

LC 597  
2021 Regular Session  
52500-007  
10/13/20 (DRG/ps)

# D R A F T

## SUMMARY

Alters eligibility requirements and formula for establishing amount of award for Oregon Opportunity Grant and renewal of grant.

Alters eligibility requirements and formula for establishing amount of award for Oregon Promise grant and renewal of grant. Expands Oregon Promise grant availability to qualified students enrolled at any eligible post-secondary institution.

Makes Higher Education Coordinating Commission, rather than Director of Office of Student Access and Completion, responsible for administering Oregon Opportunity Grant program and Oregon Promise program.

Changes name of Opportunity Grant Fund to College Opportunity Fund. Adds Oregon Opportunity Grant program to approved uses and purposes of fund.

Establishes cumulative four-year full-time enrollment lifetime eligibility limit on total amount of Oregon Opportunity Grant and Oregon Promise grant awards any individual student may receive.

Becomes operative August 1, 2022.

## A BILL FOR AN ACT

1  
2 Relating to grants for student aid for higher education; creating new pro-  
3 visions; and amending ORS 314.772, 315.643, 315.646, 341.522, 348.180,  
4 348.205, 348.250, 348.260, 348.263, 348.266 and 348.520.

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

6 **SECTION 1.** ORS 348.180 is amended to read:

7 348.180. As used in this section and ORS **341.522**, 348.205, 348.250, 348.260,  
8 348.263 and 348.285 **and section 11 of this 2021 Act:**

9 (1) "Cost of education" [*includes but is not limited to, tuition, fees and*  
10 *living expenses.*] **means:**

**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) For a qualified student attending a public university listed in  
2 ORS 352.002, the average cost of tuition and fees to attend a public  
3 university listed in ORS 352.002;

4 (b) For a qualified student attending a community college operated  
5 under ORS chapter 341, the average cost of tuition and fees to attend  
6 a community college operated under ORS chapter 341;

7 (c) For a qualified student attending a two-year Oregon-based,  
8 generally accredited, not-for-profit institution of higher education, the  
9 average cost of tuition and fees to attend a community college oper-  
10 ated under ORS chapter 341;

11 (d) For a qualified student attending Oregon Health and Science  
12 University or a four-year Oregon-based, generally accredited, not-for-  
13 profit institution of higher education, the average cost of tuition and  
14 fees to attend a public university listed in ORS 352.002; and

15 (e) For a qualified student who enrolls in a program leading to a  
16 credential of value at an institution of higher education other than  
17 an eligible post-secondary institution, the average cost of tuition and  
18 fees to attend a community college operated under ORS chapter 341.

19 (2) "Credential of value" means a credential that:

20 (a) Is awarded to students who successfully complete a program;  
21 and

22 (b) Has been identified by the Higher Education Coordinating Com-  
23 mission by rule as a credential that is beneficial for workforce devel-  
24 opment in Oregon.

25 [(2)] (3) "Eligible post-secondary institution" means:

26 (a) A public university listed in ORS 352.002;

27 (b) A community college operated under ORS chapter 341;

28 (c) [The] Oregon Health and Science University; [or]

29 (d) [An] A two-year or four-year Oregon-based, generally accredited,  
30 not-for-profit institution of higher education[.]; or

31 (e) An Oregon-based institution of higher education that offers a

1 **program leading to a credential of value.**

2 (4) **“Program leading to a credential of value” means a program**  
3 **that awards a credential of value upon completion of the program.**

4 [(3)] (5) **“Qualified student” means any resident student, or student ex-**  
5 **empted from paying nonresident tuition under ORS 352.287, who plans to**  
6 **attend an eligible post-secondary institution and who:**

7 (a) **Has not achieved a baccalaureate or higher degree from any post-**  
8 **secondary institution;**

9 (b) **Is enrolled in an eligible program as defined by rule of the Higher**  
10 **Education Coordinating Commission; and**

11 (c) **Is making satisfactory academic progress as defined by rule of the**  
12 **commission.**

13 **SECTION 2. ORS 348.180, as amended by section 16, chapter 384, Oregon**  
14 **Laws 2019, is amended to read:**

15 348.180. **As used in this section and ORS 341.522, 348.205, 348.250, 348.260**  
16 **and 348.263 and section 11 of this 2021 Act:**

17 (1) **“Cost of education” [includes but is not limited to, tuition, fees and**  
18 **living expenses.] means:**

19 (a) **For a qualified student attending a public university listed in**  
20 **ORS 352.002, the average cost of tuition and fees to attend a public**  
21 **university listed in ORS 352.002;**

22 (b) **For a qualified student attending a community college operated**  
23 **under ORS chapter 341, the average cost of tuition and fees to attend**  
24 **a community college operated under ORS chapter 341;**

25 (c) **For a qualified student attending a two-year Oregon-based,**  
26 **generally accredited, not-for-profit institution of higher education, the**  
27 **average cost of tuition and fees to attend a community college oper-**  
28 **ated under ORS chapter 341;**

29 (d) **For a qualified student attending Oregon Health and Science**  
30 **University or a four-year Oregon-based, generally accredited, not-for-**  
31 **profit institution of higher education, the average cost of tuition and**

1 **fees to attend a public university listed in ORS 352.002; and**

2 **(e) For a qualified student who enrolls in a program leading to a**  
3 **credential of value at an institution of higher education other than**  
4 **an eligible post-secondary institution, the average cost of tuition and**  
5 **fees to attend a community college operated under ORS chapter 341.**

6 **(2) “Credential of value” means a credential that:**

7 **(a) Is awarded to students who successfully complete a program;**  
8 **and**

9 **(b) Has been identified by the Higher Education Coordinating Com-**  
10 **mission by rule as a credential that is beneficial for workforce devel-**  
11 **opment in Oregon.**

12 [(2)] **(3) “Eligible post-secondary institution” means:**

13 **(a) A public university listed in ORS 352.002;**

14 **(b) A community college operated under ORS chapter 341;**

15 **(c) [The] Oregon Health and Science University; [or]**

16 **(d) [An] A two-year or four-year Oregon-based, generally accredited,**  
17 **not-for-profit institution of higher education[.]; or**

18 **(e) An Oregon-based institution of higher education that offers a**  
19 **program leading to a credential of value.**

20 **(4) “Program leading to a credential of value” means a program**  
21 **that awards a credential of value upon completion of the program.**

22 [(3)] **(5) “Qualified student” means any resident student, or student ex-**  
23 **empted from paying nonresident tuition under ORS 352.287, who plans to**  
24 **attend an eligible post-secondary institution and who:**

25 **(a) Has not achieved a baccalaureate or higher degree from any post-**  
26 **secondary institution;**

27 **(b) Is enrolled in an eligible program as defined by rule of the Higher**  
28 **Education Coordinating Commission; and**

29 **(c) Is making satisfactory academic progress as defined by rule of the**  
30 **commission.**

31 **SECTION 3. ORS 348.205 is amended to read:**

1 348.205. (1) The Oregon Opportunity Grant program is established within  
2 the Higher Education Coordinating Commission.

