

B-Engrossed
Senate Bill 1572

Ordered by the House February 28
Including Senate Amendments dated February 14 and House Amendments
dated February 28

Sponsored by Senators WAGNER, GELSER BLOUIN; Senator GORSEK, Representatives KROPF, SCHOUTEN (at the request of Oregon Attorney General's Sexual Assault Task Force) (Presession filed.)

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.

Extends definition of "education employer" for purposes of statutory public service loan forgiveness program responsibilities to include community colleges and public universities.

Alters method of calculating who is considered full-time faculty member at community college or public university for purpose of program to include any faculty member who engages in 30 or more full-time equivalent work hours per week, with each hour of lecture time or classroom time constituting 4.35 full-time equivalent work hours. Authorizes community college or public university to alter multiplier used to calculate full-time faculty member through collective bargaining.

Makes changes to statutory public service loan forgiveness program responsibilities retroactive to **date faculty member began employment at community college or public university** [*September 25, 2021*].

Alters eligibility requirements for subcommittees established by Transfer Council.

Extends date by which Higher Education Coordinating Commission must submit report to Legislative Assembly relating to additional legislation or funding required to develop electronic system for dissemination of information regarding foundational curricula and unified statewide transfer agreements from December 15, 2021, to December 15, 2022.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to higher education; creating new provisions; amending ORS 329.756 and 350.426 and
3 sections 9 and 10, chapter 575, Oregon Laws 2021; and declaring an emergency.

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

5 **SECTION 1.** ORS 329.756 is amended to read:

6 329.756. (1) As used in this section:

7 (a) "Education employer" means a public charter school, a school district, **a community college**
8 **operated under ORS chapter 341, a public university listed in ORS 352.002**, a tribal college[, *a*
9 *community college*] or university, as defined in 20 U.S.C. 1059c(b)(3), as in effect on September 25,
10 2021, and any other governmental agency within this state that employs a **faculty member who**
11 **teaches**, teacher or a school nurse, as defined in ORS 336.204, in a full-time capacity which, for the
12 purposes of this paragraph, means including within the calculation of full-time equivalent work
13 hours every hour in which the teacher or school nurse engages in instruction and at least 3.35 ad-
14 ditional hours for each hour of instruction.

15 (b) "Public service loan forgiveness program" means the program under which the United States
16 Secretary of Education cancels the balance of interest and principal due on eligible federal direct
17 loans in accordance with the criteria specified under 20 U.S.C. 1087e(m) and 34 C.F.R. 685.219, both
18 as in effect on September 25, 2021.

19 **(2)(a) Notwithstanding subsection (1)(a) of this section and except as provided in para-**

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 **graph (b) of this subsection, for community colleges operated under ORS chapter 341 and**
2 **public universities listed in ORS 352.002:**

3 **(A) A faculty member who teaches is considered to be employed in a full-time capacity**
4 **if the faculty member engages in 30 or more full-time equivalent work hours per week; and**

5 **(B) In calculating the number of full-time equivalent work hours engaged in per week by**
6 **a faculty member who teaches:**

7 **(i) Each hour assigned to the faculty member as an hour of lecture time or as an hour**
8 **of classroom time constitutes 4.35 full-time equivalent work hours; and**

9 **(ii) Each hour that a faculty member who teaches is compensated for other than hours**
10 **described in sub-subparagraph (i) of this subparagraph constitutes 1.0 full-time equivalent**
11 **work hours.**

12 **(b) A community college operated under ORS chapter 341 or a public university listed in**
13 **ORS 352.002 may provide by collective bargaining to increase the multiplier used to calculate**
14 **full-time equivalent work hours under paragraph (a)(B) of this subsection.**

15 **[(2)(a)] (3)(a) An education employer shall provide all employees who qualify for a public service**
16 **loan forgiveness program with materials and assistance that:**

17 **(A) Increases awareness of the public service loan forgiveness program among eligible employ-**
18 **ees of the education employer; and**

19 **(B) Increases participation by employees in the public service loan forgiveness program.**

20 **(b) Materials described in paragraph (a) of this subsection may include, but are not limited to:**

21 **(A) Announcements and advertisements in an education employer's official publications and in**
22 **any electronic mail or social media messages the education employer sends to employees;**

23 **(B) Inserts or other messages in employee paychecks or payment instruments, to the extent**
24 **practicable; or**

25 **(C) Other periodic reminders in communications to employees.**

26 **(c) An education employer shall direct an employee, as part of the employee's official duties, to**
27 **become familiar with eligibility requirements, application procedures and other information about**
28 **the public service loan forgiveness program and to provide assistance to other employees who re-**
29 **quest assistance with determining the employees' eligibility for and applications to the public service**
30 **loan forgiveness program.**

