

B-Engrossed
House Bill 3564

Ordered by the Senate May 16
Including House Amendments dated March 31 and Senate Amendments
dated May 16

Sponsored by COMMITTEE ON HIGHER EDUCATION (at the request of Higher Education Coordinating Commission)

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.

Increases number of members of Higher Education Coordinating Commission representing congressional districts from five to six and decreases number of members of commission representing general public from four to three.

Changes state agency required to be notified when mass layoffs occur from Office of Community Colleges and Workforce Development to commission.

Includes federally recognized tribes as eligible organizations for receiving grants under Oregon Conservation Corps Program.

Expands ASPIRE programs to include career pathway options.

Requires ASPIRE programs to work directly with community-based organizations and other entities with experience serving historically underserved communities. Permits programs to award grants or other support to these organizations and entities.

Expands list of schools and entities included in definition of "diploma mill."

Defines "post-secondary accrediting agency" to comply with current federal regulations recommending ending concept of regional accreditation.

Expands tuition waiver for foster children to current or former foster children who are not authorized to fill out federal FAFSA form.

Reauthorizes commission to resolve student complaints and to refer student complaints to other entities for resolution. Exempts student complaints from disclosure under public records law. Makes reauthorization retroactive to student complaints filed on or after July 1, 2021.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to higher education; creating new provisions; amending ORS 285A.516, 285A.519, 348.500,
3 348.594, 348.597, 348.601, 348.603, 348.604, 348.605, 348.608, 350.050, 350.075, 350.300, 476.696 and
4 659A.318; and declaring an emergency.

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

6 **SECTION 1.** ORS 350.050 is amended to read:

7 350.050. (1) There is established a Higher Education Coordinating Commission, consisting of 15
8 voting members appointed by the Governor.

9 (2) The Governor shall appoint:

10 (a) One undergraduate student at a public university listed in ORS 352.002;

11 (b) One graduate student at a public university listed in ORS 352.002;

12 (c) One faculty member at a public university listed in ORS 352.002;

13 (d) One student at a community college in this state;

14 (e) One faculty member at a community college in this state;

15 (f) One nonfaculty member of the staff from either a public university listed in ORS 352.002 or
16 a community college;

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 (g) One member from each of the [*five*] **six** congressional districts in this state; and

2 (h) [*Four*] **Three** members of the general public.

3 (3) The Governor shall elicit recommendations for appointments made under subsection (2)(a) to
4 (f) of this section from official student, faculty and nonfaculty staff organizations at community col-
5 leges and public universities listed in ORS 352.002.

6 (4) The term of office of each member appointed under subsection (2)(g) and (h) of this section
7 is four years and the term of office for each member appointed under subsection (2)(a) to (f) of this
8 section is two years. A member serves at the pleasure of the Governor. Before the expiration of the
9 term of a member, the Governor shall appoint a successor whose term begins on July 1 next fol-
10 lowing. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor
11 shall make an appointment to become immediately effective for the unexpired term.

12 (5) The Governor may at any time, for cause, remove any member of the board that the Gover-
13 nor has appointed, after notice and public hearing, but not more than three members shall be re-
14 moved within a period of four years, unless it is for corrupt conduct in office.

15 (6) The appointment of members of the commission is subject to confirmation by the Senate in
16 the manner prescribed in ORS 171.562 and 171.565.

17 (7) A member of the commission is entitled to compensation and expenses as provided in ORS
18 292.495.

19 **SECTION 2. The amendments to ORS 350.050 by section 1 of this 2023 Act:**

20 (1) **Apply to appointments of members representing congressional districts in this state**
21 **and the general public that are made on or after the effective date of this 2023 Act; and**

22 (2) **Do not require the removal of a member of the general public appointed under ORS**
23 **350.050 (2)(h) before the member's term of office is complete.**

24 **SECTION 3.** ORS 285A.516 is amended to read:

25 285A.516. The [*Office of Community Colleges and Workforce Development*] **Higher Education**
26 **Coordinating Commission** is the state agency that shall be notified when an employer is required
27 to provide written notice of a plant closing or mass layoff under section 3 of the Worker Adjustment
28 and Retraining Notification Act (P.L. 100-379).

