

Chapter 348

1977 REPLACEMENT PART

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LOANS

348.010 Higher Education Student Loan Fund; student loans under terms of certain federal statutes. (1) There is established in the General Fund of the State Treasury a Higher Education Student Loan Fund, which shall consist of all moneys made available to the State Board of Higher Education for student loan purposes by state appropriations under terms of the National Defense Education Act of 1958 and amendments thereto, under terms of the Health Professions Educational Assistance Act of 1963 and the Nurses Training Act of 1964 and amendments thereto. All moneys in such special fund hereby are appropriated for the purpose of granting student loans under the terms established by the National Defense Education Act of 1958 and amendments thereto, under terms of the Health Professions Educational Assistance Act of 1963 and the Nurses Training Act of 1964 and amendments thereto.

(2) The repayment in whole or part of any student loan made under terms of the National Defense Education Act of 1958 and amendments thereto, under terms of the Health Professions Educational Assistance Act of 1963 and the Nurses Training Act of 1964 and amendments thereto, shall be made pursuant to the provisions of the applicable federal statutes and repayment to the Higher Education Student Loan Fund shall be made in accordance with applicable federal statutes, all funds received under the federal statutes cited in this section and all state matching funds are hereby continuously appropriated for the purpose for which the funds are made available to the State of Oregon.

(3) Disbursements from the Higher Education Student Loan Fund shall be made as directed by the State Board of Higher Education. The board shall keep a record of all moneys deposited in such fund. The record shall indicate by separate cumulative accounts the source from which the moneys are derived and the state institutions of higher education against which each withdrawal is charged.

[Formerly 351 570]

348.040 Definitions for ORS 348.040 to 348.070. As used in ORS 348 040 to 348 070, unless the context requires otherwise.

(1) "Eligible student" means a person who is a resident of this state, as determined by the State Scholarship Commission, at the time of application for a loan under ORS 348 040 to 348.070.

(a) Who is enrolled in or has applied for enrollment in a qualified school;

(b) Who has demonstrated a satisfactory level of achievement in the high school or other school on the record of which the application for enrollment is based or in which the applicant is enrolled; and

(c) Who can show the necessity for financial assistance in order to continue the applicant's education

(2) "Qualified school" means a school within this state which is a

(a) Four-year, nonprofit, generally accredited institution of higher education;

(b) Accredited public or private community college or education center, or one recognized by a state educational agency,

(c) Vocational school that is approved by the Superintendent of Public Instruction,

(d) Medical or dental program offered by the University of Oregon Health Sciences Center, or

(e) Institution which is, in the opinion of the State Scholarship Commission, comparable to such institutions, colleges, centers or schools

(3) When the State Scholarship Commission certifies that the course is not available within this state, a qualified school may include an institution, college, center or school not located in this state

[1965 c 532 §1, 1977 c 762 §6]

348.050 Student loans from Common School Fund; terms and conditions. (1) Upon approval of the loan application of an eligible student by the State Scholarship Commission, the Division of State Lands may loan an amount from the Common School Fund to the student in compliance with ORS 348 040 to 348 070. The loan shall be evidenced by a written obligation but no additional security shall be required. Notwithstanding any provision in this section, the division may require cosigners on the loans

(2) Loans granted under ORS 348 040 to 348.070 to eligible students by the division shall

(a) Not exceed \$1,000 in a single academic year to an undergraduate student

(b) Not exceed \$1,500 in a single academic year to a graduate or professional student.

(c) Not exceed \$7,500 for all loans made to a student under ORS 348 040 to 348.070

(3) Payment of interest shall be as follows

(a) Medical and dental student borrowers at the University of Oregon Health Sciences Center shall be assessed six percent interest per annum on the unpaid balance from the date of the note. Interest payments by these borrowers shall be deferred until they cease to be enrolled. During the interest deferment period, the State Scholarship Commission shall pay the Division of State Lands the six percent interest on an annual basis. The borrower shall reimburse the State Scholarship Commission for these interest payments during the first year following the last day of enrollment. These borrowers shall commence direct payment of interest to the Division of State Lands at the time they cease to be enrolled.

(b) All other borrowers are required to pay seven percent interest per annum on the unpaid balance from the date of the loan, to be paid annually from the date of the loan.

(c) The State Scholarship Commission shall pay annually to the Division of State Lands a maximum of three percent per annum on the unpaid balance of all medical and dental student borrower loans. The rate of this special payment may vary annually and will be negotiated by the State Scholarship Commission and the Division of State Lands.

(4) (a) Repayment of the principal on loans shall be commenced not later than 12 months after the student's graduation or other termination of the student's education.

(b) Notwithstanding any other provision of this section, medical and dental student borrowers who enter approved post-graduate study programs shall commence repayment of the principal on loans no later than 12 months following the completion of the post-graduate study program or 60 months, whichever is sooner.