3 (2) **The commission shall award grants** under the program [*the cost*  
4 *of education of a qualified student shall be shared by the student, the family*  
5 *of the student, the federal government and the state*] **for the purpose of im-**  
6 **proving the enrollment, retention and completion rates of qualified**  
7 **students in post-secondary fields of education and training.**

8 (3)(a) The **commission** [*Director of the Office of Student Access and*  
9 *Completion*] shall determine the cost of education of a qualified student based  
10 on the type of [*eligible*] post-secondary institution the student is attending.  
11 [*The cost of education equals:*]

12 [(a) *For a student attending a community college, the average cost of edu-*  
13 *cation of attending a community college in this state;*]

14 [(b) *For a student attending a public university listed in ORS 352.002, the*  
15 *average cost of education of attending a public university;*]

16 [(c) *For a student attending a two-year Oregon-based, generally accredited,*  
17 *not-for-profit institution of higher education, the average cost of education of*  
18 *attending a community college in this state; and*]

19 [(d) *For a student attending the Oregon Health and Science University or*  
20 *a four-year Oregon-based, generally accredited, not-for-profit institution of*  
21 *higher education, the average cost of education of attending a public university*  
22 *listed in ORS 352.002.*]

23 (b) **The cost of education identified under paragraph (a) of this**  
24 **subsection must be adjusted for a qualified student who is enrolled less**  
25 **than full-time at a post-secondary institution according to a schedule**  
26 **established by the commission by rule.**

27 [(4)(a) *The director shall determine the amount of the student share. The*  
28 *student share shall be based on:*]

29 [(A) *The type of eligible post-secondary institution the student is*  
30 *attending;*]

31 [(B) *The number of hours of work that the director determines may be*

1 *reasonably expected from the student; and]*

2 *[(C) The amount of loans that the director determines would constitute a*  
3 *manageable debt burden for the student.]*

4 *[(b) The student shall determine how to cover the student share through*  
5 *income from work, loans, savings and scholarships.]*

6 *[(c) The student share for a student who attends a community college may*  
7 *not exceed the amount that the director determines a student may earn based*  
8 *on the number of hours of work reasonably expected from the student under*  
9 *paragraph (a) of this subsection.]*

10 *[(d) The student share for a student who attends an eligible post-secondary*  
11 *institution that is not a community college may not exceed the sum of the*  
12 *amount that the director determines a student may receive as loans plus the*  
13 *amount a student may earn based on the number of hours of work reasonably*  
14 *expected from the student under paragraph (a) of this subsection.]*

15 *[(5) The director shall determine the amount of the family share. The family*  
16 *share shall be based on the resources of the family.]*

17 *[(6) The director shall determine the amount of the federal share based on*  
18 *how much the student or the student's family is expected to receive from the*  
19 *federal government.]*

20 *[(7)(a) The director shall determine the amount of the state share. The state*  
21 *share shall be equal to the cost of education reduced by the student share,*  
22 *family share and amount received by the student from the federal*  
23 *government.]*

24 *[(b) The director shall establish a minimum amount that a student may*  
25 *receive as a state share. If the director determines that the amount of the state*  
26 *share of a student is below the minimum amount, the student may not receive*  
27 *the state share.]*

28 *[(c) The director may not reduce the amount of the state share of a student*  
29 *based on amounts available to the student by virtue of being the designated*  
30 *beneficiary of a college savings network account established under ORS*  
31 *178.300 to 178.360.]*

1       **(4)(a) The commission shall establish by rule the percentage of the**  
2 **cost of education identified under subsection (3) of this section that**  
3 **will be awarded as a grant under the program. The commission may**  
4 **choose to establish the percentage on a tiered basis of adjusted gross**  
5 **income, expected family contribution or a similar measure of a quali-**  
6 **fied student’s financial need identified by the commission by rule.**

7       **(b) Prior to the start of each academic year, the commission may**  
8 **revise the percentages identified under paragraph (a) of this subsection**  
9 **if the commission determines that revision is required based on fi-**  
10 **ncial and enrollment projections made by the commission.**

11       [(8)] **(5) Subject to subsection [(9)] (6) of this section, if the [director]**  
12 **commission determines that there are insufficient moneys to award [the**  
13 **state share] a grant equal to the percentage of the cost of education**  
14 **identified under subsection (4) of this section to all qualified students,**  
15 **the [director] commission:**

16       (a) May establish the maximum amount that a student may receive [*as a*  
17 *state share*]. This amount may vary based on **the student’s enrollment**  
18 **status** [*whether the student is attending an eligible post-secondary institution*  
19 *on a half-time or full-time basis*].

20       (b) May establish procedures that prioritize awarding Oregon Opportunity  
21 Grants to qualified students:

22       **(A) With the greatest financial need; [or whose circumstances would en-**  
23 **hance the promotion of equity guidelines published by the Higher Education**  
24 **Coordinating Commission.]**

25       **(B) Who have previously completed a significant number of credit**  
26 **hours and who are returning to an eligible post-secondary institution**  
27 **to complete a degree after a significant gap in enrollment as defined**  
28 **by the commission by rule; or**

29       **(C) Who are enrolled in a program leading to a credential of value.**

30       (c) May adjust the percentage of the cost of education awarded to  
31 students in a given income tier to zero.

1 [(c)] **(d)** May not reduce the amount [of the state share] awarded to stu-  
2 dents in [the low] a **lower** income [range] **tier** in a greater proportion than  
3 the amount [that the state share for] **awarded to** students in **higher income**  
4 **tiers** [other income ranges is reduced].

5 [(9)(a)] **(6)(a)** The [Higher Education Coordinating] commission shall  
6 adopt rules that prioritize current foster children and former foster children  
7 for receiving Oregon Opportunity Grants when the Oregon Opportunity  
8 Grant program does not have sufficient funding to serve all [eligible  
9 Oregon] **qualified** students.

10 (b) [For the purposes of] **As used in** this subsection, “former foster  
11 child” has the meaning given that term in ORS 350.300.

12 **SECTION 4.** ORS 348.250 is amended to read:

13 348.250. (1) Grants established under ORS 348.260 shall be awarded by the  
14 Higher Education Coordinating Commission in the manner provided in this  
15 section.

16 (2) Persons interested in obtaining a grant established under ORS 348.260  
17 may apply to the [Director of the Office of Student Access and Completion]  
18 **commission** for a grant.

