

House Bill 2942

Sponsored by Representative ALONSO LEON; Representative HERNANDEZ, Senators DEMBROW, MANNING JR, WAGNER

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**.

Requires Higher Education Coordinating Commission to adopt statewide higher education equity plan and take plan into account in recommending to Governor appropriations for specified programs, facilities and investments and in advising Legislative Assembly, Governor, community colleges, public universities and other state boards and commissions on educational policies. Requires executive director of Higher Education Coordinating Commission to appoint Diversity, Equity and Inclusion Officer.

A BILL FOR AN ACT

1
2 Relating to access to educational opportunities; creating new provisions; and amending ORS 350.065
3 and 350.075.

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

5 **SECTION 1. (1) The Higher Education Coordinating Commission shall adopt a statewide**
6 **higher education equity plan.**

7 **(2) The statewide higher education equity plan must include recommended strategies for**
8 **decreasing the gap in educational attainment experienced by diverse and underserved groups**
9 **in this state compared to the overall population.**

10 **(3) In developing the plan, the commission shall:**

11 **(a) Collaborate with public universities listed in ORS 352.002, community college districts**
12 **and private and independent institutions of higher education, as defined in ORS 350.635; and**

13 **(b) Consult with individuals from diverse and underserved groups and with individuals**
14 **representing such groups.**

15 **(4) The commission shall take into account the statewide higher education equity plan in**
16 **carrying out its duties described in ORS 350.075 (6).**

17 **SECTION 2. ORS 350.065 is amended to read:**

18 350.065. (1) The Higher Education Coordinating Commission shall appoint an executive director
19 to serve at the pleasure of the commission.

20 (2) The appointment of the executive director must be by written order, filed with the Secretary
21 of State.

22 (3) Subject to any applicable provisions of ORS chapter 240, the executive director shall appoint
23 all subordinate officers and employees of the commission, prescribe their duties and fix their com-
24 pensation.

25 **(4) The executive director shall appoint an individual to serve full-time as a Diversity,**
26 **Equity and Inclusion Officer. The role of the Diversity, Equity and Inclusion Officer is to**
27 **oversee and promote the statewide higher education equity plan developed under section 1**
28 **of this 2019 Act.**

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 [(4)] (5) The executive director shall coordinate with the Chief Education Officer as provided
2 by section 2, chapter 519, Oregon Laws 2011.

3 **SECTION 3.** ORS 350.065, as amended by section 60, chapter 774, Oregon Laws 2015, is
4 amended to read:

5 350.065. (1) The Higher Education Coordinating Commission shall appoint an executive director
6 to serve at the pleasure of the commission.

7 (2) The appointment of the executive director must be by written order, filed with the Secretary
8 of State.

9 (3) Subject to any applicable provisions of ORS chapter 240, the executive director shall appoint
10 all subordinate officers and employees of the commission, prescribe their duties and fix their com-
11 pensation.

12 **(4) The executive director shall appoint an individual to serve full-time as a Diversity,**
13 **Equity and Inclusion Officer. The role of the Diversity, Equity and Inclusion Officer is to**
14 **oversee and promote the statewide higher education equity plan developed under section 1**
15 **of this 2019 Act.**

16 **SECTION 4.** ORS 350.075 is amended to read:

17 350.075. (1) As used in this section, “student access programs” means scholarship, loan, grant
18 and access programs described in ORS chapter 348.

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

22 (3) The Higher Education Coordinating Commission shall:

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

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

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

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

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

35 **(B) Decreasing the gap in educational attainment experienced by diverse and underserved**
36 **groups in this state compared to the overall population;**

37 [(B)] (C) Increasing this state’s global economic competitiveness and the quality of life of its
38 residents;

39 [(C)] (D) Ensuring affordable access for qualified Oregon students at each college or public
40 university;

41 [(D)] (E) Removing barriers to on-time completion; and

42 [(E)] (F) Tracking progress toward meeting the state’s post-secondary education goals estab-
43 lished in the strategic plan described in this paragraph.

44 (e)(A) Each biennium, after receiving funding requests from the state’s community colleges and
45 public universities as authorized by law, recommend to the Governor a consolidated higher educa-

1 tion agency request budget aligned with the strategic [*plan*] **plans** described in paragraph (d) of this
 2 subsection **and section 1 of this 2019 Act**, including appropriations for:

3 (i) Student access programs;

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

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

8 (iv) New facilities or programs;

9 (v) Capital improvements and deferred maintenance;

10 (vi) Special initiatives and investments; and

11 (vii) Any other program, duty or function a public university listed in ORS 352.002 is authorized
 12 to undertake.

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

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

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

17 (iii) Solicit public input regarding educational priorities.

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

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

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

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

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

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

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

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

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

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

40 (D) Approve and authorize degrees.