(c) Repayment shall be completed in a maximum of 60 months from the time repayment is commenced. However, nothing in this section is intended to prevent repayment without penalty at an earlier date than provided in this section or to prohibit the division, with the consent of the State Scholarship Commission, from extending the repayment period to a date other than permitted by this subsection.

[1965 c 532 §2, 1969 c 573 §3, 1977 c 725 §1, 1977 c 762 §7]

348.060 [1965 c 532 §3, repealed by 1971 c 577 §3]

348.070 List of suitable vocational schools. To assist the State Scholarship Commission and the Division of State Lands

in determining the qualification of schools, the Superintendent of Public Instruction shall maintain a listing of vocational schools offering vocational and technical training that meets the occupational needs of the student. [1965 c 532 §4]

348.080 [1965 c 532 §10, repealed by 1967 c 477 §5]

348.090 Loans guaranteed by state agency; payment of interest. In addition to and not in lieu of student loans authorized pursuant to ORS 348 040 to 348 070, the Division of State Lands may make loans to students who are Oregon residents if the loans are guaranteed by a state agency. The terms, conditions and rates of interest of such loans may be determined by the division so as to take advantage of any federal statute providing for full or partial payment of interest on such loans.

[1967 c 477 §4]

348.095 Reimbursement by commission for default losses. From funds available therefor, the State Scholarship Commission shall reimburse the Division of State Lands for any loss resulting from default of a student loan under ORS 348 040 to 348 070.

[1977 c 762 §10]

348.105 Loan obligations enforceable against minor. (1) As used in this section

(a) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(b) "Educational institution" means any post-secondary educational institution approved or accredited by the Northwest Association of Secondary and Higher Schools, by its regional equivalent, or by the appropriate official, department or agency of the state or nation in which the institution is located and which is

(A) A four-year college or university,

(B) A junior college or community college, or

(C) A technical, vocational or professional school.

(c) "Educational loan" means a loan or other aid or assistance for the purpose of furthering the obligor's education at an educational institution.

(2) Notwithstanding any other provision of law, any written obligation made by any minor in consideration of an educational loan received by the minor from any person shall

be as valid and binding as if the minor had, at the time of making and executing the obligation, attained the age of majority, but only if prior to the making of the educational loan an educational institution has certified in writing to the person making the educational loan that the minor is enrolled, or has been accepted for enrollment, in the educational institution

(3) Any obligation mentioned in subsection (2) of this section may be enforced in any action or proceeding against such person in his name and shall be valid, in so far as the issue of age is concerned, without the consent thereto of the parent or guardian of such person. Such person may not disaffirm the obligation because of age nor may such person interpose in any action or proceeding arising out of the educational loan the defense that the borrower is, or was, at the time of making or executing the obligation, a minor.

(4) Any parent or legal guardian who did not consent to guarantee or otherwise assure performance of the obligation mentioned in subsection (2) of this section shall not be liable for payment of such obligation
[Formerly 348 805, 1977 c 725 §2]

SCHOLARSHIPS AND GRANTS

348.205 Policy. It is the intention of the Legislative Assembly to establish two types of student aid programs for those enrolled in community colleges and institutions of higher education. The need grant program shall be based on the student's financial situation. The scholastic grant program will be based on the student's financial need and his academic aptitude and achievement. Existing programs will be discontinued as the new programs are funded
[1971 c 735 §1]

348.210 Scholarships at Eastern Oregon State College; scholarships for certain foreign students. (1) In addition to any other scholarships provided by law, the State Scholarship Commission may award scholarships in Eastern Oregon State College, not to exceed two and one-half percent of the enrollment therein, to resident undergraduate students applying for enrollment in the college or who are pursuing courses therein. The scholarships shall be awarded upon the basis of a record of high intellectual standing and deportment in the school or institution where the applicant has received or is receiving preparatory training, the necessity for financial assistance and other qualifications of such nature that the

awarding of scholarships will operate not only to the advantage of the applicant but to the people of Oregon. No scholarships so awarded shall exceed in value the amount of the tuition and other fees, including the fees which are levied against the recipient of the scholarship by the State Board of Higher Education at the college

(2) The commission may award tuition and fee-exempting scholarships not exceeding the amount of tuition and all fees to students from foreign nations who are enrolled in state institutions of higher education

(3) The value of scholarships awarded each year under subsection (2) of this section shall not exceed in aggregate an amount equal to 10 percent of the amount of tuition and fees paid in the preceding year to the Department of Higher Education by students enrolled therein who were not Oregon residents.
[Formerly 351 120 and then 351 605, 1967 c.530 §6, 1971 c 735 §2, 1973 c 721 §1]

348.220 [Formerly 351 610, 1967 c.530 §7, repealed by 1971 c 735 §10]

348.230 Scholastic grants at institutions of higher education, community colleges and nursing schools; qualified applicants; renewals. (1) In addition to any other financial aid provided by law, the State Scholarship Commission may award to qualified residents of this state scholastic grants in any two-year or four-year, nonprofit, generally accredited institution of higher education located in this state, and in any community college located in this state and any hospital school of nursing located in this state and accredited by the National League for Nursing.

