

HB 2457 A STAFF MEASURE SUMMARY

Carrier: Rep. Johnson

House Committee On Higher Education and Workforce Development

Action Date: 04/04/17

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 8-0-1-0

Yeas: 8 - Alonso Leon, Bynum, Clem, Johnson, Reardon, Reschke, Sollman, Whisnant

Exc: 1 - Heard

Fiscal: No fiscal impact

Revenue: No revenue impact

Prepared By: Laura Kentnesse, LPRO Analyst

WHAT THE MEASURE DOES:

Modifies Higher Education Coordinating Commission (HECC) process to review and appropriately act on student complaints regarding any school operating in Oregon. Restricts HECC to investigating and resolving student complaints that relate to state financial aid. Allows HECC to refer a student complaint to: 1) appropriate state agency if complaint alleges that a school has violated a state law concerning consumer protection, civil rights, employment rights or environmental quality; 2) the school's accrediting association if complaint relates to school's authorization to offer academic degree programs or to the quality of the school's academic degree programs; or 3) the school at which the student is enrolled if HECC determines that complaint should be resolved through school's internal review process. Defines school as an independent, not-for-profit institution of higher education and clarifies school does not include schools that offer degrees in theology or religious occupations under ORS 348.597 (2)(b) or (c). Prohibits public record disclosure of student complaints.

ISSUES DISCUSSED:

- Importance of achieving compliance with federal mandate that all states implement a post-secondary student complaint process
- Accessibility and confidentiality of complaint process
- Role of HECC in complaint referral to other agencies, accreditation entities or schools
- HECC jurisdiction to act only upon complaints that relate to state financial aid

EFFECT OF AMENDMENT:

Replaces measure.

BACKGROUND:

Title IV of the federal Higher Education Act of 1965 (amended 2008) requires that for higher education institutions to be legally authorized to operate in a state, that state must have a process to review and appropriately act on complaints concerning higher education institutions (34 CFR 600.9). In recognition that many states do not currently meet this requirement, the U.S. Department of Education (USDOE) has repeatedly offered one year delays for state authorization regulation implementation to allow states to finalize complaint procedures.

In 2015, the Higher Education Coordinating Commission (HECC), the Oregon Alliance of Independent Colleges and Universities (OAICU), and the Oregon Legislative Assembly acted quickly to pass House Bill 2870 in order to meet the USDOE requirement to establish a statewide complaint process with state agency authority, and to ensure Oregon institutions continued to receive legal authorization and federal dollars. The resulting current law (ORS 350.075) broadly authorizes the HECC to investigate any student complaint filed against a school. House Bill 2457 A provides more specificity regarding the complaint process.