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DIVISION 1

PROCEDURAL RULES

575-001-0000

Rulemaking Notice

(1) Prior to the adoption, amendment, or repeal of any rule, except a temporary rule, the Oregon Student Assistance Commission shall give public notice in the manner provided in this rule and hold a hearing on the proposed action.

(2) The public notice shall include the following:

(a) Subject matter and purpose of the intended action in sufficient detail to inform a person that the person's interest may be affected;

(b) Time, place, and manner in which interested persons may present their views on the intended action;

(c) A citation of the statutory or other legal authority for the agency's rulemaking;

(d) A citation of the statute or other law the rule is intended to implement;

(e) A statement of need for the rule and a statement of how the rule is intended to meet that need;

(f) A list of principal documents prepared by or relied upon by the agency in considering the need for the rule and a statement of the location at which those documents are available for public inspection;

(g) A statement of fiscal impact; and

(h) A statement concerning the use or non use of an advisory committee.

(3) The public notice shall be provided by:

(a) Publication in the Administrative Rules Bulletin referred to in ORS 183.360 at least twenty-one (21) days before the effective date of the proposed action;

(b) Mailing a copy, along with a copy of the proposed rule, to persons on the agency's mailing list established under ORS 183.335(7) twenty-eight (28) days before the effective date of the proposed action; and

(c) Mailing a copy of the proposed rule to other persons who request such in writing.

Stat. Auth.: ORS 183 & 348

Stats. Implemented: ORS 183 & 348

Hist.: SSC 8(Temp), f. 1-30-76, ef. 2-15-76 thru 6-14-76; SSC 9, f. & ef. 10-21-76; SSC 13-1994, f. 10-7-94, cert. ef. 10-16-94; OSAC 1-1999, f. & cert. ef. 12-8-99

575-001-0005

Model Rules

The Attorney General's Model Rules of Procedure under the Administrative Procedure Act, effective March 27, 2000, are hereby adopted as rules of procedure of the Oregon Student Assistance Commission and are made a part of these Administrative Rules.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or the Oregon Student Assistance Commission.]

Stat. Auth.: ORS 183.325

Stats. Implemented: ORS 183, 348, 729 & OL 1999

Hist.: SSC 17, f. & ef. 8-1-77; SSC 1-1979, f. & ef. 1-17-79; SSC 1-1980, f. & ef. 1-31-80; SSC 1-1982, f. & ef. 4-28-82; SSC 3-1983, f. & ef. 11-29-83; SSC 1-1986, f. & ef. 2-21-86; SSC 1-1994, f. & cert. ef. 1-25-94; SSC 1-1996, f. & cert. ef. 3-12-96; OSAC 1-1999, f. & cert. ef. 12-8-99; OSAC 1-2001, f. & cert. ef. 3-1-01

575-001-0010

Eligibility

(1) Any student or parent in default on any Federal Family Education Loan Program (FFELP) loan (formerly Guaranteed Student Loan/GSL) or any loan made or insured by the Oregon Student Assistance Commission and any student owing a refund on any State

grant, or owing a refund or in default on any Title IV federal aid program shall not be eligible to participate in any student assistance program administered by the Commission.

(2) A student or parent who has lost eligibility for the aid programs referenced under section (1) of this rule regains eligibility by meeting the requirements of the Higher Education Act of 1965, as amended, and regulations issued thereunder.

Stat. Auth.: ORS 183 & 348

Stats Implemented: ORS 348.530

Hist.: SSC 17, f. & ef. 8-1-77; SSC 3-1980, f. & ef. 1-31-80; SSC 2-1982(Temp), f. & ef. 5-4-82; SSC 3-1982, f. & ef. 7-15-82; SSC 1-1985, f. & ef. 4-17-85; SSC 2-1986, f. & ef. 2-25-86; SSC 5-1986, f. & ef. 6-12-86; SSC 1-1990, f. & cert. ef. 2-5-90; SSC 3-1990, f. & cert. ef. 5-1-90; OSAC 1-1999, f. & cert. ef. 12-8-99

575-001-0015

Right of Appeal

A student who is denied participation in any student assistance program administered by the Oregon Student Assistance Commission may appeal the denial to the Commission. The appeal shall be submitted in writing a minimum of ten days before the meeting at which the appeal is to be considered.

Stat. Auth.: ORS 348

Stats. Implemented: HB 2249 and the Higher Education Act of 1965 as amended

Hist.: SSC 17, f. & ef. 8-1-77; SSC 2-1986, f. & ef. 2-25-86 ; OSAC 1-1999, f. & cert. ef. 12-8-99; OSAC 1-2005(Temp), f. & cert. ef. 4-4-05 thru 10-1-05; OSAC 2-2005, f. 9-27-05, cert. ef. 10-1-05; OSAC 5-2007, f. & cert. ef. 11-7-07

575-001-0030

Licensing, Suspension, and Renewal Requirements

(1) A State of Oregon licensing board, agency, or commission that is authorized by statute shall refuse to renew or may suspend a certificate, license, or registration of a person, or place the person on probation, if the person is in default in repayment of any student loan guaranteed or insured by the Oregon Student Assistance Commission and is not paying in a satisfactory manner as defined by federal regulation.

(2) The Oregon Student Assistance Commission shall identify which entities it is feasible to enter into an agreement with, to design and implement a process for conducting database matches and notification procedures.

(3) The Oregon Student Assistance Commission shall notify the defaulted loan borrower in writing that failure to pay satisfactorily may result in a refusal to issue or renew, a suspension or a placement on probation on any license, certificate or registration. The notice shall provide the defaulted student loan borrower with an administrative process to challenge the default status of any loan and an opportunity to object to the collection of the debt according to 34 CFR 30.20 to 30.33 and 34 CFR 682.410.

(4) The Oregon Student Assistance Commission shall inform defaulted borrowers and participating boards, agencies and commissions as outlined in ORS 348.397-348.399.

Stat. Auth.: ORS 183.325, 690.005 - 690.235 & 348

Stats. Implemented: HB 2337, 1995 Legislative Assembly

Hist.: SSC 2-1994, f. & cert. ef. 1-25-94; SSC 2-1996, f. & cert. ef. 6-7-96; OSAC 1-1999, f. & cert. ef. 12-8-99

575-001-0035

Appointment and Authority of Executive Director

The Commission shall appoint a qualified person to hold the position of Executive Director of the Oregon Student Assistance Commission. The Executive Director shall have the authority to direct all activities of the agency including, but not limited to, developing the agency's biennial and interim budget requests, overseeing all management functions of the agency such as authorizing expenditures and fees, employing and dismissing staff, entering into contracts and any other activity necessary to direct the functions of the agency on a daily basis.

Stat. Auth.: ORS 183 & 348

Stats. Implemented: ORS 183 & 348

Hist.: OSAC 1-1999, f. & cert. ef. 12-8-99

DIVISION 7

CRIMINAL RECORDS CHECK RULES

575-007-0200

Statement of Purpose and Statutory Authority

(1) Purpose. The purpose of these rules is to provide for the reasonable screening of subject individuals in order to determine if they have a history of criminal behavior such that they are not fit to work or volunteer in positions covered by OAR 575-007-0220(2)(a)–(g).

(2) Authority. These rules are authorized under ORS 348, Chapter 730 (2005 Laws), H.B. 2157 (2005 Laws)

(3) When Rules Apply. These rules are to be applied when obtaining the criminal history of a subject individual and conducting fitness determinations based upon such history. The fact that a subject individual is approved does not guarantee employment or placement.

Stat. Auth.: ORS 348; Ch. 730 2005 OL, HB. 2157 2005 OL

Stats. Implemented: Ch. 730 2005 OL

Hist.: OSAC 4-2006, f. & cert. ef. 11-1-06

575-007-0210

Definitions

As used in OAR 575-007, unless the context of the rule requires otherwise, the following definitions apply:

(1) “Approved” means that a criminal records check and any required fitness determination has been completed on a subject individual and the subject individual is eligible to be an employee, volunteer, or contractor in positions covered by these rules.

(2) “Authorized Designee” means a person who is authorized by the Commission to receive and process criminal records check request forms signed by subject individuals and other criminal records information. The authorized designee conducts fitness determinations under the authority of the Commission.

(3) “Contact Person” means a person who is authorized by the Commission to receive and process criminal records check request forms signed by subject individuals, but who is not authorized to receive other criminal records information. The contact person is not allowed to make fitness determinations.

(4) “Conviction” means that the subject individual was convicted in a court of law. Entering a plea of “guilty” or “no contest” is also considered a conviction for the purpose of these rules unless a subsequent court decision has dismissed the charges. An expunged juvenile or adult record is not considered a conviction under these rules.

(5) “Criminal Records Check Rules” or “These Rules” means OAR chapter 575, division 007.

(6) “Criminal Records Check” or “CRC” means the Oregon Criminal Records Check and when required, a National Criminal Records Check and/or a State-Specific Criminal Records Check, and the processes and procedures required by these rules.

(7) “Denied” means that a criminal records check and subsequent fitness determination, including a weighing test, has been completed on a subject individual and the subject individual has been found to be not eligible to be an employee or volunteer in positions covered by these rules.

(8) “The Commission” means the Oregon Student Assistance Commission.

(9) “Hiring on a Preliminary Basis” means a subject individual is hired on a preliminary basis and allowed by the authorized designee to participate in the training for, orientation to, and work activities of the positions covered by these rules following submission of a completed OSAC Criminal Records Request form and subject to a final fitness determination. The term “hiring on a preliminary basis” is applicable only during the timeframe prior to a final fitness determination. See OAR 575-007-0310. An employee on trial service cannot appeal a termination except through the terms of the collective bargaining agreement.

(10) “National Criminal Records Check” means obtaining and reviewing criminal records nationwide or from states or jurisdictions other than Oregon. This information may be obtained from the Fed-

eral Bureau of Investigation (FBI) through the use of fingerprint cards and from other criminal information resources.

(11) “Oregon Criminal Records Check” means obtaining and reviewing information from the Oregon State Police’s Law Enforcement Data System (LEDS). The Oregon Criminal Records Check may also include a review of information from the Oregon Judicial Information Network (OJIN), Oregon Department of Corrections records, Motor Vehicles Division (DMV), local or regional criminal records information systems, or other law enforcement agency or court records in Oregon.

(12) “Potentially Disqualifying Crime” means a crime listed or described in OAR 575-007-0280.

(13) “Records Information” includes criminal justice records, fingerprints, court records, sexual offender registration records, warrants, arrests, DMV information, information provided on the Commission’s criminal records check forms, and any other information obtained by or provided to the Commission for the purpose of conducting a fitness determination.

(14) “Related” means spouse, domestic partner, natural parent, child, sibling, adopted child, adoptive parent, stepparent, stepchild, stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, grandchild, aunt, uncle, niece, nephew or first cousin.

(15) “State-Specific Criminal Records Check” means obtaining and reviewing information from law enforcement agencies, courts or other criminal records information resources located in a state or jurisdiction outside Oregon.

(16) “Subject Individual”: see OAR 575-007-0220.

(17) “Weighing Test” means a process carried out by the authorized designee in which information is considered to determine if a subject individual is approved or denied. See OAR 575-007-0320(5)(c).

Stat. Auth.: ORS 348; Ch. 730 2005 OL, HB. 2157 2005 OL

Stats. Implemented: Ch. 730 2005 OL

Hist.: OSAC 4-2006, f. & cert. ef. 11-1-06

575-007-0220

Subject Individuals

(1) As used in OAR 575-007, “Subject Individual” means a person from whom the Commission may require fingerprints for the purpose of conducting a state or nationwide criminal records check.

(2) The Commission may require the fingerprints of a person who is employed by or applying for employment with the Commission or provides services or seeks to provide services to the Commission as a contractor or volunteer and is, or will be, working or providing services in a position in which:

(a) The person has direct access to facilities where students reside or to persons under 18 years of age, elderly persons or persons with disabilities;

(b) The person is providing information technology services and has control over, or access to, information technology systems that would allow the person to harm the information technology systems or the information contained in the systems;

(c) The person has access to information, the disclosure of which is prohibited by state or federal laws, rules or regulations or information that is defined as confidential under state or federal laws, rules or regulations. Such information may include Social Security numbers, driver license numbers, medical information, personal financial information or criminal history information;

(d) The person has payroll functions;

(e) The person has responsibility for receiving, receipting or depositing money or negotiable instruments;

(f) The person has responsibility for billing, collections or other financial transactions;

(g) The person has responsibility for purchasing or selling property or has access to property held in trust or to private property in the temporary custody of the state.

Stat. Auth.: ORS 348; Ch. 730 2005 OL, HB. 2157 2005 OL

Stats. Implemented: Ch. 730 2005 OL

Hist.: OSAC 4-2006, f. & cert. ef. 11-1-06

575-007-0230

Criminal Records Check Required

(1) Who Conducts Check.

(a) The Commission may request that the Department of State Police conduct a criminal records check on a subject individual. If a nationwide criminal records check of a subject individual is necessary, the Commission may request that the Department of State Police conduct the check, including fingerprint identification, through the Federal Bureau of Investigation.

(b) The Commission may conduct criminal records checks on subject individuals through the Law Enforcement Data System maintained by the Department of State Police in accordance with rules adopted, and procedures established, by the Department of State Police.

(2) When Check is Required (New Checks and Re-checks). A subject individual is required to have a check in the following circumstances:

(a) The person becomes a subject individual on or after the effective date of these rules;

(b) The individual, subject or not, changes positions and the new position requires a criminal records check, for example, through promotion, transfer, demotion, restoration, bumping and recall;

(c) A criminal records check is required by federal or state laws or regulations, other rules adopted by the Commission, or by contract or written agreement with the Commission;

(d) The Commission has reason, such as any indication of possible criminal behavior, to believe that a check is justified;

(e) After July 1, 2006, is a subject individual who is a contractor or who provides services as a volunteer.

(3) When Check is Not Required. When the subject individual changes positions, a check is not required only under the following:

(a) The authorized designee determines that the new position requires the same or less responsibility for functions covered by OAR 575-007-0220(2)(a)–(g); or

(b) There are no known new potentially disqualifying crimes, arrests, or conditions.

Stat. Auth.: ORS 348; Ch. 730 2005 OL, HB. 2157 2005 OL

Stats. Implemented: Ch. 730 2005 OL

Hist.: OSAC 4-2006, f. & cert. ef. 11-1-06

575-007-0240

Contact Person and Authorized Designee

(1) Requirements. All requirements in this section must be completed within a 90-day time period and prior to performing any duties as a contact person or authorized designee. To be approved by the Commission, all contact persons and authorized designees must:

(a) Apply to and be registered by the Commission. The application must be in writing on a form provided by the Commission.

(b) Be approved by the Commission after completing both an Oregon and a national criminal records check in accordance with these rules or Oregon State Police rules and must have:

(A) No conviction for a potentially disqualifying permanent review crime,

(B) No convictions for any other crime in the past fifteen years, and

(C) No outstanding warrants, registration as a sex offender in Oregon or any other jurisdiction, or any other condition identified in OAR 575-007-0290.

(c) Complete a training program and successfully pass any testing as required by the Commission.

(2) Denial of Contact Person or Authorized Designee Status.

(a) A person's status as a contact person or authorized designee will be denied if the person does not meet the qualifications to be a contact person or authorized designee as listed in this rule. Once denied, the person can no longer perform the duties of a contact person or authorized designee for the Commission.

(b) Denial or termination of contact person or authorized designee status under OAR 575-007-0240(4)(a) is not subject to hearing rights under these rules unless the denial or termination results in loss of employment or position, in which case they have the same hearing rights as other subject individuals under these rules.

(3) Responsibilities.

(a) A contact person is responsible for performing the following duties:

(A) Ensure that adequate measures are taken to protect the confidentiality of the records as required by these rules;

(B) Take reasonable measures to verify the identity of a subject individual. When the application is submitted in person, these measures include asking the subject individual for government-issued photo identification (example: driver's license, passport) and confirming information written on the OSAC Records Request form with information on the photo identification;

(C) Ensure that, when a subject individual is hired on a preliminary basis, the need for active supervision pursuant to OAR 575-007-0310 is understood by each person responsible for ensuring that active supervision is provided;

(D) Ensure that the subject individual receives a timely, written notice of the final fitness determination. When the decision results in denial or a restriction, the notice must include information regarding how to appeal the decision;

(E) Monitor the status of criminal records check applications and investigate any delays in processing; and

(F) Ensure that documentation required by these rules is processed and maintained in accordance with these rules.

(b) An authorized designee has all the responsibilities of a contact person as listed in (3)(a) of this rule, and in addition must perform the following duties:

(A) Review the OSAC Criminal Records Request form completed by the subject individual (if not already done by a contact person) and conduct a preliminary fitness determination under the authority of the Commission in accordance with OAR 575-007-0320 in order to determine eligibility to be hired on a preliminary basis;

(B) Conduct a final fitness determination under the authority of the Commission in accordance with OAR 575-007-0320; and

(C) Participate in the Commission's appeal process.

(4) Conflict of Interest. An authorized designee must not have access to LEDS information, or make a fitness determination, if there is a conflict of interest between the authorized designee and the subject individual.

(a) A conflict of interest exists when one or more of the following circumstances is true:

(A) The authorized designee or contact person is related to the subject individual, or

(B) The authorized designee or contact person has a financial or close personal relationship, other than an employee-employer relationship, with the subject individual.

(5) Termination of Contact Person or Authorized Designee Status.

(a) When the authorized designee's or contact person's position with the Commission ends, the Commission's registration of a contact person or authorized designee is revoked.

(b) The Commission must suspend or revoke the appointment if a contact person or authorized designee fails to comply with the rules of the Commission or fails to continue to meet the qualifications for the position of authorized designee or contact person, as applicable.

(6) Review of Appointment. The Commission will develop a procedure to review and update appointments of contact persons and authorized designees, up to and including a new application and criminal records check, to assure that all requirements of this rule are met:

(a) Every three years; or

(b) If the Commission has reason to believe the person no longer meets the qualifications to be a contact person or authorized designee, such as but not limited to, any indication of criminal behavior.

Stat. Auth.: ORS 348; Ch. 730 2005 OL, HB. 2157 2005 OL

Stats. Implemented: Ch. 730 2005 OL

Hist.: OSAC 4-2006, f. & cert. ef. 11-1-06

575-007-0250

Oregon Criminal Records Check Process

(1) Forms Required. The OSAC Criminal Records Request form must be filled out and signed by the applicant/employee. This

form indicates what identifying and other information is required from the subject individual to begin the CRC. All information provided by the employee/applicant must be truthful, accurate and current.

(2) Processing.

(a) The Commission obtains criminal records information from the Oregon State Police Law Enforcement Data System and from other sources of criminal, judicial and motor vehicle information.

(b) Only an authorized designee, may perform the following duties:

(A) Receive and evaluate Oregon criminal records information from the Oregon State Police as allowed by applicable statutes, or

(B) Conduct fitness determinations.

(c) The Commission or the authorized designee may require that a subject individual obtain and provide additional criminal, judicial or other background information.

(d) Criminal records information obtained from the Law Enforcement Data System must be handled in accordance with applicable Oregon State Police requirements in ORS chapter 181 and OAR chapter 257, division 15.

(3) Additional Information Required. In order to conduct an Oregon check and fitness determination, the Commission may require additional information from the subject individual as necessary, such as but not limited to proof of identity, residential history, names used while living at each residence, or additional criminal, judicial, or other background information.

Stat. Auth.: ORS 348; Ch. 730 2005 OL, HB. 2157 2005 OL

Stats. Implemented: Ch. 730 2005 OL

Hist.: OSAC 4-2006, f. & cert. ef. 11-1-06

575-007-0260

State-Specific Criminal Records Check Process

(1) State-Specific Check. Notwithstanding the provisions of OAR 575-007-0270, the Commission may conduct a state-specific criminal records check in lieu of a national check when the Commission has reason to believe that out-of-state history may exist and that a nationwide criminal records check is not warranted.

(2) Supplement to National Check. The Commission may conduct a state-specific check in addition to a national check in order to clarify incomplete or conflicting information.

(3) Additional Information Required. In order to conduct a state-specific check and complete a fitness determination, the Commission or the authorized designee may require additional information from the subject individual as necessary, such as but not limited to proof of identity, residential history, names used while living at each residence, or additional criminal, judicial, or other background information.

Stat. Auth.: ORS 348; Ch. 730 2005 OL, HB. 2157 2005 OL

Stats. Implemented: Ch. 730 2005 OL

Hist.: OSAC 4-2006, f. & cert. ef. 11-1-06

575-007-0270

National Criminal Records Check Process

(1) National Criminal Records Check. In addition to an Oregon check (OAR 575-007-0250), a national criminal records check will be required by the Commission under any of the following circumstances:

(a) Out-of-State Residency. The subject individual has lived outside Oregon for 60 or more consecutive days during the previous five (5) years.

(b) Out-of-State Residency for Postsecondary Students. During the previous five (5) years, the subject individual has lived outside Oregon for 90 or more consecutive days or for more than one academic term or semester as part of a study-abroad program, an academic exchange, extended research project, or a similar program or activity.

(c) Criminal History Outside Oregon. The LEDS check, or any other information obtained by the Commission, indicates there may be criminal history outside of Oregon, or the subject individual self-discloses criminal history outside of Oregon.

(d) Identity or History Questioned. The social security number appears not to be valid or is not provided to the Commission on the OSAC Criminal Records Request form, the subject individual has no

Oregon driver's license or Oregon identification card, or the Commission has other reason to question the identity or history of the subject individual.

(e) Required by Other Laws or Regulations. A check is required by federal or state laws or regulations, other rules adopted by the Commission, or by contract or written agreement with the Commission.

(2) Additionally, a national criminal records check on a subject individual may be required by the Commission if based on the nature of the position or other relevant factors the Authorized Designee deems it necessary.

(3) Fingerprinting a Juvenile. Consent of the parent or guardian is required to obtain fingerprints from a child under the age of 18 years.

(4) Processing. The subject individual must complete and submit a fingerprint card when requested by the Commission.

(a) Fingerprint Cards. The subject individual must complete and return a fingerprint card (example: FBI Form FD 258) provided by the Commission.

(b) Time Frame for Return. The card must be completed and returned within 7 days of the request to the contact person to avoid closure of application pursuant to OAR 575-007-0320(5)(d).

(c) Extension. The Commission may extend the time allowed for return of the fingerprint card for good cause.

(5) Additional Information Required. In order to conduct a national check and complete a fitness determination, the Commission or the authorized designee may require additional information from the subject individual as necessary, such as but not limited to proof of identity, residential history, names used while living at each residence, or additional criminal, judicial, or other background information.

Stat. Auth.: ORS 348; Ch. 730 2005 OL, HB. 2157 2005 OL

Stats. Implemented: Ch. 730 2005 OL

Hist.: OSAC 4-2006, f. & cert. ef. 11-1-06

575-007-0275

Imminent Danger

(1) If the Commission determines there is an indication of criminal behavior that could pose a potential immediate threat to safety or security while performing the functions covered by OAR 575-007-0220(2)(a)–(g), the Commission may authorize a new criminal records check without the completion of a new OSAC Criminal Records Request form.

(2) If the Commission determines that a fitness determination based on the new criminal records check may be adverse to the subject individual, the Commission will provide the subject individual the opportunity to disclose criminal history and other information as indicated in OAR 575-007-0300 before completing the fitness determination.

Stat. Auth.: ORS 348; Ch. 730 2005 OL, HB. 2157 2005 OL

Stats. Implemented: Ch. 730 2005 OL

Hist.: OSAC 4-2006, f. & cert. ef. 11-1-06

575-007-0280

Potentially Disqualifying Crimes

A conviction of any of the following crimes is potentially disqualifying. The lists include offenses that are crimes and are not intended to include offenses that are classified as violations (See ORS 161.505 through 161.565).

(1) Permanent Review. The crimes listed in this section are crimes which require that a fitness determination be completed regardless of date of conviction.

