

# Senate Bill 1039

Sponsored by COMMITTEE ON RULES

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows person who holds degree from post-secondary institution that is not accredited or approved by Office of Degree Authorization to claim or represent that person has academic degree if disclaimer is included.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to academic degrees; amending ORS 348.609; and declaring an emergency.

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

4 **SECTION 1.** ORS 348.609 is amended to read:

5 348.609. (1) No person who has been warned by the Oregon Student Assistance Commission,  
6 through the Office of Degree Authorization, to cease and desist shall claim or represent that the  
7 person possesses any academic degree unless the degree has been awarded to or conferred upon the  
8 person by a school that:

9 (a) Has accreditation recognized by the United States Department of Education or the foreign  
10 equivalent of such accreditation;

11 (b) Has been approved by the Oregon Student Assistance Commission through the Office of De-  
12 gree Authorization to offer and confer degrees in Oregon;

13 (c) Is described in ORS 348.594 (2); or

14 (d) Is located in the United States and has been found by the commission to meet standards of  
15 academic quality comparable to those of an institution located in the United States that has ac-  
16 creditation, recognized by the United States Department of Education, to offer degrees of the type  
17 and level claimed by the person.

18 **(2)(a) A person who has been awarded a degree from a school that does not meet the**  
19 **requirements of subsection (1) of this section may claim or represent that the person pos-**  
20 **sesses an academic degree if the claim or representation is accompanied by a disclaimer that**  
21 **states: "(Name of school) does not have accreditation recognized by the United States De-**  
22 **partment of Education and has not been approved by the Office of Degree Authorization."**

23 **(b) The disclaimer shall be made in any resume, letterhead, business card, announcement**  
24 **or advertisement in which the person is claiming or representing to have an academic degree**  
25 **from a school that does not meet the requirements of subsection (1) of this section.**

26 **(c) This subsection does not alter any requirement for obtaining a license, admission into**  
27 **a school, teaching or employment or for other areas in which a degree from an accredited**  
28 **school is required.**

29 [(2)] **(3)** The Oregon Student Assistance Commission shall adopt, by rule, standards and proce-  
30 dures for responding to complaints about degree claims and for validation of degree claims. Failure

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 of a person to provide documentation of a claimed degree shall be prima facie evidence that the  
2 claim of such person to such degree is a violation of this section.

3 [(3)] (4) The Oregon Student Assistance Commission, by rule, may impose a fee on any school  
4 or person requesting validation of degree claims. The amount of the fee shall be established to re-  
5 cover designated expenses incurred by the commission in carrying out the administration of ORS  
6 348.594 to 348.615. Any fees collected under this subsection shall be deposited in the Office of De-  
7 gree Authorization Account established under ORS 348.601.

8 [(4)(a)] (5)(a) The Oregon Student Assistance Commission, through the Office of Degree Au-  
9 thorization, may cause a civil suit to be instituted in the circuit court for legal or equitable reme-  
10 dies, including injunctive relief, to ensure compliance with this section. The commission may recover  
11 attorney fees and court costs for any such action.

12 (b) The commission shall adopt a schedule of civil penalties for violations of this section. A civil  
13 penalty shall not exceed \$1,000 per violation.

14 (c) In addition to any action or penalty provided by law, any person who violates this section  
15 shall incur a civil penalty in an amount prescribed by the schedule adopted by the commission. Any  
16 civil penalty imposed under this subsection shall be imposed in the manner provided in ORS 183.745.  
17 All penalties recovered under this subsection shall be paid into the State Treasury and credited to  
18 the General Fund.

19 **SECTION 2. This 2005 Act being necessary for the immediate preservation of the public**  
20 **peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect**  
21 **on its passage.**

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