31 **SECTION 2. (1) A community college operated under ORS chapter 341 or a public uni-**
32 **versity listed in ORS 352.002 that certifies hours worked by a faculty member who teaches**
33 **for purposes of the public service loan forgiveness program defined in ORS 329.756 must**
34 **calculate the full-time equivalent work hours engaged in per week by the faculty member**
35 **who teaches, and determine the periods during which the faculty member who teaches was**
36 **employed in a full-time capacity, by using the calculation set forth in ORS 329.756 for the**
37 **entire period of time the faculty member who teaches has been employed at the community**
38 **college or public university, including any periods of employment that occurred before the**
39 **effective date of this 2022 Act.**

40 **(2) The method used by community colleges and public universities to calculate the full-**
41 **time equivalent work hours engaged in per week by a faculty member who teaches, and to**
42 **determine the periods during which the faculty member who teaches was employed in a**
43 **full-time capacity, that is set forth in ORS 329.756 is ratified and approved for the purpose**
44 **of calculating the full-time equivalent work hours engaged in per week by a faculty member**
45 **who teaches, and determining the periods during which the faculty member who teaches was**

1 **employed in a full-time capacity, prior to the effective date of this 2022 Act.**

2 **SECTION 3.** ORS 350.426 is amended to read:

3 350.426. (1) The Transfer Council is established, consisting of 15 voting members, appointed by
4 the Higher Education Coordinating Commission, and one nonvoting, ex officio member.

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

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

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

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

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

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

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

24 (4)(a) The term of office of each voting member of the council is two years. Before the expiration
25 of the term of a member, the commission shall appoint a successor. A member is eligible for reap-
26 pointment.

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

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

32 (5)(a) The council:

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

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

36 (b) For a subcommittee established under this subsection that will make recommendations to the
37 council on **issues that primarily relate to curriculum, the subject matter of courses or disci-**
38 **plines or methods of instruction** [*a subject that will be submitted by the council to the commission*
39 *under ORS 350.429 (1)(d)(A) to (D)*], the council may appoint any faculty member who is employed
40 by a public university listed in ORS 352.002 or a community college operated under ORS chapter
41 341, provided that the subcommittee consists of equal numbers of faculty from public universities
42 and community colleges.

43 (c) For a subcommittee **other than a subcommittee described in paragraph (b) of this sub-**
44 **section** [*established under this subsection that will not make recommendations to the council on a*
45 *subject that will be submitted by the council to the commission under ORS 350.429 (1)(d)(A) to (D)*],

1 the council may appoint any individual employed by a public university listed in ORS 352.002 or a
2 community college operated under ORS chapter 341, including faculty, registrars, academic advisors
3 and academic administrators. **A subcommittee established under this paragraph may not make**
4 **recommendations to the council on issues that primarily relate to curriculum, the subject**
5 **matter of courses or disciplines or methods of instruction.**

6 (d) Appointment to a subcommittee established under this subsection does not entitle an indi-
7 vidual to vote as a member of the council.

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

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

12 (B) Official action by the council on recommendations to be made to the commission under ORS
13 350.429 (1)(d)(A) to (D) requires the approval of three-fifths of the voting members of the council.

14 (c) Two or more voting members of the council who disagree with recommendations that are
15 submitted to the commission under ORS 350.429 (1)(d)(A) to (D) may jointly submit a minority report
16 to the commission that contains alternate recommendations. A minority report created under this
17 paragraph shall be submitted to the commission with the majority recommendations.

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

20 (b)(A) Except as provided in subparagraph (B) of this paragraph, official action by a subcom-
21 mittee established under subsection (5) of this section requires approval of a majority of the mem-
22 bers of the subcommittee.

23 (B) Official action by a subcommittee on recommendations to be made to the council on a sub-
24 ject that will be submitted by the council to the commission under ORS 350.429 (1)(d)(A) to (D) re-
25 quires the approval of three-fifths of the members of the subcommittee.

26 (c) Two or more members of a subcommittee who disagree with recommendations that are sub-
27 mitted to the council on a subject that will be submitted by the council to the commission under
28 ORS 350.429 (1)(d)(A) to (D) may jointly submit a minority report to the council that contains al-
29 ternate recommendations. A minority report created under this paragraph shall be submitted to the
30 council with the majority recommendations.

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

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

36 **SECTION 4.** Section 9, chapter 575, Oregon Laws 2021, is amended to read:

37 **Sec. 9.** Not later than December 15, [2021] **2022**, the Higher Education Coordinating Commission
38 shall submit a report to the interim committees of the Legislative Assembly related to education
39 describing any additional legislation or funding that is required to develop an electronic system for
40 the dissemination of information regarding foundational curricula established under ORS 350.400 and
41 unified statewide transfer agreements established under ORS 350.404.

42 **SECTION 5.** Section 10, chapter 575, Oregon Laws 2021, is amended to read:

43 **Sec. 10.** Section 9, **chapter 575, Oregon Laws 2021**, [of this 2021 Act] is repealed on December
44 31, [2022] **2023**.

45 **SECTION 6.** **This 2022 Act being necessary for the immediate preservation of the public**

1 **peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect**
2 **on its passage.**

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