

# Senate Bill 954

Sponsored by Senator DEMBROW

## 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**.

Requires each school obtaining approval from Higher Education Coordinating Commission to offer academic degree to biennially obtain bond or letter of credit demonstrating school is financially sound and capable of fulfilling commitments to students. Establishes requirements for bonds and letters of credit.

Grants students right to bring claim against school, bond or letter of credit if student suffers economic loss due to school ceasing to operate or commission revoking school's approval.

Establishes process for commission to place school or program on probation or to revoke approval for school to offer academic degrees.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to oversight of programs offering academic degrees; creating new provisions; amending ORS  
3 348.612; and declaring an emergency.

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

5 **SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS 348.594 to**  
6 **348.615.**

7 **SECTION 2. (1) A school approved by the Higher Education Coordinating Commission to**  
8 **confer any academic degree under ORS 348.606 shall, unless otherwise exempt, biennially**  
9 **obtain a bond or letter of credit demonstrating that the school is financially sound and ca-**  
10 **pable of fulfilling its commitments to students. A bond or letter of credit must be purchased**  
11 **and maintained by the school for the entire period that the school operates in this state.**

12 **(2)(a) A bond obtained pursuant to this section must be with a corporate surety licensed**  
13 **to do business in this state.**

14 **(b) A letter of credit obtained under this section must be an irrevocable letter of credit**  
15 **issued by an insured institution as defined in ORS 706.008.**

16 **(3) The corporate surety for a bond obtained pursuant to this section, or the insured in-**  
17 **stitution for a letter of credit obtained pursuant to this section, must notify the commission**  
18 **if the bond or letter of credit is canceled for any reason. Except as provided in subsection**  
19 **(6) of this section, the surety or institution is liable under the bond or letter of credit until**  
20 **the latest of the following dates:**

21 **(a) The date specified in the notice to the commission that the bond or letter of credit**  
22 **is canceled;**

23 **(b) The 30th business day after the date the surety or institution mails the notice to the**  
24 **commission that the bond or letter of credit is canceled; or**

25 **(c) The date on which the commission receives the notice from the surety or institution**  
26 **that the bond or letter of credit is canceled.**

27 **(4) A bond or letter of credit obtained pursuant to this section shall:**

**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 (a) Be filed with, and stored by, the commission;

2 (b) Be executed to the State of Oregon;

3 (c) Be in an amount calculated by rule by the commission to reimburse students enrolled  
4 at the school for tuition paid to the school if the school ceases to provide educational ser-  
5 vices;

6 (d) Be in a form approved by the Attorney General; and

7 (e) Contain as a condition of the bond or letter of credit that the school that is approved  
8 by the commission must provide educational services without fraud or fraudulent represen-  
9 tation and in compliance with ORS chapter 348 and any applicable rules adopted by the  
10 commission.

11 (5)(a) In addition to any other remedies provided by law, a student enrolled in a school  
12 that is subject to this section shall have a personal right of action against the school, against  
13 the surety on the school's bond and against the letter of credit if the school ceases to oper-  
14 ate in this state or if the commission revokes the school's approval.

15 (b) To bring a claim under this section, a student must demonstrate that the student has  
16 suffered actual economic loss as a result of the school ceasing to operate in this state or the  
17 commission revoking the school's approval.

18 (c) A student who brings a claim under this subsection may not recover more than the  
19 amount of the student's economic loss.

20 (6) The sureties on a bond obtained pursuant to this section, and the issuer of a letter  
21 of credit obtained pursuant to this section, are not liable for any action that occurs more  
22 than 30 days after the date on which the school ceases to operate in this state or the com-  
23 mission revokes the school's approval, whichever occurs earlier.

24 **SECTION 3.** ORS 348.612 is amended to read:

25 348.612. (1) The Higher Education Coordinating Commission may revoke or suspend any ap-  
26 proval given to a school under ORS 348.606 for proper cause after a hearing. Such hearing shall be  
27 held only after the school has been given 20 days' notice in writing of the time and place of such  
28 hearing. Hearings shall be held in accordance with the rules of the commission adopted under ORS  
29 348.530.

30 (2) If the commission determines that a school has failed to comply with the require-  
31 ments of approval given to a school under ORS 348.606 or otherwise failed to maintain a bond  
32 or letter of credit as required under section 2 of this 2015 Act, the commission may suspend  
33 or revoke any approval given to a school under ORS 348.606.

34 **SECTION 4.** The requirements set forth in section 2 of this 2015 Act and the amendments  
35 to ORS 348.612 by section 3 of this 2015 Act apply to any approval granted, or disciplinary  
36 action taken by, the Higher Education Coordinating Commission after the effective date of  
37 this 2015 Act.

38 **SECTION 5.** This 2015 Act being necessary for the immediate preservation of the public  
39 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect  
40 on its passage.