29 **SECTION 4.** ORS 285A.519 is amended to read:

30 285A.519. (1) The [*Office of Community Colleges and Workforce Development*] **Higher Education**
31 **Coordinating Commission** shall notify employers subject to the Worker Adjustment and Retraining
32 Notification Act (P.L. 100-379) that the [*Office of Community Colleges and Workforce Development*]
33 **commission** is the state agency that must be notified when the employers are required to provide
34 notice of a plant closing or mass layoff under the Worker Adjustment and Retraining Notification
35 Act (P.L. 100-379).

36 (2) When notifying employers as provided in subsection (1) of this section, the [*office*] **commis-**
37 **sion** shall provide employers with a statement of the programs, projects, expenditures and other
38 forms of assistance the [*office*] **commission** and other state agencies can provide to communities,
39 employers and workers affected by a plant closing or mass layoff.

40 **SECTION 5.** ORS 476.696 is amended to read:

41 476.696. (1) As used in this section[,]:

42 (a) "Eligible organization" includes Oregon-based nonprofit youth development organizations,
43 **tribes** and public entities that provide programs of job training, skill development and forest-related
44 or rangeland-related career path training.

45 (b) "Tribe" means a federally recognized Indian tribe in Oregon.

1 (2) The Oregon Conservation Corps Advisory Committee is established within the Higher Edu-
2 cation Coordinating Commission for the purpose of managing the Oregon Conservation Corps Pro-
3 gram.

4 (3) The Governor shall determine the number of members on the committee and appoint the
5 members.

6 (4) The committee shall, in collaboration with a qualified nonprofit foundation, actively seek and
7 source private donations to support the Oregon Conservation Corps Program.

8 (5) The committee may direct the expenditure of moneys from the Oregon Conservation Corps
9 Fund for a promotional website and materials to solicit private funds.

10 (6) Members may not receive compensation for service on the committee, but, subject to any
11 applicable laws regulating travel and other expenses of state officers and employees, may be reim-
12 bursed for actual and necessary travel and other expenses incurred in the performance of committee
13 duties with moneys available to the commission for the purpose of reimbursing the members.

14 (7) The committee shall administer a grant process that:

15 (a) Provides funding to support the work conducted by the Oregon Conservation Corps Program.

16 (b) Defines and uses an equity lens in awarding grants by identifying and supporting populations
17 with greater vulnerability including communities of color, indigenous communities, communities with
18 members who have limited proficiency in English and communities with lower-income members.

19 (c) Awards grants to eligible organizations.

20 (d) Ensures that grant awards support activities described in ORS 476.694 (1) and subsection (8)
21 of this section.

22 (e) Establishes guidelines for prioritizing grant-supported projects to reduce community fire
23 risks, promote youth and young adult workforce development and educational experiences and re-
24 duce hazardous fuels.

25 (8) The committee shall consult with the State Forestry Department to ensure that the grant
26 process awards funds to proposals that:

27 (a) Protect at-risk communities and infrastructure within the wildland-urban interface, as de-
28 scribed in ORS 477.503.

29 (b) Meet standards for fuel treatment established by the department.

30 (9) The committee shall biennially submit a report, on the timeline described in ORS 293.640, to
31 an appropriate committee or interim committee of the Legislative Assembly, as described in ORS
32 192.245, and to the State Wildfire Programs Director and Wildfire Programs Advisory Council, re-
33 garding the expenditure of moneys deposited in the Oregon Conservation Corps Fund.