(2) A qualified applicant is one who has an achievement of high intellectual standing and deportment in the school or institution on the records of which the application is based, and who demonstrates, to the satisfaction of the commission, that the applicant has superior capacity to profit by post-high school education

(3) If the recipient of a grant under this section meets the standards for renewal of that grant, the grant may be renewed, upon application of the recipient, until the recipient has received a total of four undergraduate years under this section or until the recipient has completed an undergraduate course of study, whichever is less

(4) Nothing in subsection (3) of this section shall be construed to mean that the commission may not increase or reduce the

amount of the grant upon application for renewal.

(5) No grant shall be made to any student enrolled in a course of study required for and leading to a degree in theology, divinity or religious education

[Formerly 351 620, 1971 c 735 §3, 1973 c 721 §2, 1977 c 725 §3]

348.240 [Formerly 351 625, repealed by 1971 c 735 §10]

348.250 Procedure for awarding scholastic grants under ORS 348.230. (1) Grants established under ORS 348 230 and 348.260 shall be awarded by the State Scholarship Commission in the manner provided in this section.

(2) Persons interested in obtaining a grant established under ORS 348.230 and 348 260 may apply to the commission for a grant

(3) The commission shall screen or cause to be screened the applications and shall determine for each available grant the person best qualified to receive that grant. A qualified applicant is eligible to receive a grant established under ORS 348.230 and 348 260 if

(a) The applicant's financial resources are such that in the opinion of the commission financial aid is warranted, and

(b) The applicant plans to be a student at the institution of higher education where the grant is to be used.

(4) The commission shall not discriminate for or against any applicant for a grant because of the applicant's race, sex, national origin, marital status, age, handicap or religion.

(5) Nothing in ORS 348 210 to 348.260 and 348 505 to 348.600 shall be construed to require any institution to admit a grant recipient or to attempt to control or influence the policies of the institution

(6) Whenever funds are not available to award grants to all qualified persons, the commission shall give priority to applicants who are or plan to be full-time students at the institution where the grant is to be used.

[Formerly 351 630, 1973 c.721 §3, 1977 c.725 §4]

348.260 Grants for students in institutions of higher education, community colleges, hospital schools of nursing, medical and dental schools and post-secondary institutions. (1) In addition to any other form of student financial aid authorized by law, the State Scholarship Commission may award

grants to qualified residents of this state in any two-year or four-year, nonprofit, generally accredited institution of higher education located in this state, in any community college located in this state, in any hospital school of nursing located in this state and accredited by the National League for Nursing and any student enrolled in any medical or dental program offered by the University of Oregon Health Sciences Center.

(2) A qualified applicant for a grant is one who meets the academic requirements for admission to the institution or college the applicant plans to attend but whose financial capacity and that of the applicant's family to contribute to the costs of the applicant's education are not adequate to meet such costs, including tuition, fees and living expenses, at the institution or college the applicant plans to attend, as determined by the State Scholarship Commission.

(3) If the student who receives a grant under this section meets the standards for renewal of the grant, the grant may be renewed upon application until the student has received the total of four undergraduate years in the institution or has completed the course of study at the school of nursing.

(4) A student who receives a grant under this section must attend the institution, college or school upon which the grant application is based unless the State Scholarship Commission authorizes the grant to be used at a different institution, college or school

(5) No grant shall be made to any student enrolled in a course of study required for and leading to a degree in theology, divinity or religious education

(6) No grant awarded under this section shall exceed 50 percent of the student's financial need, as determined by the State Scholarship Commission, or \$1,500, whichever is less [1971 c 735 §4, 1973 c 721 §4, 1977 c.725 §5, 1977 c 762 §8]

348.265 Grants for students of University of Oregon Health Sciences Center.

(1) In addition to any other form of student financial aid authorized by law, the State Scholarship Commission may award grants to qualified residents of this state who are enrolled in the professional medical or dental programs at the University of Oregon Health Sciences Center.

(2) A qualified applicant for a grant under this section is one who plans to attend the University of Oregon Health Sciences Center but whose financial capacity and that of the

applicant's family to contribute to the educational costs are not adequate to meet such costs, as determined by the State Scholarship Commission

(3) Grants may be received by a student each year of attendance depending on the continuing need of the student for such grant.

(4) No grant awarded under this section shall exceed the amount of the difference between the award year tuition and fees assessed and the tuition and fees assessed for that program in the academic year 1976-1977 [1977 c 762 §9]

348.270 Scholarships for children of deceased or disabled peace officer. (1) In addition to any other scholarships provided by law, the State Scholarship Commission shall award scholarships in any state institution under the State Board of Higher Education or in any community college operated under ORS chapter 341, to any student applying for enrollment or who is enrolled therein, who is the natural, adopted or stepchild of any peace officer in this state, as defined in subsection (4) of ORS 161.015, who, in line of duty, was killed or so disabled, as determined by the State Scholarship Commission, that the income of the disabled peace officer is less than that earned by peace officers performing duties comparable to those performed at the highest rank or grade attained by the disabled parent.

