

**A-Engrossed
House Bill 3117**

Ordered by the House April 30
Including House Amendments dated April 30

Sponsored by Representative DEMBROW; Representatives BOONE, CLEM, KOTEK, ROBLAN, J SMITH, Senator ROSENBAUM

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.

[Exempts certain programs from mediation and negotiated resolution requirements for proposed publicly funded post-secondary programs that would have significant adverse impact.]

Requires community college seeking approval from State Board of Education to offer new career pathways certificate of completion program to give notice to Department of Community Colleges and Workforce Development of intent to offer program. Requires private institution that objects to implementation of program to give notice of objection to community college. Creates procedures by which community colleges and private institutions may give notice and meet to discuss program.

A BILL FOR AN ACT

1
2 Relating to post-secondary education programs; creating new provisions; and amending ORS 348.603.

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

4 **SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS 348.594 to**
5 **348.615.**

6 **SECTION 2. (1) As used in this section:**

7 (a) "Career pathways certificate of completion program" means a certification program
8 that:

9 (A) Is offered at a community college;

10 (B) Provides a specified proficiency in specific skills to meet an identified employment
11 need;

12 (C) Is provided in a grouping of 12 to 44 quarter credits, or an equivalent number of
13 credits;

14 (D) Is wholly contained within an associate degree program or a similar certification
15 program of 45 or more quarter credits, or an equivalent number of credits, that was reviewed
16 and approved as provided by ORS 348.603 (2); and

17 (E) Satisfies the requirements for a career pathways certificate of completion program,
18 as prescribed by the Department of Community Colleges and Workforce Development.

19 (b) "Program authority" means:

20 (A) The governing body of a community college; or

21 (B) The designee of the governing body of a community college that has authority related
22 to the offering of a career pathways certificate of completion program at the community
23 college.

24 (2)(a) At least 30 business days prior to a community college seeking final approval from

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 the State Board of Education to offer a new career pathways certificate of completion pro-
2 gram, the program authority shall provide notice of intent to offer the program to the De-
3 partment of Community Colleges and Workforce Development. The notice of intent must be
4 in the form required by the department and may be provided electronically.

5 (b) Upon receiving a notice of intent described in paragraph (a) of this subsection, the
6 department shall immediately provide electronic notice to any private institution that may
7 be affected by the notice of intent.

8 (3) A private institution that objects to the offering of a career pathways certificate of
9 completion program must provide a notice of objection to the program authority within 12
10 business days of receiving the notice of intent under subsection (2) of this section.

11 (4) If a program authority receives a notice of objection as provided by subsection (3) of
12 this section, the program authority must:

13 (a) Within three business days after the last date by which a private institution may
14 provide a notice of objection, offer all private institutions that provided a notice of objection
15 the opportunity to participate in a meeting described in subsection (5) of this section; and

16 (b) Postpone the seeking of final approval from the State Board of Education for the ca-
17 reer pathways certificate of completion program until the requirements of subsection (6) of
18 this section have been satisfied.

19 (5)(a) A community college that provided a notice of intent under subsection (2) of this
20 section and a private institution that provided a notice of objection under subsection (3) of
21 this section shall participate in a meeting for the purpose of avoiding detrimental duplication
22 or a significantly adverse impact by:

23 (A) Identifying opportunities for collaboration in programs;

24 (B) Forming agreements or partnerships for offering programs; or

25 (C) Developing ideas for modifying programs.

26 (b) The program authority or the private institution may invite the Oregon Student As-
27 sistance Commission or any other third party to join a meeting or to act as a mediator of a
28 meeting.

29 (6) A program authority may seek final approval from the State Board of Education for
30 a program following a postponement described in subsection (4) of this section if:

31 (a) An agreement is reached between the program authority and all of the private insti-
32 tutions that participated in the meeting described in subsection (5) of this section; or

33 (b) The program authority and the private institutions that participated in the meeting
34 described in subsection (5) of this section are unable to reach an agreement within 15 busi-
35 ness days.

36 (7) Notwithstanding the timelines prescribed by subsections (3), (4) and (6) of this section,
37 the program authority and the private institutions may mutually agree to adjust the
38 timelines.

39 **SECTION 3.** ORS 348.603 is amended to read:

40 348.603. (1) The Oregon Student Assistance Commission, through the Office of Degree Authori-
41 zation, shall:

42 (a) Authorize approved schools to offer academic degree programs;

43 (b) Authorize approved degree-granting schools to offer nondegree programs leading to a certif-
44 icate or diploma;

45 (c) Validate claims of degree possession;

- 1 (d) Terminate substandard or fraudulent degree activities;
- 2 (e) Terminate activities of diploma mills operating in or from Oregon;
- 3 (f) Except as provided in subsection (4) of this section, terminate the operation in or from
- 4 Oregon of post-secondary accrediting bodies that are not recognized by the United States Depart-
- 5 ment of Education or by the commission; and
- 6 (g) Review proposed new publicly funded post-secondary programs and locations.
- 7 (2)(a) Following review of a proposed new publicly funded post-secondary program or location
- 8 **that is not a career pathways certificate of completion program described in section 2 of this**
- 9 **2009 Act**, the commission shall recommend resolution to the appropriate governing boards and me-
- 10 diate between the boards to seek a negotiated resolution if:
- 11 (A) There is a detrimental duplication of programs; or
- 12 (B) The program or location would have a significantly adverse impact on one or more other
- 13 segments of education.
- 14 (b) If the boards do not resolve the issue raised under paragraph (a) of this subsection within
- 15 90 days of the date when the issue was recommended to the boards for mediation, the commission
- 16 shall have final authority for approval or disapproval of the program or location. If the boards do
- 17 not resolve the issue, the commission shall approve or disapprove the program or location within
- 18 180 days of the date when the review began.
- 19 (c) If the boards do not resolve the issue, the commission shall approve the program or location
- 20 if the commission finds that the program or location meets an unmet workforce need in the state.
- 21 (d) The commission shall establish by rule a fair and neutral decision-making process in con-
- 22 sultation with representatives designated by the State Board of Education, the State Board of
- 23 Higher Education, associations representing Oregon independent colleges, associations representing
- 24 Oregon career colleges, and the governing boards of otherwise unrepresented post-secondary
- 25 schools.
- 26 (3) The commission, by rule, may impose a fee on any school or person requesting information
- 27 from the commission. The amount of the fee shall be established to recover designated expenses in-
- 28 curred by the commission in carrying out the administration of ORS 348.594 to 348.615. Any fees
- 29 collected under this subsection shall be deposited in the Office of Degree Authorization Account
- 30 established under ORS 348.601.
- 31 (4) Subsection (1)(f) of this section does not apply to a body the role of which is to accredit
- 32 schools that offer only associate, bachelor's or master's degrees with titles in theology or religious
- 33 occupations or, if the schools also offer doctoral degrees, offer doctoral degrees only in theology or
- 34 religious occupations that have been approved by a federally recognized accrediting organization.
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