19 (3) The [director] **commission** shall screen or cause to be screened the  
20 applications and shall determine [for each available grant the person] **the**  
21 **persons** best qualified to receive [that] a grant. A qualified [applicant] **stu-**  
22 **dent** is eligible to receive a grant established under ORS 348.260 if:

23 (a) The [applicant’s] **qualified student’s** financial need is such that in  
24 the opinion of the [director] **commission** financial aid is warranted; [and]

25 (b) The applicant plans to be a student at the [eligible] post-secondary  
26 institution where the grant is to be used[.];

27 **(c) The qualified student is not eligible for a grant under the Oregon**  
28 **Promise program established under ORS 341.522;**

29 **(d) The qualified student has not previously received cumulative**  
30 **grants equal to or in excess of the limit established in section 10 of this**  
31 **2021 Act; and**



1       **(e) The qualified student is not in default of any obligations related**  
2 **to state or federally funded financial aid.**

3       (4) The [*director*] **commission** shall not discriminate for or against any  
4 applicant for a grant.

5       (5) Nothing in this section or ORS 348.260, 348.505 to 348.615, 348.696 or  
6 348.992 shall be construed to require any institution to admit a grant recip-  
7 ient or to attempt to control or influence the policies of the institution.

8       [(6) *Whenever funds are not available to award grants to all qualified stu-*  
9 *dents, the director may give priority to applicants who are or plan to be full-*  
10 *time students at the eligible post-secondary institution where the grant is to*  
11 *be used. A student shall be considered to be a full-time student if the combi-*  
12 *nation of credit hours at more than one eligible post-secondary institution*  
13 *equals full-time attendance, according to the institution disbursing the grant*  
14 *funds.*]

15       [(7)] **(6)** As used in this section, “discriminate” has the meaning given  
16 “discrimination” in ORS 659.850.

17       **SECTION 5.** ORS 348.260 is amended to read:

18       348.260. (1) In addition to any other form of student financial aid au-  
19 thorized by law, the Higher Education Coordinating Commission may award  
20 Oregon Opportunity Grants to qualified students.

21       (2) The amount of a grant shall equal the [*state share of*] **percentage of**  
22 a qualified student’s cost of education as determined by the [*Director of the*  
23 *Office of Student Access and Completion and comply with*] **commission un-**  
24 **der the** applicable rules and procedures described in ORS 348.205.

25       [(3) *Grant funds necessary to meet matching requirements for federal funds*  
26 *may also be used to award grants to qualified students in any eligible post-*  
27 *secondary institution approved by the commission.*]

28       [(4)] **(3)** Grants may be awarded under this section to qualified students  
29 enrolled for any term, including summer term. The commission may pre-  
30 scribe the method and date or dates by which a student must apply to the  
31 commission to qualify for a grant.

1        [(5)(a)] **(4)(a)** A qualified student who receives a grant under this section  
 2 may apply for renewal of the grant on an annual basis. The commission may  
 3 not renew the grant if the qualified student has not made a timely applica-  
 4 tion for renewal of the grant.

5        (b) The commission shall by rule establish **for qualified students the**  
 6 academic standards and benchmarks **necessary for grant renewal** [*that a*  
 7 *qualified student must meet to have the student's grant renewed*].

8        **(c) The commission may reevaluate the eligibility of a qualified**  
 9 **student if the student was awarded a grant on the basis of enrollment**  
 10 **in a program leading to a credential of value and the student changes**  
 11 **the student's program enrollment.**

12        **(d) A qualified student who is awarded a grant on the basis of en-**  
 13 **rollment in a program leading to a credential of value is eligible to**  
 14 **have the student's grant renewed if the qualified student maintains**  
 15 **the student's enrollment in the program, regardless of whether the**  
 16 **program continues to qualify as a program leading to a credential of**  
 17 **value.**

18        [(c)] **(e) Except as provided under paragraph (c) of this subsection,**  
 19 if a qualified student who receives a grant under this section makes a timely  
 20 application for renewal of the grant, meets the academic standards and  
 21 benchmarks established by the commission under this subsection and con-  
 22 tinues to meet all other grant eligibility criteria, the grant shall be renewed  
 23 for a second year of attendance at [*an eligible*] **a** post-secondary institution.

24        [(d)] **(f) Subject to the limitations set forth in section 10 of this 2021**  
 25 **Act,** upon timely application by a qualified student who meets the academic  
 26 standards and benchmarks established by the commission under this sub-  
 27 section and who continues to meet all other grant eligibility criteria, the  
 28 commission may continue to renew the grant until the qualified student has  
 29 received the equivalent of four full-time undergraduate years of grant fund-  
 30 ing for an eligible program as defined by the commission.

31        [(6)(a)] **(5)(a)** The [*Director of the Office of Student Access and*

1 *Completion*] **commission** shall inform eligible post-secondary institutions of  
2 the identity of qualified students who attend the institution and who receive  
3 a grant under this section for more than one academic year.

4 (b) To the extent possible, eligible post-secondary institutions shall ensure  
5 that qualified students identified under this subsection are made aware of the  
6 academic guidance and counseling services available at the institution.

7 [(7)] **(6)** A qualified student who receives a grant under this section must  
8 attend the [*eligible*] post-secondary institution upon which the grant appli-  
9 cation is based unless the [*Director of the Office of Student Access and*  
10 *Completion*] **commission** authorizes the grant to be used at a different [*eli-*  
11 *gible*] post-secondary institution. **Subject to any provisions of a dual en-**  
12 **rollment agreement or declaration of a financial aid home institution**  
13 **by the qualified student,** a qualified student who receives a grant under  
14 this section may attend more than one eligible post-secondary institution if  
15 the grant application was based on the qualified student attending more than  
16 one eligible post-secondary institution.

17 [(8)] **(7)** The commission may not make a grant award to any qualified  
18 student enrolled in a course of study required for and leading to a degree in  
19 theology, divinity or religious education.

20 [(9)(a) *The commission shall report annually on or before February 1 to*  
21 *committees of the Legislative Assembly related to higher education regarding*  
22 *the academic success and performance of qualified students who receive grants*  
23 *under this section.*]

24 [(b) *In order to meet the reporting requirements set forth in paragraph (a)*  
25 *of this subsection:*]

26 [(A) *The commission shall by rule design a method for evaluating the aca-*  
27 *ademic success and performance of students who receive a grant under this*  
28 *section; and*]

29 [(B) *Upon a request from the commission, eligible post-secondary insti-*  
30 *tutions must provide the commission with the data necessary for the commis-*  
31 *sion to conduct its analysis.*]

1        **SECTION 6.** ORS 348.263 is amended to read:

2        348.263. (1) In addition to any other form of student financial aid au-  
3        thorized by law, the Higher Education Coordinating Commission may award  
4        moneys from the Oregon Opportunity Grant program **and the Oregon**  
5        **Promise program** to qualified students to reward student persistence and  
6        encourage completion of degree programs at eligible post-secondary insti-  
7        tutions.