(a) ORS 162.155, Escape II;

(b) ORS 162.165, Escape I;

(c) ORS 162.325, Hindering prosecution;

(d) ORS 163.005, Criminal homicide;

(e) ORS 163.095, Aggravated murder;

(f) ORS 163.115, Murder;

(g) ORS 163.118, Manslaughter I;

(h) ORS 163.125, Manslaughter II;

(i) ORS 163.145, Criminally negligent homicide;

(j) ORS 163.160, Assault IV;

(k) ORS 163.165, Assault III;

- (l) ORS 163.175, Assault II;
- (m) ORS 163.185, Assault I;
- (n) ORS 163.187, Strangulation;
- (o) ORS 163.190, Menacing;
- (p) ORS 163.200, Criminal mistreatment II;
- (q) ORS 163.205, Criminal mistreatment I;
- (r) ORS 163.207, Female genital mutilation;
- (s) ORS 163.208, Assault of Public Safety Officer;
- (t) ORS 163.213, Unlawful use of an electrical stun gun, tear gas, or mace I;
- (u) ORS 163.225, Kidnapping II;
- (v) ORS 163.235, Kidnapping I;
- (w) ORS 163.257, Custodial interference I;
- (x) ORS 163.275, Coercion;
- (y) ORS 163.355, Rape III;
- (z) ORS 163.365, Rape II;
- (aa) ORS 163.375, Rape I;
- (bb) ORS 163.385, Sodomy III;
- (cc) ORS 163.395, Sodomy II;
- (dd) ORS 163.405, Sodomy I;
- (ee) ORS 163.408, Unlawful Sexual penetration II;
- (ff) ORS 163.411, Unlawful Sexual penetration I;
- (gg) ORS 163.415, Sexual abuse III;
- (hh) ORS 163.425, Sexual abuse II;
- (ii) ORS 163.427, Sexual abuse I;
- (jj) ORS 163.435, Contributing to the sexual delinquency of a minor;
- (kk) ORS 163.465, Public indecency;
- (ll) ORS 163.515, Bigamy;
- (mm) ORS 163.525, Incest;
- (nn) ORS 163.535, Abandonment of a child;
- (oo) ORS 163.537, Buying or selling a person under 18 years of age;
- (pp) ORS 163.545, Child neglect II;
- (rr) ORS 163.547, Child neglect I;
- (ss) ORS 163.555, Criminal nonsupport;
- (tt) ORS 163.575, Endangering the welfare of a minor;
- (uu) ORS 163.670, Using child in display of sexually explicit conduct;
- (vv) ORS 163.673, Dealing sexual condition of children;
- (ww) ORS 163.675, Sale sexual condition of children;
- (xx) ORS 163.680, Paying for sexual view of children;
- (yy) ORS 163.684, Encouraging child sexual abuse I;
- (zz) ORS 163.686, Encouraging child sexual abuse II;
- (aaa) ORS 163.687, Encouraging child sexual abuse III;
- (bbb) ORS 163.688, Possession of materials depicting sexually explicit conduct of a child I;
- (ccc) ORS 163.689, Possession of materials depicting sexually explicit conduct of a child II;
- (ddd) ORS 163.693, Failure to report child pornography;
- (eee) ORS 163.732, Stalking;
- (fff) ORS 164.057, Aggravated theft I;
- (ggg) ORS 164.075, Theft by extortion;
- (hhh) ORS 164.125, Theft of services;
- (iii) ORS 164.225, Burglary I;
- (jjj) ORS 164.325, Arson I;
- (kkk) ORS 164.395, Robbery III;
- (lll) ORS 164.405, Robbery II;
- (mmm) ORS 164.415, Robbery I;
- (nnn) ORS 165.581, Cellular counterfeiting I;
- (ooo) ORS 166.005, Treason;
- (ppp) ORS 166.015, Riot;
- (qqq) ORS 166.085, Abuse of corpse II;
- (rrr) ORS 166.087, Abuse of corpse I;
- (sss) ORS 166.155, Intimidation II;
- (ttt) ORS 166.165, Intimidation I;
- (uuu) ORS 166.220, Unlawful use of weapon;
- (vvv) ORS 166.270, Possession of weapons by certain felons;
- (www) ORS 166.272, Unlawful possession of machine guns, certain short-barreled firearms and firearm silencers;
- (xxx) ORS 166.275, Possession of weapons by inmates of institutions;
- (yyy) ORS 166.429, Firearms used in felony;
- (zzz) ORS 166.720, Racketeering activity unlawful;
- (aaaa) ORS 167.012, Promoting prostitution;
- (bbbb) ORS 167.017, Compelling prostitution;
- (cccc) ORS 167.062, Sadomasochistic abuse or sexual conduct in live show;
- (dddd) ORS 167.065, Furnishing obscene materials to minors;
- (eeee) ORS 167.070, Sending obscene materials to minors;
- (ffff) ORS 167.075, Exhibiting an obscene performance to a minor;
- (gggg) ORS 167.080, Displaying obscene materials to minors;
- (hhhh) ORS 167.087, Disseminating obscene material;
- (iiii) ORS 167.262, Adult using minor in commission of controlled substance offense;
- (jjjj) ORS 167.315, Animal abuse II;
- (kkkk) ORS 167.320, Animal abuse I;
- (llll) ORS 167.322, Aggravated animal abuse I;
- (mmmm) ORS 167.333, Sexual assault of animal;
- (nnnn) ORS 181.599, Failure to report as sex offender;
- (oooo) ORS 475.525, Sale of drug paraphernalia prohibited;
- (pppp) ORS 475.805, Providing hypodermic device to minor prohibited;
- (qqqq) ORS 475.967, Possession of precursor substance with intent to manufacture controlled substance;
- (rrrr) ORS 475.973, Unlawful possession or distribution of ephedrine, pseudoephedrine or phenylpropanolamine;
- (sss) ORS 475.975, Unlawful possession of iodine in its elemental form;
- (tttt) ORS 475.976, Unlawful possession of iodine matrix;
- (uuuu) ORS 475.982, Providing drug test falsification equipment;
- (vvvv) ORS 475.984, Causing another person to ingest a controlled substance;
- (wwww) ORS 475.986, Application of controlled substance to the body of another person;
- (xxxx) ORS 475.992, Prohibited acts generally (regarding drug crimes);
- (yyyy) ORS 475.993, Prohibited acts for registrants (with the State Board of Pharmacy; regarding felony crimes);
- (zzzz) ORS 475.995, Distribution to minors;
- (aaaaa) ORS 475.999, Penalty for manufacture or delivery of controlled substance within 1000 feet of school;
- (bbbbb) ORS 677.080, Prohibited acts (regarding the practice of medicine);
- (ccccc) Any federal crime;
- (dddd) Any unclassified felony defined in Oregon Revised Statutes not listed elsewhere in this rule;
- (eeee) Any other felony in Oregon's or any other jurisdiction's statutes not listed elsewhere in this rule that is serious and indicates behavior that poses a threat to safety or security, as determined by the authorized designee.
- (ffff) Any crime of attempt, solicitation or conspiracy to commit a crime listed in this section pursuant to ORS 161.405, 161.435, or 161.450, including any crime based on criminal liability for conduct of another pursuant to ORS 161.155.
- (ggggg) Any crime in any other jurisdiction that is the substantial equivalent of any of the Oregon crimes listed in this section (section (1)) as determined by the authorized designee.
- (hhhhh) Any crime that is no longer codified in Oregon or other jurisdiction but that is the substantial equivalent of any of the crimes listed in this section (section (1)) as determined by the authorized designee.
- (iiiiii) A new crime, adopted by the Legislature following the most recent amendment of these rules, that is the substantial equivalent of any of the crimes listed in this section (section (1)) as determined by the authorized designee.
- (2) Ten-Year Review. The crimes listed in this section are crimes that require that a fitness determination be completed if the date of

conviction is within ten years of the date the OSAC Records Request form was signed.

- (a) ORS 133.076, Failure to appear on criminal citation
- (b) ORS 162.015, Bribe giving;
- (c) ORS 162.025, Bribe receiving;
- (d) ORS 162.065, Perjury;
- (e) ORS 162.075, False swearing;
- (f) ORS 162.117, Public investment fraud;
- (g) ORS 162.145, Escape III;
- (h) ORS 162.175, Unauthorized departure;
- (i) ORS 162.185, Supplying contraband;
- (j) ORS 162.195, Failure to appear II;
- (k) ORS 162.205, Failure to appear I;
- (l) ORS 162.247, Interfering with a peace officer;
- (m) ORS 162.265, Bribing a witness;
- (n) ORS 162.275, Bribe receiving by a witness;
- (o) ORS 162.285, Tampering with a witness;
- (p) ORS 162.295, Tampering with physical evidence;
- (q) ORS 162.305, Tampering with public records;
- (r) ORS 162.335, Compounding;
- (s) ORS 162.355, Simulating legal process;
- (t) ORS 162.365, Criminal impersonation;
- (u) ORS 162.367, Criminal impersonation of peace officer;
- (v) ORS 162.369, Possession of false law enforcement identification card;
- (w) ORS 162.375, Initiating a false report;
- (x) ORS 162.385, Giving false information to police officer for a citation;
- (y) ORS 162.405, Official misconduct II;
- (z) ORS 162.415, Official misconduct I;
- (aa) ORS 162.425, Misuse of confidential information;
- (bb) ORS 163.195, Recklessly endangering another person;
- (cc) ORS 163.212, Unlawful use of an electrical stun gun, tear gas, or mace II;
- (dd) ORS 163.245, Custodial interference II;
- (gg) ORS 163.445, Sexual misconduct;
- (ii) ORS 163.467, Private indecency;
- (jj) ORS 163.700, Invasion of personal privacy;
- (kk) ORS 163.750, Violating court's stalking protective order;
- (ll) ORS 164.043, Theft III;
- (mm) ORS 164.045, Theft II;
- (nn) ORS 164.055, Theft I;
- (oo) ORS 164.085, Theft by deception;
- (pp) ORS 164.095, Theft by receiving;
- (qq) ORS 164.135, Unauthorized use of a vehicle;
- (rr) ORS 164.140, Criminal possession of rented or leased personal property;
- (ss) ORS 164.162, Mail theft or receipt of stolen mail;
- (tt) ORS 164.215, Burglary II;
- (uu) ORS 164.235, Possession of burglar's tools;
- (vv) ORS 164.255, Criminal trespass I;
- (ww) ORS 164.265, Criminal trespass while in possession of firearm;
- (xx) ORS 164.272, Unlawful entry into motor vehicle;
- (yy) ORS 164.315, Arson II;
- (zz) ORS 164.335, Reckless burning;
- (aaa) ORS 164.354, Criminal Mischief II;
- (bbb) ORS 164.365, Criminal Mischief I;
- (ccc) ORS 164.369, Interfering with police animal;
- (ddd) ORS 164.377, Computer crime;
- (eee) ORS 165.007, Forgery II;
- (fff) ORS 165.013, Forgery I;
- (ggg) ORS 165.017, Criminal possession of a forged instrument II;
- (hhh) ORS 165.022, Criminal possession of a forged instrument I;
- (iii) ORS 165.032, Criminal possession of a forgery device;
- (jjj) ORS 165.037, Criminal simulation;
- (kkk) ORS 165.042, Fraudulently obtaining a signature;
- (lll) ORS 165.055, Fraudulent use of a credit card;
- (mmm) ORS 165.065, Negotiating a bad check;

- (nnn) ORS 165.070, Possessing fraudulent communications device;
- (ooo) ORS 165.074, Unlawful factoring of credit card transaction;
- (ppp) ORS 165.080, Falsifying business records;
- (qqq) ORS 165.085, Sports bribery;
- (rrr) ORS 165.090, Sports bribe receiving;
- (sss) ORS 165.095, Misapplication of entrusted property;
- (ttt) ORS 165.100, Issuing a false financial statement;
- (uuu) ORS 165.102, Obtaining execution of documents by deception;
- (vvv) ORS 165.540, Obtaining contents of communication;
- (www) ORS 165.543, Interception of communications;
- (xxx) ORS 165.570, Improper use of 9-1-1 emergency reporting system;
- (yyy) ORS 165.572, Interference with making a report;
- (zzz) ORS 165.577, Cellular counterfeiting III;
- (aaaa) ORS 165.579, Cellular counterfeiting II;
- (bbbb) ORS 165.692, Making false claim for health care payment;
- (cccc) ORS 165.800, Identity theft;
- (dddd) ORS 166.025, Disorderly conduct;
- (eeee) ORS 166.065, Harassment;
- (ffff) ORS 166.076, Abuse of a memorial to the dead;
- (gggg) ORS 166.115, Interfering with public transportation;
- (hhhh) ORS 166.180, Negligently wounding another;
- (iiii) ORS 166.190, Pointing firearm at another;
- (jjjj) ORS 166.240, Carrying of concealed weapon;
- (kkkk) ORS 166.250, Unlawful possession of firearms;
- (llll) ORS 166.370, Possession of firearm or dangerous weapon in public building or court facility; exceptions; discharging firearm at school;
- (mmmm) ORS 166.382, Possession of destructive device prohibited;
- (nnnn) ORS 166.384, Unlawful manufacture of destructive device;
- (oooo) ORS 166.470, Limitations and conditions for sales of firearms;
- (pppp) ORS 166.480, Sale or gift of explosives to children;
- (qqqq) ORS 166.649, Throwing an object off an overpass II;
- (rrrr) ORS 166.651, Throwing an object off an overpass I;
- (ssss) ORS 166.660, Unlawful paramilitary activity;
- (tttt) ORS 167.007, Prostitution;
- (uuuu) ORS 167.090, Publicly displaying nudity or sex for advertising purposes;
- (vvvv) ORS 167.212, Tampering with drug records;
- (wwww) ORS 167.222, Frequenting a place where controlled substances are used;
- (xxxx) ORS 167.325, Animal neglect II;
- (yyyy) ORS 167.330, Animal neglect I;
- (zzzz) ORS 167.355, Involvement in animal fighting;
- (aaaaa) ORS 167.365, Dogfighting;
- (bbbbb) ORS 167.370, Participation in dogfighting;
- (ccccc) ORS 167.820, Concealing the birth of an infant;
- (ddddd) ORS 411.630, Unlawfully obtaining public assistance;
- (eeeee) ORS 411.675, Submitting wrongful claim or payment (e.g., public assistance);
- (fffff) ORS 411.840, Unlawfully obtaining or disposing of food stamp benefits;
- (ggggg) ORS 417.990, Penalty for placement of children in violation of compact;
- (hhhhh) ORS 418.130, Unauthorized use and custody of records of temporary assistance for needy families program;
- (iiiii) ORS 418.140, Sharing assistance prohibited;
- (jjjjj) ORS 418.250, Supervision of child-caring agencies;
- (kkkkk) ORS 418.327, Licensing of certain schools and organizations offering residential programs;
- (lllll) ORS 433.010, Spreading disease (willfully) prohibited;
- (mmmmm) ORS 471.410, Providing liquor to person under 21 or to intoxicated person; allowing consumption by minor on property;

(nnnnn) ORS 475.950, Failure to report precursor substance;
 (ooooo) ORS 475.955, Failure to report missing precursor substances;
 (ppppp) ORS 475.960, Illegally selling drug equipment;
 (qqqqq) ORS 475.965, Providing false information on precursor substances report;
 (rrrrr) ORS 475.981, Falsifying drug test results;
 (sssss) ORS 475.991, Unlawful delivery of imitation controlled substance;
 (ttttt) ORS 475.993, Prohibited acts for registrants (with the State Board of Pharmacy; regarding misdemeanor crimes);
 (uuuuu) ORS 475.994, Prohibited acts involving records and fraud;
 (vvvvv) ORS 475.996, Commercial drug offense;
 (wwwww) ORS 657A.280, Failure to certify child care facility
 (xxxxx) ORS 803.230, Forging, altering or unlawfully producing or using title or registration
 (yyyyy) ORS 807.620, Giving false information to police officer
 (zzzzz) ORS 811.140, Reckless driving
 (aaaaa) ORS 811.540, Fleeing or attempting to elude police officer;
 (bbbbb) ORS 811.700, Failure to perform duties of driver when property is damaged;
 (ccccc) ORS 811.705, Failure to perform duties of driver to injured persons;
 (ddddd) ORS 819.300, Possession of a stolen vehicle;
 (eeeee) ORS 830.475, Failure to perform the duties of an operator (boat);
 (fffff) Any unclassified misdemeanor defined in Oregon's or any other jurisdiction's statutes not listed elsewhere in this rule;
 (ggggg) Any other misdemeanor in Oregon's or any other jurisdiction's statutes not listed elsewhere in this rule that is serious and indicates behavior that poses a threat to safety or security, as determined by the authorized designee;
 (hhhhh) Any crime of attempt, solicitation or conspiracy to commit a crime listed in this section pursuant to ORS 161.405 or 161.435, including any conviction based on criminal liability for conduct of another pursuant to ORS 161.155;
 (iiiiii) Any crime in any other jurisdiction which is the substantial equivalent of any of the Oregon crimes listed in this section (section (2)) as determined by the authorized designee;
 (jjjjj) Any crime which is no longer codified in Oregon, but which is the substantial equivalent of any of the crimes listed in this section (section (2)) as determined by the authorized designee;
 (kkkkk) A new crime, adopted by the Legislature following the most recent amendment of these rules, which is the substantial equivalent of any of the crimes listed in this section (section (2)) as determined by the authorized designee;
 (3) Five-Year Review. The crimes listed in this section are crimes which require that a fitness determination be completed if the date of conviction is within five years of the date the OSAC Records Request form was signed.
 (a) ORS 162.085, Unsworn falsification;
 (b) ORS 162.235, Obstructing governmental or judicial administration;
 (c) ORS 162.315, Resisting arrest;
 (d) ORS 164.245, Criminal trespass II;
 (e) ORS 164.345, Criminal mischief III;
 (f) ORS 165.555, Unlawful telephone solicitation of contributions for charitable purposes;
 (g) ORS 166.075, Abuse of venerated objects;
 (h) ORS 166.090, Telephonic harassment;
 (i) ORS 166.095, Misconduct with emergency telephone calls;
 (j) ORS 167.340, Animal abandonment;
 (k) ORS 418.630, Operating uncertified foster home;
 (l) ORS 811.182, Criminal driving while suspended or revoked;
 (m) ORS 813.010, Driving under the influence of intoxicants (DUII);

(n) ORS 830.325, Operating boat while under influence of intoxicating liquor or controlled substance;
 (o) Any conviction for attempt, solicitation or conspiracy to commit a crime listed in this section pursuant to ORS 161.405 or 161.435, including any conviction based on criminal liability for conduct of another pursuant to ORS 161.155;
 (p) Any crime in any other jurisdiction which is the substantial equivalent of any of the Oregon crimes listed in this section (section (3)) as determined by the authorized designee;
 (q) Any crime which is no longer codified in Oregon, but which is the substantial equivalent of any of the crimes listed in this section (section (3)) as determined by the authorized designee;
 (r) A new crime, adopted by the Legislature following the most recent amendment of these rules, which is the substantial equivalent of any of the crimes listed in this section (section (3)) as determined by the authorized designee.
 (4) Evaluation Based on Oregon Laws. Evaluations of crimes shall be based on Oregon laws and laws in other jurisdictions in effect at the time of the fitness determination, regardless of the jurisdiction in which the conviction occurred.
 (5) Expunged Juvenile Record. Under no circumstances shall a subject individual be denied under these rules because of the existence or contents of a juvenile record that has been expunged pursuant to ORS 419A.260 through 419A.262.
 (6) Expunged Adult Record. Under no circumstances shall a subject individual be denied under these rules because of the existence or contents of an adult record that has been expunged or set aside pursuant to ORS 137.225.
 Stat. Auth.: ORS 348; Ch. 730 2005 OL, HB. 2157 2005 OL
 Stats. Implemented: Ch. 730 2005 OL
 Hist.: OSAC 4-2006, f. & cert. ef. 11-1-06

575-007-0290

Other Potentially Disqualifying Conditions

The following are potentially disqualifying conditions:

(1) False Statement. A "false statement" by the subject individual to the authorized designee or agency, including provision of materially false information, false information regarding criminal history, or failure to disclose information regarding criminal history.
 (2) Sex Offender. The subject individual is a registered sex offender in Oregon or any other jurisdiction.
 (3) Warrants. An outstanding warrant against the subject individual for any crime in any jurisdiction.
 (4) Deferred Sentence, Diversion Program, Parole or Probation. The subject individual has a deferred sentence, conditional discharge, is participating in a diversion program, or has not completed a required diversion program or any condition of post-prison supervision, parole or probation, for any potentially disqualifying crime listed in OAR 575-007-0280.
 (5) Parole or Probation Violation. A post-prison supervision, parole or probation violation during the previous five years for any potentially disqualifying crime listed in OAR 575-007-0280.
 (6) Unresolved Arrests, Charges or Indictments. An unresolved arrest, charge, or a pending indictment, for a potentially disqualifying crime. (Example: An unresolved arrest for a ten-year review crime during the previous ten years).
 (7) Adjudication. Adjudication in a juvenile court, finding that the subject individual was responsible for a potentially disqualifying crime. Consideration of the adjudication of a potentially disqualifying crime will follow the review periods for crimes listed in OAR 575-007-0280.
 (8) Guilty Except for Insanity. A finding of "guilty except for insanity", "guilty except by reason of insanity", "not guilty by reason of insanity" or similarly worded disposition regarding a potentially disqualifying crime listed in OAR 575-007-0280. Consideration of the guilty except for insanity finding of a potentially disqualifying crime will follow the review periods for crimes listed in OAR 575-007-0280.

Stat. Auth.: ORS 348; Ch. 730 2005 OL, HB. 2157 2005 OL
 Stats. Implemented: Ch. 730 2005 OL
 Hist.: OSAC 4-2006, f. & cert. ef. 11-1-06

575-007-0300

Other Information Considered

(1) Consideration of Other Information. When other information is disclosed by the subject individual, or is otherwise known by the authorized designee, the authorized designee must consider such information in addition to potentially disqualifying crimes and conditions when making the fitness determination, including but not limited to:

(a) Circumstances regarding the potentially disqualifying crimes and conditions. These may include, but are not limited to:

(A) Age of the subject individual at time of the crime;

(B) Details of incidents leading to the charges of potentially disqualifying crimes or resulting in potentially disqualifying conditions;

(C) Facts that support or contradict the conviction, pending indictment, the making of a false statement, or other potentially disqualifying condition; or

(D) Consideration of Oregon or federal laws, regulations, or rules covering the position, facility or employer in regard to the potentially disqualifying crimes or conditions.

(b) Other Circumstances. The authorized designee must also consider other factors when relevant information is provided by the Commission or the subject individual including, but not limited to:

(A) Other information related to criminal activity including charges, arrests, and convictions. This includes subsequent commission of another relevant crime and whether the conviction was set aside and the legal effect of setting aside the conviction;

(B) Periods of incarceration of the subject individual;

(C) Passage of time since commission of the crime;

(D) Parole or probation status;

(E) Evidence of drug or alcohol issues, including history of use, manufacturing, delivery, treatment, and rehabilitation;

(F) Evidence of other treatment or rehabilitation related to criminal activity or other factors listed in this rule;

(G) Likelihood of repetition of criminal behavior, including, but not limited to, the subject individual's acknowledgment and honesty relative to past behavior, patterns of criminal activity, and whether the subject individual appears to accept responsibility for past actions, as determined by the authorized designee;

(H) Changes in circumstances subsequent to the criminal activity or disqualifying condition;

(I) Education;

(J) Work history (employee or volunteer) or license or certificate history;

(K) Written recommendations from current or past employer(s);

(L) Indication that criminal history has or has not been truthfully and fully disclosed to employer;

(M) Indication of the subject individual's cooperation and honesty during the criminal records check process as described in these rules.

(c) Relevancy of History to Position. The relevancy of the subject individual's criminal history or false statement to the paid or volunteer position, or to the environment in which the subject individual will work, must be considered.

(2) Fitness Determination with Available Information. If the authorized designee requests other information for the purpose of conducting a weighing test under OAR 575-007-0320(5)(c), and the subject individual does not respond in a stated time period, the authorized designee will make a fitness determination based on the potentially disqualifying crimes or conditions, the available information, and the subject individual's failure to timely or adequately respond to information requests.

Stat. Auth.: ORS 348; Ch. 730 2005 OL, HB. 2157 2005 OL

Stats. Implemented: Ch. 730 2005 OL

Hist.: OSAC 4-2006, f. & cert. ef. 11-1-06

575-007-0310

Hiring on a Preliminary Basis

A subject individual may participate in training, orientation, and work activities prior to a final fitness determination only under the following conditions and will be considered to be hired on a preliminary basis:

(1) OSAC Records Request Form Completed. A OSAC Criminal Records Request form must have been completed by the subject individual and reviewed by the authorized designee.

(2) Preliminary Fitness Determination Required. A preliminary fitness determination must have been completed pursuant to OAR 575-007-0320.

(3) Active Supervision. A subject individual who is hired on a preliminary basis must be actively supervised at all times by someone who is approved pursuant to these rules.

(a) Duties. The person providing active supervision at all times must meet all of the following conditions:

(A) Know where the person hired on a preliminary basis is and what the person is doing; and

(B) Periodically observe the actions of the person hired on a preliminary basis.

(b) Exemption from Active Supervision. A subject individual who was approved without restrictions within the previous 24 months through a documented criminal records check pursuant to these rules by OSAC or by another Oregon public employer or prior OSAC criminal records check rules may be hired on a preliminary basis without active supervision, provided the subject individual provides proof of having worked for a sustained period under the previous fitness determination. The Commission must maintain the documentation. The 24-month time frame is based on the length of time between the date of previous approval and the date of starting the new position. This exemption is not allowed:

(A) If the subject individual discloses criminal history that occurred within the previous 24 months;

(B) If the subject individual is currently involved in an appeal under these rules; or

(C) If, as determined by the authorized designee or the Commission, the job duties in the new position are so substantially different from the previous position that the previous fitness determination is inadequate for the current position.

(4) Status Prior to Final Fitness Determination. Nothing in this rule is intended to require that a subject individual who is eligible for hire on a preliminary basis be allowed to work, volunteer, or be trained prior to a final fitness determination.

(5) Termination of Hire on a Preliminary Basis.

(a) Those subject individuals hired on a preliminary basis may be terminated by the Commission immediately for the following reasons:

(A) There is any indication of falsification of application or other false statement by the applicant/employee;

(B) The criminal records check reveals a conviction for any potentially disqualifying crime not disclosed by the subject individual;

(C) The LEDS check identifies the subject individual as a "multi-state offender" and the subject individual did not disclose an out-of-state conviction or arrest;

(D) The subject individual failed to disclose a conviction or an arrest that did not result in a conviction;

(E) The Commission determines that hiring on a preliminary basis was not appropriate, based on the application, criminal history, position duties, or laws or rules applicable to the position.

(b) Termination of the hire on a preliminary basis is not subject to appeal under these rules.

Stat. Auth.: ORS 348; Ch. 730 2005 OL, HB. 2157 2005 OL

Stats. Implemented: Ch. 730 2005 OL

Hist.: OSAC 4-2006, f. & cert. ef. 11-1-06

575-007-0320

Fitness Determinations

(1) Fitness Determination Before Work or Placement. The Commission must not allow a subject individual to participate in training, orientation, or work activities prior to a fitness determination.

(2) Termination Following Denial. When a subject individual is denied, the individual must not be allowed to work, volunteer or be trained in an environment covered by these rules and must be terminated immediately. A denial applies only to the position and application in question.

(3) Preliminary Fitness Determination. A preliminary fitness determination must be completed prior to allowing a subject individual to be hired on a preliminary basis. The preliminary fitness determination must be made by an authorized designee. A person hired on a preliminary basis must meet all the criteria in either subsection (a) or (b) as listed below:

(a) No Indication of Potentially Disqualifying Crime. If there is no indication of a potentially disqualifying crime or condition on the OSAC Criminal Records Request form and the authorized designee or contact person has no reason to believe the subject individual has potentially disqualifying history, the subject individual may be hired on a preliminary basis.

