

At the request of Higher Education Coordinating Commission

**PROPOSED AMENDMENTS TO
HOUSE BILL 4019**

1 On page 1 of the printed bill, line 2, after the first semicolon insert
2 “creating new provisions” and after “348.597” insert “, 348.608”.

3 On page 2, line 19, delete “five” and insert “10”.

4 On page 8, after line 28, insert:

5 **“SECTION 7.** ORS 348.608 is amended to read:

6 “348.608. (1) Each year, on a date prescribed by the Higher Education
7 Coordinating Commission, a school that obtains an exemption under ORS
8 348.604 or a school that, on July 14, 2005, met the criteria and followed
9 procedures to obtain a religious exemption adopted by rule by the Oregon
10 Student Access Commission and that offered only degrees with approved ti-
11 tles in theology or religious occupations, shall submit to the [*Executive Di-*
12 *rector of the Office of Student Access and Completion*] **Higher Education**
13 **Coordinating Commission** a statement that reads: ‘(Name of School) hereby
14 certifies that the school remains in compliance with all conditions for a re-
15 ligious exemption from ORS 348.594 to 348.615.’

16 “(2) A school that obtains an exemption under ORS 348.604 or a school
17 that, on July 14, 2005, met the criteria and followed procedures to obtain a
18 religious exemption adopted by rule by the Oregon Student Access Commis-
19 sion and that offered only degrees with approved titles in theology or reli-
20 gious occupations remains exempt unless the [*executive director*] **Higher**
21 **Education Coordinating Commission** suspends or revokes the exemption.

1 “(3) The [*executive director*] **Higher Education Coordinating Commis-**
2 **sion** may suspend or revoke an exemption if:

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

6 “(b) The [*executive director*] **commission** has received a complaint from
7 a student or former student of the school that the school is failing to comply
8 with a condition for exemption under ORS 348.604, the [*executive director*]
9 **commission** determines that the complaint is valid, the school has been
10 provided with notice and opportunity to cure as required by subsection (4)
11 of this section and the school fails to comply with the condition listed in the
12 notice; or

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

15 “(4) The [*executive director*] **Higher Education Coordinating Commis-**
16 **sion** shall provide notice of and 90 days to cure a school’s:

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

19 “(b) Failure to maintain compliance with a condition for exemption under
20 ORS 348.604 if the [*executive director*] **commission** has received a complaint
21 from a student or former student of the school that the school is failing to
22 comply with a condition for exemption under ORS 348.604 and the [*executive*
23 *director*] **commission** has determined the complaint is valid; or

24 “(c) Violation of ORS 348.605.

25 “(5) A school may appeal the denial, suspension or revocation of an ex-
26 emption to the [*executive director*] **Higher Education Coordinating Com-**
27 **mission**.

28 “(6) A school may appeal the [*executive director’s*] **Higher Education**
29 **Coordinating Commission’s** decision that a faculty member does not pos-
30 sess sufficient compensatory qualifications to substitute for an academic de-

1 gree in the field in which the faculty member teaches.

2 “(7) The [*executive director*] **Higher Education Coordinating Commis-**
3 **sion** shall conduct an appeal under this section as a contested case under
4 ORS chapter 183.

5 “(8)(a) If a school appeals the denial, suspension or revocation of an ex-
6 emption and the [*executive director*] **Higher Education Coordinating**
7 **Commission** upholds the denial, suspension or revocation, the [*executive*
8 *director*] **commission** shall provide the school 90 days to cure the grounds
9 for the denial, suspension or revocation. If the school does not cure the
10 grounds for the denial, suspension or revocation within 90 days after the
11 [*executive director*] **commission** upholds the denial, suspension or revoca-
12 tion, then the denial, suspension or revocation becomes effective 90 days af-
13 ter the issuance of the decision on the appeal by the [*executive director*]
14 **commission**.

15 “(b) If a school does not appeal the denial, suspension or revocation of
16 an exemption to the [*executive director*] **commission** and the school does not
17 cure the grounds for the denial, suspension or revocation within the period
18 of time to appeal the decision to the [*executive director*] **commission**, then
19 the denial, suspension or revocation becomes effective upon the expiration
20 of the period of time to appeal.

21 **“SECTION 8. The requirement set forth in ORS 348.597 (2)(a)(B), as**
22 **amended by section 3 of this 2016 Act, applies only to determinations**
23 **as to whether ORS 348.594 to 348.615 apply to a school that are made**
24 **on or after the effective date of this 2016 Act. If ORS 348.594 to 348.615**
25 **do not apply to a school on the effective date of this 2016 Act, ORS**
26 **348.594 to 348.615 continue to not apply to the school even if the school**
27 **has not conferred degrees in this state under the same control for at**
28 **least 10 consecutive years.”.**

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