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

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

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

45 (k) Have the authority to enter into and administer interstate agreements regarding the pro-

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

8 (L) Coordinate and collaborate with the Chief Education Office as provided by section 1, chapter
 9 519, Oregon Laws 2011.

10 (4)(a) The Higher Education Coordinating Commission shall implement a process to review and
 11 appropriately act on student complaints regarding any school operating in this state. As part of the
 12 process implemented under this subsection, the commission may:

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

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

15 (C) Investigate and resolve student complaints that relate to state financial aid;

16 (D) Refer a student complaint to another entity for investigation and resolution as provided in
 17 paragraph (b) of this subsection;

18 (E) Adopt rules to implement the provisions of this subsection; and

19 (F) Enter into agreements to implement the provisions of this subsection.

20 (b) The commission may refer the investigation and resolution of a student complaint to:

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

23 (B) A school's accrediting association if the complaint relates to the school's authorization to
 24 offer academic degree programs or to the quality of the school's academic degree programs; or

25 (C) The school at which the student is enrolled if the commission determines that the complaint
 26 should be resolved through the school's internal review process.

27 (c) As used in this subsection:

28 (A)(i) "School" means an independent institution of higher education that meets the require-
 29 ments of ORS 348.597 (2)(a).

30 (ii) "School" does not mean a school that is exempt from ORS 348.594 to 348.615 under ORS
 31 348.597 (2)(b) or (c).

32 (B) "Student" means a person who is enrolled at a school for the purpose of obtaining a degree,
 33 certificate or other recognized educational credential offered by that school.

34 (5) A student complaint that is received by the Higher Education Coordinating Commission, in-
 35 cluding but not limited to a student complaint filed under subsection (4) of this section, is not sub-
 36 ject to disclosure under ORS 192.311 to 192.478.

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

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

41 (b) Encourage student success and completion initiatives.

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

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

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

45 (C) Applied baccalaureate and other transfer degrees;

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

2 (E) Reciprocity agreements with other states.

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

6 (e) In coordination with the State Workforce and Talent Development Board, local workforce
7 development boards, the Oregon Health and Science University and independent institutions, ensure
8 that the state's colleges and universities offer programs in high-demand occupations that meet
9 Oregon's workforce needs.

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

12 (7) The Higher Education Coordinating Commission, in a manner consistent with ORS chapter
13 183, may adopt administrative rules.

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

17 (9) The Higher Education Coordinating Commission may, subject to the Public Contracting Code,
18 enter into contracts and agreements, including grant agreements, with public and private entities
19 for those higher education and workforce development activities that are consistent with ORS
20 350.001 and 350.005, with the policies set forth in ORS chapters 341 and 348 and with statutory
21 policies related to career schools and public universities.

22 (10) The Higher Education Coordinating Commission may exercise only powers, duties and
23 functions expressly granted by the Legislative Assembly. Except as otherwise expressly provided by
24 law, all other authorities reside at the institutional level with the respective boards of the post-
25 secondary institutions.

26 **SECTION 5.** ORS 350.075, as amended by section 61, chapter 774, Oregon Laws 2015, section
27 6, chapter 30, Oregon Laws 2016, section 56, chapter 117, Oregon Laws 2016, section 8, chapter 66,
28 Oregon Laws 2017, section 2, chapter 98, Oregon Laws 2017, section 6, chapter 185, Oregon Laws
29 2017, section 22, chapter 297, Oregon Laws 2017, and section 2b, chapter 440, Oregon Laws 2017, is
30 amended to read:

31 350.075. (1) As used in this section, "student access programs" means scholarship, loan, grant
32 and access programs described in ORS chapter 348.

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

36 (3) The Higher Education Coordinating Commission shall:

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38 leges and public universities listed in ORS 352.002, and for student access programs.

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

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

44 (d) Adopt a strategic plan for achieving state post-secondary education goals, taking into con-
45 sideration the contributions of this state's independent institutions, philanthropic organizations and

1 other organizations dedicated to helping Oregonians reach state goals. State post-secondary educa-
 2 tion goals as described in this section should include, but need not be limited to:

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

4 **(B) Decreasing the gap in educational attainment experienced by diverse and underserved**
 5 **groups in this state compared to the overall population;**

6 ~~[(B)]~~ (C) Increasing this state's global economic competitiveness and the quality of life of its
 7 residents;

8 ~~[(C)]~~ (D) Ensuring affordable access for qualified Oregon students at each college or public
 9 university;

10 ~~[(D)]~~ (E) Removing barriers to on-time completion; and

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 14 public universities as authorized by law, recommend to the Governor a consolidated higher educa-
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 38 commission shall consider the recommendation from the community college or public university
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 40 governing board of a community college or public university to review and approve academic pro-
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7 rollment fees of greater than five percent is appropriate.