(b) Self-Disclosed Criminal History. When a subject individual discloses a conviction or arrest for a potentially disqualifying crime in any jurisdiction, or any other potentially disqualifying condition, the individual may be hired on a preliminary basis only after a preliminary fitness determination using a weighing test is completed by an authorized designee.

(4) Final Fitness Determination. Upon receipt of the criminal history, the authorized designee must timely complete the fitness determination. The final fitness determination must be completed within 21 days after receiving the records information.

(a) This deadline may be extended in the discretion of the authorized designee.

(5) Potential Outcomes.

(a) Hiring on a Preliminary Basis. A subject individual may be hired on a preliminary basis following a preliminary fitness determination as described in section (3) of this rule.

(b) Automatic Approval. A subject individual is approved in a final fitness determination without a weighing test if after all required records information is received the subject individual meets all of the following conditions:

(A) No potentially disqualifying crimes, warrants, sex offender registration, probation or parole status, or other conditions;

(B) No unresolved arrests for potentially disqualifying crimes within the previous five years; and

(C) No discrepancies, and no failure to disclose conviction history or arrests.

(c) Weighing Test. Only authorized designees may conduct and participate in a weighing test. The weighing test must be used to assess fitness unless the subject individual receives automatic approval pursuant to subsection (5)(b) of this rule or the application is closed pursuant to subsection (5)(d) of this rule. In the weighing test, the authorized designee must consider the criminal history disclosed by the subject individual and other information as described in OAR 575-007-0280, 575-007-0290 and 575-007-0300 in order to assess fitness. When the weighing test is used in a final fitness determination, criminal history discovered during the criminal records check must also be considered. The authorized designee may rely on official written communications and records from law enforcement agencies and judicial systems, and on criminal history provided by the subject individual. Possible outcomes of a weighing test are as follows:

(A) Hiring on a Preliminary Basis. In a weighing test for a preliminary fitness determination, the outcome is either to allow, or to disallow, hiring on a preliminary basis. Hiring on a preliminary basis is not a possible outcome in a final fitness determination.

(B) Approval. A subject individual may be approved by one or more authorized designees after a weighing test.

(C) Denial. A subject individual who, following such consideration, is determined to pose a significant risk to safety or security while performing the functions covered by OAR 575-007-0220(2)(a)–(g) must be denied by the authorized designee.

(i) Volunteered History. A subject individual may be denied following a weighing test based upon potentially disqualifying history disclosed by the subject individual without conducting an Oregon, state-specific, or national criminal records check.

(ii) Discovered History. A subject individual may be denied following a weighing test based upon potentially disqualifying history discovered by the authorized designee or the Commission following an Oregon, state-specific, or national criminal records check.

(d) Closed Case.

(A) If the subject individual or Department discontinues the application or the subject individual fails to cooperate with the criminal records check process then the application is considered incomplete. Discontinuance or failure to cooperate includes, but is not limited to, the following circumstances:

(i) The subject individual refuses to be fingerprinted when required by these rules.

(ii) The subject individual does not respond within a stated period of time to a request from the authorized designee or the Commission for corrections to the application, fingerprints, any other information necessary to conduct a criminal records check under these rules, or any information described in OAR 575-007-0300.

(iii) The subject individual withdraws the application, leaves the position prior to completion of the check, or cannot be located or contacted by the authorized designee.

(iv) The subject individual is determined to not be eligible for the position or is not chosen for the position for reasons other than the criminal records check.

(B) The incomplete application is closed without a final fitness determination and there is no right to a contested case hearing.

(6) Notice to Subject Individual. Upon closure per section (5)(d) above or completion of a final fitness determination resulting in a denial, the authorized designee must provide written notice to the subject individual. The notice must be:

(a) In a format approved by the Commission, and

(b) Mailed or hand-delivered to the subject individual as soon as possible, but in no case later than fourteen days after the decision. The date of the decision must be recorded on the form. If mailed, the notice shall be mailed by regular mail to the address on the application or to an updated address provided in writing by the applicant.

(7) Documentation. Preliminary and final fitness determinations must be documented in writing.

Stat. Auth.: ORS 348; Ch. 730 2005 OL, HB. 2157 2005 OL

Stats. Implemented: Ch. 730 2005 OL

Hist.: OSAC 4-2006, f. & cert. ef. 11-1-06

575-007-0330

Contesting a Fitness Determination

(1) Work Pending Appeal Prohibited. If a subject individual is denied, then that person may not hold the position or be employed.

(2) History Disputed.

(a) Correcting Disputed History. If a subject individual wishes to challenge the accuracy or completeness of information provided by the Oregon State Police, the Federal Bureau of Investigation or other agencies reporting information to the Commission, the subject individual may appeal to the entity providing the information. Such challenges are not subject to the Commission's appeal process described in this rule.

(b) Request for Re-Evaluation Following Correction. If the subject individual successfully contests the accuracy or completeness of information provided by the Oregon State Police, the Federal Bureau of Investigation or other agency reporting information to the Commission, the Commission will conduct a new criminal records check and re-evaluate the criminal history upon submission of a new criminal records request form.

(3) Challenging the Fitness Determination. If a subject individual wishes to dispute an adverse final fitness determination, the subject individual may appeal the determination by requesting a contested case hearing. The subject individual must be notified of the opportunity for appeal on a form available from the Commission.

(a) Appeal. In order to request a contested case hearing the subject individual or the subject individual's legal representative must complete and sign the hearing request form. The form is available from the contact person for the Commission.

(b) Records. If a fingerprint-based criminal records check was conducted on the subject individual, then the hearing request form will also be deemed a request for the subject individual's own state and national criminal offender records.

(c) Deadline for Appeal. The completed and signed form must be received by the contact person no later than 10 days after the notice of the fitness determination is mailed for subject individuals

who are employees, applicants for employment, volunteers, or applicants for volunteer positions with the Commission (subject individuals under OAR 575-007-0220(1) and 575-007-0220(2)).

(d) **Extension of Deadline.** The Commission may extend the time to appeal if the Commission determines the delay was caused by factors beyond the reasonable control of the subject individual.

(e) **Hearing on timeliness.** The Commission may refer an untimely request to the Office of Administrative Hearings for a hearing on the issue of timeliness.

(f) **Other Options.** A subject individual may appeal a fitness determination through applicable personnel rules, policies, and collective bargaining provisions. The individual's decision to do so is an election of remedies as to the rights of the individual with respect to the fitness determination and is a waiver of the contested case process.

(4) **Informal Administrative Review (Mandatory).** When a subject individual is denied and the subject individual, or the subject individual's legal representative, requests a contested case hearing, the Commission conducts an informal administrative review before referring the appeal to the Office of Administrative Hearings.

(a) **Participation by Subject Individual.** The subject individual and, if applicable, the subject individual's legal representative, must participate in the informal administrative review.

(A) Participation may include, but is not limited to:

(i) Providing fingerprint cards, if not previously provided, for the purpose of a national check pursuant to OAR 575-007-0270 or to confirm identity.

(ii) Providing additional information or additional documents.

(iii) Participating in a telephone or in-person conference.

(B) Failure to participate in the informal administrative review by the subject individual or the subject individual's representative may result in termination of hearing rights. The Commission will review a request to reinstate hearing rights if received in writing by the Commission within 14 days.

(b) **Criminal records check.**

(A) If the denial was based on disclosed criminal history, the Commission will conduct a criminal records check during the informal administrative review.

(B) The Commission may conduct additional criminal records checks during the informal administrative review to update or verify the subject individual's criminal history.

(c) **Weighing Test Always Applied.** The Commission will use the weighing test as described in these rules during the informal administrative review.

(d) **Content of Administrative Review.** The Commission representative, the authorized designee, the subject individual and the subject individual's legal representative may discuss any of the matters listed in OAR 137-003-0575(4). The administrative review may also be used to:

(A) Inform the subject individual of the rules that serve as the basis for the denial;

(B) Ensure the subject individual understands the reason for the denial;

(C) Give the subject individual an opportunity to review the information that is the basis for the denial, except as prohibited by state or federal law;

(D) Give the Commission and subject individual an opportunity to research or provide additional information to consider as listed in OAR 575-007-0300;

(E) Give the Commission and the subject individual the opportunity to correct any misunderstanding of the facts; or

(F) Determine if the subject individual wishes to have any witness subpoenas issued should a formal hearing be necessary.

(e) **Decision Following Administrative Review.** Upon completion of the informal review, the subject individual or the subject individual's legal representative is advised by the Commission in writing of the finding within 14 days. The notice of finding will be mailed or hand-delivered. If mailed, the notice shall be mailed by regular mail to the address on the application or to an updated address provided in writing by the applicant.

(f) **Hearing Following Administrative Review.** If the informal administrative review reverses the denial, no hearing will be held and the appeal will not be forwarded to the Office of Administrative Hearings. If the informal administrative review upholds the denial, the appeal will be referred to the Office of Administrative Hearings and a hearing is held unless the subject individual or the subject individual's legal representative withdraws the request for a contested case hearing or the Commission reverses the denial before the hearing is held.

(5) **Contested Case Hearing.**

(a) **Format.** The hearing is conducted in accordance with Attorney General's Uniform and Model Rules of Procedure, "Hearing Panel Rules," OAR 137-003-0501 and the rules that follow.

(b) **Commission Representation.** Employees of the Commission may in accordance with ORS 183.452 be authorized by the Commission's Director to represent the Commission in the contested case hearing. Authorization from the Office of Attorney General is also required. The Commission retains the right to be represented by the Attorney General.

(c) **Exhibits.** The administrative law judge must be provided a complete copy of the criminal records check information as follows:

(A) In the case of federal criminal history records and criminal history records from jurisdictions outside Oregon, the subject individual must obtain copies of the FBI criminal history report, or a copy of the state criminal history report from each state in which there was criminal or arrest history recorded. If a fingerprint-based criminal record check was conducted on the subject individual and if requested by the subject individual, the Commission will provide them with copies of the individual's own state and national criminal offender records. The subject individual or the subject individual's legal representative must provide copies of such documentation to the administrative law judge at least seven days prior to the scheduled hearing. The Commission may also provide out-of-state information received from other official sources.

(B) In the case of Oregon criminal history, the Commission may provide a copy of the LEDS printout, OJIN records or other court records to the administrative law judge, unless to do so would result in ex parte communication.

(d) **Role of Administrative Law Judge.** The Office of Administrative Hearings and the administrative law judge perform the following duties in the hearing process:

(A) Provide the subject individual or the subject individual's legal representative with all of the information required under ORS 183.413(2) in writing before the hearing;

(B) Conduct the hearing;

(C) Issue a dismissal by order when neither the subject individual nor the subject individual's representative appears at the hearing; and

(D) Issue a proposed order.

(e) **Public Attendance.** Neither the informal administrative review nor the contested case hearing is open to the public.

(6) **Withdrawal.** The subject individual or the subject individual's legal representative may withdraw a hearing request orally or in writing at any time. The withdrawal is effective the date it is received by the Commission or the Office of Administrative Hearings. A dismissal order will be issued by the Commission or the Office of Administrative Hearings. The subject individual may cancel the withdrawal in writing up to 14 days after the date the order is served.

(7) **Proposed and Final Order.**

(a) **Informal Disposition.** When an appeal is resolved before being referred to the Office of Administrative Hearings due to an administrative review or withdrawal, the Commission will serve a final order confirming the resolution.

(b) **Failure to Appear.** A hearing request is dismissed by order when neither the subject individual nor the subject individual's legal representative appears at the time and place specified for the hearing. The order is effective on the date scheduled for the hearing and is served by the Office of Administrative Hearings. The Commission will cancel the dismissal order on request of the subject individual or the subject individual's legal representative on a showing that the

subject individual and the subject individual's legal representative were unable to attend the hearing and unable to request a postponement for reasons beyond their control.

(c) Proposed Order. After a hearing, the administrative law judge issues a proposed order. If no written exceptions are received by the Commission within 14 days after the service of the proposed order, the proposed order becomes the final order.

(d) Exceptions. If timely written exceptions to the proposed order are received by the Commission, the Commission Director or the Director's designee will consider the exceptions and serve a final order, or request a revised proposed order from the administrative law judge.

Stat. Auth.: ORS 348; Ch. 730 2005 OL, HB. 2157 2005 OL

Stats. Implemented: Ch. 730 2005 OL

Hist.: OSAC 4-2006, f. & cert. ef. 11-1-06

575-007-0340

Record Keeping, Confidentiality

(1) LEDS Reports.

(a) Confidentiality. All LEDS reports are confidential and must be maintained by the authorized designee in accordance with applicable Oregon State Police requirements in ORS chapter 181 and the rules adopted pursuant thereto. (NOTE: See OAR chapter 257, division 15).

(A) Authorized Designee Access. LEDS reports are confidential and may only be shared with another authorized designee if there is a need to know consistent with these rules.

(B) Subject Individual Access.

(i) The subject individual must be allowed to inspect the LEDS report if the subject individual requests to see it. The LEDS report, and photocopies of the LEDS report, must not be given to the subject individual, with the following exception:

(ii) If a fingerprint-based criminal records check was conducted on the subject individual, then the subject individual shall not only be permitted to inspect the individual's own state and national criminal offender records, but if requested by the subject individual, be provided with a copy of those same records.

(b) Retention. LEDS reports must be retained and destroyed in accordance with records retention schedules published by Oregon State Archives.

(2) National (FBI) Information.

(a) Confidentiality and Dissemination.

(A) National criminal information provided by the FBI is confidential and may not be disseminated by the Commission, with the following exception:

(B) If a fingerprint-based criminal records check was conducted on the subject individual, then the subject individual shall not only be permitted to inspect the individual's own state and national criminal offender records, but if requested by the subject individual, be provided with a copy of those same records.

(b) Retention. FBI reports must be retained and destroyed in accordance with records retention schedules published by Oregon State Archives and in accordance with federal law.

(3) Fingerprint Cards:

(a) The Federal Bureau of Investigation (FBI) shall return or destroy the fingerprint cards used to conduct the criminal records check and may not keep any record of the fingerprints. If the FBI policy authorizing return or destruction of the fingerprint cards is changed, the Department of State Police shall cease to send the cards to the FBI but shall continue to process the information through other available resources.

(b) If the FBI returns the fingerprint cards to the Department of State Police, the Commission shall destroy the fingerprint cards and shall retain no facsimiles or other material from which a fingerprint can be reproduced.

(c) If only a state criminal records check is conducted, the Department of State Police shall destroy the fingerprint cards after the criminal records check is completed and the results of the criminal records check are provided to the Commission and shall retain no facsimiles or other material from which a fingerprint can be reproduced.

(4) OSAC Forms and Other Documentation.

(a) Confidentiality. All completed OSAC Records Request forms must be kept confidential and disseminated only on a need-to-know basis.

(b) Retention. OSAC forms and other records documenting the criminal records check and used in the fitness determination must be retained and destroyed in accordance with records retention schedules published by Oregon State Archives and implemented by Department of Administrative Services, Human Resources Division.

(5) OSAC History Database. Commission maintains a database regarding criminal records checks.

(a) Data. The authorized designee will maintain a system of information regarding criminal records checks for volunteers and contractor who have been active within the past three years.

(b) Confidentiality. Records maintained under section (4) of this rule are confidential and are only disseminated by the Commission as allowed by these rules and in accordance with the rules of the Oregon State Police (OSP).

(c) Retention. Information maintained in the database must be retained and destroyed in accordance with records retention schedules published by Oregon State Archives and in accordance with federal law.

Stat. Auth.: ORS 348; Ch. 730 2005 OL, HB. 2157 2005 OL

Stats. Implemented: Ch. 730 2005 OL

Hist.: OSAC 4-2006, f. & cert. ef. 11-1-06

575-007-0350

Immunity from Liability

The Commission and its authorized designee have immunity from any civil liability that might otherwise be incurred or imposed for determining, in accordance with Chapter 730 (2005 Laws) that a subject individual is fit or not fit to hold a position, provide services, or be employed. The Commission or its employee acting within the course and scope of employment who in good faith complies with Chapter 730 (2005 Laws) is not liable for employment-related decisions based on the fitness determination. No Department, or an employee of the state, the Commission, a business or an organization acting within the course and scope of employment, is liable for defamation, invasion of privacy, negligence or any other civil claim in connection with the lawful dissemination of information lawfully obtained under Chapter 730 (2005 Laws).

Stat. Auth.: ORS 348; Ch. 730 2005 OL, HB. 2157 2005 OL

Stats. Implemented: Ch. 730 2005 OL

Hist.: OSAC 4-2006, f. & cert. ef. 11-1-06

575-007-0380

Fees

Fees may not exceed the actual cost of acquiring and furnishing criminal offender information.

Stat. Auth.: ORS 348; Ch. 730 2005 OL, HB. 2157 2005 OL

Stats. Implemented: Ch. 730 2005 OL

Hist.: OSAC 4-2006, f. & cert. ef. 11-1-06

DIVISION 30

GRANT PROGRAM DEFINITIONS

575-030-0005

Definitions

(1) "Resident of Oregon". Residency is established by virtue of the student (in the case of independent students) or the student's parent (in the case of dependent students) having been in continuous residency in this state for the 12 months preceding enrollment. Residency is immediate in the case of a dependent student whose parents have moved to this state for a reason other than the student's enrollment. The residency period may be reduced to the preceding six months in the case of an independent student who moved to this state for a purpose other than education:

(a) A dependent resident student whose Oregon domiciled parent(s) move out-of-state shall retain resident classification as long as the student is continuously enrolled at an Oregon high school or Oregon postsecondary institution. Continuous enrollment is defined as completion of an academic year within any 12-month period;

(b) An independent resident student shall retain resident classification as long as the student is continuously enrolled at an Oregon postsecondary institution. Continuous enrollment is defined as completion of an academic year within any 12-month period;

(c) A dependent student whose parent(s) are serving on active duty in the U. S. Armed Forces outside the State of Oregon shall have residency status determined by the parents' declared "home of record". An independent student who is serving on active duty in the U. S. Armed Forces outside the State of Oregon shall have residency status determined by the student's declared "home of record";

(d) A student from a state other than Oregon, or from the Federated States of Micronesia, who is receiving or is eligible to receive financial assistance through the government of that state or the Federated States, shall not be considered a resident of Oregon;

(e) Eligibility for certain scholarships administered by the Commission does not necessarily qualify a student as an Oregon resident for the purposes of state-funded student financial aid programs administered by the Commission.

(f) Residence Classification of Members of Oregon Tribes

(A) Students who are enrolled members of federally recognized tribes of Oregon or who are enrolled members of a federally recognized Native American tribe which had traditional and customary tribal boundaries that included parts of the state of Oregon or which had ceded or reserved lands within the state of Oregon shall be deemed eligible for programs administered by the Oregon Student Assistance Commission that are limited to Oregon residents, regardless of their state of residence.

(B) For purposes of this rule, the federally recognized tribes of Oregon are those recommended by the Oregon University System in OAR 580-010-0037 for purposes of assessing resident tuition:

- (i) Burns Paiute Tribe;
- (ii) Confederated Tribes of Coos, Lower Umpqua and Siuslaw;
- (iii) Confederated Tribes of Grand Ronde Community of Oregon;
- (iv) Confederated Tribes of Siletz Indians of Oregon;
- (v) Confederated Tribes of the Umatilla Indian Reservation;
- (vi) Confederated Tribes of the Warm Springs Indian Reservation;
- (vii) Coquille Indian Tribe;
- (viii) Cow Creek Band of Umpqua Indians;
- (ix) Klamath Tribes.

(C) For purposes of this rule, the federally recognized Native American tribes which had traditional and customary tribal boundaries that included parts of the state of Oregon or which had ceded or reserved lands within the state of Oregon are:

- (i) CALIFORNIA:
 - (I) Benton Paiute Tribe;
 - (II) Big Bend Rancheria;
 - (III) Big Lagoon Rancheria;
 - (IV) Blue Lake Rancheria;
 - (V) Bridgeport Indian Colony;
 - (VI) Cedarville Rancheria;
 - (VII) Fort Bidwell Indian Tribe;
 - (VIII) Hoopa Valley Tribe;
 - (IX) Karuk Tribe of California;
 - (X) Likely Rancheria;
 - (XI) Lookout Rancheria;
 - (XII) Lytton Rancheria;
 - (XIII) Melochundum Band of Tolowa Indians;
 - (XIV) Montgomery Creek Rancheria;
 - (XV) Pit River Tribe;
 - (XVI) Quartz Valley Indian Community;
 - (XVII) Redding Rancheria;
 - (XVIII) Roaring Creek Rancheria;
 - (XIX) Smith River Rancheria;
 - (XX) Susanville Rancheria;
 - (XXI) Tolowa-Tututni Tribe;
 - (XXII) Winnemucca Colony;
 - (XXIII) XL Ranch;
 - (XXIV) Yurok Tribe.
- (ii) IDAHO:

- (I) Nez Perce Tribe of Idaho;
- (II) Shoshoni-Bannock Tribes.

(iii) NEVADA:

- (I) Duck Valley Shoshone-Paiute Tribes;
- (II) Fallon Paiute-Shoshone Tribe;
- (III) Fort McDermitt Paiute-Shoshone Tribe;
- (IV) Lovelock Paiute Tribe;
- (V) Pyramid Lake Paiute Tribe;
- (VI) Reno-Sparks Indian Colony;
- (VII) Summit Lake Paiute Tribe;
- (VIII) Walker River Paiute Tribe;
- (IX) Winnemucca Indian Colony;
- (X) Yerington Paiute Tribe.

(iv) OKLAHOMA: Modoc Tribe of Oklahoma.

(v) WASHINGTON:

- (I) Chehalis Community Council;
- (II) Colville Confederated Tribes;
- (III) Quinault Indian Nation;
- (IV) Shoalwater Bay Tribe;
- (V) Yakama Indian Nation.

(D) A student seeking to be deemed eligible under the provisions of this rule shall submit, following procedures prescribed by the Oregon Student Assistance Commission, a photocopy of a tribal enrollment card or other acceptable documentation from a tribe which documents tribal membership.

(2) "Undergraduate Student" is a regularly enrolled student who:

- (a) Has not obtained a baccalaureate or higher degree from any accredited institution; or
- (b) Has not been classified as a "graduate student" by the institution disbursing funds.

(3) "Dependent/Independent Student". The definition of independent/dependent student shall be the definition used for the student aid programs under Title IV of the Higher Education Act of 1965 as amended.

(4) "Financial Need". The difference between the family contribution, derived from a system of need analysis annually approved by the Commission, and the cost of education, as specified by program rules.

(5)(a) "Cost of Education". Generally, the sum of tuition for 15 credit-hours per academic term; standard fees charged to all students; room and board (where applicable); and estimates of books, supplies, modest personal expenses, transportation, and other allowable costs identified by the U.S. Department of Education.

(b) The standard cost of education is based upon full-time enrollment for an independent student or for a dependent student not living at home.

(6) "Full-Time Enrollment". Registration and payment of required fees as a full-time student, at an eligible institution or combination of eligible institutions, based on a minimum of 12 credit-hours per academic term. Students attending more than one eligible institution must meet the definition of concurrently enrolled as defined in OAR 575-030-0005(8) to be considered full-time.

(7) "Half-Time Enrollment". Registration and payment of required fees as a half-time student, at an eligible institution or combination of eligible institutions, based on 6 to 11 credit-hours per academic term.

(8) "Concurrently Enrolled". A student who attends more than one eligible institution under a written consortium agreement or concurrent enrollment program. The student's "home" institution determines the student's eligibility for federal and state financial aid, disburses funds to the student, and is responsible for reporting enrollment and disbursement information to the Commission.

(9) "Oregon-based". Having an educational institution that is both located and headquartered in Oregon.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348.230 - 348.260

Hist: SSC 12, f. & ef. 12-15-76; SSC 18, f. & ef. 10-19-77; SSC 1-1978(Temp), f. & ef. 1-4-78; SSC 3-1978, f. & ef. 2-16-78; SSC 1-1979, f. & ef. 1-17-79; SSC 2-1980, f. 1-31-80, ef. 4-1-80; SSC 4-1980, f. & ef. 10-22-80; SSC 1-1981, f. & ef. 9-3-81; SSC 2-1986, f. & ef. 2-25-86; SSC 5-1987, f. & ef. 10-23-87; SSC 1-1998, f. & cert. ef. 3-18-98; OSAC 5-2002, f. & cert. ef. 3-12-02; OSAC 1-2004,

f. & cert. ef. 2-12-04; OSAC 3-2005, f. 9-27-05, cert. ef. 10-1-05; OSAC 5-2007, f. & cert. ef. 11-7-07

DIVISION 31

OREGON OPPORTUNITY GRANT PROGRAM

575-031-0005

Residency

To be eligible for an Opportunity Grant a student must:

(1) Be a U.S. Citizen or eligible non-citizen as defined by federal regulations under Title IV, Part B of the Higher Education Act of 1965 as amended,

(2) Be a resident of the State of Oregon as defined in OAR 575-030-0005(1).

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348

Hist.: SSC 12, f. & ef. 12-15-76; OSAC 6-2002, f. & cert. ef. 3-12-02

575-031-0010

Financial Need

(1) A student must have financial need as determined by the Commission as set forth in OAR 575-030-0005(4).

(2) A student shall meet eligibility criteria for a Federal Pell Grant prior to being deemed eligible for an Oregon Opportunity Grant.

(3) Effective starting with the 2008-09 academic year, eligibility for a Federal Pell Grant shall no longer be required for a student to be deemed eligible for an Oregon Opportunity Grant.

(4) Effective starting with the 2008-09 academic year, a student's financial need for purposes of determining eligibility for an Oregon Opportunity Grant shall be based upon provisions of the Shared Responsibility Model as set forth in OAR 575-031-0022 and 0023.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348

Hist.: SSC 12, f. & ef. 12-15-76; SSC 18, f. & ef. 10-19-77; SSC 1-1978(Temp), f. & ef. 1-4-78; SSC 3-1978, f. & ef. 2-16-78; OSAC 6-2002, f. & cert. ef. 3-12-02; OSAC 1-2005(Temp), f. & cert. ef. 4-4-05 thru 10-1-05; OSAC 2-2005, f. 9-27-05, cert. ef. 10-1-05; OSAC 5-2007, f. & cert. ef. 11-7-07

575-031-0015

Institutional Eligibility

Eligible institutions are any Oregon-based, non-profit institutions of higher education which:

(1) Are recognized by the U.S. Department of Education as eligible institutions; and

(2) Request participation in the program; and

(3) Sign an institutional participation agreement.

