

HOUSE AMENDMENTS TO HOUSE BILL 2030

By COMMITTEE ON EDUCATION

April 15

- 1 On page 1 of the printed bill, line 2, after “315.237,” insert “341.522.”
- 2 In line 4, delete “418.653, 418.657, 418.658, 418.660 and 657.350” and insert “657.350, 675.090 and
3 675.825”.
- 4 In line 5, delete “and”.
- 5 In line 6, before the period insert “; and prescribing an effective date”.
- 6 On page 2, delete lines 16 through 45 and delete page 3.
- 7 On page 4, delete lines 1 through 42 and insert:
- 8 “**SECTION 2.** ORS 341.522 is amended to read:
- 9 “341.522. (1) The Office of Student Access and Completion shall administer the Oregon Promise
10 program as provided by this section.
- 11 “(2) Subject to subsections (7) to (10) of this section, the office shall provide a grant for com-
12 munity college courses to a person who meets the criteria described in subsections (3) to (6) of this
13 section. The grant shall be limited as provided by subsections (7) to (10) of this section.
- 14 “(3) A grant shall be awarded under this section to a person who meets the following criteria:
- 15 “(a) Is enrolled in courses that are:
- 16 “(A) Offered at a community college in this state; and
- 17 “(B) Determined by the office, in accordance with rules adopted by the Higher Education Co-
18 ordinating Commission, to be required for completion of:
- 19 “(i) A one-year curriculum for students who plan to transfer to another post-secondary institu-
20 tion of education;
- 21 “(ii) An associate degree; or
- 22 “(iii) A program in career and technical education;
- 23 “(b) Has been a resident of this state for at least 12 months prior to enrolling in the courses
24 described in paragraph (a) of this subsection;
- 25 “(c) Attained the person’s highest level of education in this state prior to:
- 26 “(A) Receiving a diploma under ORS 329.451;
- 27 “(B) Receiving a certificate for passing an approved high school equivalency test such as the
28 General Educational Development (GED) test as provided by ORS 350.175;
- 29 “(C) Completing grade 12 in compliance with the requirements of ORS 339.035; or
- 30 “(D) Completing grade 12 at a private or parochial school, as described in ORS 339.030 (1)(a);
- 31 “(d) Except as provided in subsections (4) and (5) of this section, attained the person’s highest
32 level of education as described in paragraph (c) of this subsection within six months from the date
33 that the person first enrolls in courses described in paragraph (a) of this subsection for the purpose
34 of receiving a grant under this section;
- 35 “(e) Earned a cumulative grade point average of 2.5 or better in high school or otherwise dem-

1 onstrated an equivalent academic ability, as determined by the office according to rules adopted by
2 the commission;

3 “(f) Completed and submitted the Free Application for Federal Student Aid for each academic
4 year and accepted all state and federal aid grants available to the person, if eligible to file the ap-
5 plication; and

6 “(g) Has not completed either of the following:

7 “(A) More than a total of 90 credit hours, or the equivalent, at a post-secondary institution of
8 education; or

9 “(B) A curriculum, degree or program, as described in paragraph (a)(B) of this subsection.

10 “(4)(a) If a person otherwise meets the required criteria and has been awarded a grant under
11 subsection (3) of this section, but the person enters into service with a career and technical student
12 organization relating to agriculture or farming that is approved by the Department of Education
13 under ORS 344.077 within six months after the person attained the person’s highest level of educa-
14 tion as described in subsection (3)(c) of this section, the person will continue to be eligible to receive
15 the grant if the person first enrolls in courses described in subsection (3)(a) of this section within
16 six months of finishing the person’s service with the career and technical student organization.

17 “(b) In addition to the situation described in paragraph (a) of this subsection, the commission
18 may waive the requirement set forth in subsection (3)(d) of this section for a person who shows that
19 the person was unable to timely enroll in courses described in subsection (3)(a) of this section due
20 to a significant hardship. The commission may adopt rules to implement this paragraph.

21 “(5) A member of the Oregon National Guard who has completed initial active duty training is
22 not required to comply with the criteria set forth in subsection (3)(d) of this section in order to re-
23 ceive a grant, provided that the member first enrolls in courses described in subsection (3)(a) of this
24 section within six months after completing initial active duty training, as evidenced by an official
25 form issued by the United States Department of Defense.