(2) Scholarships awarded under this section shall equal the amount of tuition and all fees levied by the institution against the recipient of the scholarship. If the student continues to remain enrolled in a state institution of higher education or a community college within the State of Oregon, the student shall be entitled to renewal of the scholarship until the student has received the equivalent of four years of undergraduate education

(3) The State Scholarship Commission may require proof of the student's relationship to a deceased or disabled peace officer described in subsection (1) of this section. [1973 c.784 §1, 1977 c.725 §6]

348.280 Determination of eligibility for scholarships under ORS 348.270. The State Scholarship Commission shall:

(1) Determine which students are eligible beneficiaries

(2) Grant the appropriate scholarships under ORS 348.270.

(3) Make necessary rules for application and distribution of the benefits available under ORS 348.270 and this section.

(4) Establish rules and procedures necessary to carry out the provisions of ORS 348.270 and this section, including but not limited to the usual and customary rules for analyzing financial need.

(5) In awarding scholarships pursuant to its authority under ORS 348 520, the State Scholarship Commission shall give priority to students who are eligible for scholarships under subsections (1) and (2) of ORS 348 270. [1973 c.784 §§2, 3]

348.300 [1973 c.791 §1, repealed by 1977 c 725 §8]

348.305 [1969 c.624 §1, repealed by 1971 c 735 §10]

348.315 [1969 c 624 §2, repealed by 1971 c 735 §10]

348.325 [1969 c 624 §3, repealed by 1971 c 735 §10]

348.335 [1969 c 624 §4, repealed by 1971 c 735 §10]

348.345 [1969 c.624 §5, repealed by 1971 c 735 §10]

348.355 [1969 c 624 §6, repealed by 1971 c 735 §10]

348.365 [1969 c 624 §8, repealed by 1971 c 735 §10]

348.375 [1969 c 624 §9, repealed by 1971 c 735 §10]

STATE SCHOLARSHIP COMMISSION

348.505 "Financial aid" defined. As used in ORS 348.505 to 348.620, "financial aid" includes loans, grants, scholarships, work opportunities and other forms of financial aid to assist students in completing their post-high school education [1967 c 430 §2]

348.510 State Scholarship Commission; term; vacancy; confirmation; qualifications. (1) There hereby is created a State Scholarship Commission consisting of seven members, appointed by the Governor.

(2) The term of office of a member of the commission is four years, except that the term for the student member shall be two years, and, after confirmation of the appointment by the Senate, the member shall serve at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor to succeed the member whose term is expiring. A successor appointed for a full term shall assume commission member duties on July 1 following the appointment. A member is eligible for reappointment. The student member is limited to reappointment to one two-year term. In case of a vacancy on the commission for any cause,

except where the vacancy is caused by the normal expiration of a member's term, the Governor shall make an appointment to become immediately effective for the unexpired term

(3) The appointment of a member of the commission is subject to confirmation by the Senate in the manner provided in ORS 171.570. If an appointment is made in the interim between legislative sessions, the Senate shall act through the Committee on Executive Appointments provided by ORS 171.560 in the manner provided in that section, and the member so appointed is subject to confirmation by the Senate when it next convenes.

(4) One member of the commission shall be a student at an institution of higher education or community college in Oregon at the time of appointment, with the duly organized and recognized entities of student government at each institution of higher education or community college submitting the name of one student to the Governor to assist the Governor in making the appointment. Other members of the commission shall be citizens of the state chosen for their knowledge of and interest in education, but these other members shall not be persons employed by any institution of higher education or community college located in the state

[Formerly 351.635, 1967 c.430 §3, 1969 c.695 §5, 1975 c.151 §1, 1977 c.725 §7]

348.520 Duties. The State Scholarship Commission shall:

(1) Make available to qualified persons financial aid from financial sources available to the commission

(2) Determine qualifications of persons to receive financial aid

(3) Maintain reports and records on persons applying for and receiving financial aid from the commission

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

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

(6) Encourage the establishment of financial aid programs by private agencies.

(7) Collect and disseminate information pertaining to all types of available financial aid

(8) Serve as an advisory council to the Oregon Educational Coordinating Commission.

(9) Review the administrative practices and evaluate the effectiveness of all public and private post-secondary financial aid programs in Oregon.

(10) Disburse state appropriations for financial aid in such a manner as to maximize its role in cooperative coordination of financial aid programs

[Formerly 351.640, 1967 c.430 §4, 1973 c.815 §4]

348.530 Powers. The State Scholarship Commission may.

(1) Negotiate for and contract with private and governmental agencies for the establishment of financial aid programs.