Stat. Auth.: ORS 348 & 378

Stats. Implemented: ORS 348.250 - 348.260

Hist.: SSC 12, f. & ef. 12-15-76; SSC 18, f. & ef. 10-19-77; SSC 1-1981, f. & ef. 9-3-81; SSC 2-1986, f. & ef. 2-25-86; SSC 5-1987, f. & ef. 10-23-87; SSC 3-1988, f. & cert. ef. 8-9-88; OSAC 1-2004, f. & cert. ef. 2-12-04

575-031-0016

Eligible Program

To receive an Opportunity Grant, a student must be enrolled in either:

(1) A program leading to a baccalaureate or associate degree; or

(2) A program at least one academic year in length approved by the U.S. Department of Education for Title IV programs.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348

Hist.: SSC 2-1986, f. & ef. 2-25-86; OSAC 6-2002, f. & cert. ef. 3-12-02

575-031-0020

Enrollment

(1) Except for subsections (2) of this rule, a student must be enrolled or accepted for enrollment as at least a half-time undergraduate student at an eligible institution. In addition, except for (2) below, when funds are not available to award grants to all qualified students, the commission may give priority to applicants who are or

plan to be full-time students at the eligible postsecondary institution where the grant is to be used.

(2) Students whose statutory rights provide for a legitimate need to attend school for less than half-time undergraduate status may be eligible to receive an Oregon Opportunity Grant. These students will not be denied priority status.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348

Hist.: SSC 12, f. & ef. 12-15-76; SSC 18, f. & ef. 10-19-77; OSAC 6-2002, f. & cert. ef. 3-12-02; OSAC 1-2010, f. & cert. ef. 10-6-10

575-031-0022

Definitions for the Shared Responsibility Model

(1) Cost of Education. For purposes of calculating Oregon Opportunity Grant awards under the Shared Responsibility Model, the standard cost of education is based on the definition of cost of education in OAR 575-030-0005.

(a) The standard cost of education for each institutional segment is based on the average of the standard costs for all participating institutions within an institutional segment.

(b) For purposes of calculating Oregon Opportunity Grant awards under the Shared Responsibility Model, the standard cost of education for all public and private independent 4-year institutions is the average of the standard costs for public 4-year institutions. The standard cost of education for all public 2-year institutions is the average of the standard costs for all institutions in that segment.

(2) "Student share". The student share is a fixed amount based upon a reasonable amount of paid work and, in some cases, a modest amount of borrowing, depending upon the type of institution the student attends. The Commission adjusts the student share annually according to changes in the Oregon minimum wage and what the Commission determines to be a manageable debt burden for a student. The student's share can consist of any combination of financial resources from the student's work, loans, scholarships, savings, or assets.

(a) For a student attending a public 2-year Oregon-based postsecondary institution, the student share is based on income from work. The Commission will annually determine the income from work amount, based on a minimum number of hours per week at minimum wage.

(b) For a student attending a public or not-for-profit 4-year Oregon-based postsecondary institution, the student share is based on income from work plus a modest loan amount. The Commission will annually determine the work component, based on a minimum number of hours per week at minimum wage, and the loan amount.

(c) For a student enrolled between 6 and 11 credit-hours, the component of the student share represented by income from work may be higher than for students enrolled full time. The Commission will determine this amount annually.

(d) "Manageable debt burden". The Commission will annually determine a manageable debt burden based on average entry-level salaries for public service occupations in Oregon.

(3) "Family Share". The family share is based on the financial resources of the student's family, as reported in the Free Application for Federal Student Aid (FAFSA). If a student or student's parents, if applicable, are in an officially registered Oregon domestic partnership, the financial resources of the student's family shall be calculated by the Commission, based on information reported in the FAFSA and the Oregon Opportunity Grant Domestic Partnership Reporting Form.

(a) For a dependent student, the family share is equal to the portion of the federally calculated expected family contribution that is based upon the financial resources (income from work and other sources, savings, and/or assets) of the student's parents, providing program funding levels are sufficient to serve all eligible students. If the student's parents are in an officially registered Oregon domestic partnership, information provided on the Oregon Opportunity Grant Domestic Partnership Reporting Form may also be used to determine the expected family contribution.

(b) For a married independent student (with or without dependents), the family share is equal to the student's federally calculated expected family contribution. If the student is part of an official-

ly registered Oregon domestic partnership, information provided on the Oregon Opportunity Grant Domestic Partnership Reporting Form may also be used to determine the expected family contribution. When determining dependency status, the Commission shall view students in officially registered domestic partnerships as independent.

(c) For a single independent student (with or without dependents) whose federal expected family contribution is less than the standard student share for a student attending a public 2-year postsecondary institution, the family share is \$0.

(d) For a single independent student (with or without dependents) whose federal expected family contribution is greater than the standard student share for a student attending a public 2-year postsecondary institution, the family share is equal to the federal expected family contribution minus the student share for a student attending a public 2-year postsecondary institution.

(e) Notwithstanding paragraphs (a) through (d) of this section, for the 2008-09 academic year, the Family Share for all students, both dependent and independent, is equal to the student's expected family contribution.

(f) Effective for academic years 2009-10 and beyond, the Family Share for single independent students is equal to the student's expected family contribution.

(4) "Federal Share". The federal share is based on how much the student or the student's family is expected to receive from the federal government in the form of Federal Pell Grants plus assumed federal higher education tax credits, as determined by the Commission. The federal share excludes Academic Competitiveness Grants, National SMART Grants, Federal SEOG awards, and other federal funds such as Robert C. Byrd Honors Scholarships.

(5) "State Share". The state share is equal to the standard cost of education minus the sum of the student share, the family share, and the federal share. The state share is the maximum amount that a student may receive as an Opportunity Grant. If the amount of the state share is less than the minimum award amount, as determined by the Commission, the student will receive no award. If total state funding is not sufficient to cover full awards for all eligible students, the state share may be reduced proportionally utilizing a method determined by the Commission.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348

Hist.: OSAC 5-2007, f. & cert. ef. 11-7-07; OSAC 2-2008, f. & cert. ef. 8-21-08

575-031-0023

Implementation of Shared Responsibility Model

Effective starting with the 2008-09 academic year, the Shared Responsibility Model shall be the method for determining a student's eligibility for the Opportunity Grant and the student's annual award amounts. Under this methodology, a qualified student's cost of education is shared with the student, the student's family, the federal government, and the state. The amount of a student's grant is equal to the state's share of the student's cost of education, as determined by the Commission.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348

Hist.: OSAC 5-2007, f. & cert. ef. 11-7-07

575-031-0025

Opportunity Grant Amount

(1)(a) For students attending a public 2- or 4-year Oregon-based postsecondary institution, award amounts for the 2007-08 academic year are based upon a fixed percentage of the average tuition and standard fees plus the weighted average of nontuition costs across all institutional segments.

(b) For students attending a private nonprofit 4-year Oregon-based postsecondary institution, award amounts for the 2007-08 academic year are based upon a fixed percentage of the average tuition and standard fees at each institution plus the weighted average of nontuition costs across all institutional segments.

(c) An Opportunity Grant may vary in amount from \$100 to an amount that shall not exceed 50 percent of the student's financial need, as determined by the Commission. This provision expires upon full implementation of the Shared Responsibility Model.

(d) Effective starting with the 2008-09 academic year, an Opportunity Grant is based upon the state share, as calculated under provisions of the Shared Responsibility Model.

(2) Within the funds available, an Opportunity Grant for a student who is taking between 6 and 11 credit hours in a term or semester shall be 50 percent of the award made to a full-time student enrolled at the same institution. This section is effective starting with the 2006-07 academic year and expires at the end of the 2007-08 academic year.

(3) For concurrently enrolled students, the amount of the Opportunity Grant will be based on the school disbursing funds, unless otherwise approved by the Commission.

(4) In the event that the Commission determines that the total amount available to award as the state share to all qualified students is not sufficient to cover the total state share amount scheduled to be awarded to all students, the Commission will implement one or more of the following strategies to limit awards. Examples of such strategies may include, but are not limited to, the following:

(a) The Commission may limit awards to only students who are enrolled full time;

(b) The Commission may implement reductions of all awards using progressive prorata reductions based on a percentage of the student's expected family contribution;

(c) The Commission may prescribe a specific date by which a student must apply to the Commission to qualify for a grant and may prescribe an additional date by which the award must be disbursed by school officials to the student.

(d) The Commission may make per capita reductions to future student grants if appropriations are determined to be inadequate to the needs of all eligible students whose applications are received by the announced application deadline for a specific academic year. When future disbursements of student grants are reduced, the Commission will provide notification it deems adequate, to college and university financial aid offices and affected students.

(e) The Commission may base a recipient's maximum authorized award each term on the recipient's fall-term enrollment status if funds are not available to award grants to all qualified students whose applications are received by the announced application deadline for a specific academic year.

(5) Grandfathered awards for academic years 2008-09, 2009-10, and 2010-2011. Notwithstanding paragraph (1)(d) above, a qualified student who attended an eligible postsecondary institution at least half time during the 2007-08 academic year and remains continuously enrolled at least half time at the same institution is eligible for grandfathered awards for the 2008-09, 2009-10, and 2010-2011 academic years. A qualified student who attended more than one eligible postsecondary institutions as at least a half-time student during the 2007-08 academic year and remains continuously enrolled at least half time at one or more of the same institutions is also eligible for grandfathered awards for the 2008-09, 2009-10, and 2010-2011 academic years. For grandfathering-eligible students, awards are calculated using both the method in place during the 2007-08 academic year and the method for the Shared Responsibility Model, and students shall receive annual awards based on whichever of the two methods for calculating awards grants the student the greater amount of student assistance. Grandfathering of awards expires after the end of the 2010-11 academic year. Continuous enrollment is defined as completion of an academic year within any 12-month period.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348

Hist.: SSC 12, f. & ef. 12-15-76; SSC 18, f. & ef. 10-19-77; SSC 1-1978(Temp), f. & ef. 1-4-78; SSC 3-1978, f. & ef. 2-16-78; SSC 2-1979, f. 7-24-79, ef. 8-1-79; SSC 2-1985, f. & ef. 4-17-85; SSC 5-1987, f. & ef. 10-23-87; SSC 1-1993(Temp), f. & cert. ef. 9-20-93; SSC 3-1994, f. & cert. ef. 1-25-94; SSC 2-1995, f. & cert. ef. 12-6-95; SSC 1-1998, f. & cert. ef. 3-18-98; OSAC 6-2002, f. & cert. ef. 3-12-02; OSAC 4-2005, f. 9-27-05, cert. ef. 10-1-05; OSAC 5-2007, f. & cert. ef. 11-7-07; OSAC 1-2009(Temp), f. & cert. ef. 11-24-09 thru 5-17-10; Administrative correction 6-25-10; OSAC 1-2010, f. & cert. ef. 10-6-10

575-031-0030

Conditions of Award

(1) Except for subsection (2) below, the maximum period of Opportunity Grant eligibility shall not exceed the equivalent of 12 quarters or 8 semesters of full-time enrollment.

(2) Students whose statutory rights provide for a legitimate need to extend the maximum period beyond a period equal to 12 quarters or 8 semesters of full-time enrollment remain eligible to receive an Opportunity Grant until completion of their undergraduate program.

(3) The Commission may deny renewal of an award to any student failing to make satisfactory academic progress.

(4) No Opportunity 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.

(5) No Opportunity Grant shall be made to any student in default on any federal Title IV loan or owing a refund on federal Title IV funds previously disbursed, unless the institution disbursing funds determines that the student has made satisfactory arrangements to repay and has regained federal eligibility.

(6) An Opportunity Grant recipient shall sign a statement of Selective Service Registration Compliance in conformity with the requirements of Title IV student aid programs.

(7) An Opportunity Grant recipient must be enrolled in an eligible program as defined in 575-031-0016.

(8) An Opportunity Grant recipient must be an undergraduate student, as defined by the institution disbursing funds.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348

Hist.: SSC 12, f. & ef. 12-15-76; SSC 18, f. & ef. 10-19-77; SSC 4-1980, f. & ef. 10-22-80; SSC 1-1981, f. & ef. 9-3-81; SSC 4-1983, f. & ef. 11-29-83; SSC 2-1985, f. & ef. 4-17-85; SSC 5-1986, f. & ef. 6-12-86; SSC 5-1987, f. & ef. 10-23-87; SSC 3-1988, f. & cert. ef. 8-9-88; OSAC 6-2002, f. & cert. ef. 3-12-02; OSAC 5-2007, f. & cert. ef. 11-7-07

575-031-0045

Disbursements

(1) Institutions shall disburse grants to students identified by the Commission from funds provided by the Commission on an academic term basis.

(2) Institutions shall not disburse grants to students who cease to meet conditions of award identified by the Commission.

(3) If, as a result of an institutional error, grants are disbursed to ineligible students, to students in ineligible programs, or to students for an inappropriate number of terms, the institution shall reimburse the State of Oregon the full amount of monies erroneously disbursed.

(4) Institutions shall disburse grants to eligible students within a time schedule established annually by the Commission.

(5) Institutions shall submit regular reports to the Commission regarding disbursements made to eligible students on a schedule determined by the Commission.

(6) Institutions shall refund unused grant funds to the Commission within a time schedule established annually by the Commission.

(7) Generally, a disbursement may not be made to a student who is no longer eligible. An otherwise eligible student becomes ineligible for an Opportunity Grant on the date that the student is no longer enrolled at the institution for the award year. With Commission approval, institutions may make late disbursements of retroactive awards for prior academic terms up to 60 days after the close of the year-end account reconciliation process or up to 60 days after the end of the student's period of enrollment, whichever is earlier.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348

Hist.: SSC 4-1980, f. & ef. 10-22-80; SSC 1-1981, f. & ef. 9-3-81; SSC 5-1986, f. & ef. 6-12-86; OSAC 6-2002, f. & cert. ef. 3-12-02; OSAC 5-2007, f. & cert. ef. 11-7-07

575-031-0046

Student Information

The institution shall provide each student awarded at that institution with written notification on items specified by the Commission.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348

Hist.: SSC 1-1981, f. & ef. 9-3-81; SSC 2-1985, f. & ef. 4-17-85; SSC 5-1986, f. & ef. 6-12-86; SSC 5-1987, f. & ef. 10-23-87; SSC 3-1988, f. & cert. ef. 8-9-88; OSAC 6-2002, f. & cert. ef. 3-12-02

575-031-0050

Record Keeping

(1) Each institution shall maintain sufficient records to document its activities relating to the program.

(2) Each institution shall make its academic and financial records available to the Commission at reasonable times for the purpose of assuring that the institution is complying with the rules relating to the administration of the program.

(3) Institutions shall retain the academic and financial records relevant to a disbursement of state grant funds for not less than three years following the end of the fiscal year in which that disbursement occurs.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348

Hist.: SSC 4-1980, f. & ef. 10-22-80; SSC 1-1981, f. & ef. 9-3-81; OSAC 6-2002, f. & cert. ef. 3-12-02

575-031-0055

Appeals

An institution shall have the right to appeal to the Commission in the instance of a disagreement with a policy or procedure of the Commission or its staff. In such a case, the decision of the Commission is final unless a court of competent jurisdiction orders to the contrary.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348.250 - 348.260

Hist.: SSC 4-1980, f. & ef. 10-22-80

DIVISION 35

BARBERS AND HAIRDRESSERS GRANT PROGRAM

575-035-0005

Residency

For a student to be eligible for a Barbers and Hairdressers (B & H) Grant, the student must:

(1) Be a U.S. Citizen, or be in the United States for other than a temporary purpose and intend to become a permanent resident.

(2) Be a resident of the State of Oregon as defined in OAR 575-030-0005(1).

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348.290 & 348.505

Hist: SSC 2-1986, f. & ef. 2-25-86

575-035-0010

Financial Need

A student must have financial need as determined by the Commission as set forth in OAR 575-030-0005(6).

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348.290 & 348.505

Hist: SSC 2-1986, f. & ef. 2-25-86

575-035-0015

Institutional Eligibility

Eligible institutions are any schools of Barbering, Hair Design, Cosmetology and Manicure, that are located in and licensed by the State of Oregon and have signed an agreement with the Commission to participate.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348.290 & 348.505

Hist: SSC 2-1986, f. & ef. 2-25-86

575-035-0020

Enrollment

A student must be enrolled or accepted for enrollment as a student at an eligible institution.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348.290 & 348.505

Hist: SSC 2-1986, f. & ef. 2-25-86

575-035-0025

Grant Amount

(1) A B & H Grant may vary in amount from \$100 to \$1,500 per academic year or nine month period.

(2) Grants will not exceed 50 percent of the computed need.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348.290 & 348.505

Hist: SSC 2-1986, f. & ef. 2-25-86

575-035-0030

Conditions of Award

(1) The maximum period of a B & H Grant shall not exceed 15 months.

(2) The Commission may deny any disbursement to a student failing to make satisfactory academic progress as defined by the institution.

(3) No B & H 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.

(4) The amount of a student's B & H Grant may be related to the amount the student is eligible to receive under the Pell Grant Program.

(5) The B & H Grant recipient shall sign a statement of educational purpose in conformity with the requirements of Title IV student aid programs.

(6) The recipient may not be in default on any federal Title IV loan, nor owe any refunds on federal Title IV funds previously disbursed.

(7) Students receiving public assistance from other than the Food Stamp program through the Adult and Family Services Division of the State of Oregon Department of Human Resources will not be eligible for a B & H Grant.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348.290 & 348.505

Hist: SSC 2-1986, f. & ef. 2-25-86

575-035-0040

Award Priority

When considering application for award, the Commission shall give first priority to the funding of grants to full-time students.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348.290 & 348.505

Hist: SSC 2-1986, f. & ef. 2-25-86

575-035-0045

Disbursements

(1) Institutions shall disburse grants to students identified by the Commission from funds provided by the Commission every three months.

(2) If, as a result of an institutional error, grants are disbursed to ineligible students, to students in ineligible programs, or to students for an inappropriate number of months, the institution shall reimburse the State of Oregon the full amount of monies erroneously disbursed.

(3) Institutions shall disburse grants to eligible students within a time schedule established by the Commission.

(4) Institutions shall refund undisbursed grant funds to the Commission within a time schedule established by the Commission.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348.290 & 348.505

Hist: SSC 2-1986, f. & ef. 2-25-86

575-035-0046

Student Information

Awarded students will be provided with written notification of the following:

(1) The amount of B & H Grant which the student is eligible to receive at that institution.

(2) Any change in the amount of the grant which the student is eligible to receive at that institution.

(3) The transferability of the B & H Grant to other eligible institutions in Oregon.

(4) The Conditions of Award (OAR 575-035-0030).

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348.290 & 348.505

Hist: SSC 2-1986, f. & ef. 2-25-86

575-035-0050

Record Keeping

(1) Each institution shall maintain sufficient records to document its activities relating to state grant programs.

(2) Each institution shall make its academic and financial records available to the Commission at reasonable times for the purpose of assuring that the institution is complying with the rules relating to the administration of the state grant programs.

(3) Institutions shall retain the academic and financial records relevant to a disbursement of state grant funds for not less than five years following the end of the fiscal year in which that disbursement occurs.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348.290 & 348.505

Hist: SSC 2-1986, f. & ef. 2-25-86

575-035-0051

Fund Management

(1) Funds from the Department of Commerce for the establishment of the B & H Grant program will be transferred to the State Scholarship Commission Fund to be invested by the State Treasurer.

(2) Only the investment earnings from the fund shall be used for B & H Grants.

(3) Grants will be awarded each quarter, funds permitting, beginning on October 1, 1986.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348.290 & 348.505

Hist: SSC 2-1986, f. & ef. 2-25-86

575-035-0055

Appeals

An institution shall have the right to appeal to the Commission in the instance of a disagreement with a policy or procedure of the Commission or its staff. In such a case, the decision of the Commission is final unless a court of competent jurisdiction orders to the contrary.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348.290 & 348.505

Hist: SSC 2-1986, f. & ef. 2-25-86

DIVISION 37

**SCHOLARSHIP PROGRAM FOR CHILDREN OF
DECEASED OR DISABLED PUBLIC SAFETY OFFICERS**

575-037-0005

Definitions

For purposes of this program, a Public Safety Officer includes the following public safety categories as defined in ORS 237.610:

(1) Firefighters;

(2) State Fire Marshal and the chief deputy fire marshal and deputy state fire marshals;

(3) Police chiefs and police officers;

(4) Sheriffs and deputy sheriffs;

(5) County adult parole and probation officers;

(6) Corrections officers;

(7) Investigators of the Criminal Justice Division of the Department of Justice.

Stat. Auth.: ORS 183.325 - 183.355, 348.270 & 348.280

Stats. Implemented: SB 836, 1997

Hist.: SSC 1-1998, f. & cert. ef. 3-18-98

575-037-0010

Residency

For a student to be eligible for an award under the Scholarship Program for Children of Deceased or Disabled Public Safety Officers, he or she must:

(1) Be a citizen of the United States, or be in the United States for other than a temporary purpose and intend to become a permanent resident; and

(2) Be a resident of the State of Oregon as defined in OAR 575-030-0005(1).

Stat. Auth.: ORS 183.325 - 183.355, 348.270 & 348.280

Stats. Implemented: SB 836, 1997

Hist.: SSC 1-1998, f. & cert. ef. 3-18-98

575-037-0020

Financial Need

For a student to be eligible for an award under the Scholarship Program for Children of Deceased or Disabled Public Safety Officers, he or she must be determined by the Commission to have financial need, as set forth in OAR 575-030-0005(6).

Stat. Auth.: ORS 183.325 - 183.355, 348.270 & 348.280

Stats. Implemented: SB 836, 1997

Hist.: SSC 1-1998, f. & cert. ef. 3-18-98

575-037-0030

Eligible Postsecondary Institutions

For an otherwise eligible student to receive an award under the Scholarship Program for Children of Deceased or Disabled Public Safety Officers, he or she must:

(1) Be enrolled in an institution of the Oregon University System; or

(2) Be enrolled in an Oregon community college; or

(3) Be enrolled in an independent non-profit postsecondary institution located in the State of Oregon.

Stat. Auth.: ORS 183.325 - 183.355, 348.270 & 348.280

Stats. Implemented: SB 836, 1997

Hist.: SSC 1-1998, f. & cert. ef. 3-18-98

575-037-0040

Maximum Awards for Students Attending Independent Institutions

Eligible students attending Oregon independent institutions of postsecondary education may not receive awards in excess of the amount of tuition and fees levied on resident undergraduate students by the University of Oregon. The source of the relevant tuition and fee information shall be the official Oregon University System Fee Schedule published annually by the Office of the Chancellor.

Stat. Auth.: ORS 183.325 - 183.355, 348.270 & 348.280

Stats. Implemented: SB 836, 1997

Hist.: SSC 1-1998, f. & cert. ef. 3-18-98

DIVISION 38

STATE GRANT SUPPLEMENTAL AWARD PROGRAM

575-038-0000

Purpose

The purpose of this program is to carry out provisions of House Bill 5030, Section 6, enacted by the Legislative Assembly during the regular 1995 session. That measure calls for supplemental grants to be made to students receiving Oregon Need Grants and who are enrolled in private, nonprofit colleges in Oregon.

Stat. Auth.: ORS 348

Stats. Implemented: HB 5030(6), 1995

Hist.: SSC 1-1995, f. & cert. ef. 8-24-95

575-038-0010

Student Eligibility

Students eligible for State Grant Supplemental Awards are those who have been designated by the Commission to receive Need Grants for attendance at private, nonprofit colleges in Oregon.

Stat. Auth.: ORS 348

Stats. Implemented: HB 5030(6), 1995

Hist.: SSC 1-1995, f. & cert. ef. 8-24-95

575-038-0020

Program Elements Governed by Need Grant Rules

The following common elements of the Need Grant Program and the State Grant Supplemental Award Program are governed by existing administrative rules for the Need Grant Program:

(1) Definitions, see Oregon Administrative Rules (OAR) 575-030-0005.

(2) Residency, see OAR 575-031-0005.

(3) Financial need, see OAR 575-031-0010.

(4) Eligible program, see OAR 575-031-0016.

(5) Enrollment, see OAR 575-031-0020.

(6) Conditions of award, see OAR 575-031-0030.

(7) Renewal, see OAR 575-031-0075.

(8) Award priority, see OAR 575-031-0040.

(9) Disbursement, see OAR 575-031-0045.

(10) Record keeping, see OAR 575-031-0050.

(11) Appeals, see OAR 575-031-0055.

Stat. Auth.: ORS 348

Stats. Implemented: HB 5030(6), 1995

Hist.: SSC 1-1995, f. & cert. ef. 8-24-95

575-038-0030

Grant Amount

State Grant Supplemental Award amounts will be set annually by the Scholarship Commission, in consultation with institutions participating in the State Grant Supplemental Award Program.

Stat. Auth.: ORS 348

Stats. Implemented: HB 5030(6), 1995

Hist.: SSC 1-1995, f. & cert. ef. 8-24-95

575-038-0040

Student Information

The institution shall provide each designated awardee at that institution with written notification of the following:

(1) The amount and type of state grants which the student is eligible to receive at that institution.

(2) Any change in the amount or type of state grants which the student is eligible to receive at that institution.

(3) The transferability of state grants to other eligible institutions in Oregon.

(4) The necessity of the student to apply to the Commission annually to be considered for renewal of the award.

(5) The limitation on the duration of the award to 12 quarters or 8 semesters.