26 “(6)(a) A person continues to remain eligible to receive a grant under this section if the person,
27 in addition to satisfying the criteria specified in subsection (3) of this section, meets the following
28 criteria:

29 “(A) Maintains at least the minimum cumulative grade point average prescribed by the com-
30 mission based on federal aid grant requirements;

31 “(B) Makes satisfactory academic progress toward a curriculum, degree or program, as de-
32 scribed in subsection (3)(a)(B) of this section, as prescribed by the commission based on federal aid
33 grant requirements;

34 “(C) Enrolls in courses described in subsection (3)(a) of this section for a sufficient number of
35 credit hours to be considered at least a half-time student each term for at least three terms in each
36 consecutive academic year; and

37 “(D) Completes a first-year experience, as identified by the community college and reported by
38 the community college to the commission.

39 “(b) A person who fails to meet an eligibility requirement described in paragraph (a) of this
40 subsection becomes ineligible to receive a grant under this section for the term after which the
41 person fails to meet the eligibility requirement, unless the eligibility requirement is waived by the
42 office according to rules adopted by the commission.

43 “(7)(a) The total amount of a grant awarded under this section shall be based on each term that
44 a person is enrolled in courses described in subsection (3)(a) of this section. Except as provided in
45 subsections (9) and (10) of this section, after the amount of tuition for the person for the term is

1 reduced by any amounts received by the person in state and federal aid grants, the person shall be
2 eligible for a grant under this section in an amount that equals:

3 “(A) Except as provided by paragraphs (b) and (c) of this subsection, not less than the greater
4 of:

5 “(i) \$1,000; and

6 “(ii) The person’s actual cost for tuition.

7 “(B) Not more than the lesser of:

8 “(i) The average cost of tuition at a community college in this state, as determined by the office;
9 and

10 “(ii) The person’s actual cost for tuition.

11 “(b) The amount of a grant, as calculated under paragraph (a) of this subsection, shall be re-
12 duced by \$50 for each term that the person receives a grant under this section.

13 “(c)(A) **If the office determines both that the person’s actual cost for tuition exceeds the**
14 **amount set forth in paragraph (a)(A)(i) of this subsection and that the person’s actual cost**
15 **for tuition exceeds the average cost of tuition at a community college in this state, the**
16 **person shall be eligible for a grant in an amount that equals the average cost of tuition at**
17 **a community college in this state.**

18 “(B) **If the office determines that the person’s actual cost for tuition is less than the**
19 **amount set forth in paragraph (a)(A)(i) of this subsection, the person shall be eligible for a**
20 **grant in an amount that equals the amount set forth in paragraph (a)(A)(i) of this sub-**
21 **section.**

22 “[c] (d) The minimum amount of a grant, as calculated under [paragraph (a)] **paragraphs (a)**
23 **to (c)** of this subsection, may be prorated for a person who is enrolled in courses described in sub-
24 section (3)(a) of this section for a sufficient number of credit hours to be considered at least a
25 half-time student but not a full-time student.

26 “[d] (e) The commission may prescribe by rule whether to include fees, and any limitations
27 related to the inclusion of fees, when determining the actual cost of tuition or the average cost of
28 tuition under this subsection.

29 “(8) The commission may adopt by rule the priority by which grants are awarded, which may
30 allow for preference to be given to persons enrolled in school districts or high schools that meet
31 specified criteria.

32 “(9) Prior to the start of the fall term of each academic year, the commission shall determine
33 whether there are sufficient moneys to award a grant under this section to each person who meets
34 the criteria described in subsections (3) to (6) of this section. On the basis of this determination the
35 commission may:

36 “(a) Limit eligibility to receive a grant under this section to a person whose family contribution,
37 as determined by the commission by rule, is at or below the level the commission determines is
38 necessary to allow the commission to operate the Oregon Promise program with available moneys;
39 or

40 “(b) Reduce or eliminate any limitation on eligibility previously imposed by the commission un-
41 der paragraph (a) of this subsection.

42 “(10)(a) If at any time the commission determines that there are insufficient moneys to provide
43 a grant to each person who has been awarded a grant under this section, the commission may:

44 “(A) Decrease the total amount of the grant awarded; or

45 “(B) Increase the amount that a person must pay under subsection (7)(b) of this section for each

1 term that the person receives a grant under this section.

2 “(b) If at any time the commission determines that the amount of moneys available to operate
3 the Oregon Promise program exceeds the amount determined under subsection (9) of this section, the
4 commission may reduce or eliminate any limitation on eligibility to receive a grant under this sec-
5 tion that was previously imposed by the commission under subsection (9)(a) of this section.