(2) Receive gifts of any type, including gifts of stock and real property, for the purpose of establishing, continuing and increasing financial aid.

(3) Administer any form of financial aid submitted to and accepted for administration by the commission.

(4) Authorize payment from funds appropriated therefor, of costs, commissions, attorney fees and other reasonable expenses, including refund of overpayment of fees, which are related to and necessary for making and protecting guaranteed loans and recovering moneys and loans and management of property acquired in connection with such loans.

(5) Sue and be sued.

(6) Pursuant to ORS chapter 183, adopt such rules as may be necessary to carry out the provisions of ORS 348.040 to 348.620

(7) Cooperatively coordinate all types of financial aid activities.

(8) Establish a State of Oregon scholar program to recognize students with outstanding academic achievement and other demonstrated attributes. The students will not necessarily receive financial aid.

(9) Guarantee loans by eligible lending institutions to student residents enrolled or accepted for enrollment under the provisions of the Higher Education Act of 1965.

[Formerly 351.645, 1967 c.430 §5, 1973 c.721 §5, 1977 c.725 §9]

348.540 Officers of commission; quorum; meetings. (1) The commission shall select one of its members as chairman, and another as vice chairman, for such terms and

with such powers and duties necessary for the performance of the functions of such offices as the commission shall determine.

(2) A majority of the commission constitutes a quorum for the transaction of business

(3) The commission shall meet at the call of the chairman or of a majority of the members of the commission.

[Formerly 351 650]

348.550 Compensation and expenses of commission members. A member of the commission is entitled to compensation and expenses as provided in ORS 292.495

[Formerly 351 655, 1969 c.314 §24]

348.560 Staff; office space. Subject to any applicable provisions of the State Merit System Law, the commission may employ and fix the compensation of any employes it deems necessary for the effective conduct of the work under its charge. The commission may also arrange with the State System of Higher Education for use of staff and office space under the jurisdiction of the State System of Higher Education

[Formerly 351 660]

348.570 State Scholarship Commission Fund; Student Loan Guarantee Fund.

(1) There hereby is established in the State Treasury a fund, separate and apart from the General Fund, to be known as the "State Scholarship Commission Fund" for investment as provided by ORS 293 701 to 293.776 and for the payment of the expenses of the commission in carrying out the purposes of ORS 348.210 to 348 250 and 348.505 to 348 600.

(2) There hereby is established in the State Treasury a fund, separate and apart from the General Fund to be known as the "Student Loan Guarantee Fund," which may be invested in the same manner as the State Scholarship Commission Fund This fund shall receive funds from federal, state or private sources for the purpose of guarantying payment of loans made by eligible lending institutions to student residents of the State of Oregon who are enrolled or accepted for enrollment at any eligible institution under the provisions of the Higher Education Act of 1965 as amended and for administrative expenses of guarantying student loans This fund, including the interest earnings on the fund, if any, is continuously appropriated to the commission for those purposes for which such funds were provided to, received or collected by the commission

(3) Out of the moneys in the General Fund, there is continuously appropriated to the State Scholarship Commission such sums as are necessary, but not to exceed \$550,000 in total, to guarantee payment of loans made by eligible lending institutions to student residents of the State of Oregon who are enrolled or accepted for enrollment at any eligible institution under the provisions of the Higher Education Act of 1965. Funds may be disbursed from this appropriation on order of the State Scholarship Commission to reimburse eligible lending institutions where the lendee has failed to repay the principal sum of any loan specifically guaranteed by the appropriation made by this subsection

[Formerly 351 665, 1967 c.335 §41, 1967 c 430 §§6, 7, 1969 c.573 §4, 1975 c 520 §5, 1977 c.725 §10]

348.575 Crediting of late loan repayments. The amount of any loan payments that are paid after the State Scholarship Commission has disbursed funds from any guaranty funds under its jurisdiction to reimburse a lending institution which the lendee has failed to repay on time shall be credited to the guaranty funds, the Student Loan Guaranty Fund or the appropriation under subsection (3) of ORS 348 570 respectively, from which the reimbursement was made.

[1969 c.573 §2]

348.580 Use of gifts or funds received by commission. All gifts or scholarship grant funds received by the commission shall be placed in the hands of the State Treasurer, who is designated as the custodian thereof and who may hold, in the manner provided by law, the principal and interest on the gifts and grants. Funds may be withdrawn periodically by the commission to make payments upon scholarships awarded by the commission

[Formerly 351 670, 1967 c 335 §42]

348.590 Continuous appropriation of certain funds. All funds for and relating to scholarships received by the State Scholarship Commission pursuant to federal grant or from any other source, except moneys appropriated from the State Treasury for a specified period of time, hereby are continuously appropriated to the commission for the purposes for which such funds were provided and received by the commission.

