

# Enrolled Senate Bill 233

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CHAPTER .....

## AN ACT

Relating to the transfer of academic credit; creating new provisions; amending ORS 350.395, 350.404 and 350.412; and declaring an emergency.

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

**SECTION 1. Notwithstanding ORS 352.087 (1)(q) or any other provision of law, each public post-secondary institution of education in this state shall:**

**(1) Adopt a common course numbering system, established by the Higher Education Coordinating Commission by rule, for introductory and other lower division courses with similar learning outcomes that are taught in accelerated college credit programs, public post-secondary institutions of education and participating nonpublic post-secondary institutions of education in this state.**

**(2) Accept a transfer of academic credit for each course that is subject to the system described in subsection (1) of this section as if the academic credit was earned at the institution that is accepting the transfer of academic credit with respect to:**

- (a) The total amount of academic credit awarded;**
- (b) Satisfying general education requirements for graduation; and**
- (c) Satisfying any requirements for a major in a baccalaureate or associate degree program.**

**SECTION 2. Notwithstanding sections 4 (3) and 8 (3) of this 2021 Act:**

**(1) The Transfer Council established in section 6 of this 2021 Act shall submit its first report to the Higher Education Coordinating Commission by January 15, 2022.**

**(2) The report described in subsection (1) of this section shall:**

**(a) Describe any subcommittees the council intends to establish under section 6 (5) of this 2021 Act for the purpose of assisting the council in the development of the common course numbering system described in section 1 of this 2021 Act;**

**(b) Establish a list of initial courses for the common course numbering system that will first apply during the 2023-2024 academic year;**

**(c) List the courses or subject areas the council has identified as likely to be included when the common course numbering system first applies to public post-secondary institutions of education during the 2025-2026 academic year; and**

**(d) List the courses or subject areas, which may include career and technical education studies, that the council anticipates adding to the common course numbering system after the 2025-2026 academic year.**

(3) The commission shall:

(a) Submit its first report to the Legislative Assembly no later than March 15, 2022. The report shall inform the Legislative Assembly of the activities of the council described in subsection (2) of this section and may include recommendations for additional legislation the commission determines would assist in the development of the common course numbering system described in section 1 of this 2021 Act.

(b) Adopt rules necessary to establish an initial common course numbering system consisting of the courses described in subsection (2)(b) of this section in a manner that ensures the system will first apply to the 2023-2024 academic year.

(4) Each public post-secondary institution of education in this state shall be in compliance with rules adopted by the commission under this section by the beginning of the 2023-2024 academic year.

**SECTION 3.** Section 2 of this 2021 Act is repealed on January 2, 2025.

**SECTION 4.** (1) The Transfer Council established in section 6 of this 2021 Act shall make its final recommendations on the establishment of the common course numbering system described in section 1 of this 2021 Act no later than July 1, 2024.

(2) The Higher Education Coordinating Commission shall by rule establish the common course numbering system described in section 1 of this 2021 Act no later than September 1, 2024.

(3) Each public post-secondary institution of education in this state shall be in compliance with section 1 of this 2021 Act no later than the beginning of the 2025-2026 academic year.

**SECTION 5.** Section 4 of this 2021 Act is repealed on January 2, 2027.

**SECTION 6.** (1) The Transfer Council is established, consisting of 15 voting members, appointed by the Higher Education Coordinating Commission, and one nonvoting, ex officio member.

(2) Before appointing the voting members, the commission shall request nominations from official student, faculty and administrator organizations at public universities listed in ORS 352.002, community colleges operated under ORS chapter 341 and high schools in this state. The 15 voting members of the council shall consist of:

(a) Five academic officers, two of whom are currently employed at a public university, two of whom are currently employed at a community college and one of whom is currently employed at a public high school in this state;

(b) Four faculty members, two of whom are currently employed at a public university and two of whom are currently employed at a community college;

(c) One teacher who both teaches accelerated college credit programs as defined in ORS 340.315 and is currently employed at a public high school in this state;

(d) Two individuals who specialize in assisting students who transfer between institutions, one of whom is currently employed at a public university and one of whom is currently employed at a community college; and

(e) Three students, one of whom is currently enrolled at a public university, one of whom is currently enrolled at a community college and one of whom is currently enrolled at a high school in this state.

(3) The chairperson of the commission, or a designee of the chairperson of the commission, shall serve as a nonvoting, ex officio member.

(4)(a) The term of office of each voting member of the council is two years. Before the expiration of the term of a member, the commission shall appoint a successor. A member is eligible for reappointment.