(6) The conditions which govern eligibility for that award:

(a) That the recipient must be eligible for an Oregon Need Grant;

(b) That the recipient must be an undergraduate student, as defined by the Commission;

(c) That the recipient must be a full-time student, as defined by the institution, unless funds are available to make awards to less-than-full-time students;

(d) That the recipient must make satisfactory academic progress, as defined by the institution;

(e) That an awardee may not receive state grants if enrolled in a course of study leading to a degree in theology, divinity, or religious education;

(f) That the recipient may not be in default on any federal Title IV loan nor owe any refunds on federal Title IV funds previously disbursed;

(g) That the recipient shall sign a statement of Selective Service Registration Compliance;

(h) That information submitted in application for state awards is subject to verification by the institution; failure to provide information requested will result in cancellation of the award.

Stat. Auth.: ORS 348

Stats. Implemented: HB 5030(6), 1995

Hist.: SSC 1-1995, f. & cert. ef. 8-24-95

DIVISION 45

LIMITATION, SUSPENSION AND TERMINATION

575-045-0005

Limitation, Suspension and Termination

Any Limitation, Suspension, or Termination actions taken by the Oregon Student Assistance Commission will be in compliance with the Higher Education Act of 1965, as amended, the federal regulations issued thereunder, and the Unified Student Loan Policy as set forth in the Common Manual.

Stat. Auth.: ORS 183 & 348

Stats. Implemented: ORS 348.530
Hist.: OSAC 1-2000, f. & cert. ef. 5-24-00

DIVISION 50

MEDICAL-DENTAL STUDENT LOAN PROGRAM

575-050-0005

Definitions

For the purposes of the Medical and Dental Student Loan Program, the following definitions shall be used:

(1) "Academic Year." A period of time, beginning September 1, in which a full-time student would normally be expected to complete three quarters of instruction.

(2) "Commission." The Oregon State Scholarship Commission.

(3) "Dependent/Independent Student." The definition of independent/dependent student shall be the definition used for the student aid programs under Title IV of the Higher Education Act of 1965 as amended.

(4) "Division." The Division of State Lands.

(5) "Full-Time Student." A student who is carrying a full-time academic workload as determined by the institution.

(6) "Guarantor or Guarantee Agency." The Oregon State Scholarship Commission.

(7) "Institution." The Oregon Health Sciences University and Oregon State University.

(8) "Interim Note." The basic contract between the student-borrower and the lender whereby the lender makes funds available to qualifying individuals to pay educational costs. It reflects the amount borrowed, rate and maturity, the terms and conditions under which the loan is made, a Disclosure Statement and endorsement by the Commission.

(9) "Lender." The Division of State Lands.

(10) "Resident of Oregon." Residency is established by virtue of the student (in the case of independent students) or the student's parents (in the case of dependent students) having been in continuous residency in this state for the 12 months preceding enrollment. Residency is immediate in the case of a dependent whose parents have moved to this state for a reason other than the student's enrollment. The residency period may be reduced to the preceding six months in the case of an independent student who moved to this state for a purpose other than education:

(a) A dependent resident student whose Oregon domiciled parent(s) move out-of-state shall retain resident classification as long as such students are continuously enrolled at an Oregon high school or postsecondary institution. Continuous enrollment is defined as completion of an academic year within any 12-month period;

(b) An independent resident student shall retain resident classification as long as the student is continuously enrolled at an Oregon postsecondary institution. Continuous enrollment is defined as completion of an academic year within any 12-month period;

(c) A dependent student whose parent(s) are serving on active duty in the United States Armed Forces outside the state of Oregon shall have residency status determined by the parents' declared "home of record." An independent student who is serving on active duty in the United States Armed Forces outside the State of Oregon shall have residency status determined by the student's declared "home of record";

(d) A student from a state other than Oregon or the Trust Territories who is receiving, or is eligible to receive financial assistance through the government of the state or the Trust Territories, shall not be considered a resident of Oregon;

(e) An independent student who otherwise qualifies as an Oregon resident, but pays out-of-state tuition and fees shall not be considered a resident of Oregon.

(11) "Schedule of Payments." The schedule which includes the number of payments, the amount of each payment and the date(s) due.

(12) "Deferred Interest."

(a) For medical, dental, and veterinary student borrowers, the interest which accrues during the period commencing on the date of the disbursement check and ending on the date the borrower ceases to be enrolled full-time;

(b) For undergraduate nursing student borrowers, the interest which accrues from September 1 each year following the date of graduation or termination as a full-time student to the date repayment commences.

(13) "Accruing Interest."

(a) For medical, dental, and veterinary student borrowers, the interest which accrues commencing on the date the borrower ceases to be enrolled full-time at the Institution and continuing until the loan is paid in full;

(b) For nursing student borrowers, the interest which accrues from the date repayment of the loan begins until the loan is paid in full.

(14) "Annual Interest." For undergraduate nursing student borrowers, the interest which accrues from the date of the disbursement check to the end of the school year, August 31 of each year.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348.040 - 348.095

Hist: SSC 2-1978(Temp), f. & ef. 1-4-78; SSC 3-1978, f. & ef. 2-16-78; SSC 1-1979, f. & ef. 1-17-79; SSC 2-1979, f. 7-24-79, ef. 8-1-79; SSC 2-1980, f. 1-31-80, ef. 4-1-80; SSC 4-1980, f. & ef. 10-22-80; SSC 1-1981, f. & ef. 9-3-81; SSC 4-1983, f. & ef. 11-29-83; SSC 4-1990, f. & cert. ef. 6-22-90

575-050-0010

Administrative Responsibility

(1) The Commission shall be responsible for the implementation of all policies and procedures for the administration of the Medical-Dental Student Loan Program under the provision of ORS 348.040 through 348.095.

(2) The Commission may establish rules for the administration of the program in those instances in which the state law allows or mandates discretion in interpretation and implementation.

(3) The Commission shall have authority to approve loan applications submitted by the institution.

(4) The Division shall be responsible for the loan of funds from the Common School Fund to eligible students under this program and for the subsequent collection of such loans.

(5) The Division shall prepare the Schedule of Payments.

(6) The institution shall be responsible for the initial processing of applications for this program, the assessment of eligibility and need for the loan, periodical reports to the Commission and Division with regard to borrowers status and recommendations to the Commission on submitted applications.

(7) The institution shall prepare the interim notes in compliance with the requirements of the Division.

(8) Prior to the borrower leaving the institution, the institution shall conduct an exit interview, at which time the institution shall explain the repayment provisions of the loan and shall obtain the borrower's signature on the Schedule of Payments.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348.040 - 348.095

Hist: SSC 2-1978(Temp), f. & ef. 1-4-78; SSC 3-1978, f. & ef. 2-16-78; SSC 4-1983, f. & ef. 11-29-83

575-050-0015

Eligibility

To be eligible for a loan under this program, a student must:

(1) Be a full-time professional medical or dental student or undergraduate nursing student at the Oregon Health Sciences University or a full-time student in a veterinary program offered by Oregon State University.

(2) Be a resident of Oregon as defined by OAR 575-050-0005(9).

(3) Have financial need computed by the needs analysis system adopted by the Commission.

(4) Complete, execute, and deliver the required application which shall include a signed statement by the student consenting to the release of personally identifiable information to the Division and the Commission.

(5) Submit the loan application prior to the final day of registration for the semester(s) or term(s) for which the loan is to be used, except as may be dictated by individual circumstances and approved by the Division and Commission.

Stat. Auth.: ORS 348
Stats. Implemented: ORS 348.040 - 348.095
Hist: SSC 2-1978(Temp), f. & ef. 1-4-78; SSC 3-1978, f. & ef. 2-16-78; SSC 1-1981, f. & ef. 9-3-81; SSC 4-1983, f. & ef. 11-29-83

575-050-0020

Loan Limits

(1) The maximum loan for any academic year for medical, dental and veterinary students shall be \$4,000.

(2) The maximum loan for any academic year for undergraduate nursing students shall be \$1,000.

(3) The principal amount of all loans for any individual shall not exceed \$16,000.

Stat. Auth.: ORS 348
Stats. Implemented: ORS 348.040 - 348.095
Hist: SSC 2-1978(Temp), f. & ef. 1-4-78; SSC 3-1978, f. & ef. 2-16-78; SSC 1-1981, f. & ef. 9-3-81; SSC 4-1983, f. & ef. 11-29-83

575-050-0025

Disbursements

(1) The loan amount for an academic year shall be divided into equal disbursements to correspond with the number of terms for which the loan is granted, except as may be dictated by individual circumstances and approved by the Commission and the Division.

(2) All disbursements will be by state check drawn by the Division payable to the student to be dispersed by the Institution not more than ten days prior to the commencement of the term for which drawn.

Stat. Auth.: ORS 348
Stats. Implemented: ORS 348.040 - 348.095
Hist: SSC 2-1978(Temp), f. & ef. 1-4-78; SSC 3-1978, f. & ef. 2-16-78

575-050-0030

Repayment

(1) Repayment of the principal of the loans, accruing interest and deferred interest shall commence not later than 12 months after the borrower graduates or otherwise terminates his/her education program. The "education program" may include post-graduate study approved by the Commission. If a borrower enrolls in an approved post-graduate study program after a portion of the above 12-month period has elapsed, then repayment of the principal and deferred interest shall commence following the termination of that program and after any remaining balance of the original 12-month period has elapsed, except that repayment of principal and deferred interest must commence in all cases within 60 months following the borrower's graduation from the institution.

(2) These payments shall be made in equal successive monthly installments of not less than \$50 and shall end not more than 120 months after the beginning of the principal repayment period.

(3) The length of repayment for students who borrow under this program following the commencement of repayment shall be negotiated by the student and the Division at the time the subsequent loan is made.

Stat. Auth.: ORS 348
Stats. Implemented: ORS 348.040 - 348.095
Hist: SSC 2-1978(Temp), f. & ef. 1-4-78; SSC 3-1978, f. & ef. 2-16-78; SSC 2-1979, f. & ef. 7-24-79, ef. 8-1-79; SSC 1-1981, f. & ef. 9-3-81; SSC 4-1983, f. & ef. 11-29-83

575-050-0035

Default

(1) A loan shall be judged to be in default upon the occurrence of any one or more of the following conditions:

(a) Failure of the borrower to acknowledge the Schedule of Payments within 60 calendar days following graduation or termination;

(b) Failure of the borrower to fully remit two consecutive quarterly installments of accruing interest or failure to fully remit a monthly installment of accruing interest which is due for more than 120 days;

(c) Failure of the borrower to fully remit any other installment which is due for more than 120 days; or

(d) Borrower is adjudicated a bankrupt.

(2) The holder of a note may exercise the right of offset against any maker or co-maker of defaulted loans under the conditions set forth by the laws of the State of Oregon. The maker or co-maker shall pay any charges for assistance in exercising the right of offset incurred by the holder of the note(s).

(3) From funds available, therefore, the Commission shall reimburse the Division for any loss resulting from default of a loan. The Commission shall then take the action necessary for the recovery of those funds.

(4) A five percent collection charge shall be assessed against all loans that are judged to be in default. This charge will be assessed by the Commission for the actual servicing and collection of defaulted loans and is based on the amount paid to the previous holder of the note(s). The maker or co-maker shall pay all charges incurred should the note(s) be referred to an outside collection agency.

(5) The application of offsets to a defaulted loan(s) shall not be credited to future payments nor be a substitute for regular monthly installments.

(6) The prepayment of a portion of a defaulted loan(s) shall not be credited to future payments nor be a substitute for regular monthly installments.

Stat. Auth.: ORS 348
Stats. Implemented: ORS 348.040 - 348.095
Hist: SSC 2-1978(Temp), f. & ef. 1-4-78; SSC 3-1978, f. & ef. 2-16-78; SSC 1-1981, f. & ef. 9-3-81; SSC 4-1983, f. & ef. 11-29-83; SSC 3-1985, f. & ef. 4-17-85; SSC 1-1987, f. & ef. 2-23-87, ef. 2-25-87

575-050-0040

Interest for Medical, Dental, and Veterinary Student Borrowers

(1) Borrowers shall be assessed at least six percent interest per annum on the unpaid balance from the date of the note.

(2) In-school interest payments by the borrower shall be deferred until the borrower ceases to be enrolled full-time:

(a) During the interest deferment period, the Commission shall pay the Division the applicable interest on an annual basis;

(b) The borrower shall reimburse the Commission for these deferred interest payments as provided in OAR 575-050-0030.

(3) The borrower shall commence direct payment of accruing interest to the Division at the time he/she ceases to be enrolled full-time. These payments of interest will be made in quarterly or monthly installments, as specified in the Interim Note and Addendum, until repayment of principal begins, at which time they will be incorporated into the monthly installments of principal and deferred interest.

Stat. Auth.: ORS 348
Stats. Implemented: ORS 348.040 - 348.095
Hist: SSC 2-1978(Temp), f. & ef. 1-4-78; SSC 3-1978, f. & ef. 2-16-78; SSC 1-1981, f. & ef. 9-3-81; SSC 4-1983, f. & ef. 11-29-83; SSC 1-1987, f. & ef. 2-23-87, ef. 2-25-87

575-050-0042

Interest for Undergraduate Nursing Student Borrowers

(1) Borrowers shall pay such rate of interest as is negotiated between the Division of State Lands and the State Scholarship Commission, but in no event shall such rate of interest be less than seven percent.

(2) Annual interest shall be paid by the nursing student borrower within 30 days from the date interest is due and payable.

Stat. Auth.: ORS 348
Stats. Implemented: ORS 348.040 - 348.095
Hist: SSC 4-1983, f. & ef. 11-29-83

575-050-0045

Special Payments

The Commission shall pay annually to the Division a maximum of three percent per annum on the unpaid balance of all medical, dental, and veterinary student borrower loans.

Stat. Auth.: ORS 348
Stats. Implemented: ORS 348.040 - 348.095
Hist: SSC 2-1978(Temp), f. & ef. 1-4-78; SSC 3-1978, f. & ef. 2-16-78; SSC 4-1983, f. & ef. 11-29-83

575-050-0050

Record Keeping

(1) The institution shall maintain sufficient records to document its activities in the program.

(2) The institution shall retain records relevant to the program for not less than five years following the borrower's graduation or termination.

(3) The institution shall make its records available to the Commission at reasonable times for the purpose of assuring that the institution is complying with the rules relating to the administration of the program.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348.040 - 348.095

Hist: SSC 4-1983, f. & ef. 11-29-83

DIVISION 60

PRIVATELY FUNDED AWARD PROGRAMS

575-060-0005

Definitions

For the purposes of Privately Funded Award Programs which the Commission administers, the following definitions shall be used unless specified otherwise by a donor:

(1) "Academic Year." A period of time, normally beginning in August or September, in which a student would normally be expected to complete at least three-quarters of full-time instruction or the equivalent.

(2) "Commission." The Oregon State Scholarship Commission.

(3) "Cost of Education." The sum of tuition and fees, room and board, books and supplies, transportation personal expenses, and other allowable costs identified by the U.S. Department of Education.

(4) "Dependent/Independent Student." The definitions of dependent/independent student shall be the definition used for the student aid programs under Title IV of the Higher Education Act of 1965 as amended.

(5) "Generally Accredited Institution." An institution accredited by the Northwest Association of Secondary and Higher Schools.

(6) "Resident of Oregon." Residency is established by virtue of the student (in the case of independent students) or the student's parents (in the case of dependent students) having been in continuous residency in this state for the 12 months preceding enrollment. Residency is immediate in the case of a dependent whose parents have moved to this state for a reason other than the student's enrollment. The residency period may be reduced to the preceding six months in the case of an independent student who moved to this state for a purpose other than education:

(a) A dependent resident student whose Oregon domiciled parent(s) move out-of-state shall retain resident classification as long as such student is continuously enrolled at an Oregon high school or postsecondary institution. Continuous enrollment is defined as completion of an academic year within any 12-month period;

(b) An independent resident student shall retain resident classification as long as the student is continuously enrolled at an Oregon postsecondary institution. Continuous enrollment is defined as completion of an academic year within any 12-month period;

(c) A dependent student whose parent(s) are serving on active duty in the United States Armed Forces outside the State of Oregon shall have residency status determined by the parents' declared "home of record." An independent student who is serving on active duty in the United States Armed Forces outside the State of Oregon shall have residency status determined by the student's declared "home of record";

(d) A student from a state other than Oregon, or from the Trust Territories, who is receiving or is eligible to receive financial assistance through the government of that state or the Trust Territories, shall not be considered a resident of Oregon.

(e) Residence Classification of Members of Oregon Tribes:

(A) Students who are enrolled members of federally recognized tribes of Oregon or who are enrolled members of a federally recognized Native American tribe which had traditional and customary

tribal boundaries that included parts of the state of Oregon or which had ceded or reserved lands within the state of Oregon shall be deemed eligible for programs administered by the Oregon Student Assistance Commission that are limited to Oregon residents, regardless of their state of residence.

(B) For purposes of this rule, the federally recognized tribes of Oregon are those recommended by the Oregon University System in OAR 580-010-0037 for purposes of assessing resident tuition:

(i) Burns Paiute Tribe;

(ii) Confederated Tribes of Coos, Lower Umpqua and Siuslaw;

(iii) Confederated Tribes of Grand Ronde Community of Oregon;

(iv) Confederated Tribes of Siletz Indians of Oregon;

(v) Confederated Tribes of the Umatilla Indian Reservation;

(vi) Confederated Tribes of the Warm Springs Indian Reservation;

(vii) Coquille Indian Tribe;

(viii) Cow Creek Band of Umpqua Indians;

(ix) Klamath Tribes.

(C) For purposes of this rule, the federally recognized Native American tribes which had traditional and customary tribal boundaries that included parts of the state of Oregon or which had ceded or reserved lands within the state of Oregon are:

(i) CALIFORNIA:

(I) Benton Paiute Tribe;

(II) Big Bend Rancheria;

(III) Big Lagoon Rancheria;

(IV) Blue Lake Rancheria;

(V) Bridgeport Indian Colony;

(VI) Cedarville Rancheria;

(VII) Fort Bidwell Indian Tribe;

(VIII) Hoopa Valley Tribe;

(IX) Karuk Tribe of California;

(X) Likely Rancheria;

(XI) Lookout Rancheria;

(XII) Lytton Rancheria;

(XIII) Melochundum Band of Tolowa Indians;

(XIV) Montgomery Creek Rancheria;

(XV) Pit River Tribe;

(XVI) Quartz Valley Indian Community;

(XVII) Redding Rancheria;

(XVIII) Roaring Creek Rancheria;

(XIX) Smith River Rancheria;

(XX) Susanville Rancheria;

(XXI) Tolowa-Tututni Tribe;

(XXII) Winnemucca Colony;

(XXIII) XL Ranch;

(XXIV) Yurok Tribe.

(ii) IDAHO:

(I) Nez Perce Tribe of Idaho;

(II) Shoshoni-Bannock Tribes.

(iii) NEVADA:

(I) Duck Valley Shoshone-Paiute Tribes;

(II) Fallon Paiute-Shoshone Tribe;

(III) Fort McDermitt Paiute-Shoshone Tribe;

(IV) Lovelock Paiute Tribe;

(V) Pyramid Lake Paiute Tribe;

(VI) Reno-Sparks Indian Colony;

(VII) Summit Lake Paiute Tribe;

(VIII) Walker River Paiute Tribe;

(IX) Winnemucca Indian Colony;

(X) Yerington Paiute Tribe.

(iv) OKLAHOMA: Modoc Tribe of Oklahoma.

(v) WASHINGTON:

(I) Chehalis Community Council;

(II) Colville Confederated Tribes;

(III) Quinalt Indian Nation;

(IV) Shoalwater Bay Tribe;

(V) Yakama Indian Nation.

(D) A student seeking to be deemed eligible under the provisions of this rule shall submit, following procedures prescribed by

the Oregon Student Assistance Commission, a photocopy of a tribal enrollment card or other acceptable documentation from a tribe which documents tribal membership.

(7) "Community Foundation" means an organization that is:

(a) A community trust or foundation within the meaning of Section 170 of the **Internal Revenue Code of 1986** and Section 1.170 A-9(e)(10) of the treasury regulations thereunder;

(b) Exempt from federal income tax under Section 501(c)(3) of the **Internal Revenue Code of 1986**; and

(c) Not a private foundation within the meaning of Section 509 of the Internal Revenue Code of 1986.

Stat. Auth.: ORS 183.325 & 348, OL 1993

Stats. Implemented: ORS 348

Hist.: SSC 4-1985, f. & ef. 4-17-85; SSC 4-1994, f. & cert. ef. 1-25-94; SSC 1-1998, f. & cert. ef. 3-18-98; OSAC 1-2006, f. & cert. ef. 2-8-06

575-060-0007

Policy

The Commission will administer privately funded awards pursuant to the following rules, by authority of ORS 348.530 and pursuant to the donor's intent.

Stat. Auth.: ORS 348.520 - 348.530

Stats. Implemented: ORS 348.520 - 348.530

Hist.: SSC 1-1991, f. & cert. ef. 12-23-91

575-060-0010

Eligibility

Unless otherwise specified by a donor, an applicant for an award must:

(1) Be a resident of the State of Oregon; and

(2) Be a U.S. citizen or be in the United States for other than a temporary purpose and intend to become a permanent resident of the United States.

Stat. Auth.: ORS 348.520 - 348.530

Stats. Implemented: ORS 348.520 - 348.530

Hist.: SSC 4-1985, f. & ef. 4-17-85; SSC 1-1991, f. & cert. ef. 12-23-91

575-060-0012

Eligible Institutions

A donor must specify which institutions are eligible to receive award recipients. However, only institutions located in a state and recognized by the U.S. Department of Education as eligible to participate in federal Title IV student financial aid programs may be so designated and at least two institutions must be designated.

Stat. Auth.: ORS 348.520 - 348.530

Stats. Implemented: ORS 348.520 - 348.530

Hist.: SSC 1-1991, f. & cert. ef. 12-23-91; SSC 1-1998, f. & cert. ef. 3-18-98

575-060-0015

Administrative Responsibility

(1) For an award program established by the proceeds by an estate, the Commission will establish award criteria in accordance with the conditions specified in the donor's last will and testament.

(2) For a program established by employers for their employees and/or dependents of their employees, the donor and the Commission shall be governed by applicable federal Internal Revenue Service regulations.

(3) The Commission shall faithfully execute the terms of any private award program in accordance with ORS 128.055 to 128.100.

(4) The Commission will not deviate from the requirements of award criteria unless the change is made in accordance with section (5) of this rule.

(5) Unless otherwise provided by the donor, the Commission reserves the right, after approval of the Attorney General, pursuant to his or her charitable supervision responsibilities, to amend an award's eligibility requirements if the Commission and the Attorney General believe that the donor's specific request is being frustrated for any reason. In making an amendment, the Commission will continue to endeavor to carry out the donor's overall general intentions.

Stat. Auth.: ORS 348.520 - 348.530

Stats. Implemented: ORS 348.520 - 348.530

Hist.: SSC 4-1985, f. & ef. 4-17-85; SSC 1-1991, f. & cert. ef. 12-23-91

575-060-0020

Accountability and Record Keeping

(1) For a program where the Commission is the disbursing agent, the Commission shall establish a separate account within the State Scholarship Commission Fund (ORS 348.570). All monies in the account shall be placed with the State Treasurer, who will hold and invest these monies as provided in ORS 348.580. Any interest that may accrue to such an account while on deposit with the State Treasurer will be used only for awards and administrative expenses of the account.

(2) Subject to the terms of the governing instruments and applicable law, the Commission may enter into agreements with one or more community foundations in Oregon to assume the management of the privately funded student aid programs of the Commission. The Commission may transfer to the community foundation any or all gifts or scholarship grants received by the Commission from any private donor.

(3) For any scholarship fund whose assets are transferred to the Commission, the prior trustee shall be responsible for any forms, notices, or taxes which should have been filed or paid for the taxable years during which the prior trustee administered the fund.

(4) The Commission shall maintain sufficient records to document its activities relating to each private award program. The Commission shall provide an annual report to each donor or donor's designate. This report shall include a statement of earnings, disbursements made, and fund balances.

Stat. Auth.: ORS 183.325 & 348, OL 1993

Stats. Implemented: ORS 348.520 - 348.530

Hist.: SSC 4-1985, f. & ef. 4-17-85; SSC 1-1991, f. & cert. ef. 12-23-91; SSC 4-1994, f. & cert. ef. 1-25-94

575-060-0025

Approved Application

For awards where the Commission processed applications or selects awardees, applicants will be required to use a private award application specified by the Commission.

Stat. Auth.: ORS 348.520 - 348.530

Stats. Implemented: ORS 348.520 - 348.530

Hist.: SSC 1-1991, f. & cert. ef. 12-23-91

575-060-0030

Conditions of Award

(1) A student failing to make satisfactory academic progress as defined by the institution for students receiving federal Title IV aid may be denied payment of an award.

(2) No award shall be made to a student in default on any federal Title IV loan or owing a refund on federal Title IV funds previously disbursed.

(3) Awards shall be used only during a regular academic term but upon petition to the Commission and Commission approval, may be used during a summer term.

(4) Former awardees who voluntarily withdraw or fail to maintain satisfactory academic progress according to institutional standards may be considered for reinstatement by providing the Commission with a completed private award application, a transcript of all college work to date and, if required, completing a federally approved need analysis form.

Stat. Auth.: ORS 348.520 - 348.530

Stats. Implemented: ORS 348.520 - 348.530

Hist.: SSC 1-1991, f. & cert. ef. 12-23-91

575-060-0035

Selection

(1) In administering a private award program, the Commission shall not discriminate against an applicant on the basis of age, sex, sexual orientation, marital status, race, ethnic origin, creed, religion, color, national origin, or the presence of any mental, sensory or physical disability. This rule shall not prevent donors from creating awards for disadvantaged persons or other persons to the extent not prohibited by law, nor shall this rule prevent the Commission from accepting administration of such a program if the Commission, in its discretion, believes the program award criteria are lawful.

(2) For a program where need is used in the selection of an awardee, an applicant shall complete a federally-approved need analysis form. The calculation of need will be determined by the Commission.