8        (2) Awards made under this section **are subject to the limitations set**  
9        **forth in section 10 of this 2021 Act but** are not subject to the maximum  
10       Oregon Opportunity Grant amount established under ORS 348.205 **or the**  
11       **maximum Oregon Promise grant amount established under ORS**  
12       **341.522.**

13       (3) The commission shall establish by rule eligibility criteria for awards  
14       made under this section. [*These criteria shall include, but not be limited to,*  
15       *whether the qualified student is attending an eligible post-secondary institu-*  
16       *tion on a full-time or half-time basis.*]

17       (4)(a) The [*Director of the Office of Student Access and Completion*] **com-**  
18       **mission** shall administer, and determine the size of, awards made under this  
19       section.

20       (b) In determining the size of awards made under this section, the [*direc-*  
21       *tor*] **commission** shall consider basing the size of the awards on a percent-  
22       age of the maximum Oregon Opportunity Grant amount established under  
23       ORS 348.205 **or on a percentage of the Oregon Promise grant amount**  
24       **established under ORS 341.522.**

25       **SECTION 7.** ORS 348.266 is amended to read:

26       348.266. (1) The **College** Opportunity [*Grant*] Fund is established in the  
27       State Treasury, separate and distinct from the General Fund. Interest earned  
28       by the **College** Opportunity [*Grant*] Fund shall be credited to the fund.

29       (2) Moneys in the **College** Opportunity [*Grant*] Fund shall consist of:

30       (a) Amounts donated to the fund;

31       (b) Amounts appropriated or otherwise transferred to the fund by the

1 Legislative Assembly;

2 (c) Other amounts deposited in the fund from any source; and

3 (d) Interest earned by the fund.

4 (3) Moneys in the fund are continuously appropriated to the Higher Ed-  
5 ucation Coordinating Commission. After the payment of refunds to taxpayers  
6 as described in ORS 315.643 and 315.646 and payments to a tax credit  
7 marketer for marketing services provided by the marketer as described in  
8 ORS 348.267, the balance remaining in the fund shall be used for the Oregon  
9 Opportunity Grant program under ORS 348.260 **and the Oregon Promise**  
10 **program under in ORS 341.522.**

11 (4) **The commission may allocate moneys in the fund to the Oregon**  
12 **Opportunity Grant program and the Oregon Promise program in the**  
13 **manner that the commission determines best meets the goals for**  
14 **higher education established in ORS 350.009.**

15 [(4)] (5) Expenditures from the fund are not subject to ORS 291.232 to  
16 291.260.

17 **SECTION 8.** ORS 341.522, as amended by section 1, chapter 19, Oregon  
18 Laws 2020 (first special session), is amended to read:

19 341.522. (1) The [*Office of Student Access and Completion*] **Higher Edu-**  
20 **cation Coordinating Commission** shall administer the Oregon Promise  
21 program as provided by this section.

22 (2) [*Subject to subsections (7) to (10) of this section, the office*] **The com-**  
23 **mission** shall provide a grant **under this section** [*for community college*  
24 *courses*] to a person who:

25 (a) **Is a qualified student; and**

26 (b) Meets the criteria described in subsections (3) to (6) of this section.  
27 [*The grant shall be limited as provided by subsections (7) to (10) of this sec-*  
28 *tion.*]

29 (3) A grant shall be awarded under this section to a [*person*] **qualified**  
30 **student** who meets the following criteria:

31 (a) Is enrolled in courses that are:

- 1 (A) Offered at [*a community college in this state*]:  
2 (i) **A public university listed in ORS 352.002;**  
3 (ii) **A community college operated under ORS chapter 341;**  
4 (iii) **Oregon Health and Science University; or**  
5 (iv) **An Oregon-based, generally accredited, not-for-profit institu-**  
6 **tion of higher education; and**

7 (B) Determined [*by the office*], in accordance with rules adopted by the  
8 [*Higher Education Coordinating*] commission, to be required for completion  
9 of:

10 (i) **A program in career and technical education** [*one-year curriculum*  
11 *for students who plan to transfer to another post-secondary institution of edu-*  
12 *cation*];

13 (ii) An associate degree; or

14 (iii) A **bachelor's degree** [*program in career and technical education*];

15 (b) Except as provided in subsection (5) of this section, has been a resi-  
16 dent of this state for at least 12 months prior to enrolling in the courses  
17 described in paragraph (a) of this subsection;

18 (c) Attained the [*person's*] **qualified student's** highest level of education,  
19 except as provided in subsection (5) of this section, in this state prior to:

20 (A) Receiving a diploma under ORS 329.451;

21 (B) Receiving a certificate for passing an approved high school equiv-  
22 alency test such as the General Educational Development (GED) test as  
23 provided by ORS 350.175;

24 (C) Completing grade 12 in compliance with the requirements of ORS  
25 339.035; or

26 (D) Completing grade 12 at a private or parochial school, as described in  
27 ORS 339.030 (1)(a);

28 (d) Except as provided in subsections (4) and (5) of this section, [*attained*  
29 *the person's highest level of education as described in paragraph (c) of this*  
30 *subsection within six months from the date that the person*] first enrolls in  
31 courses described in paragraph (a) of this subsection for the purpose of re-

1 ceiving a grant under this section **no later than 18 months after the**  
2 **qualified student attained the student's highest level of education as**  
3 **described in paragraph (c) of this subsection;**

4 (e) Earned a cumulative grade point average of [2.5] **2.0** or better in high  
5 school or otherwise demonstrated an equivalent academic ability, as deter-  
6 mined by [*the office according to rules adopted by*] the commission **by rule;**

7 (f) Completed and submitted the Free Application for Federal Student  
8 Aid, **or an equivalent form designated by the commission by rule,** for  
9 each academic year [*and accepted all state and federal aid grants available*  
10 *to the person, if eligible to file the application*]; and

11 [(g) *Has not completed either of the following:*]

12 [(A) *More than a total of 90 credit hours, or the equivalent, at a post-*  
13 *secondary institution of education; or]*

14 [(B) *A curriculum, degree or program, as described in paragraph (a)(B) of*  
15 *this subsection.*]

16 **(g) Has not received cumulative grants from the commission equal**  
17 **to or in excess of the limit set forth in section 10 of this 2021 Act.**

18 [(4)(a) *If a person otherwise meets the required criteria and has been*  
19 *awarded a grant under subsection (3) of this section, but the person enters into*  
20 *service with a career and technical student organization relating to agriculture*  
21 *or farming that is approved by the Department of Education under ORS*  
22 *344.077 within six months after the person attained the person's highest level*  
23 *of education as described in subsection (3)(c) of this section, the person will*  
24 *continue to be eligible to receive the grant if the person first enrolls in courses*  
25 *described in subsection (3)(a) of this section within six months of finishing the*  
26 *person's service with the career and technical student organization.*]

27 [(b)] **(4)** [*In addition to the situation described in paragraph (a) of this*  
28 *subsection,*] The commission may waive the requirement set forth in sub-  
29 section (3)(d) of this section for a [*person*] **qualified student** who shows that  
30 the [*person*] **student** was unable to timely enroll in courses described in  
31 subsection (3)(a) of this section due to a significant hardship. The commis-

1 sion may adopt rules to implement this paragraph.

