

A-Engrossed
House Bill 3341

Ordered by the House April 19
Including House Amendments dated April 19

Sponsored by Representatives DEMBROW, MCKEOWN, VEGA PEDERSON

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.

Exempts public universities and community colleges from requirement to enter into agreement with for-profit institutions of higher education before implementing potentially duplicative new post-secondary programs.

Directs Higher Education Coordinating Commission to report to Seventy-eighth Legislative Assembly on methods to avoid duplication of facilities and to leverage public and private education facilities and faculty resources in state post-secondary education system.

A BILL FOR AN ACT

1
2 Relating to authorizing new courses in higher education; creating new provisions; and amending
3 ORS 348.603 and 348.611.

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

5 **SECTION 1.** ORS 348.611 is amended to read:

6 348.611. *[(1) As used in this section:]*

7 *[(a) "Career pathways certificate of completion program" means a certification program that:]*

8 *[(A) Is offered at a community college;]*

9 *[(B) Provides a specified proficiency in specific skills to meet an identified employment need;]*

10 *[(C) Is provided in a grouping of 12 to 44 quarter credits, or an equivalent number of credits;]*

11 *[(D) Is wholly contained within an associate degree program or a similar certification program of*
12 *45 or more quarter credits, or an equivalent number of credits, that was reviewed and approved as*
13 *provided by ORS 348.603 (2); and]*

14 *[(E) Satisfies the requirements for a career pathways certificate of completion program, as pre-*
15 *scribed by the Department of Community Colleges and Workforce Development.]*

16 *[(b) "Program authority" means:]*

17 *[(A) The governing body of a community college; or]*

18 *[(B) The designee of the governing body of a community college that has authority related to the*
19 *offering of a career pathways certificate of completion program at the community college.]*

20 *[(2)(a)]* **(1)(a)** At least 30 business days prior to a community college seeking final approval from
21 the State Board of Education to offer a new *[career pathways certificate of completion]* **publicly**
22 **funded post-secondary** program, the *[program authority]* **community college** shall provide notice
23 of intent to offer the program to the Department of Community Colleges and Workforce Develop-
24 ment. The notice of intent must be in the form required by the department and may be provided
25 electronically.

26 **(b) At least 30 business days prior to a public university listed in ORS 352.002 seeking**

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 **final approval from the State Board of Higher Education to offer a new publicly funded**
 2 **post-secondary program, the public university shall provide notice of intent to offer the**
 3 **program to the Higher Education Coordinating Commission. The notice of intent must be**
 4 **in the form required by the commission and may be provided electronically.**

5 [(b)] (c) Upon receiving a notice of intent described in [paragraph (a) of] this subsection, the
 6 department **or the commission, as appropriate**, shall immediately provide electronic notice to any
 7 private institution that may be affected by the offering of a new [career pathways certificate of com-
 8 pletion] **publicly funded post-secondary** program.

9 [(3)] (2) A private institution that objects to the offering of a [career pathways certificate of
 10 completion] **new publicly funded post-secondary** program must provide a notice of objection to the
 11 [program authority] **community college or public university listed in ORS 352.002** within 12
 12 business days of receiving the notice of intent under subsection [(2)] (1) of this section.

13 [(4)] (3) If a [program authority] **community college or a public university listed in ORS**
 14 **352.002** receives a notice of objection as provided by subsection [(3)] (2) of this section, the [program
 15 authority] **community college or public university** must:

16 (a) Within three business days after the last date by which a private institution may provide a
 17 notice of objection, offer all private institutions that provided a notice of objection the opportunity
 18 to participate in a meeting described in subsection [(5)] (4) of this section; and

19 (b) Postpone the seeking of final approval from the State Board of Education **or the State**
 20 **Board of Higher Education** for the [career pathways certificate of completion] **new publicly funded**
 21 **post-secondary** program until the requirements of subsection [(6)] (5) of this section have been
 22 satisfied.

23 [(5)(a)] (4)(a) A community college **or a public university listed in ORS 352.002** that provided
 24 a notice of intent under subsection [(2)] (1) of this section and a private institution that provided a
 25 notice of objection under subsection [(3)] (2) of this section shall participate in a meeting for the
 26 purpose of avoiding detrimental duplication or a significantly adverse impact by:

27 (A) Identifying opportunities for collaboration in programs;

28 (B) Forming agreements or partnerships for offering programs; or

29 (C) Developing ideas for modifying programs.

30 (b) The [program authority] **community college or public university** or the private institution
 31 may invite the Higher Education Coordinating Commission or any other third party to join a meet-
 32 ing or to act as a mediator of a meeting.