[Formerly 351 672]

348.600 [Formerly 351 675, repealed by 1977 c.725 §11]

348.610 [1967 c 430 §8, repealed by 1971 c 577 §3]

348.620 Loan cancellation insurance.

(1) The State Scholarship Commission may obtain loan cancellation insurance for any person holding a loan under this section and ORS 348.505 to 348.530 and 348.570

(2) Such insurance shall insure the life of the student who borrows under this section and ORS 348.505 to 348.530 and 348.570 for the amount of the principal and interest due on the loan and the State of Oregon shall be named as the beneficiary. If the borrower dies before repaying the loan, the insurance shall be used to pay the balance of the loan and the commission shall issue a satisfaction of the obligation

(3) The Executive Department shall procure bids for the purchasing of insurance in compliance with the laws governing the purchase and furnishing of services to state agencies.

[1967 c 430 §9, 1971 c 577 §2]

**OREGON EDUCATIONAL
COORDINATING
COMMISSION
(Administration)**

348.705 Definitions for ORS 348.705 to 348.825. As used in ORS 348.705 to 348.825, "commission" means the Oregon Educational Coordinating Commission created by ORS 348.715.

[Formerly 351.265]

348.715 Oregon Educational Coordinating Commission; membership; confirmation; advisory committees; compensation and expenses; rules. (1) There hereby is created the Oregon Educational Coordinating Commission. The Governor shall appoint to the commission seven members to serve for terms of four years. Appointments of members to the commission by the Governor are subject to confirmation by the Senate in the manner provided in ORS 171.560 and 171.570.

(a) The appointments shall include representatives of the general public who are not employed by, do not operate or do not serve on the governing board of, any educational institution or agency

(b) Persons appointed to the commission shall be representative of the general population of the state

(c) No person appointed to the commission shall serve more than two consecutive terms, or a maximum of eight years

(2) The commission shall appoint an advisory committee which shall assist the commission in identifying the issues, problems and alternative solutions which are critical to the effective coordination of education. Membership of the advisory committee shall include representatives of all segments of education, including administrators, students and faculty

(3) The commission may appoint such other subcommittees or advisory committees as it deems necessary.

(4) The commission shall.

(a) Develop, implement and monitor a comprehensive and standardized state-wide data system capable of yielding information basic to policy formation by governing boards and appropriate governmental bodies.

(b) Design, implement and maintain a system which will identify the needs and expectations for educational services

(c) Develop and propose state-wide educational policy and program objectives consistent with identified educational needs; assess the budgetary priorities of the educational segments to identify their consistency with state-wide policy and program objectives; advise the Governor of inconsistencies and omitted areas prior to his action on budget requests; and advise the Legislative Assembly of inconsistencies and omitted areas prior to its action on budget requests

(d) Develop and propose systems for achieving stated educational policy and program objectives, and review all proposed new and existing post-secondary programs and proposed new post-secondary locations for consistency with state-wide policy and program objectives.

(e) Evaluate educational programs to determine the extent to which well-identified educational needs are being met.

(f) Evaluate the effectiveness of educational planning efforts, and provide for their appropriate modification.

(g) Assure that an equitable distribution of special resources is made to the various educational segments through the administration of interinstitutional state and federal programs as assigned by the Governor or the legislature

(h) Monitor proceedings of all meetings of the State Board of Education and the State Board of Higher Education.

(i) Provide assistance to the House and Senate Education Committees, the Ways and Means Committees and the Emergency Board. These staff members shall provide the legislative committees with the findings of the commission and such other information as may be requested by the committees.

(j) Gather, interpret and evaluate all regular and special applications for federal moneys for financial aid programs in order to insure consistency throughout the public and private post-secondary institutions in Oregon.

(5) Following review of proposed new and existing post-secondary programs and proposed new post-secondary locations, and in the event of seemingly unnecessary duplications or inconsistencies, the commission shall recommend resolution to the appropriate segmental governing board concerned. The commission shall report unresolved issues and deficiencies periodically to the Legislative Assembly with recommendations for resolution. In those cases where the commission determines that a proposed new post-secondary program or a proposed new post-secondary location of a public institution would have a significantly adverse impact on one or more other segments of education, the commission shall have final authority for approval or disapproval, notwithstanding authority given to the State Board of Education in ORS chapters 326 and 341 and to the State Board of Higher Education in ORS chapter 351. Prior to approval or disapproval, the commission shall negotiate with the governing boards of the institutions affected to determine if satisfactory accommodations of the interests can be achieved.

(6) The commission may apply for and accept gifts, grants or services from or contract with nonprofit organizations, educational institutions and other state or federal agencies, and may administer such funds and contracts. Grants from the Federal Government or any of its agencies may be accepted subject to the terms and conditions thereof, regardless of any laws of this state in conflict with the regulations of the Federal Government with respect thereto.

(7) There hereby is established in the General Fund of the State Treasury an account to be known as the Oregon Educational Coordinating Commission Account. All moneys received by the commission shall be paid into the State Treasury and credited to such account and hereby are appropriated continuously for and shall be used by the commission

in carrying out the purposes of ORS 348.705 to 348.825.