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

8 (b)(A) A [*person*] **qualified student** who completes the highest level of  
9 education as described in subsection (3)(c) of this section while confined in  
10 a correctional facility, either serving a sentence of incarceration or as a  
11 young person, youth or youth offender, is not required to comply with the  
12 criteria set forth in subsection (3)(d) of this section in order to receive a  
13 grant, provided that the [*person*] **student** first enrolls in courses described  
14 in subsection (3)(a) of this section within six months after the date on which  
15 the [*person*] **student** is first released from a correctional facility following  
16 completion of the highest level of education described in subsection (3)(c) of  
17 this section.

18 (B) The eligibility requirements described in subsection (6)(a)(C) of this  
19 section may be waived by [*the office according to rules adopted by*] the com-  
20 mission **by rule** for a [*person*] **qualified student** who receives a grant under  
21 this section in the manner described in subparagraph (A) of this paragraph.

22 (C) As used in this paragraph:

23 (i) “Correctional facility” means any place used for the confinement of  
24 young persons, youth or youth offenders or persons charged with or con-  
25 victed of a crime or otherwise confined under a court order, including a:

26 (I) Youth correction facility;

27 (II) Detention facility;

28 (III) Department of Corrections institution;

29 (IV) Local correctional facility; or

30 (V) State hospital or a secure intensive community inpatient facility, with  
31 respect to persons detained therein who are youth or youth offenders, who



1 are charged with or convicted of a crime or who are detained therein after  
2 having been found guilty except for insanity of a crime under ORS 161.290  
3 to 161.373 or having been found responsible except for insanity under ORS  
4 419C.411.

5 (ii) "Department of Corrections institution" has the meaning given that  
6 term in ORS 421.005.

7 (iii) "Detention facility," "young person," "youth" and "youth offender"  
8 have the meanings given those terms in ORS 419A.004.

9 (iv) "Local correctional facility" has the meaning given that term in ORS  
10 169.005.

11 (v) "Youth correction facility" has the meaning given that term in ORS  
12 420.005.

13 (c)(A) If a *[person]* **qualified student** was a foster child:

14 (i) The *[person]* **qualified student** shall be treated as meeting the resi-  
15 dency criteria for eligibility under subsection (3)(b) of this section if, but for  
16 the *[person's]* **student's** placement in out-of-state foster care, the *[person]*  
17 **student** otherwise meets the requirements of subsection (3)(b) of this section.

18 (ii) The *[person]* **qualified student** shall be treated as attaining the  
19 *[person's]* **student's** highest level of education in this state under subsection  
20 (3)(c) of this section if the *[person]* **student** attained the *[person's]* **student's**  
21 highest level of education while placed in out-of-state foster care and the  
22 *[person's]* **student's** highest level of education substantially meets the re-  
23 quirements under subsection (3)(c) of this section.

24 (iii) The *[person]* **qualified student** is not required to comply with the  
25 criteria set forth in subsection (3)(d) of this section in order to receive a  
26 grant provided that the *[person]* **student** completes the highest level of edu-  
27 cation as described in subparagraph (A)(ii) of this paragraph while in a  
28 treatment program and the *[person]* **student** first enrolls in courses described  
29 in subsection (3)(a) of this section within 12 months after the date on which  
30 the *[person]* **student** is released from the treatment program.

31 (B) Upon request from the commission, the Department of Human Ser-

1 vices shall provide documentation of the placement status of a [person]  
2 **qualified student** described in paragraph (c)(A) of this subsection.

3 (C) As used in this paragraph:

4 (i) "Foster care" means substitute care for children placed by the De-  
5 partment of Human Services or a tribal child welfare agency away from the  
6 child's parents and for whom the department or agency has placement and  
7 care responsibility, including placements in foster family homes, foster homes  
8 of relatives, group homes, emergency shelters, residential facilities, child  
9 care institutions and preadoptive homes.

10 (ii) "Foster child" means a child over whom the Department of Human  
11 Services retained jurisdiction under ORS 417.200 for the duration of the  
12 child's placement in foster care outside the State of Oregon.

13 (6)(a) A [person] **qualified student** continues to remain eligible to receive  
14 a grant under this section if the [person] **qualified student**, in addition to  
15 satisfying the criteria specified in subsection (3) of this section, meets the  
16 following criteria:

17 (A) Maintains at least the minimum cumulative grade point average pre-  
18 scribed by the commission based on federal aid grant requirements;

19 (B) Makes satisfactory academic progress toward a [curriculum,] degree  
20 or program, as described in subsection (3)(a)(B) of this section, as [prescribed  
21 by the commission based on federal aid grant requirements;] **determined by**  
22 **the institution at which the qualified student is enrolled; and**

23 (C) Enrolls in courses described in subsection (3)(a) of this section for a  
24 sufficient number of credit hours to be considered at least a half-time student  
25 each term for at least [three terms] **one term** in each consecutive academic  
26 year[; and].

27 [(D) Completes a first-year experience, as identified by the community col-  
28 lege and reported by the community college to the commission.]

29 (b) A [person] **qualified student** who fails to meet an eligibility require-  
30 ment described in paragraph (a) of this subsection becomes ineligible to re-  
31 ceive a grant under this section for the term after which the [person]

1 **student** fails to meet the eligibility requirement, unless the eligibility re-  
2 quirement is waived by [*the office according to rules adopted by*] the com-  
3 mission **by rule**.

