

HOUSE AMENDMENTS TO HOUSE BILL 2457

By COMMITTEE ON HIGHER EDUCATION AND WORKFORCE DEVELOPMENT

April 7

1 On page 1 of the printed bill, line 2, after “provisions;” delete the rest of the line and line 3 and
2 insert “amending ORS 350.075; and declaring an emergency.”.

3 Delete lines 5 through 31 and delete pages 2 through 7 and insert:

4 “**SECTION 1.** ORS 350.075, as amended by section 5, chapter 30, Oregon Laws 2016, and section
5 55, chapter 117, Oregon Laws 2016, is amended to read:

6 “350.075. (1) As used in this section, ‘student access programs’ means scholarship, loan, grant
7 and access programs described in ORS chapter 348.

8 “(2) The Higher Education Coordinating Commission shall be guided by the legislative findings
9 in ORS 341.009, 350.001 and 350.005 and the goals and mission of post-secondary education set forth
10 in ORS 350.009 and 350.014.

11 “(3) The Higher Education Coordinating Commission shall:

12 “(a) Develop state goals for the state post-secondary education system, including community
13 colleges and public universities listed in ORS 352.002, and for student access programs.

14 “(b) Determine strategic investments in the state’s community colleges, public universities and
15 student access programs necessary to achieve state post-secondary education goals.

16 “(c) Coordinate the post-secondary elements of data collection and structure, with the advice
17 and recommendation of the state’s independent institutions, community colleges and public univer-
18 sities, as appropriate, in order to construct a state longitudinal data system.

19 “(d) Adopt a strategic plan for achieving state post-secondary education goals, taking into con-
20 sideration the contributions of this state’s independent institutions, philanthropic organizations and
21 other organizations dedicated to helping Oregonians reach state goals. State post-secondary educa-
22 tion goals as described in this section should include, but need not be limited to:

23 “(A) Increasing the educational attainment of the population;

24 “(B) Increasing this state’s global economic competitiveness and the quality of life of its resi-
25 dents;

26 “(C) Ensuring affordable access for qualified Oregon students at each college or public univer-
27 sity;

28 “(D) Removing barriers to on-time completion; and

29 “(E) Tracking progress toward meeting the state’s post-secondary education goals established in
30 the strategic plan described in this paragraph.

31 “(e)(A) Each biennium, after receiving funding requests from the state’s community colleges and
32 public universities as authorized by law, recommend to the Governor a consolidated higher educa-
33 tion agency request budget aligned with the strategic plan described in paragraph (d) of this sub-
34 section, including appropriations for:

35 “(i) Student access programs;

1 “(ii) Public universities listed in ORS 352.002, including but not limited to education and general
2 operations, statewide public services and state-funded debt service;

3 “(iii) Community colleges, including but not limited to education and general operations and
4 state-funded debt service;

5 “(iv) New facilities or programs;

6 “(v) Capital improvements and deferred maintenance; and

7 “(vi) Special initiatives and investments.

8 “(B) In the development of the consolidated higher education agency request budget:

9 “(i) Determine the costs necessary to provide quality post-secondary education;

10 “(ii) Solicit input from educators, education policy experts, appropriate legislative committees,
11 students and other persons interested in the development of the funding model; and

12 “(iii) Solicit public input regarding educational priorities.

13 “(f) Adopt rules governing the distribution of appropriations from the Legislative Assembly to
14 community colleges, public universities listed in ORS 352.002 and student access programs. These
15 rules must be based on allocation formulas developed in consultation with the state’s community
16 colleges and public universities, as appropriate.

17 “(g) Approve or disapprove any significant change to the academic program of a community
18 college or a public university listed in ORS 352.002. In reaching a decision under this paragraph, the
19 commission shall consider the recommendation from the community college or public university
20 seeking to make the change to an academic program that is issued pursuant to the obligation of the
21 governing board of a community college or public university to review and approve academic pro-
22 grams. The commission shall ensure that approved programs:

23 “(A) Are consistent with the mission statement of the community college or public university;

24 “(B) Do not unnecessarily duplicate academic programs offered by Oregon’s other community
25 colleges or public universities;

26 “(C) Are not located in a geographic area that will cause undue hardship to Oregon’s other
27 community colleges or public universities; and

28 “(D) Are allocated among Oregon’s community colleges and public universities to maximize the
29 achievement of statewide needs and requirements.

30 “(h) For public universities listed in ORS 352.002:

31 “(A) Approve the mission statement adopted by a governing board of a public university.

32 “(B) Review and determine whether a proposed annual increase of resident undergraduate en-
33 rollment fees of greater than five percent is appropriate.