(b) In order to serve as a member of the council, an individual must at all times meet the qualifications for the appointment. If at any time a member fails to meet the qualifications for the member's appointment, the position is vacant.

(c) If there is a vacancy for any cause, the commission shall make an appointment to become immediately effective for the unexpired term.

(5)(a) The council:

(A) Shall select one or more of its members as chairperson or as cochairpersons; and

(B) May establish, in the manner set forth in this subsection, one or more subcommittees for the purpose of advising the council on how to best fulfill its duties.

(b) For a subcommittee established under this subsection that will make recommendations to the council on a subject that will be submitted by the council to the commission under section 8 (1)(d)(A) to (D) of this 2021 Act, the council may appoint any faculty member who is employed by a public university listed in ORS 352.002 or a community college operated under ORS chapter 341, provided that the subcommittee consists of equal numbers of faculty from public universities and community colleges.

(c) For a subcommittee established under this subsection that will not make recommendations to the council on a subject that will be submitted by the council to the commission under section 8 (1)(d)(A) to (D) of this 2021 Act, the council may appoint any individual employed by a public university listed in ORS 352.002 or a community college operated under ORS chapter 341, including faculty, registrars, academic advisors and academic administrators.

(d) Appointment to a subcommittee established under this subsection does not entitle an individual to vote as a member of the council.

(6)(a) A majority of the voting members of the council constitutes a quorum for the transaction of business.

(b)(A) Except as provided in subparagraph (B) of this paragraph, official action by the council requires the approval of a majority of the voting members of the council.

(B) Official action by the council on recommendations to be made to the commission under section 8 (1)(d)(A) to (D) of this 2021 Act requires the approval of three-fifths of the voting members of the council.

(c) Two or more voting members of the council who disagree with recommendations that are submitted to the commission under section 8 (1)(d)(A) to (D) of this 2021 Act may jointly submit a minority report to the commission that contains alternate recommendations. A minority report created under this paragraph shall be submitted to the commission with the majority recommendations.

(7)(a) A majority of the members of a subcommittee established under subsection (5) of this section constitutes a quorum for the transaction of business of the subcommittee.

(b)(A) Except as provided in subparagraph (B) of this paragraph, official action by a subcommittee established under subsection (5) of this section requires approval of a majority of the members of the subcommittee.

(B) Official action by a subcommittee on recommendations to be made to the council on a subject that will be submitted by the council to the commission under section 8 (1)(d)(A) to (D) of this 2021 Act requires the approval of three-fifths of the members of the subcommittee.

(c) Two or more members of a subcommittee who disagree with recommendations that are submitted to the council on a subject that will be submitted by the council to the commission under section 8 (1)(d)(A) to (D) of this 2021 Act may jointly submit a minority report to the council that contains alternate recommendations. A minority report created under this paragraph shall be submitted to the council with the majority recommendations.

(8)(a) The council shall meet at least every three months at a place, day and hour determined by the chairperson or cochairpersons.

(b) In addition to the meetings required under paragraph (a) of this subsection, the commission may call a meeting of the council if the commission finds a meeting to be necessary and a meeting is not called by the chairperson or cochairpersons.

**SECTION 7.** Notwithstanding the term of office specified in section 6 of this 2021 Act, the Higher Education Coordinating Commission shall adopt by rule a method for establishing the initial terms of office of members of the Transfer Council so that:

(1) The initial term of office for each member of the council is either two years or three years; and

(2) One-half, as nearly as possible, of the members of the council are appointed annually.

**SECTION 8.** (1) The Transfer Council established under section 6 of this 2021 Act shall:

(a) Advise the Higher Education Coordinating Commission on the development, coordination and maintenance of the common course numbering system described in section 1 of this 2021 Act;

(b) Serve as the primary venue for community colleges and public universities to collaborate to develop foundational curricula described in ORS 350.400 and unified statewide transfer agreements described in ORS 350.404;

(c) Develop best practices in order to improve program planning, increase communication among all participants and facilitate student acceleration and the transfer of students and academic credits between public school districts, public post-secondary institutions of education and participating nonpublic post-secondary institutions of education; and

(d) Make recommendations to the commission on the adoption of rules necessary to:

(A) Establish and maintain the common course numbering system described in section 1 of this 2021 Act;

(B) Establish an auditing process to determine how well public post-secondary institutions of education are complying with the common course numbering system;

(C) Establish a process that enables a student to appeal a decision by a public post-secondary institution of education to refuse the transfer of academic credit;

(D) Ensure the cooperation and successful implementation of the common course numbering system by all public post-secondary institutions of education;

(E) Ensure the coordination, establishment, alignment, effectiveness and maintenance of foundational curricula described in ORS 350.400 and unified statewide transfer agreements described in ORS 350.404; and

(F) Ensure that each community college and each public university listed in ORS 352.002 submits an annual report to the commission that includes all information necessary for the commission to determine the effect of common course numbering, foundational curricula and unified statewide transfer agreements on a demographically and institutionally disaggregated basis.