34 **SECTION 6.** ORS 348.500 is amended to read:

35 348.500. (1) The Higher Education Coordinating Commission may establish Access to Student
36 Assistance Programs in Reach of Everyone (ASPIRE) to provide information about financial aid,
37 [and] education, [and] training **and career pathway** options beyond high school to students in
38 Oregon schools and colleges. The goals of the programs are to:

39 (a) Provide mentoring and resources to help students access education and training beyond high
40 school;

41 (b) Help Oregon schools build a sustainable community of volunteer mentors; [and]

42 (c) Educate students and families about the scholarship application process and other options
43 for paying for post-secondary education[.]; **and**

44 **(d) Encourage the completion of a college or career pathway.**

45 (2) The programs shall bring together students, school staff, community volunteers and parents

1 to help students overcome obstacles to their continuing education. The programs may provide
2 training, technical assistance and other resources to Oregon middle schools, high schools and col-
3 leges on how to establish a volunteer-based program. Adult volunteers who are trained through the
4 program may provide mentoring, training and encouragement to students about post-secondary
5 options and financial aid.

6 (3) Each year, the programs shall provide financial aid instruction to middle school, high school
7 and college students and make the instruction available to the students' families. The instruction
8 should focus on areas of academic interest or career opportunities identified as particularly relevant
9 to the students and provide information on apprenticeships or technical and occupational career
10 pathways, with a focus on local apprenticeships or local technical and occupational career path-
11 ways.

12 (4) The financial aid instruction required under subsection (3) of this section must outline:

13 (a) The different types of student loans that are available to students attending post-secondary
14 institutions of education;

15 (b) The potential use of individual development accounts established under ORS 458.675 to
16 458.700 to pay for post-secondary education; and

17 (c) The short-term and long-term economic impacts of each type of student loan or individual
18 development account.

19 **(5)(a) The programs shall work directly with community-based organizations and other**
20 **entities with experience serving historically underserved communities in order to provide**
21 **these communities with information and resources designed to encourage college and career**
22 **readiness and to increase the participation of students from these communities in college**
23 **and career training.**

24 **(b) The programs may provide grants or other support to organizations and entities de-**
25 **scribed in paragraph (a) of this subsection for the purpose of delivering culturally competent,**
26 **multilingual programming and training opportunities.**

27 **SECTION 7.** ORS 348.594 is amended to read:

28 348.594. As used in ORS 348.594 to 348.615:

29 (1)(a) "Diploma mill" means:

30 (A) A school against which a court or public body, as defined in ORS 174.109, has issued a ruling
31 or finding, after due process procedures, that the school has engaged in dishonest, fraudulent or
32 deceptive practices related to the award of degrees, academic standards or student learning re-
33 quirements; *[or]*

34 (B) An entity without legal authority as a school to issue degrees valid as credentials in the
35 jurisdiction that authorizes issuance of degrees[.]; **or**

36 **(C) A school or entity that:**

37 **(i) Offers fee-based degrees, diplomas or certificates that may be used to represent to the**
38 **general public that the individual possessing the degree, diploma or certificate has completed**
39 **a program of post-secondary education or training;**

40 **(ii) Requires an individual to complete little or no education or coursework to obtain the**
41 **degree, diploma or certificate; and**

42 **(iii) Has not been accredited by a post-secondary accrediting agency.**

43 (b) "Diploma mill" does not include:

44 (A) A school operating legally under ORS 348.604; or

45 (B) A school that is actively seeking and able to show evidence of reasonable progress toward

1 [regional] **institutional** accreditation with [one of the regional] a post-secondary accrediting **agency**
2 [bodies recognized by the United States Department of Education].

3 **(2) “Post-secondary accrediting agency” means a legal entity, or part of a legal entity,**
4 **that:**

5 **(a) Conducts accrediting activities through voluntary peer review;**

6 **(b) Makes decisions concerning the accreditation or pre-accreditation status of insti-**
7 **tutions and programs; and**

8 **(c) Is recognized by the United States Department of Education as an entity that con-**
9 **ducts the activities and makes the decisions described in this subsection.**

10 [(2)(a)] **(3)(a) “School”** means a person, organization, school or institution of learning that con-
11 fers or offers to confer an academic degree upon a person or to provide academic credit applicable
12 to a degree.