Stat. Auth.: ORS 348.520 - 348.530
Stats. Implemented: ORS 348.520 - 348.530
Hist.: SSC 1-1991, f. & cert. ef. 12-23-91

575-060-0040

Disbursement

(1) Unless otherwise specified by the donor, the Commission shall disburse funds to an institution on behalf of an awardee on an academic term basis.

(2) An institution shall not disburse funds to an awardee who ceases to meet conditions of award identified by the Commission.

(3) An institution shall return undisbursed funds to the Commission within 30 days of receipt.

Stat. Auth.: ORS 348.520 - 348.530
Stats. Implemented: ORS 348.520 - 348.530
Hist.: SSC 1-1991, f. & cert. ef. 12-23-91

575-060-0045

Administrative Fees

The Commission may charge an annual fee for servicing an award program. The Commission shall set the amount of the fee, based on a percentage of the amount of scholarships awarded annually.

Stat. Auth.: ORS 348.520 - 348.530
Stats. Implemented: ORS 348.520 - 348.530
Hist.: SSC 1-1991, f. & cert. ef. 12-23-91

DIVISION 63

THE OREGON TAX CREDIT FOR EMPLOYERS AND BUSINESSES WITH EMPLOYEES/EMPLOYEE DEPENDENTS SCHOLARSHIP PROGRAMS

575-063-0005

Definitions

(1) "An eligible employer." An individual, partnership, or corporation that employs at least four full-time equivalent employees but no more than 250 employees, and must provide or intend to provide scholarship funds during the calendar year for which tax certification is being sought.

(2) "An eligible employee." An employee of an eligible employer who has been employed by that employer for a minimum period of employment not to exceed three years.

(3) "Dependent." An individual over half of whose support, for the calendar year in which the taxable year for the eligible employee taxpayer begins, was received from an eligible employee, consistent with the requirements of IRC S 152.

(4) "An eligible institution." A post-secondary institution in the U.S that participates in federal Title IV student financial aid programs.

(5) "Concurrently enrolled." A student who attends more than one eligible institution under a written consortium agreement or concurrent enrollment program.

(6) "Expenses." Cost of education, which, is the sum of tuition and fees, room and board, books and supplies, transportation, and personal expenses incurred in the pursuit of a postsecondary education as determined by the institution.

(7) "Qualified Scholarship." A scholarship that meets the criteria set forth or incorporated into the letter of employee and dependent scholarship program certification issued by the Commission.

Stat. Auth.: ORS 183 & 348
Stats. Implemented: HB 2521, 2001 Leg. Assembly
Hist.: OSAC 7-2002, f. & cert. ef. 3-12-02; OSAC 4-2008, f. & cert. ef. 10-15-08

575-063-0010

Employer Program Certification Procedures

(1) The application for program certification by an employer establishing an employer-sponsored scholarship program shall be

filed by the employer with OSAC at least three months prior to the close of the first tax year for which a tax credit will be claimed.

(2) The application shall be filed on a form provided by the Commission and shall contain information required by the Commission including the following:

(a) The total number of employees employed by the employer for the calendar year and the total number of employees who will be eligible or whose dependents will be eligible to participate.

(b) The date on which scholarship program will first be available.

(c) The annual limit, if any, on the amount of funds to be used for scholarships; and

(d) The criteria to be used by the employer in determining the eligibility of an employee or an employee's dependent for a scholarship under the program.

(3) The Commission shall certify an application that meets all conditions of the scholarship program.

(4) The Commission shall certify or reject an application within 60 days of receipt of the application and shall notify the employer of the Commission's determination.

(5) For employers whose proposed scholarship program has been certified, the Commission shall send a letter of program certification to the employer.

(6) An employer whose application is rejected by the Commission shall have the opportunity to amend the application within 30 days of date of notification.

(7) A program certification issued under 575-063-0010 shall remain valid until the employer changes the terms of eligibility for a scholarship under the program, changes the minimum or maximum amount of a scholarship, or ceases to be an employer.

Stat. Auth.: ORS 183 & 348
Stats. Implemented: HB 2521, 2001 Leg. Assembly
Hist.: OSAC 7-2002, f. & cert. ef. 3-12-02; OSAC 4-2008, f. & cert. ef. 10-15-08

575-063-0020

Tax Credit Certification Procedures

(1) To qualify for tax credit, an employer who has obtained program certification or has applied for program certification shall submit an application for tax credit certification to the Commission.

(2) The employer shall file the application for tax credit certification no later than October 1 of the calendar year for which a tax credit will be claimed.

(3) The application shall be filed on a form provided by the Commission and shall include:

(a) The amount of scholarship funds the employer has provided or intends to provide during the calendar year for which tax certification is being sought; and

(b) The number of employees employed by the employer for the calendar year.

(4) The Commission will consider applications in the chronological order in which they are received.

(5) The Commission will approve no more than a total of \$1 million in tax credit certifications annually in a calendar year.

(6) An employer may not receive a tax credit certification for more than \$1 million in a lifetime.

(7) The Commission shall send written notification of the amount of the tax credit certification, if any, to all applicants and the Department of Revenue within 60 days of receipt of an application.

(8) The employer shall keep the written certification in the employer's records for at least five years and shall furnish the certification to the Department of Revenue if requested.

Stat. Auth.: ORS 183 & 348
Stats. Implemented: HB 2521, 2001 Leg. Assembly
Hist.: OSAC 7-2002, f. & cert. ef. 3-12-02; OSAC 4-2008, f. & cert. ef. 10-15-08

575-063-0030

General Program Policy

Employers who establish a scholarship program for their employees and/or dependents of their employees shall adhere to administrative rules as set forth in the Oregon Administrative Rules for Privately Funded Award Programs, division 60. The employer and the Commission shall agree to administer the employer-sponsored scholarship program according to a set of mutually agreeable

rules. The employer and the Commission shall be governed by Section 117(b) of the Internal Revenue Code and regulations promulgated thereunder.

Stat. Auth.: ORS 183 & 348

Stats. Implemented: HB 2521, 2001 Leg. Assembly

Hist.: OSAC 7-2002, f. & cert. ef. 3-12-02; OSAC 4-2008, f. & cert. ef. 10-15-08

DIVISION 65

SCHOLARSHIP PROGRAM FOR FORMER FOSTER CHILDREN

575-065-0001

Definitions

(1) "Former Foster Child." An individual who, for a total of 12 or more months while between the ages of 16 and 21, was a ward of the court pursuant to ORS 419B.100(1)(b) to (e) and in the legal custody of the State Dept. of Human Services Child Protective Services Office for out-of-home placement.

(2) "Concurrently enrolled." A student who attends more than one eligible institution under a written consortium agreement or concurrent enrollment program.

(3) "Full time enrollment." Registration and payment of required fees as a full-time student at an eligible institution or combination of institutions, as defined by the institution disbursing funds.

(4) "Oregon-based." Having a campus in the State or Oregon that is authorized by statute or the Office of Degree Authorization to offer a complete degree program in Oregon.

Stat. Auth.: ORS 183 & 348

Stats. Implemented: HB 2431, 2001 Leg. Assembly

Hist.: OSAC 8-2002, f. & cert. ef. 3-12-02

575-065-0015

Eligible Students

An eligible student is a former foster child who enrolls in an eligible institution of higher education as an undergraduate student not later than three years from:

(1) The date the student was removed from the care of the State Dept. of Human Services Child Protective Services Office;

(2) The date the student graduated from high school; or

(3) The date the student received the equivalent of a high school diploma, whichever date is earliest;

(4) The State Department of Human Services Child Protective Services Office will confirm applicant eligibility.

Stat. Auth.: ORS 183 & 348

Stats. Implemented: HB 2431, 2001 Leg. Assembly

Hist.: OSAC 8-2002, f. & cert. ef. 3-12-02

575-065-0025

Residency

For a student to be eligible for a Former Foster Children Scholarship, he or she must:

(1) Be a U.S. Citizen, or an eligible non-citizen as defined by federal regulations under Title IV, part B of the Higher Education Act of 1965 as amended.

(2) Be a resident of the State of Oregon as defined in OAR 575-030-0005(1).

Stat. Auth.: ORS 183 & 348

Stats. Implemented: HB 2431, 2001 Leg. Assembly

Hist.: OSAC 8-2002, f. & cert. ef. 3-12-02

575-065-0035

Application/Selection Procedures

(1) Applicants must complete and submit the *Free Application for Federal Student Aid*.

(2) Applicants must submit a scholarship application form designated for this purpose by the Commission.

(3) Applications must be filed during the timeframe established by the Commission.

(4) Selection will be based on a first-come, first-served basis as determined by the receipt date of the *Free Application for Federal Student Aid*.

(5) Awarding will continue until such time as all available funds have been awarded.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 183 & 348

Stats. Implemented: HB 2431, 2001 Leg. Assembly

Hist.: OSAC 8-2002, f. & cert. ef. 3-12-02

575-065-0045

Eligible Postsecondary Institutions

For an otherwise eligible student to receive an award under the Former Foster Children Scholarship Program, he or she must:

(1) Be enrolled in an institution of the Oregon University System; or

(2) Be enrolled in the Oregon Health & Sciences University; or

(3) Be enrolled in an Oregon community college; or

(4) Be enrolled in an Oregon-based independent postsecondary institution that participates in federal Title IV student financial aid programs.

Stat. Auth.: ORS 183 & 348

Stats. Implemented: HB 2431, 2001 Leg. Assembly

Hist.: OSAC 8-2002, f. & cert. ef. 3-12-02

575-065-0055

Award Amounts

(1) Scholarships awarded to eligible applicants shall equal the amount of tuition and fees levied by the eligible institution for full-time students.

(2) Eligible students attending eligible Oregon independent institutions of postsecondary education may not receive awards in excess of the amount of tuition and fees levied on resident undergraduate students by the University of Oregon. The source of the relevant tuition and fee information shall be the official Oregon University System Fee Schedule published annually by the Office of the Chancellor.

(3) Receipt of this award does not impact a student's eligibility for the Oregon Opportunity Grant.

(4) For concurrently enrolled students, the amount of the award will be based on the school disbursing the funds.

Stat. Auth.: ORS 183 & 348

Stats. Implemented: HB 2431, 2001 Leg. Assembly

Hist.: OSAC 8-2002, f. & cert. ef. 3-12-02

575-065-0065

Conditions of Award

(1) Except for subsection (3) below, the maximum period of scholarship eligibility shall not exceed 12 quarters or 8 semesters, of undergraduate study.

(2) Except for subsection (3) below, a recipient must be enrolled or accepted for enrollment as a full-time undergraduate student, as defined by the eligible institution.

(3) Students whose statutory rights provide for a legitimate need to exceed 12 quarters or 8 semesters of undergraduate study and/or to attend school for less than half-time undergraduate status may be eligible to receive a scholarship.

(4) The Commission may deny renewal of an award to any student failing to maintain satisfactory academic progress as defined by the eligible institution.

(5) The Commission may deny renewal of an award to any student failing to continue to show financial need.

(6) No scholarship shall be made to any student in default on any federal Title IV loan or owing a refund on federal Title IV student aid programs.

(7) The Commission may require proof that the applicant is a Former Foster Child.

(8) A recipient must be enrolled in an eligible program as defined in 575-031-0016.

Stat. Auth.: ORS 183 & 348

Stats. Implemented: HB 2431, 2001 Leg. Assembly

Hist.: OSAC 8-2002, f. & cert. ef. 3-12-02

DIVISION 70

OREGON TEACHER CORPS LOAN PROGRAM

575-070-0005

Definitions

For purposes of the Oregon Teacher Corps Loan Program rules, the following definitions shall be used:

(1) "Enrolled or Accepted for Enrollment in an Approved Teacher Education Program" means enrolled at a postsecondary institution in Oregon in a program approved by the Oregon Teacher Standards and Practices Commission which leads to basic certification for elementary or secondary school teaching, or in a curriculum defined by the Education Department (Division) (School) of that institution as a prerequisite for such a program.

(2) "Inability to Locate Suitable Employment" means that the borrower can document, on an annual basis, that he/she has applied for teaching positions, without success, in at least three public school districts in Oregon.

(3) "Equivalent Full-Time Teaching" means working under a full-time contract with teaching duties and other duties for which administrative certification is not required.

(4) "Resident of Oregon" — See definitions under OAR chapter 575, division 30.

(5) "Graduate Student" means a student enrolled in a program leading to the Master of Arts in Teaching (MAT) or Master of Science in Teaching (MST) degree.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 329.757 - 329.780

Hist: SSC 4-1987(Temp), f. 10-12-87, ef. 10-15-87; SSC 1-1988, f. & cert. ef. 1-6-88; SSC 2-1988, f. & cert. ef. 6-9-88

575-070-0010

Administrative Responsibility

(1) The Oregon State Scholarship Commission, hereafter called, "the Scholarship Commission," shall be responsible for the administration of the Oregon Teacher Corps Program.

(2) The Scholarship Commission shall be responsible for making such rules as are required for the administration of the Oregon Teacher Corps Program.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 329.757 - 329.780

Hist: SSC 4-1987(Temp), f. 10-12-87, ef. 10-15-87; SSC 1-1988, f. & cert. ef. 1-6-88

575-070-0020

Eligible Institutions

Eligible institutions are postsecondary institutions in Oregon which offer teacher education programs approved by the Oregon Teacher Standards and Practices Commission.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 329.757 - 329.780

Hist: SSC 4-1987(Temp), f. 10-12-87, ef. 10-15-87; SSC 1-1988, f. & cert. ef. 1-6-88

575-070-0030

Eligible Students

To be eligible for a loan under the Oregon Teacher Corps Program, a student must:

(1) Be a resident of Oregon, as defined by the Scholarship Commission.

(2) Be enrolled or accepted for enrollment as at least a half-time student in an approved teacher education program at an eligible institution.

(3) Have graduated in the top 20 percent of his/her high school class, or must have demonstrated equivalent academic attainment in postsecondary education, as defined and documented by the institution most recently attended.

(4) Demonstrate superior potential for teaching through such means as written works, letters of recommendation, accounts of relevant teaching experience, or other appropriate information.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 329.757 - 329.780

Hist: SSC 4-1987(Temp), f. 10-12-87, ef. 10-15-87; SSC 1-1988, f. & cert. ef. 1-6-88

575-070-0040

Selection of Recipients

(1) Recipients shall be selected by the Scholarship Commission.

(2) Priority in the selection process shall be given to eligible students (under the criteria in OAR 575-070-0030) who also meet at least one of the following criteria:

(a) He/she is a member of a racial minority as defined in ORS 279.059;

(b) He/she is a prospective teacher in a "scarce endorsement area," as defined by the Oregon Teacher Standards and Practices Commission;

(c) He/she expresses willingness to teach in remote and difficult to serve school districts in Oregon, as defined by the Oregon State Scholarship Commission.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 329.757 - 329.780

Hist: SSC 4-1987(Temp), f. 10-12-87, ef. 10-15-87; SSC 1-1988, f. & cert. ef. 1-6-88; SSC 2-1988, f. & cert. ef. 6-9-88

575-070-0045

Renewal of Awards

Awards made under this program are renewable in subsequent academic years provided that:

(1) The awardee continues to be enrolled as at least a half-time student in an approved teacher education program at an eligible institution;

(2) The awardee is making satisfactory academic progress, as defined by the institution; and

(3) The awardee arranges for the Scholarship Commission to receive a transcript of the academic work completed in the prior year of award.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 329.757 - 329.780

Hist: SSC 4-1987(Temp), f. 10-12-87, ef. 10-15-87; SSC 1-1988, f. & cert. ef. 1-6-88

575-070-0050

Terms of Oregon Teacher Corps Loans

(1) Loans under this program shall be evidenced by a written obligation but no additional security shall be required.

(2) The Scholarship Commission may require co-signers.

(3) Loans under this program shall accrue interest from the date of the loan at no less than 7% interest per annum on the unpaid balance.

(4) Interest rates shall be set by the Scholarship Commission annually at a rate equal to the current "initial loan" interest rate in the Guaranteed Student Loan Program.

(5) Loans shall not exceed the following limits:

(a) \$2,000 in a single academic year for an undergraduate student;

(b) \$4,000 in a single academic year for a graduate student;

(c) \$8,000 for all loans to an individual student.

(6) Repayment of principal and interest shall begin on the first day of the eleventh month following completion of the approved teacher education program, or following cessation of documentable enrollment in that program.

(7) The duration of the repayment period shall be a maximum of 120 months from the time repayment commences.

(8) Minimum monthly payments shall be \$50 per month.

(9) Early repayment of these loans may be made without penalty.

(10) The Scholarship Commission may extend the beginning of the repayment period under circumstances set forth in OAR 575-070-0070 of these rules.

(11) If a borrower in repayment satisfies the criteria for loan cancellation set forth in OAR 575-070-0080(1), then all payments made by that borrower will be returned.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 329.757 - 329.780

Hist: SSC 4-1987(Temp), f. 10-12-87, ef. 10-15-87; SSC 1-1988, f. & cert. ef. 1-6-88

575-070-0060

Conditions of Award

To receive disbursements of a loan made under the Oregon Teacher Corps program a student must:

- (1) Be enrolled in an approved teacher education program;
- (2) Be making satisfactory academic progress, as defined by the institution attended;
- (3) Not be in default on any federal Title IV loan or owing a refund on federal Title IV funds previously disbursed.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 329.757 - 329.780

Hist: SSC 4-1987(Temp), f. 10-12-87, ef. 10-15-87; SSC 1-1988, f. & cert. ef. 1-6-88

575-070-0070

Authorized Deferment of Repayment

(1) A borrower under contract to teach at least half-time in a public elementary or secondary school in Oregon may defer the beginning of the repayment period for up to three years, subject to annual verification of employment status.

(2) A borrower who can document his/her inability to locate suitable employment may defer the beginning of the repayment period for up to three years, subject to annual verification efforts to locate employment.

(3) No borrower may receive more than three years of authorized deferment of repayment.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 329.757 - 329.780

Hist: SSC 4-1987(Temp), f. 10-12-87, ef. 10-15-87; SSC 1-1988, f. & cert. ef. 1-6-88

575-070-0080

Complete Cancellation of Loans

(1) One hundred percent of principal and interest will be cancelled for borrowers who, within a period of five years following completion of either the authorized teacher education program or a period of authorized deferment, complete:

(a) Three years of equivalent full-time teaching in public elementary or secondary schools in Oregon; or

(b) Three years of teaching under a full-time contract (working at least three-fourths time in classroom teaching and no more than one-fourth time not in classroom teaching duties during regular school hours) in public elementary or secondary school in Oregon, as approved by the State Scholarship Commission upon written request of the borrower.

(2) One hundred percent of remaining principal and interest will be cancelled upon the death or total and permanent disability of the borrower.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 329.757 - 329.780

Hist: SSC 4-1987(Temp), f. 10-12-87, ef. 10-15-87; SSC 1-1988, f. & cert. ef. 1-6-88; SSC 2-1988, f. & cert. ef. 6-9-88; SSC 1-1989, f. & cert. ef. 7-31-89

575-070-0090

Default

(1) A loan shall be judged to be in default when an installment is due and not paid within 120 days.

(2) The holder of a note may exercise the right of offset against any maker or co-maker of defaulted loans under the conditions set forth by the laws of the State of Oregon. The maker or co-maker shall pay any charges for assistance in exercising the right of offset incurred by the holder of the note.

(3) The maker or co-maker shall pay all charges incurred should the note(s) be referred to an outside collection agency.

(4) The application of offsets to a defaulted loan shall not be credited to future payments nor be a substitute for regular monthly installments.

(5) The prepayment of a portion of a defaulted loan shall not be credited to future payments nor be a substitute for regular monthly installments.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 329.757 - 329.780

Hist: SSC 4-1987(Temp), f. 10-12-87, ef. 10-15-87; SSC 1-1988, f. & cert. ef. 1-6-88

DIVISION 71

RURAL HEALTH SERVICES PROGRAM

575-071-0000

Definitions

For the purposes of the Rural Health Services Program the following definitions shall be used:

(1) "Commission" means the Oregon Student Assistance Commission.

(2) "Dentist" means any person licensed to practice dentistry under ORS chapter 679.

(3) "Nurse Practitioner" means any person licensed under ORS 678.375.

(4) "Physician Assistant" means any person licensed under ORS 677.495 and 677.505 to 677.525.

(5) "Physician" means any person licensed under ORS Chapter 677.

(6) "Pharmacist" means an individual licensed under ORS Chapter 689.

(7) "Qualifying Loan" means any loan made to a medical student, pharmacy student, physician assistant student, dental student or nursing student under:

(a) The Common School Fund Loan Program administered under ORS 348.040 to 348.090;

(b) Programs under Title IV, Parts B, D, and E, of the Higher Education Act of 1965, as amended; and

(c) The Health Profession's Student Loan Program, Nursing Student Loan Program, Health Education Assistance Loan Program and Primary Care Loan Program administered by the U.S. Department of Health and Human Services.

(8) "Qualifying practice site" means:

(a) A rural hospital as defined in ORS 442.470;

(b) A federally certified Rural Health Clinic;

(c) A pharmacy that is located in a medically underserved rural community in Oregon as determined by the Office of Rural Health or a federally designated health professional shortage area and that is not part of a group of six or more pharmacies under common ownership; or

(d) Another practice site in a medically underserved rural community in Oregon as determined by the Office of Rural Health.

(9) "Practice Full-Time" means on-site clinical service, excluding on-call time, in a relevant health care discipline for no less than 32 working hours per week during no less than 48 weeks in a year.

Stat. Auth.: ORS 442.555 & SB 404

Stats. Implemented: ORS 442.550 - 442.570

Hist.: SSC 2-1992, f. & cert. ef. 2-28-92; SSC 5-1994, f. & cert. ef. 1-25-94; OSAC 1-2002, f. & cert. ef. 2-4-02; OSAC 3-2006, f. & cert. ef. 3-1-06; OSAC 1-2007, f. & cert. ef. 10-3-07

575-071-0010

Administration

(1) The Commission shall be responsible for the administration of this program.

(2) The Commission shall be responsible for making such rules as are required for the administration of the program.

(3) The Commission, in consultation with the Office of Rural Health, shall develop criteria to select program participants from the pool of eligible applicants.

(4) The Commission will utilize criteria adopted by the Oregon Office of Rural Health to determine the Oregon communities, which are participating 'qualifying practice sites' for the purposes of this program; to determine medically underserved communities and for compliance with federal public Law 95-210, establishing rural health clinics.

Stat. Auth.: ORS 442.555 & SB 404

Stats. Implemented: ORS 442.550 - 442.570

Hist.: SSC 2-1992, f. & cert. ef. 2-28-92; SSC 5-1994, f. & cert. ef. 1-25-94; OSAC 3-2006, f. & cert. ef. 3-1-06; OSAC 1-2007, f. & cert. ef. 10-3-07

575-071-0020

Purpose of the Program

The purpose of this program is to provide student loan repayments on behalf of physicians, pharmacists, dentists, physician assistants, and nurse practitioners who enter into agreements to practice

in 'qualifying practice sites'; and who fulfill minimum terms of such practice specified in OAR 575-071-0040(2) and (4).

Stat. Auth.: ORS 442.550 - 442.565 & SB 404

Stats. Implemented: ORS 442.550 - 442.570

Hist.: SSC 2-1992, f. & cert. ef. 2-28-92; OSAC 3-2006, f. & cert. ef. 3-1-06; OSAC 1-2007, f. & cert. ef. 10-3-07

575-071-0030

Application and Selection

(1) To be eligible to participate in this program a prospective physician, pharmacist, dentist, physician assistant, or nurse practitioner shall contact the Commission.

(2) When funds are available, the Commission will provide application materials and information about the selection process to qualified individuals who have contacted the Commission.

(3) Applicants selected for participation in this program shall sign an agreement with the Commission, which sets forth the terms that the applicant must meet in order to qualify for benefits under this program.

(4) Subject to available resources, the Commission may enter into agreements with no more than ten prospective physicians, ten prospective pharmacists, ten prospective dentists, ten prospective physician assistants, and ten prospective nurse practitioners each year.

Stat. Auth.: ORS 442.555, SB 81, Sec. 52 & SB 404

Stats. Implemented: ORS 442.550 - 442.570

Hist.: SSC 2-1992, f. & cert. ef. 2-28-92; SSC 5-1994, f. & cert. ef. 1-25-94; OSAC 1-2002, f. & cert. ef. 2-4-02; OSAC 3-2006, f. & cert. ef. 3-1-06; OSAC 1-2007, f. & cert. ef. 10-3-07

575-071-0035

Selection Criteria

(1) Priority in selection of participants will be given to eligible applicants who:

(a) Have demonstrated a commitment to rural practice.

(b) Have signed an agreement to practice, or has begun to practice within the past year, in a 'qualifying practice site' as determined by the Office Rural Health.

(c) Have signed an agreement to practice in a 'qualifying practice site' that has contributed to the Rural Health Service Fund.

Stat. Auth.: ORS 442.555, SB 81, Sec. 52 & SB 404

Stats. Implemented: ORS 442.550 - 442.570

Hist.: SSC 5-1994, f. & cert. ef. 1-25-94; OSAC 3-2006, f. & cert. ef. 3-1-06; OSAC 1-2007, f. & cert. ef. 10-3-07

575-071-0040

Terms of Agreement

Prospective physicians, pharmacists, dentists, physician assistants, and nurse practitioners who wish to participate in the Rural Health Services Program shall agree that:

(1) For each year of medical, pharmacy, dental, physician assistant, or graduate school, the applicant shall designate an amount from the student loans borrowed by him or her, not to exceed \$25,000 as a qualifying loan subject to repayment through this program.

(2) In the time period immediately following the completion of all residency requirements or the time period immediately following the execution of a Rural Health Services Agreement, whichever comes later, a physician or dentist applying to participate in the Rural Health Services Program agrees to practice full-time in a 'qualifying practice site' for at least three full years.

