

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)

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 **as introduced**.

Aligns definition of "former foster child" with federal standard for purposes of higher education grants, tuition waivers and scholarships.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to higher education for former foster child; amending ORS 348.270 and 351.293; and de-
3 claring an emergency.

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

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

6 351.293. (1) Notwithstanding ORS 341.290, 351.070 (3) or 353.050, a current foster child or former
7 foster child under 25 years of age who enrolls in an institution of higher education as an under-
8 graduate student not later than three years after the date the student was removed from the care
9 of the Department of Human Services, the date the student graduated from high school or the date
10 the student received the equivalent of a high school diploma, whichever date is earliest, shall have
11 the amount of tuition and all fees levied against the student waived if attending an institution of
12 higher education listed in ORS 352.002, a community college operated under ORS chapter 341 or
13 Oregon Health and Science University for 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 of tuition
15 and all fees under subsection (1) of this section until the student has received the equivalent of four
16 years of undergraduate education.

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

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

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

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

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

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

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

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

10 348.270. (1) In addition to any other scholarships provided by law, the commission shall award
11 scholarships in any public university listed in ORS 352.002, in the Oregon Health and Science Uni-
12 versity, in any community college operated under ORS chapter 341, or in any Oregon-based re-
13 gionally accredited independent institution, to any student applying for enrollment or who is
14 enrolled therein, who is:

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

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

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

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

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

38 (5) The commission may require proof of the student’s relationship to a public safety officer de-
39 scribed in subsection (1) of this section or proof that the student is a current foster child or former
40 foster child.

41 (6) As used in this section:

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

1 (b) "Public safety officer" means:

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

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

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

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

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

8 348.270. (1) In addition to any other scholarships provided by law, the commission shall award
9 scholarships in any public university listed in ORS 352.002, in the Oregon Health and Science Uni-
10 versity, in any community college operated under ORS chapter 341, or in any Oregon-based re-
11 gionally accredited independent institution, to any student applying for enrollment or who is
12 enrolled therein, who is:

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

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

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

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

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

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

39 (6) As used in this section:

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

44 (b) "Public safety officer" means:

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

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

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

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

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