13 (b) “School” does not include:

14 (A) An Oregon community college;

15 (B) A public university listed in ORS 352.002; or

16 (C) The Oregon Health and Science University.

17 **SECTION 8.** ORS 348.597 is amended to read:

18 348.597. (1) Except as provided in subsection (2) of this section, ORS 348.594 to 348.615 apply to
19 all schools that operate in this state.

20 (2) ORS 348.594 to 348.615 do not apply to:

21 (a) A school, or a separately accredited campus of a school, if the school:

22 (A) Is a nonprofit school that is exempt from federal income tax under section 501(c)(3) of the
23 Internal Revenue Code;

24 (B) **Prior to July 14, 2005**, conferred degrees in this state under the same control for at least
25 10 consecutive years; and

26 (C) **Has received institutional accreditation from a post-secondary accrediting agency as**
27 **defined in ORS 348.594** [*Is accredited by a regional accrediting association or its national*
28 *successor*];

29 (b) A school that, on July 14, 2005, was a school that met the criteria and followed procedures
30 to obtain [*a religious*] **an** exemption adopted by rule by the Oregon Student Access Commission [*and*
31 *that offered only degrees with approved titles in theology or religious occupations*]; or

32 (c) A school that **received a religious exemption** [*is exempt from ORS 348.594 to 348.615*] under
33 ORS 348.604.

34 (3) The Higher Education Coordinating Commission shall issue a separate license to issue de-
35 grees to each school that meets the requirements for exemption from evaluation by the commission
36 set forth in subsection (2)(a) of this section. The license shall remain in effect if the school continues
37 to meet the requirements of subsection (2)(a) of this section.

38 **SECTION 9.** ORS 348.601 is amended to read:

39 348.601. The Degree Authorization Account is established separate and distinct from the General
40 Fund. All moneys received by the Higher Education Coordinating Commission under ORS 348.603,
41 348.606 and 348.609 shall be deposited into the account and are continuously appropriated to the
42 [*Higher Education Coordinating*] commission to carry out the duties, functions and powers of the
43 commission under ORS 348.594 to 348.615.

44 **SECTION 10.** ORS 348.603 is amended to read:

45 348.603. (1) The Higher Education Coordinating Commission shall:

- 1 (a) Authorize approved schools to offer academic degree programs;
- 2 (b) Authorize approved degree-granting schools to offer nondegree programs leading to a certifi-
- 3 cate or diploma;
- 4 (c) Validate claims of degree possession;
- 5 (d) Terminate substandard or fraudulent degree activities;
- 6 (e) Terminate activities, **including the enrollment of Oregon students**, of diploma mills op-
- 7 erating in or from Oregon;
- 8 (f) Except as provided in subsection (3) of this section, terminate the operation in or from
- 9 Oregon of post-secondary accrediting [*bodies*] **organizations that do not qualify as post-secondary**
- 10 **accrediting agencies** [*are not recognized by the United States Department of Education or by the*
- 11 *commission*]; and
- 12 (g) Review proposed new publicly funded post-secondary programs and locations.
- 13 (2) The commission, by rule, may impose a fee on any school or person requesting information
- 14 from the commission. The amount of the fee shall be established to recover designated expenses in-
- 15 curred by the commission in carrying out the administration of ORS 348.594 to 348.615. Any fees
- 16 collected under this subsection shall be deposited in the Degree Authorization Account established
- 17 under ORS 348.601.
- 18 (3) Subsection (1)(f) of this section does not apply to [*a body*] **an organization** the role of which
- 19 is to accredit schools that offer only associate, bachelor's or master's degrees [*with titles*] **leading**
- 20 **to occupations** in theology or religious occupations or, if the schools also offer doctoral degrees,
- 21 offer doctoral degrees only in theology or religious occupations that have been approved by a
- 22 [*federally recognized accrediting organization*] **post-secondary accrediting agency**.
- 23 **SECTION 11.** ORS 348.604 is amended to read:
- 24 348.604. Upon application from a school, as defined in ORS 348.594, the Higher Education Co-
- 25 ordinating Commission shall grant an exemption from ORS 348.594 to 348.615 to the school if the
- 26 school:
- 27 (1) Is, or is operated by, a nonprofit corporation;
- 28 (2) Offers only associate, bachelor's or master's degrees [*with titles*] **leading to occupations** in
- 29 theology or religious occupations, or, if the school also offers doctoral degrees, offers doctoral de-
- 30 grees in theology or religious occupations that have been approved by a [*federally recognized ac-*
- 31 *crediting organization*] **post-secondary accrediting agency as defined in ORS 348.594**;
- 32 (3) Teaches students with faculty members who:
- 33 (a) Hold degrees:
- 34 (A) From a school that, at the time of the conferral of the degrees, was accredited by a **post-**
- 35 **secondary accrediting agency as defined in ORS 348.594** [*federally recognized accrediting organ-*
- 36 *ization*], held an exemption under this section, or was a school that, on July 14, 2005, met the
- 37 criteria and followed procedures to obtain a religious exemption adopted by rule by the Oregon
- 38 Student Access Commission and that offered only degrees [*with approved titles*] **leading to occupa-**
- 39 **tions** in theology or religious occupations;
- 40 (B) That are at least one level above the degree level of the program in which the faculty
- 41 members teach or that are the terminal degrees in the field in which the faculty members teach; and
- 42 (C) That are not honorary degrees; or
- 43 (b) Possess sufficient compensatory qualifications to substitute for academic degrees in the fields
- 44 in which the faculty members teach;
- 45 (4) Offers a curriculum:

1 (a) Of a duration and level that is comparable to the curriculums offered by schools that are
2 not exempt under this section; and

3 (b) That, with higher degrees, increases the difficulty of the work expected of students;

4 (5) Requires students to complete academic assignments and to demonstrate learning appropriate
5 to the curriculum;

6 (6) Awards credit toward degrees proportionate to the work done by students;

7 (7) Offers admission:

8 (a) To a student:

9 (A) With a high school diploma or an equivalent credential; or

10 (B) Who completed the equivalent of a high school education through home study; and

11 (b) Based on evidence that the student can reasonably expect to complete a degree and benefit
12 from the education offered;

13 (8) Provides or arranges for faculty members and students to have access to information that
14 supports instruction and stimulates research or independent study in all areas of the curriculum;

15 (9) Provides accurate and appropriate credit transcripts to students of the school and accurate
16 and appropriate diplomas to graduates of the school;

17 (10) Charges tuition by the credit hour or other fixed rate for instruction during an academic
18 term and does not charge tuition or fees for the award of a degree or charge a single fee for an
19 entire degree program;

20 (11) Provides the oversight required by the Higher Education Coordinating Commission over a
21 faculty member or administrator who has:

22 (a) Been convicted of a felony; or

23 (b) Violated a state or federal law related to the operation of a school;

24 (12) Provides facilities that permit private communication between faculty members and stu-
25 dents;

26 (13) Provides a number of faculty members that is adequate for the number of students enrolled;

27 (14) Provides clear and accurate information to students about the school's expectations of stu-
28 dents in the school's courses;

29 (15) Ensures that a student who is pursuing a degree is making continuous progress toward the
30 degree;

31 (16) Before a student enrolls in the school, informs the student that a school to which the stu-
32 dent might transfer retains the discretion whether to accept the transfer of credits earned at the
33 school;

34 (17) Provides official transcripts of faculty members to the **Higher Education Coordinating**
35 Commission; and

36 (18) Pays the fee imposed by ORS 348.607.