(3) For not less than three years, nor more than five years, that a physician or dentist participating in the Rural Health Services Program serves in a 'qualifying practice site', the Commission shall annually pay to the participant an amount that is a percentage of the total of all qualifying loans through the programs described in ORS 442.550.

(4) In the time period immediately following the completion of all pharmacy residency requirements or the five years following the execution of a Rural Health Services agreement with the commission, whichever comes later, a pharmacist agrees to practice for at least three full years in a 'qualifying practice site'.

(5) For not less than three nor more than five years that a pharmacist serves in a 'qualifying practice site', the commission shall annually pay an amount that is a percentage of the total of all qual-

ifying loans made to the pharmacist through the programs described in ORS 442.550.

(6) In the time period immediately following the completion of physician assistant or graduate school or the time period immediately following the execution of a Rural Health Services Agreement, whichever comes later, a physician assistant or nurse practitioner applying to participate in the Rural Health Services Program agrees to practice full-time in a 'qualifying practice site' for at least two full years.

(7) For not less than two nor more than four years that a physician assistant or nurse practitioner practices in a 'qualifying practice site', the Commission shall annually pay to the participant an amount that is a percentage of the total of all qualifying loans through the programs described in ORS 442.550.

(8) If the participant does not complete the full service obligation set forth in section (2), (4) or (6) of this rule, the Commission shall collect 100 percent of any payments made by the Commission to the participant under this program. In addition, a penalty equal to 50 percent of the qualifying loans and interest paid by the Commission shall be assessed by the Commission, to be credited to and deposited in the Rural Health Services Fund established under ORS 442.570.

Stat. Auth.: ORS 442.560, SB 81, Sec. 53 & SB 404

Stats. Implemented: ORS 442.470 & 442.550 - 442.570

Hist.: SSC 2-1992, f. & cert. ef. 2-28-92; SSC 5-1994, f. & cert. ef. 1-25-94; OSAC 3-2006, f. & cert. ef. 3-1-06; OSAC 1-2007, f. & cert. ef. 10-3-07

575-071-0050

Waiver of Minimum Service Obligation

The Commission may waive all or part of the fees and penalties owed to the Commission under the following circumstances:

(1) Upon receiving written documentation acceptable to the Commission of the death of the participant; or

(2) Upon receiving written documentation acceptable to the Commission of the total and permanent disability of the participant; or

(3) After consideration by the Commission and the Office of Rural Health of a written appeal from the participant for a waiver of the minimum service obligation.

Stat. Auth.: ORS 442.550 - 442.570

Stats. Implemented: ORS 442.550 - 442.570

Hist.: SSC 2-1992, f. & cert. ef. 2-28-92; SSC 6-1992, f. & cert. ef. 9-28-92; OSAC 3-2006, f. & cert. ef. 3-1-06

575-071-0060

Availability of Tax Credit

The tax credit available to certain health practitioners under ORS 316.143 to 316.146 and 317.142 is available to participants in the Rural Services Program.

Stat. Auth.: ORS 442.560 & HB 2443, Sec. 13(8)

Stats. Implemented: ORS 442.550 - 442.570

Hist.: SSC 2-1992, f. & cert. ef. 2-28-92; SSC 5-1994, f. & cert. ef. 1-25-94; OSAC 3-2006, f. & cert. ef. 3-1-06

575-071-0070

Rural Health Services Fund

There is established in the State Treasury a fund, separate and distinct from the General Fund, to be known as the Rural Health Services Fund, for investments as provided by ORS 293.701 to 293.776 and 293.820, for the payment of expenses of the Commission in carrying out the purposes of ORS 316.143 to 316.144, 317.142, 352.095, 442.470, 442.503 and 442.550 to 442.570. Interest earned by the account shall be credited to the account.

Stat. Auth.: ORS 442.550 - 442.570

Stats. Implemented: ORS 442.550 - 442.570

Hist.: SSC 2-1992, f. & cert. ef. 2-28-92; OSAC 3-2006, f. & cert. ef. 3-1-06

DIVISION 72

OREGON NURSING LOAN PROGRAM

575-072-0000

Definitions

For the purposes of the Oregon Nursing Loan Program the following definitions shall be used:

(1) "Commission" means the Oregon Student Assistance Commission.

(2) "Oregon Resident" means resident of the State of Oregon as defined in OAR chapter 575, division 31.

(3) "Oregon Institution" means an accredited institution of post-secondary education located and headquartered within the State of Oregon.

(4) "Satisfactory Performance" means satisfactory academic progress as determined by the institution attended.

(5) "Full-time Practice" means professional employment as a nurse for no less than 32 working hours per week and no less than 48 weeks in a year (12 consecutive months).

(6) "Part-time Practice" means professional employment as a nurse between 16 and 31 working hours per week and no less than 48 weeks in a year (12 consecutive months) or no less than 32 working hours per week during 24 to 47 weeks in a year (12 consecutive months).

Stat. Auth.: ORS 348

Stats. Implemented: SB 331, 2001 OLA

Hist.: SSC 3-1992, f. & cert. ef. 2-28-92; OSAC 4-2001(Temp), f. & cert. ef. 10-12-01 thru 3-27-02; OSAC 4-2002, f. & cert. ef. 2-6-02

575-072-0010

Administration

The Commission shall administer the Oregon Nursing Loan Program, and shall make such rules as are required for the administration of the program.

Stat. Auth.: ORS 348.115 & 348.117

Stats. Implemented: ORS 348.105 - 348.117

Hist.: SSC 3-1992, f. & cert. ef. 2-28-92

575-072-0020

Purpose

(1) This program is to provide student loans for Oregon residents attending Oregon institutions who are enrolled in programs leading to the following degrees:

- (a) Associate Degree in Nursing;
- (b) Bachelor of Science in Nursing; and
- (c) Prelicensure Masters Program.

(2) Loans made to students under this program may be forgiven (cancelled), in part or *in toto*, upon fulfillment of the requirements related to the practice of nursing in the State of Oregon set forth in OAR 575-072-0070(8).

Stat. Auth.: ORS 348

Stats. Implemented: SB 331, 2001 OLA

Hist.: SSC 3-1992, f. & cert. ef. 2-28-92; OSAC 4-2001(Temp), f. & cert. ef. 10-12-01 thru 3-27-02; OSAC 4-2002, f. & cert. ef. 2-6-02

575-072-0030

Student Eligibility Criteria

To receive financial aid from this program an applicant must:

(1) Be an Oregon resident as defined by the Commission in OAR chapter 575-030-0005;

(2) Be enrolled, or accepted for enrollment in a nursing program at an Oregon institution leading to the degree of Associate in Nursing; Bachelor of Science in Nursing; or Prelicensure Masters Program.

(3) Demonstrate academic achievement, ability, and motivation related to the practice of nursing; and

(4) Demonstrate financial need.

Stat. Auth.: ORS 348

Stats. Implemented: SB 331, 2001 OLA

Hist.: SSC 3-1992, f. & cert. ef. 2-28-92; OSAC 4-2002, f. & cert. ef. 2-6-02

575-072-0040

Priority in Awarding

Among applicants who meet the basic eligibility criteria of this program priority in the selection process shall be given to:

(1) Students employed in the health care field at the time of application;

(2) Students who agree to seek employment as nurses in areas within Oregon where there is a critical shortage of nurses, as determined annually by the Oregon State Board of Nursing in consultation with the Office of Rural Health.

Stat. Auth.: ORS 348.115 & 348.117

Stats. Implemented: ORS 348.105 - 348.117

Hist.: SSC 3-1992, f. & cert. ef. 2-28-92

575-072-0050

Maximum Awards

Annual awards made under this program shall not exceed 50 percent of the sum of tuition, fees, and room and board expenses for any participating student.

Stat. Auth.: ORS 348.115 & 348.117

Stats. Implemented: ORS 348.105 - 348.117

Hist.: SSC 3-1992, f. & cert. ef. 2-28-92

575-072-0060

Renewal of Awards

Subject to available funding, awards made under this program are renewable in subsequent academic years provided that:

(1) The awardee makes timely application in the manner specified annually by the Commission;

(2) The awardee continues to be enrolled in an eligible program at an eligible institution;

(3) The awardee demonstrates satisfactory performance in his or her program of study;

(4) The awardee continues to demonstrate financial need.

Stat. Auth.: ORS 348.115 & 348.117

Stats. Implemented: ORS 348.105 - 348.117

Hist.: SSC 3-1992, f. & cert. ef. 2-28-92

575-072-0070

Terms of Loans Made Under this Program

(1) Student borrowers under this program shall be required to pay at least seven percent interest per annum on the unpaid balance of their loans from the date of the loan, as provided in section (5) of this rule. The interest rate for new loans shall be set annually by the Commission.

(2) Repayment of the principal and accruing and deferred interest on loans shall be commenced not later than 12 months after the student's completion of the nursing program or other termination of the student's education.

(3) Repayment of loans shall be deferred upon application therefore for up to three years during which:

(a) The student borrower is enrolled as at least a half-time student in a subsequent nursing program leading to a nursing degree higher than that attained in the initial program;

(b) The student borrower is employed as a nurse in this state on at least a half-time basis; or

(c) The student borrower shows inability to locate suitable employment.

(4) The Commission may extend the beginning of the repayment period for students who qualify for deferment of repayment as described in section (3) of this rule.

(5) Repayment commences under the usual terms if the student borrower ceases to be employed as a nurse in this state before completing the practice requirements set forth in section (8) of this rule.

(6) Repayment shall:

(a) Be made in monthly installments of no less than \$50 per month;

(b) Be completed in a maximum of 120 months from the time repayment is commenced.

(7) Nothing in section (6) of this rule is intended to prevent repayment without penalty at an earlier date than provided in that section, or to prohibit the Commission from extending the repayment period to a date other than specified by this section.

(8) A student who borrows under this program shall have 100 percent of principal and accrued interest on loans under this program cancelled when it can be documented to the satisfaction of the Commission that, within five years of graduation, the student has completed one calendar year of full-time employment or two calendar years of half-time employment as a nurse in the State of Oregon in a nursing shortage area as determined through OAR 575-072-0540 for each academic year in which a loan was received.

(9) A student who borrows under this program and completes at least one calendar year of the full-time practice obligation

described in section (8) of this rule shall have the amount of principal and accrued interest on loans under this program cancelled for each calendar year of qualifying practice, as follows:

(a) For full-time practice, equal to the principal and accrued interest on the loan borrowed for the comparable academic year of award; or

(b) For half-time practice, equal to half of the principal and accrued interest on the loan borrowed for the comparable academic year of the award.

(10) Repayment of any remaining principal and interest shall be waived upon the death or total and permanent disability of the student borrower.

(11) If a borrower in repayment satisfies the criteria for loan cancellation set forth in section (8) of this rule, then all payment made by that borrower will be returned.

Stat. Auth.: ORS 348

Stats. Implemented: SB 331, 2001 OLA

Hist.: SSC 3-1992, f. & cert. ef. 2-28-92; SSC 6-1994, f. & cert. ef. 1-25-94; OSAC 4-2001(Temp), f. & cert. ef. 10-12-01 thru 3-27-02; OSAC 4-2002, f. & cert. ef. 2-6-02

575-072-0080

Default

(1) A loan shall be judged to be in default when an installment is due and not paid within 120 days.

(2) The holder of a note may exercise the right of offset against any maker of defaulted loans under the conditions set for by the laws of the State of Oregon.

(3) The maker shall pay any charges for assistance in exercising the right of offset incurred by the holder of the note.

(4) The maker shall pay all charges incurred should the note(s) be referred to an outside collection agency and any other collection charges, including attorney's fees allowed by state law.

(5) The application of offsets to a defaulted loan shall not be credited to future payments nor be a substitute for regular monthly installments.

(6) The prepayment of a portion of a defaulted loan shall not be credited to future payment nor be a substitute for regular monthly installments.

Stat. Auth.: ORS 183.325 & 348, OL 1993

Stats. Implemented: ORS 348.105 - 348.117

Hist.: SSC 3-1992, f. & cert. ef. 2-28-92; SSC 6-1994, f. & cert. ef. 1-25-94

575-072-0090

Conditions of Award

To receive disbursements of a loan made under the Oregon Nursing Loan Program a student must:

(1) Be enrolled in an eligible program of study at an eligible institution;

(2) Be making satisfactory academic progress as defined by the institution attended;

(3) Not be in default on any federal Title IV loan or owing a refund on federal Title IV funds previously disbursed.

Stat. Auth.: ORS 348.115 & 348.117

Stats. Implemented: ORS 348.105 - 348.117

Hist.: SSC 3-1992, f. & cert. ef. 2-28-92

DIVISION 73

NURSING SERVICES PROGRAM

575-073-0000

Definitions

For the purposes of the Nursing Services Program the following definitions shall be used:

(1) "Commission" means the Oregon Student Assistance Commission.

(2) "Nurse" means any person licensed under ORS 678.010 to 678.410 as a Registered Nurse.

(3) "Qualifying Loan" means any loan made under:

(a) Programs under Title IV, Parts B, D, and E, of the Higher Education Act of 1965, as amended; and

(b) The Nursing Student Loan Program and Health Education Assistance Loan Program administered by the U.S. Department of Health and Human Services.

(4) "Nursing critical shortage area" means a locality or practice specialty identified as such by the Oregon State Board of Nursing, in consultation with the Office Rural Health.

(5) "Practice Full-Time" means professional employment as a nurse for no less than 32 working hours per week for no less than 48 weeks in a year (12 consecutive months).

(6) "Practice Part-time" means professional employment as a nurse between 16 and 31 working hours per week for no less than 48 weeks in a year (12 consecutive months) or no less than 32 working hours per week for 24 weeks to 47 weeks in a year (12 consecutive months).

Stat. Auth.: ORS 348

Stats. Implemented: SB 331, 2001 OLA

Hist.: OSAC 2-2002, f. & cert. ef. 2-6-02

575-073-0010

Purpose of the Program

The purpose of this program is to provide student loan repayments on behalf of nurses who enter into agreements to practice in "nursing critical shortage areas" in Oregon, and who fulfill minimum terms of such practice specified in OAR 575-073-0040(2).

Stat. Auth.: ORS 348

Stats. Implemented: SB 331, 2001 OLA

Hist.: OSAC 2-2002, f. & cert. ef. 2-6-02

575-073-0020

Administration

(1) The Commission shall be responsible for the administration of this program.

(2) The Commission shall be responsible for making such rules as are required for the administration of the program.

(3) The Commission, in consultation with the Office of Rural Health and the Oregon State Board of Nursing, shall develop criteria to select program participants from the pool of eligible applicants.

(4) The Oregon Board of Nursing, in consultation with the Office of Rural Health, shall adopt criteria by rule to determine the "nursing critical shortage areas" for the purposes of this program.

Stat. Auth.: ORS 348

Stats. Implemented: SB 331, 2001 OLA

Hist.: OSAC 2-2002, f. & cert. ef. 2-6-02

575-073-0030

Application and Selection

(1) To be eligible to participate in this program a nurse or prospective nurse shall submit an application to the Commission. Nurse practitioners licensed under ORS 678.375 are not eligible to participate.

(2) When funds are available, the Commission will provide application materials and information about the selection process to qualified individuals who have provided their names and mailing information to the Commission.

(3) Applicants selected for participation in this program shall sign an agreement with the Commission which sets forth the terms which the applicant must meet in order to qualify for benefits under this program.

(4) For purposes of selection, a selection committee, consisting of a representative each from the Oregon State Board of Nursing, the Office of Rural Health, the Oregon Nurses Association, the Area Health Education Center Program, and an employer in the health care field, will select participants annually.

Stat. Auth.: ORS 348

Stats. Implemented: SB 331, 2001 OLA

Hist.: OSAC 2-2002, f. & cert. ef. 2-6-02

575-073-0035

Selection Criteria

Priority in selection of participants will be given to eligible applicants who most closely match the nursing critical shortage areas established annually by the Board of Nursing.

Stat. Auth.: ORS 348

Stats. Implemented: SB 331, 2001 OLA

Hist.: OSAC 2-2002, f. & cert. ef. 2-6-02

575-073-0040

Terms of Agreement

Nurses or prospective nurses who are selected to participate in the Nursing Services Program shall agree that:

(1) For each year of nursing school, the applicant shall designate an amount from the student loans borrowed by the student, not to exceed \$8,800, or the amount determined under section (4) of this rule, as a qualifying loan subject to repayment through this program.

(2) Within the four years following the execution of a Nursing Services Agreement, a participant agrees to practice for at least two years in a nursing critical shortage area in Oregon.

(3) For not less than two, nor more than four years, that a participant in the Nursing Services Program serves in a nursing critical shortage area in Oregon, the Commission shall annually pay:

(a) For full-time practice, an amount equal to 25 percent of the total of all qualifying loans made to the nurse.

(b) For part-time practice, a prorated amount equal to between 12.5 percent and 24 percent of the total of all qualifying loans made to the participant.

(4) On July 1 of each year, beginning in 2002 and ending in 2007, the Commission shall adjust the maximum dollar amount allowed under section (1) of this rule as a qualifying loan as specified in ORS 348.115.

Stat. Auth.: ORS 348

Stats. Implemented: SB 331, 2001 OLA

Hist.: OSAC 2-2002, f. & cert. ef. 2-6-02

575-073-0050

Penalties

If the participant does not complete the full service obligation set forth in OAR 575-073-0040(2) of this rule, the Commission shall collect 100 percent of any payments made by the Commission to the participant under this program. In addition, a penalty equal to 50 percent of the qualifying loans and interest paid by the Commission shall be assessed by the Commission, to be credited to and deposited in the Nursing Services Account.

Stat. Auth.: ORS 348

Stats. Implemented: SB 331, 2001 OLA

Hist.: OSAC 2-2002, f. & cert. ef. 2-6-02

575-073-0060

Waiver of Minimum Service Obligation

The Commission may waive all or part of the fees and penalties owed to the Commission under the following circumstances:

(1) Upon receiving written documentation acceptable to the Commission of the death of the participant; or

(2) Upon receiving written documentation acceptable to the Commission of the total and permanent disability of the participant; or

(3) After consideration by the Commission and the Oregon Board of Nursing of a written appeal from the participant for a waiver of the minimum service obligation.

Stat. Auth.: ORS 348

Stats. Implemented: SB 331, 2001 OLA

Hist.: OSAC 2-2002, f. & cert. ef. 2-6-02

DIVISION 74

OREGON TROOPS TO TEACHERS

575-074-0000

Definitions

For the purposes of the Oregon Troops to Teachers Program the following definitions shall be used:

(1) "Commission" means the Oregon Student Assistance Commission.

(2) "Oregon Resident" means resident of the State of Oregon as defined in OAR 575-031-0005.

(3) "Armed Forces of the United States" means:

(a) The Army, Navy, Air Force, Marine Corps and Coast Guard of the United States;

(b) Reserve components of the Army, Navy, Air Force, Marine Corps and Coast Guard of the United States;

(c) The Oregon National Guard and a National Guard of any other state or territory.

(4) "Veteran" means a person who served with the Armed Forces of the United States and was discharged or released with other than a dishonorable discharge.

(5) "Public postsecondary institution" means:

(a) A state institution under the direction of the State Board of Higher Education; and

(b) A community college operated under ORS Chapter 341.

(6) "Satisfactory Performance" means satisfactory academic progress as determined by the institution attended.

(7) "Resident In-state Tuition" means tuition cost of an Oregon public postsecondary institution.

(8) "Troops to Teachers Agreement" is the agreement signed by a student requiring completion of the years and conditions of service pursuant to Ch. 831 (2005 Laws). The agreement will indicate the student's educational status and area of intended service.

(9) "Financial need" means the difference between the family contribution, derived from a system of need analysis annually approved by the Commission, and the cost of education.

(10) "Student" means an individual who is a resident of Oregon and enrolled at an eligible public postsecondary institution.

Stat. Auth.: ORS 348, HB 3504, 5163-A & Ch. 831, 2005 OL

Stats. Implemented: ORS 348.180, 348.205, 348.250 & 348.260

Hist.: OSAC 2-2006, f. & cert. ef. 3-1-06

575-074-0005

Administration

The Commission shall administer the Oregon Troops to Teachers Program and shall make such rules as are required for the administration of the program.

Stat. Auth.: ORS 348, HB 3504, 5163-A & Ch. 831, 2005 OL

Stats. Implemented: ORS 348.180, 348.205, 348.250 & 348.260

Hist.: OSAC 2-2006, f. & cert. ef. 3-1-06

575-074-0010

Purpose

The Oregon Troops to Teachers program will pay resident tuition charges of a veteran imposed by an Oregon public postsecondary institution, providing the veteran agrees to teach in accordance with the Troops to Teachers Agreement:

(1) In an Oregon school district or public charter school classified as serving a high poverty area for not less than three years; or

(2) In the area of mathematics, science, or special education for not less than four years.

Stat. Auth.: ORS 348, HB 3504, 5163-A & Ch. 831, 2005 OL

Stats. Implemented: ORS 348.180, 348.205, 348.250 & 348.260

Hist.: OSAC 2-2006, f. & cert. ef. 3-1-06

575-074-0015

Student Eligibility Criteria

To receive financial aid from this program an applicant must:

(1) Be an Oregon resident and a veteran as defined by the Commission in OAR 575-080-0000;

(2) Be enrolled or accepted for enrollment at an Oregon public postsecondary institution; and

(3) Demonstrate academic achievement, ability, and motivation related to the practice of teaching in the designated areas.

Stat. Auth.: ORS 348, HB 3504, 5163-A & Ch. 831, 2005 OL

Stats. Implemented: ORS 348.180, 348.205, 348.250 & 348.260

Hist.: OSAC 2-2006, f. & cert. ef. 3-1-06

575-074-0020

Priority in Awarding

Among applicants who meet the basic eligibility criteria of this program priority in the selection process shall be given in the following rank order:

(1) Students enrolled full-time who intend to pursue a career in teaching; and

(a) Have a Bachelor of Science or Bachelor of Arts degree who are pursuing a teaching credential; or

(b) Have been accepted into an undergraduate teaching program.

(2) Students enrolled part-time who intend to pursue a career in teaching; and

(a) Have a Bachelor of Science or Bachelor of Arts degree who are pursuing a teaching credential; or

(b) Have been accepted into an undergraduate teaching program.

(3) The following criteria will also be considered in the awarding process:

(a) Record of academic achievement; and

(b) Financial need.

Stat. Auth.: ORS 348, HB 3504, 5163-A & Ch. 831, 2005 OL

Stats. Implemented: ORS 348.180, 348.205, 348.250 & 348.260

Hist.: OSAC 2-2006, f. & cert. ef. 3-1-06

575-074-0025

Renewal of Awards

Subject to available funding, awards made under this program are renewable in subsequent academic years provided that the awardee:

(1) Makes timely renewal application in the manner specified annually by the Commission;

(2) Continues to be enrolled in an eligible program at an eligible institution;

(3) Maintains satisfactory academic progress in his or her program of study; and

(4) Continues to demonstrate financial need.

Stat. Auth.: ORS 348, HB 3504, 5163-A & Ch. 831, 2005 OL

Stats. Implemented: ORS 348.180, 348.205, 348.250 & 348.260

Hist.: OSAC 2-2006, f. & cert. ef. 3-1-06

575-074-0030

Conditions of Award

(1) To receive disbursements of an award made under the Oregon Troops to Teachers Program, a student must meet all of the following criteria:

(a) Be enrolled or accepted for enrollment at an Oregon public postsecondary institution;

(b) Sign a Troops to Teachers Agreement;

(c) Be making satisfactory academic progress as defined by the institution attended;

(d) Not be in default on any federal Title IV loan or owing a refund on federal Title IV funds previously disbursed; and

(e) Submit a copy of a DD214 or other official document of discharge, service, or separation issued upon the termination of the veteran's service with the Armed Forces with a discharge status of other than a dishonorable discharge.

(2) Students enrolled part-time will receive a prorated award.

Stat. Auth.: ORS 348, HB 3504, 5163-A & Ch. 831, 2005 OL

Stats. Implemented: ORS 348.180, 348.205, 348.250 & 348.260

Hist.: OSAC 2-2006, f. & cert. ef. 3-1-06

DIVISION 75

VOLUNTEERS IN SERVICE TO OREGON

575-075-0001

Definitions

As used in division 75:

(1) "Scholarship Commission" means the Oregon State Scholarship Commission.

(2) "County VISTO Agency" means the organization in each Oregon county recommended by the County Commission and approved by the Scholarship Commission to:

(a) Act as the administrative and information center within the county for the VISTO program;

(b) Certify eligible social service agencies within the county under Scholarship Commission rules and guidelines; and

(c) Allot VISTO voucher authorization to approved social service agencies in the county.

(3) "Eligible Institution" means any educational institution located in Oregon certified as an eligible institution for the student aid programs under **Title IV, Part B**, of the **Higher Education Act of 1965**, as amended.

(4) "VISTO Volunteer" means any resident of Oregon who:

(a) Is not less than 16 but not more than 19 years of age;

(b) Completes community service work in human integration activities for an approved social service agency;

(c) Is, only for the purposes of the VISTO program, an uncompensated volunteer student employee of the Scholarship Commission;

(d) Is enrolled in or plans to enroll in an eligible institution.

(5) "Eligible Social Service Agency" means a nonprofit or governmental social service organization which provides volunteer opportunities in human integration activities and is approved for participation in the VISTO program under Scholarship Commission rules and guidelines.

(6) "Human Integration Activities" includes activities of social service agencies which can be described as providing direct assistance, usefulness or care to another person, including, but not limited to, the following:

(a) Literacy education;

(b) Family or parenting counseling;

(c) Victim advocacy and assistance;

(d) Emergency hotline services;

(e) Tutoring and assistance in Head Start programs; and

(f) Other similar services.

(7) "VISTO" means Volunteers in Service to Oregon.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348.405 - 348.425

Hist.: SSC 2-1990, f. & cert. ef. 5-1-90

575-075-0005

Residency

A VISTO volunteer must be a U.S. Citizen (or be in the United States for other than a temporary purpose and intend to become a permanent resident) and maintain a residence in the State of Oregon.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348.405 - 348.425

Hist.: SSC 2-1990, f. & cert. ef. 5-1-90

575-075-0007

VISTO Volunteer Eligibility and Limits

(1) A VISTO volunteer shall be awarded VISTO vouchers for human integration activities, except those which are sectarian in nature.