(2) The commission shall:

(a) Adopt rules based on the work and recommendations of the council on matters described in subsection (1)(d) of this section;

(b) Establish by rule an annual date by which the commission will submit a report in the manner provided by ORS 192.245 to the appropriate interim committees of the Legislative Assembly responsible for higher education that sets forth the determinations the commission has made on the effect of common course numbering, foundational curricula and unified statewide transfer agreements on a demographically and institutionally disaggregated basis, based on the information provided to the commission pursuant to subsection (1)(d)(F) of this section;

(c) Provide staff support for the council;

(d) Provide logistical support for the council; and

(e) Host an Internet website for the council.

(3)(a) No later than September 1 of each year, the council shall report to the commission on the progress the council is making in enhancing and maintaining the common course numbering system described in section 1 of this 2021 Act and on any other current work regarding the transfer of academic credit on which the council is focused.

(b) No later than December 15 of each year, the commission shall report to the interim committees of the Legislative Assembly responsible for higher education on the progress the council is making in enhancing and maintaining the common course numbering system described in section 1 of this 2021 Act and on any other current work regarding the transfer of academic credit on which the council is focused.

(4) The commission may adopt rules necessary to effectively implement this section.

**SECTION 9.** Not later than December 15, 2021, the Higher Education Coordinating Commission shall submit a report to the interim committees of the Legislative Assembly related to education describing any additional legislation or funding that is required to develop an electronic system for the dissemination of information regarding foundational curricula established under ORS 350.400 and unified statewide transfer agreements established under ORS 350.404.

**SECTION 10.** Section 9 of this 2021 Act is repealed on December 31, 2022.

**SECTION 11.** ORS 350.395 is amended to read:

350.395. (1) As used in this section:

(a) "Associate transfer degree" means an associate degree that is awarded by a community college and that is intended to allow a student to apply the credits earned for the degree toward a baccalaureate degree.

(b) "Community college" means a community college operated under ORS chapter 341.

(c) "Public university" means a public university listed in ORS 352.002.

(d) "Transfer program" means a one-year program that is designed to allow a student to apply the credits earned through the program toward a baccalaureate degree.

(2) The Higher Education Coordinating Commission shall develop standards related to the ability of students to apply credits earned through courses of study at community colleges to baccalaureate degrees awarded by public universities. The standards shall be known as the "Transfer Student Bill of Rights and Responsibilities."

(3) The standards developed under this section must include:

(a) Admission standards to public universities for students who have earned an associate transfer degree.

(b) Processes to align requirements for community college courses and public university courses to ensure that credits earned for completion of sufficiently similar courses are fully transferable between all community colleges and public universities.

(c) Processes to minimize the number of credits that students who have earned an associate transfer degree would need to complete prior to receiving various types of baccalaureate degrees at public universities, including identifying majors in baccalaureate degree programs that require more than two years to complete after a student has earned an associate transfer degree.

(d) Processes to minimize the number of credits that students who have completed a transfer program would need to complete prior to receiving various types of baccalaureate degrees at public universities.

(e) Processes by which a community college would award an associate degree to a student upon completion of necessary credits, regardless of whether the student applied to receive the degree or whether the student earned the credits for the degree at a community college or a public university.

(f) Processes to evaluate and make recommendations for the development of associate transfer degrees in specific areas of study, including engineering.

(g) Any other issues identified by the Higher Education Coordinating Commission that relate to courses of study at community colleges and the ability of a student to transfer credits to a community college or a public university, to be admitted to a public university or to earn a degree at a community college or a public university.

(h) Requirements that students must meet in order to benefit from the standards described in paragraphs (a) to (g) of this subsection.