(8) Members of the commission are entitled to compensation and expenses as provided in ORS 292.495.

(9) Pursuant to ORS chapter 183, the commission may adopt rules necessary to carry out its functions
[Formerly 351 270]

348.725 Commission duties. In the discharge of its comprehensive planning responsibilities, the commission shall develop, adopt and maintain a comprehensive education plan and related policy objectives, which include state-wide educational goals and indicators appropriate for evaluating the qualitative and quantitative effectiveness of all aspects of education from kindergarten through post-graduate programs. The commission shall be directly responsible for the development of goals and policies and serve a coordinating role in plan development. Base level planning shall come from each educational governing board submitting plans to the commission, as specified in subsection (2) of this section.

(1) In developing the plan, the commission shall include short-range and long-range projections and shall consider at least the following factors:

(a) The continuity of elementary, secondary, post-secondary, continuing and informal levels of educational activity.

(b) The interrelationships, functions, roles, and responsibilities of each of the several state-wide agencies providing educational services in Oregon, including the coordinating agency.

(c) The range and kinds of educational programs appropriate to each segment, agency and private institution as developed through the procedure specified in subsection (2) of this section.

(d) The impact of budgetary priorities of the segments and agencies.

(e) The impact of student tuition and fees on various types and levels of students, and on educational programs and institutions.

(f) Appropriate levels of state-funded student financial aid.

(g) Access and admissions of students to post-secondary education.

(h) The educational programs and resources of independent and proprietary post-secondary education.

(i) The need for and location of post-secondary facilities

(j) The desirability of consortia, cooperative efforts and mergers of post-secondary institutions or educational districts

(k) A plan for monitoring progress made toward the attainment of state-wide educational goals and objectives, and for evaluating the impact of, and necessity for modifications in the comprehensive education plan

(2) The commission shall require each state educational governing board or each private institutional governing board to submit a long-range plan, in a form and manner prescribed by the commission, for the post-secondary institution or institutions under the board's jurisdiction

(3) The commission shall offer to the affected boards or their staffs opportunities to participate in the development of the forms, policies and procedures governing the submission of plans.

(4) The commission shall review and coordinate the plans submitted by affected boards, and evaluate them for consistency with the policies, objectives and goals of the comprehensive education plan. In the event of conflicts and inconsistencies, the commission shall recommend resolutions to the affected boards, and report unresolved issues and deficiencies periodically to the legislature with recommendations for their resolution

[1975 c 553 §3]

348.735 Meetings; chairman. The commission shall meet as frequently as the proper and efficient discharge of its duties may require. The commission shall choose a chairman from its members who shall preside at its meetings.

[Formerly 351 275]

348.745 Appointment, functions and status of executive director. (1) The commission may employ an executive director who shall

(a) Attend all meetings of the commission.

(b) Keep a record of the proceedings and transactions of the commission.

(c) Have custody of all books, papers, documents and other property belonging to the commission

(d) Be the administrative officer of the commission

(2) Unless otherwise provided by law, the commission shall fix and determine the annual salary of the executive director. The execu-

tive director, subject to any other applicable law regulating mileage and traveling expenses for state officers, shall receive his actual and necessary traveling and other expenses incurred in the performance of his official functions. The executive director shall be in the unclassified service for purposes of the State Merit System Law.

[Formerly 351 280]

348.755 Personnel. The commission may employ such other personnel as may be necessary to facilitate and assist in carrying out its functions, and fix and pay the compensation of such personnel. The employment of such personnel shall be subject to any applicable provision of the State Merit System Law

[Formerly 351 285]

348.765 Approval of disbursements. The chairman of the commission shall approve disbursements for indebtedness or expenses incurred under the provisions of and payable from appropriations made for the purposes of ORS 348 705 to 348.825. The commission may designate the executive director to approve those disbursements, provided that the indebtedness or expense has been theretofore authorized by the commission. If the commission so designates the executive director, it shall file with the Executive Department a statement to that effect together with a sample of his signature.

(Special Programs)

348.785 Program to improve instructional effectiveness or efficiency. The Oregon Educational Coordinating Commission shall administer a program of grants or awards to encourage the development or implementation of alternative techniques or procedures, courses of study or parts of courses, designed to improve instructional effectiveness or efficiency in public two-year colleges and four-year institutions of higher education in Oregon. Such grants or awards may be made to instructional personnel, the institutions or their subdivisions, or other public educational agencies and may be made to instructional personnel in the form of salary augmentation to encourage or reward efforts under this program

[Formerly 351 297]

348.795 Criteria for grants and awards. The Oregon Educational Coordinating Commission shall develop criteria for the preparation of applications and procedures for the submission, evaluation, priority selection and award of such grants or awards. The

commission may contract with the Department of Higher Education or other appropriate public educational agencies to develop program materials and to establish a mechanism at each institution for the purpose of introducing the materials and implementing the techniques. The commission's criteria and procedures shall be designed to assure that:

(1) Projects are directed primarily to the improvement of undergraduate instruction

(2) Project objectives are stated clearly and the effectiveness of a project is capable of objective evaluation in terms of the improvement of instructional effectiveness and efficiency.