33 [(6)] (5) A [program authority] **community college or a public university listed in ORS**
 34 **352.002** may seek final approval from the State Board of Education **or the State Board of Higher**
 35 **Education, as appropriate**, for a **new publicly funded post-secondary** program following a
 36 postponement described in subsection [(4)] (3) of this section if:

37 (a) An agreement is reached between the [program authority] **community college or public**
 38 **university** and all of the private institutions that participated in the meeting described in sub-
 39 section [(5)] (4) of this section; or

40 (b) The [program authority] **community college or public university** and the private insti-
 41 tutions that participated in the meeting described in subsection [(5)] (4) of this section are unable
 42 to reach an agreement within 15 business days.

43 [(7)] (6) Notwithstanding the timelines prescribed by subsections [(3), (4) and (6)] (2), (3) and (5)
 44 of this section, the [program authority] **community college or public university listed in ORS**
 45 **352.002** and the private institutions may mutually agree to adjust the timelines.

1 **SECTION 2.** ORS 348.603 is amended to read:

2 348.603. (1) The Higher Education Coordinating Commission shall:

3 (a) Authorize approved schools to offer academic degree programs;

4 (b) Authorize approved degree-granting schools to offer nondegree programs leading to a certifi-
5 cate or diploma;

6 (c) Validate claims of degree possession;

7 (d) Terminate substandard or fraudulent degree activities;

8 (e) Terminate activities of diploma mills operating in or from Oregon;

9 (f) Except as provided in subsection (4) of this section, terminate the operation in or from
10 Oregon of post-secondary accrediting bodies that are not recognized by the United States Depart-
11 ment of Education or by the commission; and

12 (g) Review proposed new publicly funded post-secondary programs and locations.

13 (2)(a) Following review of a proposed new publicly funded post-secondary program or location
14 [*that is not a career pathways certificate of completion program described in ORS 348.611*], the com-
15 mission shall recommend resolution to the appropriate governing boards and mediate between the
16 boards to seek a negotiated resolution if:

17 (A) There is a detrimental duplication of programs; or

18 (B) The program or location would have a significantly adverse impact on one or more other
19 segments of education.

20 (b) If the boards do not resolve the issue raised under paragraph (a) of this subsection within
21 90 days of the date when the issue was recommended to the boards for mediation, the commission
22 shall have final authority for approval or disapproval of the program or location. If the boards do
23 not resolve the issue, the commission shall approve or disapprove the program or location within
24 180 days of the date when the review began.

25 (c) If the boards do not resolve the issue, the commission shall approve the program or location
26 if the commission finds that the program or location meets an unmet [*workforce*] need in the state.

27 (d) The commission shall establish by rule a fair and neutral decision-making process in con-
28 sultation with representatives designated by the State Board of Education, the State Board of
29 Higher Education, associations representing Oregon independent colleges, associations representing
30 Oregon career colleges, and the governing boards of otherwise unrepresented post-secondary
31 schools.

32 (3) The commission, by rule, may impose a fee on any school or person requesting information
33 from the commission. The amount of the fee shall be established to recover designated expenses in-
34 curred by the commission in carrying out the administration of ORS 348.594 to 348.615. Any fees
35 collected under this subsection shall be deposited in the Degree Authorization Account established
36 under ORS 348.601.

37 (4) Subsection (1)(f) of this section does not apply to a body the role of which is to accredit
38 schools that offer only associate, bachelor's or master's degrees with titles in theology or religious
39 occupations or, if the schools also offer doctoral degrees, offer doctoral degrees only in theology or
40 religious occupations that have been approved by a federally recognized accrediting organization.

41 **SECTION 3. (1) The Higher Education Coordinating Commission shall study methods to**
42 **avoid duplication of facilities and to leverage public and private education facilities and fac-**
43 **ulty resources in the state post-secondary education system, including community colleges**
44 **and public universities listed in ORS 352.002, for the purposes of expanding student opportu-**
45 **nities and lowering taxpayer and student costs.**

- 1 **(2) The study shall consider, but is not limited to considering:**
2 **(a) Current models of collaboration between public and private education sectors;**
3 **(b) Best practices from other states;**
4 **(c) The impact of online education on both the cost and quality of post-secondary edu-**
5 **cation; and**
6 **(d) Barriers to implementing best practices in this state.**
7 **(3) The commission shall report its recommendations to the appropriate committees of**
8 **the Seventy-eighth Legislative Assembly by January 31, 2015. The report may contain rec-**
9 **ommendations for legislation.**
10 **SECTION 4.** **The amendments to ORS 348.603 and 348.611 by sections 1 and 2 of this 2013**
11 **Act first apply to the 2014-2015 academic year.**
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