6 “(c) The commission shall promptly notify the interim committees of the Legislative Assembly
7 responsible for higher education each time the commission takes any action under paragraph (a) or
8 (b) of this subsection.

9 “(11) The commission shall adopt any rules necessary for the administration of this section, in-
10 cluding any requirements related to:

11 “(a) Specifying the form and timelines for submitting an application for a grant under this sec-
12 tion;

13 “(b) Determining whether a person is eligible for a grant under this section, including whether
14 the person shall be given priority as allowed under subsection (8) of this section;

15 “(c) Implementing programs or policies that improve the academic success or completion rates
16 for persons who receive a grant under this section;

17 “(d) Prescribing eligibility requirements and grant calculations for persons dually enrolled in a
18 community college and a public university; and

19 “(e) Evaluating the impact of the program established under this section, including any re-
20 quirements for reporting data needed for evaluations.

21 “(12) No later than December 31 of each even-numbered year, the commission shall submit to
22 an interim legislative committee related to education a report that summarizes the commission’s
23 findings on the impact of the program established under this section. The report shall include:

24 “(a) Student completion rates of curricula, degrees and programs described in subsection
25 (3)(a)(B) of this section;

26 “(b) The amount of federal aid grants received by persons who received a grant under this sec-
27 tion;

28 “(c) The financial impact of the program on school districts that had students receive a grant
29 under this section;

30 “(d) The financial impact and the enrollment impact of the program on community colleges and
31 public universities in this state; and

32 “(e) The overall success rate of the program and financial impact of the program.

33 “**SECTION 3.** ORS 675.825 is amended to read:

34 “675.825. (1) A person may not:

35 “(a) Attempt to obtain or obtain a license or license renewal by bribery or fraudulent repre-
36 sentation.

37 “(b) Engage in or purport to the public to be engaged in the practice of professional counseling
38 under the title ‘licensed professional counselor’ unless the person is a licensee.

39 “(c) Engage in or purport to the public to be engaged in the practice of marriage and family
40 therapy under the title of ‘licensed marriage and family therapist’ unless the person is a licensee.

41 “(d) Engage in the practice of professional counseling or marriage and family therapy unless:

42 “(A) The person is a licensee, registered intern or graduate student pursuing a graduate degree
43 in counseling or marriage and family therapy; or

44 “(B) The person is exempted from the licensing requirements of ORS 675.715 to 675.835 by sub-
45 section (3) of this section.

1 “(e) Provide counseling or therapy services of a psychotherapeutic nature if the person’s license
2 to practice as a professional counselor or as a marriage and family therapist has been revoked by
3 the Oregon Board of Licensed Professional Counselors and Therapists because the person engaged
4 in sexual activity with a client.

5 “(2) A licensed psychologist whose license, or a regulated social worker whose authorization to
6 practice regulated social work, was issued prior to October 1, 1991, may use the title ‘marriage and
7 family therapist.’

8 “(3) The licensing requirements of ORS 675.715 to 675.835 do not apply to a person who is:

9 “(a) Licensed, certified, registered or similarly regulated under the laws of this state and who
10 is performing duties within the authorized scope of practice of the license, certification, registration
11 or regulation.

12 “(b) A recognized member of the clergy, provided that the person is acting in the person’s
13 ministerial capacity.

14 “(c) Employed by a local, state or federal agency, **a public university listed in ORS 352.002**
15 or any agency licensed or certified by the state to provide mental health or health services, if the
16 person’s activities constituting professional counseling or marriage and family therapy are per-
17 formed within the scope of the person’s employment.

18 “(d) Authorized to provide addiction treatment services under rules of the Department of Human
19 Services.

20 “(4) Nothing in ORS 675.715 to 675.835 limits or prevents the practice of a person’s profession
21 or restricts a person from providing counseling services or services related to marriage and family
22 if the person:

23 “(a) Does not meet the requirements of ORS 675.715 (1)(b); or

24 “(b) Does not practice:

25 “(A) Marriage and family therapy as defined in ORS 675.705 (6)(a); or

26 “(B) Professional counseling as defined in ORS 675.705 (7)(a).

27 “(5) Each violation of this section is a separate violation.

28 “(6) The board may levy a civil penalty not to exceed \$2,500 for each separate violation of this
29 section.

