348.695. This fund, including the interest earnings on the fund, if any, is  
16 continuously appropriated to the commission for those purposes for which such funds were provided  
17 to, received or collected by the commission.

18 (3)(a) There is established in the General Fund an account to be known as the Nursing Services  
19 Account. Funds in the account shall be used for the payment of expenses of the Nursing Services  
20 Program created in ORS 442.540.

21 (b) The account shall consist of:

22 (A) Funds appropriated to the Oregon Student Assistance Commission for deposit into the ac-  
23 count;

24 (B) Collections and penalties received by the commission under ORS 442.545; and

25 (C) Any donations or grants received by the commission for purposes of the Nursing Services  
26 Program.

27 (c) Any funds in the account that are not expended in any biennium shall be retained in the  
28 account and may be expended in subsequent biennia.

29 (4) There is established in the State Treasury a fund, separate and distinct from the General  
30 Fund, to be known as the [Former] Foster Youth Scholarship Fund. Moneys received from appro-  
31 priations, donations and grants shall be credited to the fund. Moneys in the fund are continuously  
32 appropriated to the Oregon Student Assistance Commission for the purposes of investment, as pro-  
33 vided by ORS 293.701 to 293.820, and for carrying out the provisions of ORS 348.270 (1)(b). Interest  
34 earned by the fund shall be credited to the fund.

35 (5) There is established in the State Treasury a fund, separate and distinct from the General  
36 Fund, to be known as the ASPIRE Program Fund. Moneys received from donations and grants shall  
37 be credited to the ASPIRE Program Fund. Moneys in the fund are continuously appropriated to the  
38 Oregon Student Assistance Commission for the purposes of investment, as provided by ORS 293.701  
39 to 293.820, and for carrying out the provisions of ORS 348.500. Interest earned by the fund shall be  
40 credited to the fund.

41 (6)(a) There is established in the State Treasury the Nursing Faculty Loan Repayment Fund,  
42 separate and distinct from the General Fund. Interest earned on the Nursing Faculty Loan Repay-  
43 ment Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the  
44 Oregon Student Assistance Commission for carrying out ORS 348.440 to 348.448. The Nursing Fac-  
45 ulty Loan Repayment Fund consists of:

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

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

4 (b) Any unexpended funds in the fund at the end of a biennium shall be retained in the fund and  
5 may be expended in subsequent biennia.

6 **SECTION 4.** ORS 348.205 is amended to read:

7 348.205. (1) The Oregon Opportunity Grant program is established within the Oregon Student  
8 Assistance Commission.

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

11 (3) The commission shall determine the cost of education of a qualified student based on the type  
12 of eligible post-secondary institution the student is attending. The cost of education equals:

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

15 (b) For a student attending an institution under the direction of the State Board of Higher Ed-  
16 ucation, the average cost of education of attending an institution under the direction of the board;

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

20 (d) For a student attending the Oregon Health and Science University or a four-year Oregon-  
21 based, generally accredited, not-for-profit institution of higher education, the average cost of edu-  
22 cation of attending an institution under the direction of the board.

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

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

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

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

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

32 (c) The student share for a student who attends a community college may not exceed the amount  
33 that the commission determines a student may earn based on the number of hours of work reason-  
34 ably expected from the student under paragraph (a) of this subsection.

35 (d) The student share for a student who attends an eligible post-secondary institution that is not  
36 a community college may not exceed the sum of the amount that the commission determines a stu-  
37 dent may receive as loans plus the amount a student may earn based on the number of hours of  
38 work reasonably expected from the student under paragraph (a) of this subsection.

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

41 (6) The commission shall determine the amount of the federal share based on how much the  
42 student or the student's family is expected to receive from the federal government as grants, loans,  
43 tax credits or other student assistance.

44 (7)(a) The commission shall determine the amount of the state share. The state share shall be  
45 equal to the cost of education reduced by the student share, family share and amount received by

1 the student from the federal government.

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

5 (c) In determining the amount of the state share, the commission shall consider the total amount  
6 available to award as grants to all qualified students. If the commission must reduce the amount of  
7 the state share under this paragraph, the commission may not reduce the amount of the state share  
8 awarded to students in the low income range in a greater proportion than the amount that the state  
9 share for students in other income ranges is reduced.

10 **(8)(a) The commission shall adopt rules that prioritize current foster children and former**  
11 **foster children for receiving Oregon Opportunity Grants when the Oregon Opportunity Grant**  
12 **program does not have sufficient funding to serve all eligible Oregon students.**

13 **(b) For the purposes of this subsection, “former foster child” has the meaning given that**  
14 **term in section 1 of this 2011 Act.**

15 **SECTION 5. Section 1 of this 2011 Act and the amendments to ORS 348.205, 348.270 and**  
16 **348.570 by sections 2 to 4 of this 2011 Act first apply to the 2012-2013 academic year.**

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