34 “(C) Advise the Governor and the Legislative Assembly on issues of university governance.

35 “(D) Approve and authorize degrees.

36 “(E) Perform the evaluation and certification required by ORS 350.095.

37 “(i) Authorize degrees to be offered by independent post-secondary institutions in this state un-
38 der ORS 348.594 to 348.615.

39 “(j) Oversee the licensing of career schools under ORS 345.010 to 345.450.

40 “(k) Have the authority to enter into and administer interstate agreements regarding the pro-
41 vision of post-secondary distance education. The participation by an educational institution that is
42 not based in this state in distance learning courses or programs that are part of an interstate
43 agreement entered into and administered under this paragraph does not constitute operating in this
44 state for purposes of ORS 348.594 to 348.615. The commission, by rule, may impose a fee on any
45 educational institution that seeks to operate under or participate in such interstate agreements. The

1 fee amount shall be established to recover designated expenses incurred by the commission in par-
2 ticipating in such agreements.

3 “(L) Coordinate and collaborate with the Chief Education Office as provided by section 1,
4 chapter 519, Oregon Laws 2011.

5 “(4)(a) The Higher Education Coordinating Commission shall implement a process to *[resolve]*
6 **review and appropriately act on** student complaints *[against]* **regarding** any school operating in
7 this state. As part of the process implemented under this subsection, the commission may:

8 “(A) Receive student complaints from students regarding a school;

9 “(B) Specify the type of information that must be included in a student complaint;

10 **“(C) Investigate and resolve student complaints that relate to state financial aid;**

11 **“(D) Refer a student complaint to another entity for investigation and resolution as**
12 **provided in paragraph (b) of this subsection;**

13 *“[(C) Investigate any student complaint filed against a school;]*

14 *“[(D) Establish a process to review and resolve student complaints against a school, including but*
15 *not limited to reviewing school records, holding administrative hearings and issuing final orders;]*

16 *“[(E) Assess a fee to cover the costs of any proceeding brought under this subsection, including but*
17 *not limited to the costs of an investigation or administrative hearing;]*

18 *“[(F) Require a school to make full or partial restitution to a student or to cease an act or practice*
19 *that is challenged in a student complaint;]*

20 *“[(G)] (E) Adopt rules to implement the provisions of this subsection; and*

21 *“[(H)] (F) Enter into agreements to implement the provisions of this subsection.*

22 *“[(b) Any hearing held under this subsection is subject to the provisions of ORS chapter 183.]*

23 **“(b) The commission may refer the investigation and resolution of a student complaint**
24 **to:**

25 **“(A) An appropriate state agency if the complaint alleges that a school has violated a**
26 **state law concerning consumer protection, civil rights, employment rights or environmental**
27 **quality;**

28 **“(B) A school’s accrediting association if the complaint relates to the school’s authori-**
29 **zation to offer academic degree programs or to the quality of the school’s academic degree**
30 **programs; or**

31 **“(C) The school at which the student is enrolled if the commission determines that the**
32 **complaint should be resolved through the school’s internal review process.**

33 “(c) As used in this subsection:

34 “(A)(i) ‘School’ means *[a school]* **an independent institution of higher education** that meets
35 the requirements of ORS 348.597 (2)(a)*;* *and*.

36 **“(ii) ‘School’ does not mean a school that is exempt from ORS 348.594 to 348.615 under**
37 **ORS 348.597 (2)(b) or (c).**

38 “(B) ‘Student’ means a person who is enrolled *[or accepted for enrollment]* at a school for the
39 purpose of obtaining a degree, certificate or other recognized educational credential offered by that
40 school.

41 **“(5) A student complaint that is received by the Higher Education Coordinating Com-**
42 **mission, including but not limited to a student complaint filed under subsection (4) of this**
43 **section, is not subject to disclosure under ORS 192.410 to 192.505.**

44 *“[(5)] (6) In addition to the duties described in subsections (2) to (4) of this section, the Higher*
45 *Education Coordinating Commission shall advise the Legislative Assembly, the Governor, community*

1 colleges, public universities and other state boards and commissions on policies in order to:

2 “(a) Ensure or improve access to higher education by diverse and underserved populations.

3 “(b) Encourage student success and completion initiatives.

4 “(c) Improve the coordination of the provision of educational services, including:

5 “(A) Transfers and coenrollment throughout the higher education system;

6 “(B) Accelerated college credit programs for high school students;

7 “(C) Applied baccalaureate and other transfer degrees;

8 “(D) Programs and grants that span multiple institutions; and

9 “(E) Reciprocity agreements with other states.

10 “(d) In coordination with the State Board of Education, enhance the use and quality of dual
11 credit, career and technical pathways and efforts to create a culture of college attendance in this
12 state.

