

House Bill 2457

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

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**.

Alters process by which Higher Education Coordinating Commission resolves student complaints against schools.

A BILL FOR AN ACT

1
2 Relating to resolving student complaints against schools; creating new provisions; and amending
3 ORS 350.075.

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

5 **SECTION 1.** ORS 350.075, as amended by section 5, chapter 30, Oregon Laws 2016, and section
6 55, chapter 117, Oregon Laws 2016, is amended to read:

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

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

12 (3) The Higher Education Coordinating Commission shall:

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

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

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

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

24 (A) Increasing the educational attainment of the population;

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

27 (C) Ensuring affordable access for qualified Oregon students at each college or public university;

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

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 public universities as authorized by law, recommend to the Governor a consolidated higher educa-
 2 tion agency request budget aligned with the strategic plan described in paragraph (d) of this sub-
 3 section, including appropriations for:

4 (i) Student access programs;

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

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

9 (iv) New facilities or programs;

10 (v) Capital improvements and deferred maintenance; and

11 (vi) Special initiatives and investments.

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

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

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

16 (iii) Solicit public input regarding educational priorities.

17 (f) Adopt rules governing the distribution of appropriations from the Legislative Assembly to
 18 community colleges, public universities listed in ORS 352.002 and student access programs. These
 19 rules must be based on allocation formulas developed in consultation with the state's community
 20 colleges and public universities, as appropriate.

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

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

28 (B) Do not unnecessarily duplicate academic programs offered by Oregon's other community
 29 colleges or public universities;

30 (C) Are not located in a geographic area that will cause undue hardship to Oregon's other
 31 community colleges or public universities; and

32 (D) Are allocated among Oregon's community colleges and public universities to maximize the
 33 achievement of statewide needs and requirements.

34 (h) For public universities listed in ORS 352.002:

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

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

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

39 (D) Approve and authorize degrees.

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

41 (i) Authorize degrees to be offered by independent post-secondary institutions in this state under
 42 ORS 348.594 to 348.615.

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

44 (k) Have the authority to enter into and administer interstate agreements regarding the pro-
 45 vision of post-secondary distance education. The participation by an educational institution that is

1 not based in this state in distance learning courses or programs that are part of an interstate
 2 agreement entered into and administered under this paragraph does not constitute operating in this
 3 state for purposes of ORS 348.594 to 348.615. The commission, by rule, may impose a fee on any
 4 educational institution that seeks to operate under or participate in such interstate agreements. The
 5 fee amount shall be established to recover designated expenses incurred by the commission in par-
 6 ticipating in such agreements.

7 (L) Coordinate and collaborate with the Chief Education Office as provided by section 1, chapter
 8 519, Oregon Laws 2011.

9 (4)(a) The Higher Education Coordinating Commission shall implement a process to resolve stu-
 10 dent complaints against any school operating in this state. As part of the process implemented under
 11 this subsection, the commission may:

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

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

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

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

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

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

21 *[(G)]* (C) Adopt rules to implement the provisions of this subsection; and

22 *[(H)]* (D) Enter into agreements to implement the provisions of this subsection.

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

24 *[(c)]* (b) As used in this subsection:

25 (A) “School” means a school that meets the requirements of ORS 348.597 (2)(a); and

26 (B) “Student” means a person who is enrolled or accepted for enrollment at a school for the
 27 purpose of obtaining a degree, certificate or other recognized educational credential offered by that
 28 school.

29 (5) In addition to the duties described in subsections (2) to (4) of this section, the Higher Edu-
 30 cation Coordinating Commission shall advise the Legislative Assembly, the Governor, community
 31 colleges, public universities and other state boards and commissions on policies in order to:

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

33 (b) Encourage student success and completion initiatives.

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

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

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

37 (C) Applied baccalaureate and other transfer degrees;

38 (D) Programs and grants that span multiple institutions; and

39 (E) Reciprocity agreements with other states.

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

43 (e) In coordination with the State Workforce Investment Board, local workforce investment
 44 boards, the Oregon Health and Science University and independent institutions, ensure that the
 45 state’s colleges and universities offer programs in high-demand occupations that meet Oregon’s

1 workforce needs.

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

4 (6) The Higher Education Coordinating Commission, in a manner consistent with ORS chapter
5 183, may adopt administrative rules.

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

9 (8) The Higher Education Coordinating Commission may establish technical or advisory com-
10 mittees to assist the commission in exercising its powers, duties and functions.

11 (9) The Higher Education Coordinating Commission may exercise only powers, duties and func-
12 tions expressly granted by the Legislative Assembly. Except as otherwise expressly provided by law,
13 all other authorities reside at the institutional level with the respective boards of the post-secondary
14 institutions.

15 **SECTION 2.** ORS 350.075, as amended by section 61, chapter 774, Oregon Laws 2015, section
16 6, chapter 30, Oregon Laws 2016, and section 56, chapter 117, Oregon Laws 2016, is amended to
17 read:

18 350.075. (1) As used in this section, “student access programs” means scholarship, loan, grant
19 and access programs described in ORS chapter 348.