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

9 (D) Approve and authorize degrees.

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

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

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

14 (k) Have the authority to enter into and administer interstate agreements regarding the pro-
15 vision of post-secondary distance education. The participation by an educational institution that is
16 not based in this state in distance learning courses or programs that are part of an interstate
17 agreement entered into and administered under this paragraph does not constitute operating in this
18 state for purposes of ORS 348.594 to 348.615. The commission, by rule, may impose a fee on any
19 educational institution that seeks to operate under or participate in such interstate agreements. The
20 fee amount shall be established to recover designated expenses incurred by the commission in par-
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23 appropriately act on student complaints regarding any school operating in this state. As part of the
24 process implemented under this subsection, the commission may:

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29 paragraph (b) of this subsection;

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36 offer academic degree programs or to the quality of the school's academic degree programs; or

37 (C) The school at which the student is enrolled if the commission determines that the complaint
38 should be resolved through the school's internal review process.

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45 certificate or other recognized educational credential offered by that school.

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3 ject to disclosure under ORS 192.311 to 192.478.

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

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

8 (b) Encourage student success and completion initiatives.

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

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

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

12 (C) Applied baccalaureate and other transfer degrees;

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

14 (E) Reciprocity agreements with other states.

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

18 (e) In coordination with the State Workforce and Talent Development Board, local workforce
19 development boards, the Oregon Health and Science University and independent institutions, ensure
20 that the state's colleges and universities offer programs in high-demand occupations that meet
21 Oregon's workforce needs.

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

24 (7) The Higher Education Coordinating Commission, in a manner consistent with ORS chapter
25 183, may adopt administrative rules.

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

29 (9) The Higher Education Coordinating Commission may, subject to the Public Contracting Code,
30 enter into contracts and agreements, including grant agreements, with public and private entities
31 for those higher education and workforce development activities that are consistent with ORS
32 350.001 and 350.005, with the policies set forth in ORS chapters 341 and 348 and with statutory
33 policies related to career schools and public universities.

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

38 **SECTION 6.** ORS 350.075, as amended by section 61, chapter 774, Oregon Laws 2015, section
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40 Oregon Laws 2017, sections 2 and 3, chapter 98, Oregon Laws 2017, section 6, chapter 185, Oregon
41 Laws 2017, section 22, chapter 297, Oregon Laws 2017, and section 2b, chapter 440, Oregon Laws
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4 (a) Develop state goals for the state post-secondary education system, including community col-
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7 student access programs necessary to achieve state post-secondary education goals.

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

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13 other organizations dedicated to helping Oregonians reach state goals. State post-secondary educa-
14 tion goals as described in this section should include, but need not be limited to:

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

16 **(B) Decreasing the gap in educational attainment experienced by diverse and underserved**
17 **groups in this state compared to the overall population;**

18 ~~[(B)]~~ (C) Increasing this state's global economic competitiveness and the quality of life of its
19 residents;

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21 university;

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24 lished in the strategic plan described in this paragraph.

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26 public universities as authorized by law, recommend to the Governor a consolidated higher educa-
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5 commission shall consider the recommendation from the community college or public university
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7 governing board of a community college or public university to review and approve academic pro-
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13 community colleges or public universities; and

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15 achievement of statewide needs and requirements.

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

21 (D) Approve and authorize degrees.

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

34 (4) In addition to the duties described in subsections (2) and (3) of this section, the Higher Ed-
35 ucation Coordinating Commission shall advise the Legislative Assembly, the Governor, community
36 colleges, public universities and other state boards and commissions on policies in order to:

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45 (d) In coordination with the State Board of Education, enhance the use and quality of dual

1 credit, career and technical pathways and efforts to create a culture of college attendance in this
2 state.

3 (e) In coordination with the State Workforce and Talent Development Board, local workforce
4 development boards, the Oregon Health and Science University and independent institutions, ensure
5 that the state's colleges and universities offer programs in high-demand occupations that meet
6 Oregon's workforce needs.

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

9 (5) The Higher Education Coordinating Commission, in a manner consistent with ORS chapter
10 183, may adopt administrative rules.

11 (6) With the exception of the rulemaking authority granted in subsection (5) of this section, the
12 Higher Education Coordinating Commission may delegate any of its powers, duties or functions to
13 a committee of the commission or to the executive director of the commission.

14 (7) The Higher Education Coordinating Commission may, subject to the Public Contracting Code,
15 enter into contracts and agreements, including grant agreements, with public and private entities
16 for those higher education and workforce development activities that are consistent with ORS
17 350.001 and 350.005, with the policies set forth in ORS chapters 341 and 348 and with statutory
18 policies related to career schools and public universities.

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

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