*[(4) Each community college and public university shall submit annual reports to the Higher Education Coordinating Commission related to:]*

*[(a) The number of students who attend a community college and then a public university, or a public university and then a community college.]*

*[(b) The number of students who attend one community college and then a different community college.]*

*[(c) The number of students who transfer from a community college to a public university and who have an associate transfer degree or have completed a transfer program.]*

*[(d) The average number of credits students have when they transfer from a community college to a public university.]*

*[(e) The average number of credits students have when they attend one community college and then a different community college.]*

*[(f) The average number of credits that a student earning an associate transfer degree completed at a community college.]*

*[(g) The average number of credits students who have transferred from a community college to a public university must earn prior to receiving a baccalaureate degree compared to the average number of credits students who did not transfer from a community college must earn prior to receiving a baccalaureate degree.]*

**SECTION 12.** ORS 350.404 is amended to read:

350.404. (1) Community colleges and public universities listed in ORS 352.002 shall collaborate **through the Transfer Council established in section 6 of this 2021 Act** to develop a unified statewide transfer agreement, based on the foundational curricula established under ORS 350.400, for each major course of study. Each unified statewide transfer agreement developed under this section must:

(a) Enable a student to transfer from a community college to a public university listed in ORS 352.002 without the loss of academic credit or the requirement to retake a course at a public university that the student has successfully completed at a community college, provided that the grade in each course that is transferred meets the degree requirements established by the unified statewide transfer agreement;

(b) Contain provisions that identify the optimal number of academic credits, including credits in the major course of study, that the student should have when the student transfers from a community college to a public university listed in ORS 352.002 in order for the student to efficiently receive a bachelor's degree;

(c) Define the classes and completion standards for the optimal number of academic credits identified in paragraph (b) of this subsection that may be taken at a community college;

(d) Except as provided in paragraph (e) of this subsection, ensure that if a student at a community college has completed 90 academic credits of coursework in conformity with the completion standards identified in paragraph (c) of this subsection and transfers to a public university listed in ORS 352.002, the student will:

(A) Receive junior status in the major course of study at the public university; and

(B) Be able to receive a bachelor's degree in the major course of study by completing the additional academic credits identified in the unified statewide transfer agreement after transferring, based on the total number of academic credits and standards approved by the accrediting body for the public university; *[and]*

(e) For unified statewide transfer agreements that in paragraph (b) of this subsection identify an optimal number of academic credits to transfer other than 90, ensure that if a student at a community college has completed the identified number of academic credits of coursework in conformity with the completion standards identified in paragraph (c) of this subsection and transfers to a public university listed in ORS 352.002, the student will:

(A) Receive status at the public university, based on the number of academic credits referenced in the transfer agreement, that is comparable to the status of students with the same number of academic credits in the major course of study who began their post-secondary studies at the public university; and

(B) Be able to receive a bachelor's degree in the major course of study by completing the additional academic credits identified in the unified statewide transfer agreement after transferring, based on the total number of academic credits and standards approved by the accrediting body for the public university[.]; **and**

**(f) Explore alignment, to the greatest extent possible, of lower-division requirements in the major courses of study.**

(2) In designing unified statewide transfer agreements under subsection (1) of this section, community colleges and public universities listed in ORS 352.002 shall:

(a) Focus on ensuring that community college students who transfer to public universities to complete a bachelor's degree are able to obtain the bachelor's degree with a similar number of academic credits to those required for students who begin their post-secondary studies at a public university;

(b) Seek to minimize student debt;

(c) Seek to increase the rate at which community college students who transfer to public universities receive bachelor's degrees; and

(d) Seek to maintain the standards of intellectual and academic rigor at community colleges and public universities.

(3)(a) The Higher Education Coordinating Commission shall **use the council to** regularly [*convene and*] consult with community colleges and public universities listed in ORS 352.002 in order to determine the major courses of study for which a unified statewide transfer agreement will be established.

(b) Determinations made under this subsection must identify a sufficient number of major courses of study to enable colleges and public universities to comply with subsection (4) of this section.

(c) The commission shall publicly identify the criteria used to make determinations under this subsection, which must include, but need not be limited to, a consideration of:

(A) The major courses of study with the most workforce demand; and

(B) The most common major courses of study among students who transfer from a community college to a public university.

(4) Community colleges and public universities listed in ORS 352.002 shall establish a unified statewide transfer agreement for [*three*] **one** major [*courses*] **course** of study per year.

