

# Enrolled House Bill 2095

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Oregon Student Access Commission)

CHAPTER .....

AN ACT

Relating to higher education for former foster child; amending ORS 348.270 and 351.293; and declaring an emergency.

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

**SECTION 1.** ORS 351.293 is amended to read:

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

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

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

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

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

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

(5) As used in this section, "former foster child" means an individual who, for a total of [12] **six** or more months while between [16] **14** and 21 years of age, was:

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

(b) **An Indian child subject to the Indian Child Welfare Act (25 U.S.C. 1901 et seq.), under the jurisdiction of a tribal court for out-of-home placement and not dismissed from care before reaching 16 years of age.**

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

348.270. (1) In addition to any other scholarships provided by law, the commission shall award scholarships in any public university listed in ORS 352.002, in the Oregon Health and Science University, in any community college operated under ORS chapter 341, or in any Oregon-based regionally accredited independent institution, to any student applying for enrollment or who is enrolled therein, who is:

(a) The natural child, adopted child or stepchild of any public safety officer who, in the line of duty, was killed or so disabled, as determined by the commission, that the income of the public safety officer is less than that earned by public safety officers performing duties comparable to those performed at the highest rank or grade attained by the public safety officer; or

(b) A current foster child or former foster child who enrolls in an institution of higher education as an undergraduate student not later than three years from the date the student was removed from the care of the Department of Human Services, the date the student graduated from high school or the date the student received the equivalent of a high school diploma, whichever date is earliest.

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

(3) If the student who is the dependent of a deceased public safety officer continues to remain enrolled in a public university listed in ORS 352.002 or a community college or an independent institution within the State of Oregon, the student shall be entitled to renewal of the scholarship until the student has received the equivalent of four years of undergraduate education and four years of post-graduate education.

(4) If the student who is a current foster child or former foster child or who is the dependent of a public safety officer with a disability continues to remain enrolled in a public university listed in ORS 352.002 or a community college or an independent institution within the State of Oregon, the student shall be entitled to renewal of the scholarship until the student has received the equivalent of four years of undergraduate education.

(5) The commission may require proof of the student's relationship to a public safety officer described in subsection (1) of this section or proof that the student is a current foster child or former foster child.

(6) As used in this section:

(a) "Former foster child" [means an individual who, for a total of 12 or more months while between the ages of 16 and 21, was a ward of the court pursuant to ORS 419B.100 (1)(b) to (e) and in the legal custody of the Department of Human Services for out-of-home placement] **has the meaning given that term in ORS 351.293.**

(b) "Public safety officer" means:

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

(B) A member of the Oregon State Police.

(C) A police officer commissioned by a university under ORS 352.383.

(D) An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws 2011.

**SECTION 3.** ORS 348.270, as amended by section 51, chapter 644, Oregon Laws 2011, is amended to read:

348.270. (1) In addition to any other scholarships provided by law, the commission shall award scholarships in any public university listed in ORS 352.002, in the Oregon Health and Science Uni-

versity, in any community college operated under ORS chapter 341, or in any Oregon-based regionally accredited independent institution, to any student applying for enrollment or who is enrolled therein, who is:

(a) The natural child, adopted child or stepchild of any public safety officer who, in the line of duty, was killed or so disabled, as determined by the commission, that the income of the public safety officer is less than that earned by public safety officers performing duties comparable to those performed at the highest rank or grade attained by the public safety officer; or

(b) A current foster child or former foster child who enrolls in an institution of higher education as an undergraduate student not later than three years from the date the student was removed from the care of the Department of Human Services, the date the student graduated from high school or the date the student received the equivalent of a high school diploma, whichever date is earliest.

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

(3) If the student who is the dependent of a deceased public safety officer continues to remain enrolled in a public university listed in ORS 352.002 or a community college or an independent institution within the State of Oregon, the student shall be entitled to renewal of the scholarship until the student has received the equivalent of four years of undergraduate education and four years of post-graduate education.

(4) If the student who is a current foster child or former foster child or who is the dependent of a public safety officer with a disability continues to remain enrolled in a public university listed in ORS 352.002 or a community college or an independent institution within the State of Oregon, the student shall be entitled to renewal of the scholarship until the student has received the equivalent of four years of undergraduate education.

(5) The commission may require proof of the student's relationship to a public safety officer described in subsection (1) of this section or proof that the student is a current foster child or former foster child.

(6) As used in this section:

(a) "Former foster child" [*means an individual who, for a total of 12 or more months while between the ages of 16 and 21, was a ward of the court pursuant to ORS 419B.100 (1)(b) to (e) and in the legal custody of the Department of Human Services for out-of-home placement*] **has the meaning given that term in ORS 351.293.**

(b) "Public safety officer" means:

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

(B) A member of the Oregon State Police.

(C) A police officer commissioned by a university under ORS 352.383.

**SECTION 4. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.**

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**Passed by House March 7, 2013**

**Repassed by House May 8, 2013**

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

**Passed by Senate May 6, 2013**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2013

**Approved:**

.....M,....., 2013

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John Kitzhaber, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2013

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Kate Brown, Secretary of State