4 (7) **The commission shall determine the cost of education for a**  
5 **qualified student based on the type of institution the student is at-**  
6 **tending. The cost of education must be adjusted for a qualified student**  
7 **who is enrolled less than full-time according to a schedule established**  
8 **by the commission by rule.**

9 (8)(a) **The commission shall establish by rule the percentage of the**  
10 **cost of education identified under subsection (7) of this section that**  
11 **will be awarded as a grant under the program. The commission may**  
12 **choose to establish the percentage on a tiered basis of adjusted gross**  
13 **income, expected family contribution or a similar measure of a quali-**  
14 **fied student's financial need identified by the commission by rule.**

15 (b) **Prior to the start of each academic year, the commission may**  
16 **revise the percentages identified under paragraph (a) of this subsection**  
17 **if the commission determines that revision is required based on fi-**  
18 **ncial and enrollment projections made by the commission.**

19 (9) **If the commission determines that there are insufficient moneys**  
20 **to award a grant equal to the percentage of the cost of education**  
21 **identified under subsection (8) of this section to all qualified students,**  
22 **the commission:**

23 (a) **May establish the maximum amount that a qualified student**  
24 **may receive. This amount may vary based on the student's enrollment**  
25 **status.**

26 (b) **May establish procedures that prioritize awarding Oregon**  
27 **Promise grants to qualified students:**

28 (A) **With the greatest financial need; or**

29 (B) **Whose circumstances would enhance the promotion of equity**  
30 **guidelines published by the commission.**

31 (c) **May adjust the percentage of the cost of education awarded to**

1 **qualified students in a given income tier to zero.**

2 **(d) May not reduce the amount awarded to qualified students in a**  
3 **lower income tier in a greater proportion than the amount awarded**  
4 **for students in higher income tiers.**

5 *[(7)(a) The total amount of a grant awarded under this section shall be*  
6 *based on each term that a person is enrolled in courses described in subsection*  
7 *(3)(a) of this section. Except as provided in subsections (9) and (10) of this*  
8 *section, after the amount of tuition for the person for the term is reduced by*  
9 *any amounts received by the person in state and federal aid grants, the person*  
10 *shall be eligible for a grant under this section in an amount that equals:]*

11 *[(A) Except as provided by paragraphs (b) and (c) of this subsection, not*  
12 *less than the greater of:]*

13 *[(i) \$1,000; and]*

14 *[(ii) The person's actual cost for tuition.]*

15 *[(B) Not more than the lesser of:]*

16 *[(i) The average cost of tuition at a community college in this state, as de-*  
17 *termined by the office; and]*

18 *[(ii) The person's actual cost for tuition.]*

19 *[(b) The amount of a grant, as calculated under paragraph (a) of this sub-*  
20 *section, shall be reduced by \$50 for each term that the person receives a grant*  
21 *under this section.]*

22 *[(c)(A) If the office determines both that the person's actual cost for tuition*  
23 *exceeds the amount set forth in paragraph (a)(A)(i) of this subsection and that*  
24 *the person's actual cost for tuition exceeds the average cost of tuition at a*  
25 *community college in this state, the person shall be eligible for a grant in an*  
26 *amount that equals the average cost of tuition at a community college in this*  
27 *state.]*

28 *[(B) If the office determines that the person's actual cost for tuition is less*  
29 *than the amount set forth in paragraph (a)(A)(i) of this subsection, the person*  
30 *shall be eligible for a grant in an amount that equals the amount set forth in*  
31 *paragraph (a)(A)(i) of this subsection.]*

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

6        *[(e) The commission may prescribe by rule whether to include fees, and any*  
7 *limitations related to the inclusion of fees, when determining the actual cost*  
8 *of tuition or the average cost of tuition under this subsection.]*

9        *[(8) The commission may adopt by rule the priority by which grants are*  
10 *awarded, which may allow for preference to be given to persons enrolled in*  
11 *school districts or high schools that meet specified criteria.]*

12        *[(9) Prior to the start of the fall term of each academic year, the commission*  
13 *shall determine whether there are sufficient moneys to award a grant under*  
14 *this section to each person who meets the criteria described in subsections (3)*  
15 *to (6) of this section. On the basis of this determination the commission*  
16 *may:]*

17        *[(a) Limit eligibility to receive a grant under this section to a person whose*  
18 *family contribution, as determined by the commission by rule, is at or below*  
19 *the level the commission determines is necessary to allow the commission to*  
20 *operate the Oregon Promise program with available moneys; or]*

21        *[(b) Reduce or eliminate any limitation on eligibility previously imposed by*  
22 *the commission under paragraph (a) of this subsection.]*

23        *[(10)(a) If at any time the commission determines that there are insufficient*  
24 *moneys to provide a grant to each person who has been awarded a grant under*  
25 *this section, the commission may:]*

26        *[(A) Decrease the total amount of the grant awarded; or]*

27        *[(B) Increase the amount that a person must pay under subsection (7)(b) of*  
28 *this section for each term that the person receives a grant under this section.]*

29        *[(b) If at any time the commission determines that the amount of moneys*  
30 *available to operate the Oregon Promise program exceeds the amount deter-*  
31 *mined under subsection (9) of this section, the commission may reduce or*

1 *eliminate any limitation on eligibility to receive a grant under this section that*  
2 *was previously imposed by the commission under subsection (9)(a) of this sec-*  
3 *tion.]*

4 *[(c) The commission shall promptly notify the interim committees of the*  
5 *Legislative Assembly responsible for higher education each time the commis-*  
6 *sion takes any action under paragraph (a) or (b) of this subsection.]*

7 *[(11) (10) The commission shall adopt any rules necessary for the ad-*  
8 *ministration of this section, including any requirements related to:*

9 (a) Specifying the form and timelines for submitting an application for a  
10 grant under this section;

11 *[(b) Determining whether a person is eligible for a grant under this section,*  
12 *including whether the person shall be given priority as allowed under sub-*  
13 *section (8) of this section;]*

14 *[(c)] (b) Implementing programs or policies that improve the academic*  
15 *success or completion rates for [persons] **qualified students** who receive a*  
16 *grant under this section; **and***

17 *[(d)] (c) Prescribing eligibility requirements and grant calculations for*  
18 *[persons] **qualified students** dually enrolled in a community college and a*  
19 *public university.[: and]*

20 *[(e) Evaluating the impact of the program established under this section,*  
21 *including any requirements for reporting data needed for evaluations.]*

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

26 *[(a) Student completion rates of curricula, degrees and programs described*  
27 *in subsection (3)(a)(B) of this section;]*

28 *[(b) The amount of federal aid grants received by persons who received a*  
29 *grant under this section;]*

30 *[(c) The financial impact of the program on school districts that had stu-*  
31 *dents receive a grant under this section;]*

1     *[(d) The financial impact and the enrollment impact of the program on*  
2 *community colleges and public universities in this state; and]*

3     *[(e) The overall success rate of the program and financial impact of the*  
4 *program.]*

5     **SECTION 9.** Sections 10 and 11 of this 2021 Act are added to and  
6 made a part of ORS chapter 348.