(3) The project design provides a basis or procedure for the objective evaluation of its effectiveness through a demonstration of the learning achievements of students

(4) Projects have administrative and fiscal feasibility, there is evidence of departmental and institutional commitment to support and implement the project, and there will be cooperation with the commission in an evaluation of the effectiveness of the project

(5) Priority should be given to lower division, high enrollment courses.

[Formerly 351 298]

348.805 [1969 c 182 §1, 1971 c 577 §1, renumbered 348 105]

348.815 Purposes of projects. The projects authorized by ORS 348.785 to 348.825 may be designed to:

(1) Develop and test courses of study or parts of courses which feature predictable student achievement of pre-stated student performance objectives

(2) Stimulate the implementation of innovative approaches to instruction within the various institutions, providing training programs as necessary to familiarize faculty and administrators with newly developed instructional methodology.

[Formerly 351 301]

348.825 Advisory committee. The Oregon Educational Coordinating Commission shall appoint an advisory committee which is broadly representative of the institutions and with such other members as the commission deems appropriate, to assist the commission in carrying out the provisions of ORS 348 785 to 348.825

[Formerly 351 302]

(Degrees)

348.835 Commission approval of degree requirements. (1) No school or other institution of learning shall confer or offer to confer any degree upon any person, in recognition of the attainment or proficiency of such person, in pursuing or graduating from any course conducted by it, without first having submitted the requirements for such degree to the Oregon Educational Coordinating Commission and having obtained its approval of such requirements

(2) ORS 348 835 to 348.885 shall not apply to any school or institution of learning which has been established and conducted within this state, and has conferred degrees for a period of 15 years prior to March 4, 1935; nor to any school conducted under the public educational system of the state; nor to any school which is a member in good standing of the Northwest Association of Secondary and Higher Schools, nor to any school which confers degrees only for proficiency in any system or method of healing, nor to any school now conferring the degree of doctor of optometry; nor schools of theology operating on a post baccalaureate degree level

[Formerly 351 710]

348.845 Revocation of approval; hearing. Approval obtained under ORS 348.835 may be revoked for proper cause by the Oregon Educational Coordinating Commission at its discretion, after a hearing. Such hearing shall be held only after the school or institution of learning involved has been given 20 days' notice in writing of the time and place of such hearing

[Formerly 351 720]

348.855 Appeal procedure. Any decision made by the Oregon Educational Coordinating Commission refusing any school or institution of learning permission to confer degrees or revoking the right to confer degrees, shall be subject to the right of review by a suit brought in the circuit court of the county in which the school or institution of learning is located. Such review shall be tried as a suit in equity

[Formerly 351 730]

348.865 Announcement of conferring of degrees before approval of requirements forbidden. Excepting those exempted by ORS 348 835, no school or institution of learning conducted within this state, nor any officer or member thereof, shall announce or advertise that such school or institution of learning does or will confer any degree upon

any person whomsoever without first having complied with ORS 348.835 and 348.875

[Formerly 351.740]

348.875 Schools to file information; board authorized to inspect; revocation for failure to maintain standards. All

schools or other institutions of learning subject to ORS 348.835 shall file such information with the State Board of Education as it may direct. The board may send an expert to inspect any such school or institution of learning. If any such school or institution of learning fails to keep up the required standard, the State Board of Education shall revoke its approval to confer degrees

[Formerly 351.750]

348.885 Misrepresentation of possession of academic degree prohibited. No person shall lay claim to or represent himself as possessing any academic degree which has not been awarded to or conferred upon him. Any person claiming to be the holder of any academic degree shall, upon request of the State Board of Education, file with it the name of the degree so claimed, the name and location of the institution or school conferring same, the date of conference and a certified copy of the diploma or other document in possession of the claimant and evidencing

such degree. Failure to file such information or document shall be prima facie evidence that the claim of such person to such degree is fraudulent.

[Formerly 351.760]

(Coordination with Other State Agencies)

348.890 Coordination with other state agencies. (1) The State Board of Higher Education, the State Board of Education and the Oregon Educational Coordinating Commission shall hold at least one meeting annually for the purpose of coordinating their activities and facilitating the solution of problems of mutual concern.

(2) Bylaws to be adopted by the members shall determine procedures for setting meeting dates, locations, chairmanship rotation, agendas and staff support

[1977 c 306 §3]

PENALTIES

348.990 Penalties. Violation of ORS 348.210 is a misdemeanor

[Derived from 351.990]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law

Done at Salem, Oregon,
October 1, 1977

Thomas G. Clifford
Legislative Counsel

CHAPTERS 349 AND 350

[Reserved for expansion]