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

23 (3) The Higher Education Coordinating Commission shall:

24 (a) Develop state goals for the state post-secondary education system, including community col-
25 leges and public universities listed in ORS 352.002, and for student access programs.

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

28 (c) Coordinate the post-secondary elements of data collection and structure, with the advice and
29 recommendation of the state’s independent institutions, community colleges and public universities,
30 as appropriate, in order to construct a state longitudinal data system.

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

35 (A) Increasing the educational attainment of the population;

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

38 (C) Ensuring affordable access for qualified Oregon students at each college or public university;

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

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

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

- 1 (i) Student access programs;
- 2 (ii) Public universities listed in ORS 352.002, including but not limited to education and general
3 operations, statewide public services and state-funded debt service;
- 4 (iii) Community colleges, including but not limited to education and general operations and
5 state-funded debt service;
- 6 (iv) New facilities or programs;
- 7 (v) Capital improvements and deferred maintenance; and
- 8 (vi) Special initiatives and investments.
- 9 (B) In the development of the consolidated higher education agency request budget:
- 10 (i) Determine the costs necessary to provide quality post-secondary education;
- 11 (ii) Solicit input from educators, education policy experts, appropriate legislative committees,
12 students and other persons interested in the development of the funding model; and
- 13 (iii) Solicit public input regarding educational priorities.
- 14 (f) Adopt rules governing the distribution of appropriations from the Legislative Assembly to
15 community colleges, public universities listed in ORS 352.002 and student access programs. These
16 rules must be based on allocation formulas developed in consultation with the state's community
17 colleges and public universities, as appropriate.
- 18 (g) Approve or disapprove any significant change to the academic program of a community col-
19 lege or a public university listed in ORS 352.002. In reaching a decision under this paragraph, the
20 commission shall consider the recommendation from the community college or public university
21 seeking to make the change to an academic program that is issued pursuant to the obligation of the
22 governing board of a community college or public university to review and approve academic pro-
23 grams. The commission shall ensure that approved programs:
- 24 (A) Are consistent with the mission statement of the community college or public university;
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26 colleges or public universities;
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28 community colleges or public universities; and
- 29 (D) Are allocated among Oregon's community colleges and public universities to maximize the
30 achievement of statewide needs and requirements.
- 31 (h) For public universities listed in ORS 352.002:
- 32 (A) Approve the mission statement adopted by a governing board of a public university.
- 33 (B) Review and determine whether a proposed annual increase of resident undergraduate en-
34 rollment fees of greater than five percent is appropriate.
- 35 (C) Advise the Governor and the Legislative Assembly on issues of university governance.
- 36 (D) Approve and authorize degrees.
- 37 (E) Perform the evaluation and certification required by ORS 350.095.
- 38 (i) Authorize degrees to be offered by independent post-secondary institutions in this state under
39 ORS 348.594 to 348.615.
- 40 (j) Oversee the licensing of career schools under ORS 345.010 to 345.450.
- 41 (k) Have the authority to enter into and administer interstate agreements regarding the pro-
42 vision of post-secondary distance education. The participation by an educational institution that is
43 not based in this state in distance learning courses or programs that are part of an interstate
44 agreement entered into and administered under this paragraph does not constitute operating in this
45 state for purposes of ORS 348.594 to 348.615. The commission, by rule, may impose a fee on any

1 educational institution that seeks to operate under or participate in such interstate agreements. The
 2 fee amount shall be established to recover designated expenses incurred by the commission in par-
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 15 that is challenged in a student complaint;]*

16 *[(G)]* (C) Adopt rules to implement the provisions of this subsection; and

17 *[(H)]* (D) Enter into agreements to implement the provisions of this subsection.

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

19 *[(c)]* (b) As used in this subsection:

20 (A) "School" means a school that meets the requirements of ORS 348.597 (2)(a); and

21 (B) "Student" means a person who is enrolled or accepted for enrollment at a school for the
 22 purpose of obtaining a degree, certificate or other recognized educational credential offered by that
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 36 credit, career and technical pathways and efforts to create a culture of college attendance in this
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 39 boards, the Oregon Health and Science University and independent institutions, ensure that the
 40 state's colleges and universities offer programs in high-demand occupations that meet Oregon's
 41 workforce needs.

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

4 (8) The Higher Education Coordinating Commission may establish technical or advisory com-
5 mittees to assist the commission in exercising its powers, duties and functions.

6 (9) The Higher Education Coordinating Commission may exercise only powers, duties and func-
7 tions expressly granted by the Legislative Assembly. Except as otherwise expressly provided by law,
8 all other authorities reside at the institutional level with the respective boards of the post-secondary
9 institutions.

10 **SECTION 3. The amendments to ORS 350.075 by sections 1 and 2 of this 2017 Act apply**
11 **to any student complaint against a school that is submitted to the Higher Education Coor-**
12 **minating Commission on or after the effective date of this 2017 Act.**