7     **SECTION 10.** Notwithstanding ORS 341.522, 348.180, 348.205, 348.250,  
8 348.260 and 348.263:

9     **(1)** A person may not receive an Oregon Opportunity Grant under  
10 ORS 348.260, an Oregon Promise grant under ORS 341.522 or an award  
11 of moneys under ORS 348.263 if the person has previously received  
12 cumulative Oregon Opportunity Grants or Oregon Promise grants for  
13 a period equal to or exceeding the equivalent of four years of full-time  
14 enrollment.

15     **(2)** The Higher Education Coordinating Commission shall adjust any  
16 Oregon Opportunity Grant or Oregon Promise grant that would oth-  
17 erwise be awarded to ensure that a person does not receive a grant  
18 award in excess of the limit established in subsection (1) of this sec-  
19 tion.

20     **SECTION 11.** (1) Not later than February 1 of each odd-numbered  
21 year, the Higher Education Coordinating Commission shall report to  
22 the committees of the Legislative Assembly related to higher educa-  
23 tion on the academic success and performance of qualified students  
24 who receive grants under the Oregon Opportunity Grant and Oregon  
25 Promise program. The information required to be included in the re-  
26 port:

27     **(a)** Shall identify student data on a disaggregated basis when pos-  
28 sible; and

29     **(b)** May include any other information the commission determines  
30 is necessary to evaluate the effectiveness of the programs.

31     **(2)** Upon request from the commission, eligible post-secondary in-

1 **stitutions shall provide the commission with any data the commission**  
2 **determines is necessary for the commission to compile the report re-**  
3 **quired by subsection (1) of this section.**

4 **(3) The commission may by rule adopt definitions, methodologies**  
5 **or data requirements necessary to facilitate the production of the re-**  
6 **port required by subsection (1) of this section.**

7 **SECTION 12.** ORS 314.772 is amended to read:

8 314.772. (1) Except as provided in ORS 314.766 (5)(b), the tax credits al-  
9 lowed or allowable to a C corporation for purposes of ORS chapter 317 or  
10 318 shall not be allowed to an S corporation. The business tax credits al-  
11 lowed or allowable for purposes of ORS chapter 316 shall be allowed or are  
12 allowable to the shareholders of the S corporation.

13 (2) In determining the tax imposed under ORS chapter 316, as provided  
14 under ORS 314.763, on income of the shareholder of an S corporation, there  
15 shall be taken into account the shareholder's pro rata share of business tax  
16 credit (or item thereof) that would be allowed to the corporation (but for  
17 subsection (1) of this section) or recapture or recovery thereof. The credit (or  
18 item thereof), recapture or recovery shall be passed through to shareholders  
19 in pro rata shares as determined in the manner prescribed under section  
20 1377(a) of the Internal Revenue Code.

21 (3) The character of any item included in a shareholder's pro rata share  
22 under subsection (2) of this section shall be determined as if such item were  
23 realized directly from the source from which realized by the corporation, or  
24 incurred in the same manner as incurred by the corporation.

25 (4) If the shareholder is a nonresident and there is a requirement appli-  
26 cable for the business tax credit that in the case of a nonresident the credit  
27 be allowed in the proportion provided in ORS 316.117, then that provision  
28 shall apply to the nonresident shareholder.

29 (5) As used in this section, "business tax credit" means the following  
30 credits: ORS 315.104 (forestation and reforestation), ORS 315.138 (fish  
31 screening, by-pass devices, fishways), ORS 315.141 (biomass production for



1 biofuel), ORS 315.156 (crop gleaning), ORS 315.164 and 315.169 (agriculture  
2 workforce housing), ORS 315.176 (bovine manure), ORS 315.204 (dependent  
3 care assistance), ORS 315.208 (dependent care facilities), ORS 315.213 (con-  
4 tributions for child care), ORS 315.237 (employee and dependent scholar-  
5 ships), ORS 315.271 (individual development accounts), ORS 315.304  
6 (pollution control facility), ORS 315.326 (renewable energy development con-  
7 tributions), ORS 315.331 (energy conservation projects), ORS 315.336 (trans-  
8 portation projects), ORS 315.341 (renewable energy resource equipment  
9 manufacturing facilities), ORS 315.354 and 469B.151 (energy conservation fa-  
10 cilities), ORS 315.506 (tribal taxes on reservation enterprise zones and res-  
11 ervation partnership zones), ORS 315.507 (electronic commerce), ORS 315.514  
12 (film production development contributions), ORS 315.523 (employee training  
13 programs), ORS 315.533 (low income community jobs initiative), ORS 315.593  
14 (short line railroads), ORS 315.640 (university venture development funds),  
15 ORS 315.643 (**College** Opportunity [*Grant*] Fund contributions), ORS 315.675  
16 (Trust for Cultural Development Account contributions), ORS 317.097 (loans  
17 for affordable housing), ORS 317.124 (long term enterprise zone facilities),  
18 ORS 317.147 (loans for agriculture workforce housing), ORS 317.152 (qualified  
19 research expenses) and ORS 317.154 (alternative qualified research expenses)  
20 and section 9, chapter 774, Oregon Laws 2013 (alternative fuel vehicle con-  
21 tributions).

22 **SECTION 13.** ORS 315.643 is amended to read:

23 315.643. (1) A credit against the taxes that are otherwise due under ORS  
24 chapter 316 or, if the taxpayer is a corporation, under ORS chapter 317 or  
25 318, is allowed to a taxpayer for certified Opportunity Grant contributions  
26 made by the taxpayer during the tax year to the **College** Opportunity  
27 [*Grant*] Fund established under ORS 348.266.

28 (2)(a) The Department of Revenue shall, in cooperation with the Higher  
29 Education Coordinating Commission, conduct an auction of tax credits under  
30 this section. The auction may be conducted no later than April 15 following  
31 December 31 of any tax year for which the credit is allowed. The department

1 may conduct the auction in the manner that it determines is best suited to  
2 maximize the return to the state on the sale of tax credit certifications and  
3 shall announce a reserve bid prior to conducting the auction. The reserve  
4 amount shall be at least 90 percent of the total amount of the tax credit.  
5 Moneys necessary to reimburse the department for the actual costs incurred  
6 by the department in administering an auction, not to exceed 0.25 percent  
7 of auction proceeds, are continuously appropriated to the department. Mon-  
8 eys necessary to reimburse the commission for the actual costs incurred by  
9 the commission in administering an auction, not to exceed 0.25 percent of  
10 auction proceeds, are continuously appropriated to the commission. The de-  
11 partment shall deposit net receipts from the auction required under this  
12 section in the **College Opportunity [Grant] Fund**.

13 (b) The commission may adopt rules necessary for the administration of  
14 the auction.