13 “(e) In coordination with the State Workforce Investment Board, local workforce investment
14 boards, the Oregon Health and Science University and independent institutions, ensure that the
15 state’s colleges and universities offer programs in high-demand occupations that meet Oregon’s
16 workforce needs.

17 “(f) Improve economies of scale by encouraging and facilitating the use of the shared services
18 among post-secondary institutions in this state.

19 “[6] (7) The Higher Education Coordinating Commission, in a manner consistent with ORS
20 chapter 183, may adopt administrative rules.

21 “[7] (8) With the exception of the rulemaking authority granted in subsection [6] (7) of this
22 section, the Higher Education Coordinating Commission may delegate any of its powers, duties or
23 functions to a committee of the commission or to the executive director of the commission.

24 “[8] (9) The Higher Education Coordinating Commission may establish technical or advisory
25 committees to assist the commission in exercising its powers, duties and functions.

26 “[9] (10) The Higher Education Coordinating Commission may exercise only powers, duties and
27 functions expressly granted by the Legislative Assembly. Except as otherwise expressly provided by
28 law, all other authorities reside at the institutional level with the respective boards of the post-
29 secondary institutions.

30 “**SECTION 2.** ORS 350.075, as amended by section 61, chapter 774, Oregon Laws 2015, section
31 6, chapter 30, Oregon Laws 2016, and section 56, chapter 117, Oregon Laws 2016, is amended to
32 read:

33 “350.075. (1) As used in this section, ‘student access programs’ means scholarship, loan, grant
34 and access programs described in ORS chapter 348.

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36 in ORS 341.009, 350.001 and 350.005 and the goals and mission of post-secondary education set forth
37 in ORS 350.009 and 350.014.

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40 colleges and public universities listed in ORS 352.002, and for student access programs.

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42 student access programs necessary to achieve state post-secondary education goals.

43 “(c) Coordinate the post-secondary elements of data collection and structure, with the advice
44 and recommendation of the state’s independent institutions, community colleges and public univer-
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3 other organizations dedicated to helping Oregonians reach state goals. State post-secondary educa-
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12 the strategic plan described in this paragraph.

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14 public universities as authorized by law, recommend to the Governor a consolidated higher educa-
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14 not based in this state in distance learning courses or programs that are part of an interstate
15 agreement entered into and administered under this paragraph does not constitute operating in this
16 state for purposes of ORS 348.594 to 348.615. The commission, by rule, may impose a fee on any
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5 the requirements of ORS 348.597 (2)(a)[; *and*].

6 **“(ii) ‘School’ does not mean a school that is exempt from ORS 348.594 to 348.615 under**
7 **ORS 348.597 (2)(b) or (c).**

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13 **section, is not subject to disclosure under ORS 192.410 to 192.505.**

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15 Education Coordinating Commission shall advise the Legislative Assembly, the Governor, community
16 colleges, public universities and other state boards and commissions on policies in order to:

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25 “(d) In coordination with the State Board of Education, enhance the use and quality of dual
26 credit, career and technical pathways and efforts to create a culture of college attendance in this
27 state.

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29 boards, the Oregon Health and Science University and independent institutions, ensure that the
30 state’s colleges and universities offer programs in high-demand occupations that meet Oregon’s
31 workforce needs.

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33 among post-secondary institutions in this state.

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35 chapter 183, may adopt administrative rules.

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37 section, the Higher Education Coordinating Commission may delegate any of its powers, duties or
38 functions to a committee of the commission or to the executive director of the commission.

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40 committees to assist the commission in exercising its powers, duties and functions.

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42 functions expressly granted by the Legislative Assembly. Except as otherwise expressly provided by
43 law, all other authorities reside at the institutional level with the respective boards of the post-
44 secondary institutions.

45 **“SECTION 3.** ORS 350.075, as amended by section 61, chapter 774, Oregon Laws 2015, section

1 6, chapter 30, Oregon Laws 2016, section 56, chapter 117, Oregon Laws 2016, and section 2 of this
2 2017 Act, is amended to read:

3 “350.075. (1) As used in this section, ‘student access programs’ means scholarship, loan, grant
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14 and recommendation of the state’s independent institutions, community colleges and public univer-
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29 public universities as authorized by law, recommend to the Governor a consolidated higher educa-
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4 “(g) Approve or disapprove any significant change to the academic program of a community
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28 vision of post-secondary distance education. The participation by an educational institution that is
29 not based in this state in distance learning courses or programs that are part of an interstate
30 agreement entered into and administered under this paragraph does not constitute operating in this
31 state for purposes of ORS 348.594 to 348.615. The commission, by rule, may impose a fee on any
32 educational institution that seeks to operate under or participate in such interstate agreements. The
33 fee amount shall be established to recover designated expenses incurred by the commission in par-
34 ticipating in such agreements.