(2) No manager or supervisor of an approved social service agency may award VISTO vouchers to his or her spouse, child, grandchild, brother or sister.

(3) No VISTO volunteer may be an officer or highly compensated employee of an approved social service agency for which volunteer services are performed, or of the Scholarship Commission.

(4) The maximum dollar amount of vouchers which can be earned by a VISTO volunteer during any calendar year shall be the average tuition and fees charged for undergraduate attendance at institutions under the control of the State Board of Higher Education, as determined by the Scholarship Commission, or \$5,250, whichever is lesser.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348.405 - 348.425

Hist.: SSC 2-1990, f. & cert. ef. 5-1-90

575-075-0008

VISTO Volunteer Employee Status

(1) A VISTO volunteer is an uncompensated volunteer student employee of the Scholarship Commission only for the limited purpose of providing a plan of educational assistance under **Internal Revenue Code Section 127**. A VISTO volunteer is not a state or public employee for any other purpose.

(2) A VISTO volunteer's work is subject to the direction and control of the approved social service agency providing the volunteer with opportunities to engage in human integration activities.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348.405 - 348.425

Hist.: SSC 2-1990, f. & cert. ef. 5-1-90

575-075-0010

VISTO Vouchers

A VISTO voucher shall:

(1) Be provided to a volunteer by the Scholarship Commission upon notification by the approved social service agency of receipt of volunteer services;

(2) Be issued with a redemption value of \$25, or multiple thereof, with an issue date;

(3) Be non-transferable; and

(4) Expire five years after the date of issue.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348.405 - 348.425

Hist.: SSC 2-1990, f. & cert. ef. 5-1-90

575-075-0030

Conditions of Voucher Use

A VISTO voucher may:

(1) Be used for any academic period of a fiscal or academic year.

(2) Be used only for payment of undergraduate tuition and fees and are limited in use to a maximum of \$5,250 in any academic year.

(3) Not be used to pay tuition and fees for a course of study leading to a degree in theology, divinity or religious education.

(4) Be used only by the VISTO volunteer who received it in recognition of his or her voluntary service.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348.405 - 348.425

Hist.: SSC 2-1990, f. & cert. ef. 5-1-90

575-075-0040

Social Service Agency Certification

An eligible social service agency may be approved for participation in the VISTO program by the Scholarship Commission upon recommendation of the County VISTO Agency, under Scholarship Commission rules and guidelines, by submission of a Scholarship Commission-approved application which shall include at a minimum the following:

(1) A means to verify the agency's nonprofit or governmental status;

(2) A description of the human integration activities for which the vouchers will be awarded; and

(3) An estimate of the total annual number of hours of human integration activities which could be provided by VISTO volunteers.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348.405 - 348.425

Hist.: SSC 2-1990, f. & cert. ef. 5-1-90

575-075-0043

Voucher Allocation to Counties

(1) In the initial allocation of State General or Lottery Funds to counties:

(a) The Scholarship Commission shall review information on the geographical distribution of 16 to 19-year-old Oregon residents from the Oregon Center for Population Research and Census each biennium; and

(b) Allocate available state-generated VISTO funds to Oregon counties on a pro-rata basis related to each county's share of residents in this age group; however

(c) No county allocation shall be less than \$1,500 in a biennium.

(2) County allocations of state-generated funds may be reduced or increased by the Commission depending upon the utilization of the initial allocation by individual counties.

(3) Non-state-generated funds will be allotted to the county or counties for which they were donated to the Commission for VISTO use. Such funds that are not designated to be used in specific counties may be assigned for use by the Commission.

Stat. Auth.: ORS 348.405 - 348.425

Stats. Implemented: ORS 348.405 - 348.425

Hist.: SSC 2-1990, f. & cert. ef. 5-1-90; SSC 2-1991, f. & cert. ef. 12-23-91

575-075-0044

Voucher Allocation to Agencies

(1) The County VISTO Agency shall review the applications from approved social service agencies and determine the number of vouchers that will be allotted to each agency. This allocation shall be reviewed and may be adjusted on a quarterly basis.

(2) An approved social service agency which receives a VISTO voucher allotment shall report to the County VISTO Agency, on a quarterly basis, the extent to which the VISTO vouchers were issued during the previous quarter.

(3) A County VISTO Agency may:

(a) Reduce an approved social service agency's authorization for any or all of its vouchers for which no service has been rendered; or

(b) Award additional voucher authorization to an approved social service agency.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348.405 - 348.425

Hist.: SSC 2-1990, f. & cert. ef. 5-1-90

575-075-0045

Voucher Disbursement to Students

An approved social service agency may authorize the Scholarship Commission to award a VISTO voucher to a VISTO volunteer for each eight hours of qualifying service to the agency.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348.405 - 348.425

Hist.: SSC 2-1990, f. & cert. ef. 5-1-90

575-075-0046

County VISTO Agency Reporting

A County VISTO Agency shall annually submit to the Scholarship Commission a report including, but not limited to, the following information:

(1) A list of approved social service agencies in that county participating in the VISTO program;

(2) The number of VISTO volunteers active in that county;

(3) The types of services performed by VISTO volunteers; and

(4) A narrative as to the effectiveness of the VISTO program.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348.405 - 348.425

Hist.: SSC 2-1990, f. & cert. ef. 5-1-90

575-075-0047

Voucher Redemption

(1) The total dollar amount of vouchers which may be redeemed at an eligible institution by a VISTO volunteer shall not exceed the total tuition and fees assessed by the school for the educational period (quarter, semester or other period) for which the VISTO volunteer is registering.

(2) A VISTO volunteer may present vouchers for redemption at any eligible institution up to 30 days prior to enrollment in undergraduate work.

(3) An eligible institution shall submit vouchers to the Scholarship Commission for redemption.

(4) The Scholarship Commission shall, within 30 days of submission, validate the vouchers and disburse funds for each VISTO volunteer to the institution.

(5) The eligible institution shall apply the voucher proceeds to amounts owed to the institution for tuition and fees.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348.405 - 348.425

Hist.: SSC 2-1990, f. & cert. ef. 5-1-90

575-075-0049

Administrative Costs

The Scholarship Commission may use no more than five percent of the funds made available for the VISTO program for administrative expenses.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348.405 - 348.425

Hist.: SSC 2-1990, f. & cert. ef. 5-1-90

575-075-0050

Record Keeping

Each approved social service agency shall:

(1) Maintain records sufficient to document its activities relating to the VISTO program.

(2) Make its financial and work performance records available to the Scholarship Commission at reasonable times for the purpose of assuring that the social service agency is complying with the rules and guidelines relating to the administration of the VISTO program.

(3) Retain the financial and work performance records relevant to the disbursement of VISTO vouchers for not less than five years following the end of the fiscal year in which that disbursement occurs.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348.405 - 348.425

Hist.: SSC 2-1990, f. & cert. ef. 5-1-90

575-075-0055

Appeals

A County VISTO Agency or approved social service agency may appeal to the Scholarship Commission any disagreement it has with a policy or procedure of the Scholarship Commission or its staff. In such a case, the decision of the Scholarship Commission is final unless a court of competent jurisdiction orders to the contrary.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348.405 - 348.425

Hist.: SSC 2-1990, f. & cert. ef. 5-1-90

DIVISION 76

ASPIRE PROGRAM

575-076-0005

Purpose and Scope

This rule implements the Access to Student assistance Programs In Reach of Everyone (ASPIRE) program. The program encourages all Oregon high school students to see education and training beyond high school as an option. The program provides information about financial aid and education and training options to students, school staff, community volunteers and families for this purpose.

Stat. Auth.: ORS 348, 2007 HB 2729

Stats. Implemented:

Hist.: OSAC 2-2007, f. & cert. ef. 10-3-07

575-076-0010

Definitions

(1) Applicant site. A site serving students in Oregon secondary schools that has completed all necessary material for consideration to become an ASPIRE site.

(2) ASPIRE Agreement. A document that outlines the responsibilities of both the ASPIRE Program and the ASPIRE site that is signed by designated representatives of OSAC and the site.

(3) ASPIRE Coordinator. A site designated staff person who oversees the ASPIRE Program.

(4) ASPIRE site. A site serving students in Oregon secondary schools that has been accepted into the ASPIRE program and is currently operating in the program.

(5) ASPIRE student. An Oregon secondary school student.

(6) Commission. The Oregon Student Assistance Commission (OSAC).

(7) Partnership Grants. General Funds or Other Funds that are awarded to an ASPIRE site for the purpose of funding an ASPIRE Coordinator. The site may be required to require a matching grant amount to fully fund the ASPIRE Coordinator.

(8) Volunteer advisor. A volunteer who works with individual ASPIRE students at an ASPIRE site.

(9) Waiting list. A list maintained by OSAC of applicant schools that have met the standards for acceptance into the ASPIRE program but which cannot yet be accommodated in the program owing to availability of funds, staffing or other factors limiting participation.

Stat. Auth.: ORS 348, 2007 HB 2729

Stats. Implemented:

Hist.: OSAC 2-2007, f. & cert. ef. 10-3-07

575-076-0015

Application/Selection Procedures

The Commission shall establish an application procedure for potential ASPIRE sites. This procedure shall provide:

(1) Appropriate, timely notification to all potentially eligible sites.

(2) Information on ASPIRE training and technical assistance, Partnership Grants, or other grant assistance available.

(3) Information on the responsibilities of the participating ASPIRE sites.

(4) An equitable system through which applicant sites are evaluated for potential participation in ASPIRE based upon the quality of the applicant site in terms of meeting the purposes of the law. This process will include but is not limited to an evaluation of:

(a) Evaluation of current programs and practices that encourage students' pursuit of post-secondary opportunities.

(b) Evaluation of administrative support demonstrated by the designation and support of an ASPIRE Coordinator, space and technical resources

(c) Demonstrated experience with volunteer management

(d) Evaluation of school need demonstrated by such indicators as: Drop out rates, percentage of students qualifying for free and reduced lunch, and attendance rates

(e) Percentage of graduating seniors seeking education and/or training after high school including percentages of students who are traditionally underrepresented

(5) Timely notification of successful applicant schools in order to allow sites adequate preparation time for ASPIRE operation.

(6) An appropriate waiting list for sites.

Stat. Auth.: ORS 348, 2007 HB 2729

Stats. Implemented:

Hist.: OSAC 2-2007, f. & cert. ef. 10-3-07

575-076-0025

Conditions of Participation

(1) The Commission shall establish conditions required for sites to participate in the ASPIRE program and monitor these conditions:

(2) Students or their legal guardian, if the student is under 18 years of age must sign a student participation agreement.

(3) Volunteer Advisors are recruited and screened including a background check by the participating site. OSAC ASPIRE staff and the each ASPIRE Coordinator will set targets for the site's ASPIRE program outputs and outcomes.

(4) Other OSAC conditions that are included in the ASPIRE Agreement.

Stat. Auth.: ORS 348, 2007 HB 2729

Stats. Implemented:

Hist.: OSAC 2-2007, f. & cert. ef. 10-3-07

575-076-0030

Financial Administration

ASPIRE funds shall be managed according to legislative instruction, requirements of grantors and State of Oregon standards. Funds disbursed to ASPIRE sites are subject to subsequent audit by the Commission.

Stat. Auth.: ORS 348, 2007 HB 2729

Stats. Implemented:

Hist.: OSAC 2-2007, f. & cert. ef. 10-3-07

DIVISION 85

**MODEL HIGHER EDUCATION COMMUNITY
SERVICE VOUCHER PROGRAM**

575-085-0000

Purpose

Through this model program, selected students at Western Oregon State College and Linfield College who engage in approved community service activities may earn course credit and vouchers which may defray a portion of their tuition and fees.

Stat. Auth.: SB 81, Sec. 40 - 44, & 128(9), 1993

Stats. Implemented: ORS 348.427 - 348.433

Hist.: SSC 7-1994, f. & cert. ef. 1-25-94

575-085-0020

Administration

- (1) Role of the Scholarship Commission:
 (a) Development of appropriate administrative rules and procedures;
 (b) Allocation of funds to institutions;
 (c) Approval of organizations where participants will be placed and of services which participants will perform;
 (d) Reimbursement of participating institutions for vouchers redeemed by participants at that institution.
 (2) Role of Participating Institutions:
 (a) Allocation of vouchers among various academic departments within the institution;
 (b) Selection of participants;
 (c) Placement of participants in authorized service opportunities;
 (d) Redemption of vouchers presented by participants;
 (e) Awarding of academic credit for services performed;
 (f) Record keeping and reporting.
 Stat. Auth.: SB 81, Sec. 40 - 44, & 128(9), 1993
 Stats. Implemented: ORS 348.427 - 348.433
 Hist.: SSC 7-1994, f. & cert. ef. 1-25-94

575-085-0030

Allocation and Reallocation

- (1) Each participating institution shall receive an initial annual allocation of program funds determined through the following formula: "annual funds available" multiplied by the quotient of "total full-time equivalent students (FTE) for the most recent fall term of enrollment for a participating institution" divided by "total combined full-time equivalent students enrolled for the same period at all participating institutions."
 (2) If, after consultation with a participating institution, it appears that allocated program funds will not be expended, the Scholarship Commission may reallocate all or a portion of that institution's allocation to the other participating institution.
 Stat. Auth.: SB 81, Sec. 40 - 44, & 128(9), 1993
 Stats. Implemented: ORS 348.427 - 348.433
 Hist.: SSC 7-1994, f. & cert. ef. 1-25-94

575-085-0040

Authorization of Community Service Organizations and Services

- Participating institutions must make written requests to the Scholarship Commission for authorization to place student participants in specific governmental and community service organizations. Such requests shall include:
 (1) Full name and address of the organization;
 (2) For non-governmental service organizations, information about the status of the organization under **Section 501(c)(3)** of the **Internal Revenue Code**.
 (3) A description of the services which the student participant will perform.
 Stat. Auth.: SB 81, Sec. 40 - 44, & 128(9), 1993
 Stats. Implemented: ORS 348.427 - 348.433
 Hist.: SSC 7-1994, f. & cert. ef. 1-25-94

575-085-0050

Participant Eligibility

- (1) A participant must be a resident of the State of Oregon as defined by the institution.
 (2) A participant must be enrolled or accepted for enrollment as an undergraduate at an institution participating in the Higher Education Community Service Voucher Program.
 Stat. Auth.: SB 81, Sec. 40 - 44, & 128(9), 1993
 Stats. Implemented: ORS 348.427 - 348.433
 Hist.: SSC 7-1994, f. & cert. ef. 1-25-94

575-085-0060

Community Service Participant Employee Status

- (1) A Higher Education Community Service Program student participant is an uncompensated volunteer student employee of the Scholarship Commission only for the purpose of providing a plan of educational assistance under **Section 127** of the **Internal Revenue**

Code. A student participant is not a state or public employee for any other purpose.

- (2) A Higher Education Community Service Program student participant's work is subject to the direction and control of a faculty supervisor and a job supervisor at the social service agency providing the community service opportunity.
 Stat. Auth.: SB 81, Sec. 40 - 44, & 128(9), 1993
 Stats. Implemented: ORS 348.427 - 348.433
 Hist.: SSC 7-1994, f. & cert. ef. 1-25-94

575-085-0070

Conditions of Voucher Use

- (1) Vouchers provided to participants through this program may be redeemed in partial payment of undergraduate tuition and fee charges at the postsecondary institution in which the participant was enrolled at the time the participant performed the relevant community service.
 (2) A participant must perform an average of 20 hours per week of approved community service for one complete term of enrollment in order to receive vouchers under this program.
 (3) No cash refunds are available to participants from vouchers issued under this program.
 (4) Vouchers issued under the program may not be used to pay tuition and fees for a course of study leading to a degree in theology, divinity, or religious education.
 (5) Vouchers issued under this program expire five years after the date of issue.
 (6) Vouchers issued under this program are not transferrable from the participant to any other individual.
 Stat. Auth.: SB 81, Sec. 40 - 44, & 128(9), 1993
 Stats. Implemented: ORS 348.427 - 348.433
 Hist.: SSC 7-1994-f. & cert. ef. 1-25-94

DIVISION 90

JOBS PLUS PROGRAM

575-090-0010

Definitions

- (1) "Eligible participant" means a JOBS Plus participant who meets the following criteria:
 (a) An IEA contribution has been made on behalf of the participant by their employer; and
 (b) The participant has left the JOBS Plus program; and
 (c) The participant has held a full-time, unsubsidized job for at least 30 days.
 (2) "Immediate Family Member" means the father, mother, sibling, child, spouse, grandparent, grandchild, stepparent, or stepchild of the qualifying participant.
 Stat. Auth.: ORS 348
 Stats. Implemented: HB 3050, 1995
 Hist.: SSC 14-1994, f. & cert. ef. 11-21-95; SSC 2-1995, f. & cert. ef. 12-6-95; OSAC 3-2001(Temp), f. & cert. ef. 10-12-01 thru 3-27-02; OSAC 3-2002, f. & cert. ef. 2-6-02

575-090-0020

Individual Education Account

- An IEA shall:
 (1) Only be used by the eligible participant or by an immediate family member specifically authorized by the participant;
 (2) Be non-transferable to other, non-qualifying individuals;
 (3) Expire five years from the date on notification by the Oregon Student Assistance Commission (OSAC).
 Stats. Auth.: ORS 348 & HB 2459, 1993
 Stats. Implemented: ORS 348 & HB 2459, 1993
 Hist.: SSC 14-1994, f. & cert. ef. 11-21-95; OSAC 3-2001(Temp), f. & cert. ef. 10-12-01 thru 3-27-02; OSAC 3-2002, f. & cert. ef. 2-6-02

575-090-0030

Conditions of IEA Use

- An Individual Education Account may be used for payment of tuition, fees, books, and supplies related to the education course or training.
 Stat. Auth.: ORS 348 & HB 2459, 1993

Stats. Implemented: ORS 348 & HB 2459, 1993
Hist.: SSC 14-1994, f. & cert. ef. 11-21-95; OSAC 3-2001(Temp), f. & cert. ef. 10-12-01 thru 3-27-02; OSAC 3-2002, f. & cert. ef. 2-6-02

575-090-0040**Conditions of Award**

To receive disbursements from an IEA, a student must be enrolled in an education or training program designed to further career opportunities for the participant and/or the participant's immediate family member as approved by the OSAC.

Stat. Auth.: ORS 348

Stats. Implemented: HB 3050, 1995

Hist.: SSC 14-1994, f. & cert. ef. 11-21-95; SSC 2-1995, f. & cert. ef. 12-6-95; OSAC 3-2001(Temp), f. & cert. ef. 10-12-01 thru 3-27-02; OSAC 3-2002, f. & cert. ef. 2-6-02

575-090-0050**IEA Redemption**

(1) The school or program shall submit payment authorization vouchers to OSAC for redemption.

(2) OSAC shall make the requested payment from the Recipient's IEA to the appropriate redeemer upon submission of the payment authorization voucher to OSAC.

(3) Payment is not made directly to the IEA Recipient under any circumstance.

Stat. Auth.: ORS 348

Stats. Implemented: HB 3050, 1995

Hist.: SSC 14-1994, f. & cert. ef. 11-21-95; SSC 2-1995, f. & cert. ef. 12-6-95; OSAC 3-2001(Temp), f. & cert. ef. 10-12-01 thru 3-27-02; OSAC 3-2002, f. & cert. ef. 2-6-02

DIVISION 95**STUDENT CHILD CARE GRANT PROGRAM****575-095-0005****Definitions**

For the purposes of the Oregon Student Child Care Grant Program the following definitions shall be used:

(1) "Commission" means the Oregon Student Assistance Commission.

(2) "Oregon Resident" means resident of the State of Oregon as defined in OAR 575-030-0005.

(3) To be eligible, a student must be a citizen or eligible noncitizen of the United States. "Eligible noncitizens" are those defined by federal regulations under Title IV, Part B of the Higher Education Act of 1965, as amended.

(4) "Student" means an individual who is a resident of Oregon and enrolled at an eligible postsecondary institution.

(5) "Child" is defined as a legal dependent of the student age 12 and under, and does not include unborn. An otherwise eligible child who is a qualifying individual under the Americans with Disabilities Act will be exempt from the age limit.

(6) "Postsecondary institution" means any Oregon-based postsecondary institution eligible for federal Title IV financial aid programs.

(7) "Satisfactory Performance" means satisfactory academic progress as determined by the institution attended.

(8) "Resident In-state Tuition" means tuition cost of an Oregon postsecondary institution.

(9) "Financial need" means the difference between the family contribution, derived from a system of need analysis annually approved by the Commission, and the cost of education.

(10) "Full-time Enrollment" means registration and payment of required fees as a full-time student, at an eligible institution or combination of eligible institutions, as defined by the institution disbursing funds. A concurrently enrolled is a student who attends more than one eligible institution under a written consortium agreement or concurrent enrollment program. The student's "home" institution determines the student's eligibility for federal and state financial aid, disburses funds to the student, and is responsible for reporting enrollment and disbursement information to the Commission.

(11) "Half-time Enrollment" means registration and payment of required fees as a half-time student, at an eligible institution or combination of eligible institutions, based on 6 to 11 credit-hours per academic term.

(12) "Child care provider" means a child care provider who receives payment for care of the child and who is listed with the Oregon Department of Human Services, or, registered or certified with the Oregon Child Care Division.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348.520-348.530

Hist.: OSAC 3-2007(Temp), f. & cert. ef. 10-12-07 thru 12-31-07; OSAC 1-2008, f. & cert. ef. 1-9-08

575-095-0010**Administration**

(1) The Commission shall administer the Oregon Student Child Care Grant Program.

(2) The Commission shall make such rules as are required for the administration of the program.

(3) The program will be accessible throughout the state, and provide students with a convenient and efficient means to apply.

(4) The Commission shall implement an Advisory Group with representation such as students, postsecondary financial aid offices, and the Oregon Department of Human Services, to provide input on policies and procedures.

Stat. Auth.: ORS 348,

Stats. Implemented: ORS 348.520-348.530

Hist.: OSAC 3-2007(Temp), f. & cert. ef. 10-12-07 thru 12-31-07; OSAC 1-2008, f. & cert. ef. 1-9-08

575-095-0015**Purpose**

(1) The intent of the Student Child Care Grant Program is to assist parents or legal guardians enrolled in post-secondary education obtain safe, dependable care that supports their children's development while allowing completion of academic programs.

(2) The Oregon Student Child Care Grant Program will disburse a payment for student child care for eligible recipients on a term/semester basis provided the student maintains satisfactory academic progress and has a child. The recipient must utilize paid child care. Disbursements will be made directly to post-secondary institutions.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348.520-348.530

Hist.: OSAC 3-2007(Temp), f. & cert. ef. 10-12-07 thru 12-31-07; OSAC 1-2008, f. & cert. ef. 1-9-08

575-095-0020**Student Eligibility Criteria**

To receive financial aid from this program an applicant must:

(1) Be an Oregon resident with a child;

(2) Be a citizen or eligible noncitizen of the United States;

(3) Be enrolled or accepted for enrollment as an undergraduate at an Oregon postsecondary institution;

(4) Maintain satisfactory academic progress; and

(5) Not be in default on any federal Title IV loan or owing a refund on federal Title IV funds previously disbursed.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348.520-348.530

Hist.: OSAC 1-2008, f. & cert. ef. 1-9-08

575-095-0025**Application Process**

(1) All applicants will complete an application that is specified by the Commission.

(2) All applicants must complete the Free Application for Federal Student Aid (FAFSA).

(3) The Commission will process all applications and appoint a committee to recommend awardees annually.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348.520-348.530

Hist.: OSAC 1-2008, f. & cert. ef. 1-9-08

575-095-0030**Priority in Awarding**

Among applicants who meet the eligibility criteria of this program, priority in the selection process shall be given in the following rank order:

(1) A prior recipient of benefits of the Student Child Care Grant previously administered by the Oregon Department of Human Services or subsequently by the Commission, with continuing financial need.

(2) A student with continuing financial need, who was verified as having been on the waiting list kept by the Oregon Department of Human Services during its administration of the Student Child Care Grant.

(3) Financial need.

(4) Students' credits earned toward a Certificate, Associates Degree, or first Bachelor's Degree.

(5) Use of child care providers who are listed with the Oregon Department of Human Services, or, registered or certified with the Oregon Child Care Division.

(6) Students enrolled full-time.

(7) Students enrolled half-time.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348.520-348.530

Hist.: OSAC 1-2008, f. & cert. ef. 1-9-08

575-095-0035**Award Amounts**

Student Child Care Grant award amounts for the next academic year will be determined by the Commission before March 1 and made publicly available. The following criteria will also be used:

(1) Published guidelines from the Oregon Department of Human Services Child Care Market Rate Survey.

(2) Number and age of qualifying legal dependents in need of paid child care.

(3) Geographic location where child care is provided.

(4) Type of child care required, such as infant care, toddler care, after-school care, or special-needs care.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348.520-348.530

Hist.: OSAC 1-2008, f. & cert. ef. 1-9-08

575-095-0040**Maximum Term of Award**

(1) Students in an academic program must be enrolled at least half-time and are required to complete at least 36-quarter hours for credit, or the equivalent in semester hours, on a yearly basis.

(2) Participation in the award is limited to total of six years.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348.520-348.530

Hist.: OSAC 1-2008, f. & cert. ef. 1-9-08

575-095-0045**Renewal of Award**

Awards made under this program are renewable provided that:

(1) The awardee continues to be enrolled as at least a half-time student in an approved program at an eligible institution;

(2) The awardee is making satisfactory academic progress, as defined by the institution;

(3) The awardee arranges for the Commission to receive a transcript of the academic work completed in the prior year of award; and

(4) Each awardee's child used to determine eligibility must continue to qualify under 575-095-0005(5).

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348.520-348.530

Hist.: OSAC 1-2008, f. & cert. ef. 1-9-08