30 “**SECTION 4.** ORS 675.090 is amended to read:

31 “675.090. (1) ORS 675.010 to 675.150 do not apply to:

32 “(a) A person who teaches psychology, conducts psychological research or provides consulting
33 services to an organization or institution, provided that the person does not supervise direct psy-
34 chological services and does not treat any behavioral, emotional or mental disorder of an individual.

35 “(b) The provision of expert testimony by a person described in paragraph (a) of this subsection.

36 “(c) A graduate student enrolled in an approved psychology program who is pursuing a graduate
37 degree in psychology, provided that the graduate student renders services only for academic credit
38 as part of an organized and supervised training program.

39 “(d) A person pursuing certification, licensure or a graduate degree in any of the certified or
40 licensed professions exempted from ORS 675.010 to 675.150.

41 “(e) A person who is licensed, certified or otherwise authorized by the State of Oregon to pro-
42 vide mental health services, provided that the services are rendered within the person’s lawful scope
43 of practice and that the person does not use the title ‘psychologist’ in connection with the activities
44 described in this paragraph.

45 “(f) A person who is employed by a local, state or federal government agency **or a public uni-**

1 **versity listed in ORS 352.002**, or employed by a community mental health program or drug and
2 alcohol treatment program licensed or certified by the State of Oregon, to the extent that the
3 person's activities and services are rendered within the person's scope of employment and are per-
4 formed within the confines of the employing agency and provided that the person does not use the
5 title 'psychologist' in connection with the activities authorized under this paragraph.

6 "(g) A person who is a recognized member of the clergy, provided that the person is acting in
7 the person's ministerial capacity and does not use the title 'psychologist.'

8 "(h) A person who has credentials as a school psychologist, provided that the person is an em-
9 ployee of an educational institution and practices only within a school setting. A person acting un-
10 der this paragraph may use the title 'school psychologist.'

11 "(2)(a) Notwithstanding subsection (1)(f) of this section, a person with a doctoral degree in psy-
12 chology who is employed by and practicing psychology at a local, state or federal government
13 agency, **a public university listed in ORS 352.002** or a community mental health program or drug
14 and alcohol treatment program licensed or certified by the State of Oregon may practice psychology
15 without a license under ORS 675.010 to 675.150 for no more than 24 months after the person begins
16 practicing psychology at the agency or program.

17 "(b) Before the person obtains a license under ORS 675.010 to 675.150:

18 "(A) The person may practice psychology only within the scope of the person's employment and
19 within the confines of the employing agency or program; and

20 "(B) The person may not use the title 'psychologist.'

21 "(3) A person performing the functions described in subsection (1)(a) and (b) of this section may
22 use the title 'psychologist' only if the person holds a doctoral degree in psychology from an approved
23 doctoral program in psychology.

24 "(4) A person described in subsection (1)(c) of this section may use the title 'psychological
25 intern' or 'psychological trainee,' provided that the training program described in subsection (1)(c)
26 of this section is under the supervision and responsibility of a licensed psychologist in accordance
27 with rules adopted by the Oregon Board of Psychology.

28 "(5) Nothing in this section exempts from ORS 675.010 to 675.150 a person whose license to
29 practice psychology is revoked or suspended because the person engaged in sexual activity with a
30 client.

31 "**NOTE:** Section 5 was deleted by amendment. Subsequent sections were not renumbered."

32 On page 15, after line 23, insert:

33 "(c) Notwithstanding paragraph (b) of this subsection, the commission may not exercise any au-
34 thority, express or implied, statutorily provided to a governing board of a public university listed in
35 ORS 352.002 or a community college operated under ORS chapter 341."

36 On page 18, after line 34, insert:

37 "(c) Notwithstanding paragraph (b) of this subsection, the commission may not exercise any au-
38 thority, express or implied, statutorily provided to a governing board of a public university listed in
39 ORS 352.002 or a community college operated under ORS chapter 341."

40 On page 21, after line 18, insert:

41 "(c) Notwithstanding paragraph (b) of this subsection, the commission may not exercise any au-
42 thority, express or implied, statutorily provided to a governing board of a public university listed in
43 ORS 352.002 or a community college operated under ORS chapter 341."

44 On page 25, after line 29, insert:

45 "**SECTION 29. This 2019 Act takes effect on the 91st day after the date on which the 2019**

1 **regular session of the Eightieth Legislative Assembly adjourns sine die.”.**
2 _____