35 “[*(4)(a) The Higher Education Coordinating Commission shall implement a process to review and*
36 *appropriately act on student complaints regarding any school operating in this state. As part of the*
37 *process implemented under this subsection, the commission may:*]

38 “[*(A) Receive student complaints from students regarding a school;*]

39 “[*(B) Specify the type of information that must be included in a student complaint;*]

40 “[*(C) Investigate and resolve student complaints that relate to state financial aid;*]

41 “[*(D) Refer a student complaint to another entity for investigation and resolution as provided in*
42 *paragraph (b) of this subsection;*]

43 “[*(E) Adopt rules to implement the provisions of this subsection; and*]

44 “[*(F) Enter into agreements to implement the provisions of this subsection.*]

45 “[*(b) The commission may refer the investigation and resolution of a student complaint to:*]

1 “(A) An appropriate state agency if the complaint alleges that a school has violated a state law
2 concerning consumer protection, civil rights, employment rights or environmental quality;]

3 “(B) A school’s accrediting association if the complaint relates to the school’s authorization to
4 offer academic degree programs or to the quality of the school’s academic degree programs; or]

5 “(C) The school at which the student is enrolled if the commission determines that the complaint
6 should be resolved through the school’s internal review process.]

7 “[(c) As used in this subsection.]

8 “(A)(i) ‘School’ means an independent institution of higher education that meets the requirements
9 of ORS 348.597 (2)(a).]

10 “(ii) ‘School’ does not mean a school that is exempt from ORS 348.594 to 348.615 under ORS
11 348.597 (2)(b) or (c).]

12 “(B) ‘Student’ means a person who is enrolled at a school for the purpose of obtaining a degree,
13 certificate or other recognized educational credential offered by that school.]

14 “[(5) A student complaint that is received by the Higher Education Coordinating Commission, in-
15 cluding but not limited to a student complaint filed under subsection (4) of this section, is not subject
16 to disclosure under ORS 192.410 to 192.505.]

17 “[(6)] (4) In addition to the duties described in subsections (2) [to (4)] **and** (3) of this section, the
18 Higher Education Coordinating Commission shall advise the Legislative Assembly, the Governor,
19 community colleges, public universities and other state boards and commissions on policies in order
20 to:

21 “(a) Ensure or improve access to higher education by diverse and underserved populations.

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36 “(f) Improve economies of scale by encouraging and facilitating the use of the shared services
37 among post-secondary institutions in this state.

38 “[(7)] (5) The Higher Education Coordinating Commission, in a manner consistent with ORS
39 chapter 183, may adopt administrative rules.

40 “[(8)] (6) With the exception of the rulemaking authority granted in subsection [(7)] (5) of this
41 section, the Higher Education Coordinating Commission may delegate any of its powers, duties or
42 functions to a committee of the commission or to the executive director of the commission.

43 “[(9)] (7) The Higher Education Coordinating Commission may establish technical or advisory
44 committees to assist the commission in exercising its powers, duties and functions.

45 “[(10)] (8) The Higher Education Coordinating Commission may exercise only powers, duties and

1 functions expressly granted by the Legislative Assembly. Except as otherwise expressly provided by
2 law, all other authorities reside at the institutional level with the respective boards of the post-
3 secondary institutions.

4 **“SECTION 4. (1) The amendments to ORS 350.075 by section 3 of this 2017 Act become**
5 **operative on July 1, 2021.**

6 **“(2) The Higher Education Coordinating Commission shall adopt rules to ensure that any**
7 **student complaint that is submitted to the commission before July 1, 2021, is reviewed and**
8 **appropriately acted on in accordance with ORS 350.075 (4) as in effect before July 1, 2021.**

9 **“SECTION 5. The amendments to ORS 350.075 by sections 1 and 2 of this 2017 Act apply**
10 **to any student complaint regarding a school that is submitted to the Higher Education Co-**
11 **ordinating Commission on or after July 1, 2017, and before July 1, 2021.**

12 **“SECTION 6. No later than September 1, 2020, the Higher Education Coordinating Com-**
13 **mission shall provide a written report to the Governor describing the number, type and dis-**
14 **position of student complaints that the commission receives under ORS 350.075 on or after**
15 **July 1, 2017, and before March 31, 2020.**

16 **“SECTION 7. This 2017 Act being necessary for the immediate preservation of the public**
17 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**
18 **July 1, 2017.”.**

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