**SECTION 13.** ORS 350.404, as amended by section 12 of this 2021 Act, is amended to read:

350.404. (1) Community colleges and public universities listed in ORS 352.002 shall collaborate through the Transfer Council established in section 6 of this 2021 Act to develop a unified statewide transfer agreement, based on the foundational curricula established under ORS 350.400, for each major course of study. Each unified statewide transfer agreement developed under this section must:

(a) Enable a student to transfer from a community college to a public university listed in ORS 352.002 without the loss of academic credit or the requirement to retake a course at a public university that the student has successfully completed at a community college, provided that the grade in each course that is transferred meets the degree requirements established by the unified statewide transfer agreement;

(b) Contain provisions that identify the optimal number of academic credits, including credits in the major course of study, that the student should have when the student transfers from a community college to a public university listed in ORS 352.002 in order for the student to efficiently receive a bachelor's degree;

(c) Define the classes and completion standards for the optimal number of academic credits identified in paragraph (b) of this subsection that may be taken at a community college;

(d) Except as provided in paragraph (e) of this subsection, ensure that if a student at a community college has completed 90 academic credits of coursework in conformity with the completion standards identified in paragraph (c) of this subsection and transfers to a public university listed in ORS 352.002, the student will:

(A) Receive junior status in the major course of study at the public university; and

(B) Be able to receive a bachelor's degree in the major course of study by completing the additional academic credits identified in the unified statewide transfer agreement after transferring, based on the total number of academic credits and standards approved by the accrediting body for the public university;

(e) For unified statewide transfer agreements that in paragraph (b) of this subsection identify an optimal number of academic credits to transfer other than 90, ensure that if a student at a community college has completed the identified number of academic credits of coursework in conformity with the completion standards identified in paragraph (c) of this subsection and transfers to a public university listed in ORS 352.002, the student will:

(A) Receive status at the public university, based on the number of academic credits referenced in the transfer agreement, that is comparable to the status of students with the same number of academic credits in the major course of study who began their post-secondary studies at the public university; and

(B) Be able to receive a bachelor's degree in the major course of study by completing the additional academic credits identified in the unified statewide transfer agreement after transferring, based on the total number of academic credits and standards approved by the accrediting body for the public university; and

(f) Explore alignment, to the greatest extent possible, of lower-division requirements in the major courses of study.

(2) In designing unified statewide transfer agreements under subsection (1) of this section, community colleges and public universities listed in ORS 352.002 shall:

(a) Focus on ensuring that community college students who transfer to public universities to complete a bachelor's degree are able to obtain the bachelor's degree with a similar number of academic credits to those required for students who begin their post-secondary studies at a public university;

(b) Seek to minimize student debt;

(c) Seek to increase the rate at which community college students who transfer to public universities receive bachelor's degrees; and

(d) Seek to maintain the standards of intellectual and academic rigor at community colleges and public universities.

(3)(a) The Higher Education Coordinating Commission shall use the council to regularly consult with community colleges and public universities listed in ORS 352.002 in order to determine the major courses of study for which a unified statewide transfer agreement will be established.

(b) Determinations made under this subsection must identify a sufficient number of major courses of study to enable colleges and public universities to comply with subsection (4) of this section.

(c) The commission shall publicly identify the criteria used to make determinations under this subsection, which must include, but need not be limited to, a consideration of:

(A) The major courses of study with the most workforce demand; and

(B) The most common major courses of study among students who transfer from a community college to a public university.

(4) Community colleges and public universities listed in ORS 352.002 shall establish a unified statewide transfer agreement for *[one]* **three** major *[course]* **courses** of study per year.

**SECTION 14. The amendments to ORS 350.404 by section 13 of this 2021 Act become operative on January 1, 2026.**

**SECTION 15.** ORS 350.412 is amended to read:

350.412. (1) The Higher Education Coordinating Commission shall regularly *[convene]* **use the Transfer Council established in section 6 of this 2021 Act to work with** representatives from community colleges and public universities listed in ORS 352.002 in order to:

(a) Facilitate the coordination and establishment of foundational curricula described in ORS 350.400; and

(b) Facilitate the development, and ensure the continued alignment, of the unified statewide transfer agreements described in ORS 350.404.

*[(2) The commission shall provide staffing for each meeting held under subsection (1) of this section.]*

*[(3)] (2) The commission shall seek to ensure that community colleges, public universities listed in ORS 352.002 and students are informed and engaged on the current status and developments of foundational curricula and unified statewide transfer agreements.*

*[(4) Each community college and public university listed in ORS 352.002 shall report annually to the commission, for each unified statewide transfer agreement established under ORS 350.404, the number of academic credits that were successfully transferred in that major course of study by students who transfer from a community college to a public university.]*

*[(5) To the extent relevant data is available, the commission shall report annually to the Legislative Assembly on whether existing unified statewide transfer agreements are meeting the goals set forth in ORS 350.404 (2).]*

**SECTION 16. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.**

**Passed by Senate June 16, 2021**

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House June 22, 2021**

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Tina Kotek, Speaker of House

**Received by Governor:**

.....M.,....., 2021

**Approved:**

.....M.,....., 2021

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2021

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Shemia Fagan, Secretary of State