

Enrolled
House Bill 4019

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Higher Education and Workforce Development)

CHAPTER

AN ACT

Relating to higher education; and declaring an emergency.

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

SECTION 1. Sections 2 to 4 of this 2014 Act are added to and made a part of ORS chapter 348.

SECTION 2. As used in sections 3 and 4 of this 2014 Act, “institution of higher education” means:

- (1) A public university listed in ORS 352.002;
- (2) A community college as defined in ORS 341.005;
- (3) The Oregon Health and Science University;
- (4) A career school as defined in ORS 345.010;
- (5) A private post-secondary institution authorized to confer academic degrees under ORS 348.594 to 348.615; and
- (6) A private post-secondary institution that meets the criteria set forth in ORS 348.597 (2)(d).

SECTION 3. (1) Each year, the Higher Education Coordinating Commission shall identify the federal or national entity that best provides information about the affordability and value of institutions of higher education in Oregon.

(2) An institution of higher education that operates in this state shall, at the time of application, provide the institution’s students with:

- (a) A link to the page of the Internet website maintained by the entity identified in subsection (1) of this section that discusses the affordability and value of the institution; or
- (b) A complete and accurate copy of the page of the Internet website maintained by the entity identified in subsection (1) of this section that discusses the affordability and value of the institution. The institution may provide this copy to students electronically or by mail.
- (3) If an institution of higher education maintains an Internet website, the institution shall make publicly available on the website in a prominent location the Internet link and copy described in subsection (2) of this section.

(4) The requirements set forth for institutions of higher education in subsections (2) and (3) of this section apply only to institutions whose affordability and value is analyzed by the entity identified in subsection (1) of this section.

(5) The commission shall work toward developing an Internet website that provides information about the affordability and value of all institutions of higher education that operate in this state.

(6) The commission may adopt rules to implement this section.

SECTION 4. An institution of higher education that operates in this state may not:

(1) Promise or guarantee employment, or overstate the availability of jobs, upon completion of an educational program or degree from the institution.

(2) Advertise inaccurately regarding length of time required to learn a trade or skill.

(3) Omit from an advertisement, or from promotional material, information indicating which educational programs are delivered by means of distance education.

(4) Advertise, or indicate in promotional material, that the institution is accredited, if the institution is not accredited.

(5) Solicit students for enrollment by advertising material in "help wanted" or similar columns in a magazine, newspaper or similar publication.

(6) Use advertising that does not identify the institution.

(7) Compensate or offer to compensate a student enrolled at the institution to act as an agent of the institution to solicit, refer or recruit a person for enrollment in the institution, other than through regular student employment. This subsection does not prohibit an institution from, during a calendar year, awarding tokens or gifts with an aggregate value of \$100 or less to a student for referring a person to the institution. A token or gift may not be in the form of money.

(8) Pay any consideration to a person to induce the person to sign an enrollment agreement for an educational program.

(9) Imply or suggest that:

(a) The institution is affiliated with a government agency, public or private corporation, agency or association, if it is not so affiliated.

(b) The institution is a public institution, if it is not a public institution.

(c) The institution grants degrees, if the institution does not grant degrees.

(10) Use the phrase, "approved to operate," or similar words or phrases, without indicating that "approved to operate" means compliance with standards set by law. If the Higher Education Coordinating Commission has authorized an institution to offer an approved degree program, the institution may indicate the approval but may not state or imply that:

(a) The institution or its educational programs are endorsed or recommended by the State of Oregon or the commission.

(b) The approval to operate means the institution exceeds minimum standards set by law.

(11) Direct any individual to perform an act that violates this section, to refrain from reporting unlawful conduct to the commission or any other government agency or to persuade a student not to complain to the commission.

(12) Compensate an employee involved in recruitment, enrollment, admissions, attendance or sales of educational materials to students on the basis of a commission, commission draw, bonus, quota or similar method related to the recruitment, enrollment, admissions, attendance or sales of educational materials to students.

(13) Require a student to provide personal contact information in order to obtain, from the institution's Internet website:

(a) Educational program information required to be in the school catalog; or

(b) Any information required to be disseminated under the consumer information provisions of the Higher Education Act of 1965, as amended.

(14) Offer an associate, baccalaureate, master's or doctoral degree without disclosing to students at the time of application whether the institution or the degree program is accredited and any known limitation of the degree, including, but not limited to:

(a) Whether completion of the educational program will meet license, registration, certificate or other authorization requirements to practice a profession or trade in this state.

(b) That a student enrolled in an institution that is not accredited is not eligible for federal financial aid programs.

SECTION 5. (1) Sections 2 to 4 of this 2014 Act become operative July 1, 2014.

(2) The Higher Education Coordinating Commission and an institution of higher education, as defined in section 2 of this 2014 Act, may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the commission and the institution to exercise, on and after the operative date specified in subsection (1) of this section, the duties, functions and powers specified in sections 2 to 4 of this 2014 Act.

SECTION 6. This 2014 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2014 Act takes effect on its passage.

Passed by House March 4, 2014

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate March 6, 2014

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2014

Approved:

.....M.,....., 2014

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2014

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Kate Brown, Secretary of State