15 (3) Contributions made under this section shall be deposited in the **Col-**  
16 **lege Opportunity [Grant] Fund**.

17 (4)(a) Upon receipt of a contribution, the commission shall, except as  
18 provided in ORS 315.646, issue to the taxpayer written certification of the  
19 amount certified for tax credit under this section to the extent the amount  
20 certified for tax credit, when added to all amounts previously certified for  
21 tax credit under this section, does not exceed \$14 million for the fiscal year  
22 in which certification is made.

23 (b) The commission and the department are not liable, and a refund of a  
24 contributed amount need not be made, if a taxpayer that has received tax  
25 credit certification is unable to use all or a portion of the tax credit to offset  
26 the tax liability of the taxpayer.

27 (5) To the extent the commission does not certify contributed amounts as  
28 eligible for a tax credit under this section, the taxpayer may request a refund  
29 of the amount the taxpayer contributed, and the commission shall refund  
30 that amount.

31 (6)(a) Except as provided in paragraph (b) of this subsection, a tax credit

1 claimed under this section may not exceed the tax liability of the taxpayer  
2 and may not be carried over to another tax year.

3 (b) Any tax credit otherwise allowable under this section that is not used  
4 by the taxpayer in a particular tax year may be carried forward and offset  
5 against the taxpayer's tax liability for the next succeeding tax year. Any  
6 credit remaining unused in the next succeeding tax year may be carried  
7 forward and used in the second succeeding tax year, and likewise, any credit  
8 not used in that second succeeding tax year may be carried forward and used  
9 in the third succeeding tax year but may not be carried forward for any tax  
10 year thereafter.

11 (c) A taxpayer is not eligible for a tax credit under this section if the first  
12 tax year for which the credit would otherwise be allowed begins on or after  
13 January 1, 2024.

14 (7) If a tax credit is claimed under this section by a nonresident or part-  
15 year resident taxpayer, the amount shall be allowed without proration under  
16 ORS 316.117.

17 (8) If the amount of contribution for which a tax credit certification is  
18 made is allowed as a deduction for federal tax purposes, the amount of the  
19 contribution shall be added to federal taxable income for Oregon tax pur-  
20 poses.

21 **SECTION 14.** ORS 315.646 is amended to read:

22 315.646. (1) In lieu of the issuance of certifications for tax credit under  
23 ORS 315.643 by the Higher Education Coordinating Commission, the Legis-  
24 lative Assembly may, no later than 30 days prior to the end of each fiscal  
25 year, appropriate to the commission for deposit into the **College** Opportunity  
26 [*Grant*] Fund established under ORS 348.266 an amount equal to the total  
27 amount that would otherwise be certified for tax credits during the upcoming  
28 fiscal year, based on the amount of contributions and accompanying appli-  
29 cations for credit received by the commission during the fiscal year.

30 (2) If the Legislative Assembly makes the election allowed in subsection  
31 (1) of this section:

1 (a) Any contributions to the **College** Opportunity [*Grant*] Fund made for  
2 the upcoming fiscal year and for which an application for a credit under ORS  
3 315.643 is pending shall, at the request of the taxpayer, be refunded by the  
4 commission; and

5 (b) A credit under ORS 315.643 may not be claimed for any contribution  
6 made during the current fiscal year.

7 **SECTION 15.** ORS 348.520 is amended to read:

8 348.520. The Director of the Office of Student Access and Completion  
9 shall:

10 (1) Make available to qualified persons financial aid from financial  
11 sources available to the director.

12 (2) Determine qualifications of persons to receive financial aid.

13 (3) Maintain reports and records on persons applying for and receiving  
14 financial aid from the director.

15 (4) Withhold any financial aid if the recipient thereof fails to maintain  
16 the standards established for receipt of that aid.

17 (5) Recommend to the Legislative Assembly not less than once every  
18 biennium matters relating to the establishment, administration, modification,  
19 transfer, reduction or cancellation of financial aid.

20 [(6) *Prior to implementing changes to the Oregon Opportunity Grant pro-*  
21 *gram, report to the Higher Education Coordinating Commission and the Leg-*  
22 *islative Assembly or the Emergency Board any proposed change:]*

23 [(a) *That increases or decreases the total amount awarded as Oregon Op-*  
24 *portunity Grants that was approved as part of the budget enacted by the Leg-*  
25 *islative Assembly for the Higher Education Coordinating Commission; and]*

26 [(b) *To the methodology used to determine the student share, family share*  
27 *or state share under ORS 348.205.]*

28 [(7)] (6) Encourage the establishment of financial aid programs by private  
29 agencies.

30 [(8)] (7) Collect and disseminate information pertaining to all types of  
31 available financial aid.

1        [(9)] (8) Review the administrative practices and evaluate the effective-  
2        ness of all public and private post-secondary financial aid programs in  
3        Oregon.

4        [(10)] (9) Disburse state appropriations for financial aid in such a manner  
5        as to maximize its role in cooperative coordination of financial aid programs.

6        **SECTION 16. Sections 10 and 11 of this 2021 Act and the amend-  
7        ments to ORS 314.772, 315.643, 315.646, 341.522, 348.180, 348.205, 348.250,  
8        348.260, 348.263, 348.266 and 348.520 by sections 1 to 8 and 12 to 15 of this  
9        2021 Act first apply to the 2022-2023 academic year.**

10        **SECTION 17. Sections 10 and 11 of this 2021 Act and the amend-  
11        ments to ORS 314.772, 315.643, 315.646, 341.522, 348.180, 348.205, 348.250,  
12        348.260, 348.263, 348.266 and 348.520 by sections 1 to 8 and 12 to 15 of this  
13        2021 Act become operative August 1, 2022.**

14        **SECTION 18. The Higher Education Coordinating Commission may  
15        take any action before the operative date specified in section 17 of this  
16        2021 Act that is necessary to enable the commission to exercise, on and  
17        after the operative date specified in section 17 of this 2021 Act, all the  
18        duties, functions and powers conferred on the commission by sections  
19        10 and 11 of this 2021 Act and the amendments to ORS 314.772, 315.643,  
20        315.646, 341.522, 348.180, 348.205, 348.250, 348.260, 348.263, 348.266 and  
21        348.520 by sections 1 to 8 and 12 to 15 of this 2021 Act.**

22        **SECTION 19. The Higher Education Coordinating Commission shall  
23        evaluate the eligibility and renewal of Oregon Opportunity Grants  
24        awarded under ORS 348.260 and Oregon Promise grants awarded under  
25        ORS 341.522 that were initially awarded to students prior to the oper-  
26        ative date set forth in section 17 of this 2021 Act under the terms of  
27        those grant awards in effect immediately prior to the operative date  
28        set forth in section 17 of this 2021 Act.**