37 **SECTION 12.** ORS 348.605 is amended to read:

38 348.605. (1) A school that obtains an exemption under ORS 348.604 or that, on July 14, 2005,
39 met the criteria and followed procedures to obtain a religious exemption adopted by rule by the
40 Oregon Student Access Commission and that offered only degrees [*with approved titles*] **leading to**
41 **occupations** in theology or religious occupations may not:

42 (a) Award more than 25 percent of the credit toward a degree for noninstructional activities,
43 such as challenge examinations and professional or life experiences;

44 (b) Represent that the school is:

45 (A) Approved by the State of Oregon; or

1 (B) Accredited by an organization unless the organization **qualifies as a post-secondary ac-**
2 **crediting agency as defined in ORS 348.594** [*is recognized as an accreditor by the United States*
3 *Department of Education*]; or

4 (c) Pay a faculty member a commission or otherwise base a faculty member's compensation on
5 the faculty member's recruitment of students to the school.

6 (2) A school that obtains an exemption under ORS 348.604 or that, on July 14, 2005, met the
7 criteria and followed procedures to obtain a religious exemption adopted by rule by the Oregon
8 Student Access Commission and that offered only degrees [*with approved titles*] **leading to occupa-**
9 **tions** in theology or religious occupations shall:

10 (a) Preserve official transcripts for all faculty members and students;

11 (b) Notify the Higher Education Coordinating Commission if a faculty member or administrator
12 at the school has:

13 (A) Been convicted of a felony; or

14 (B) Violated a state or federal law related to the operation of a school;

15 (c) Place in any course catalog that is available to students or to the public a notice that states:
16 "(Name of school) has been granted exempt status by the State of Oregon to offer theological and/or
17 religious occupations degrees.";

18 (d) If the school closes, return to students tuition payments for the current term on a prorated
19 basis;

20 (e) If the school provides placement services to a student, describe the placement services
21 clearly and accurately to the student and avoid giving unrealistic expectations of placement to the
22 student; and

23 (f) If an administrator claims to possess an academic degree:

24 (A) Ensure that the administrator possesses the academic degree that the administrator claims
25 to possess; and

26 (B) Require that the degree is from a school that, at the time of the conferral of the degree,
27 was accredited by a [*federally recognized accrediting organization*] **post-secondary accrediting**
28 **agency as defined in ORS 348.594**, held an exemption under this section, or was a school that, on
29 July 14, 2005, met the criteria and followed procedures to obtain a religious exemption adopted by
30 rule by the Oregon Student Access Commission and offered only degrees [*with approved titles*]
31 **leading to occupations** in theology or religious occupations.

32 **SECTION 13.** ORS 348.608 is amended to read:

33 348.608. (1) Each year, on a date prescribed by the Higher Education Coordinating Commission,
34 a school that obtains an exemption under ORS 348.604 or a school that, on July 14, 2005, met the
35 criteria and followed procedures to obtain a religious exemption adopted by rule by the Oregon
36 Student Access Commission and that offered only degrees [*with approved titles*] **leading to occupa-**
37 **tions** in theology or religious occupations, shall submit to the Higher Education Coordinating
38 Commission a statement that reads: "(Name of School) hereby certifies that the school remains in
39 compliance with all conditions for a religious exemption from ORS 348.594 to 348.615."

40 (2) A school that obtains an exemption under ORS 348.604 or a school that, on July 14, 2005,
41 met the criteria and followed procedures to obtain a religious exemption adopted by rule by the
42 Oregon Student Access Commission and that offered only degrees [*with approved titles*] **leading to**
43 **occupations** in theology or religious occupations remains exempt unless the Higher Education Co-
44 ordinating Commission suspends or revokes the exemption.

45 (3) The Higher Education Coordinating Commission may suspend or revoke an exemption if:

1 (a) After the notice and opportunity to cure provided in subsection (4) of this section, a school
2 fails to provide the statement required by subsection (1) of this section;

3 (b) The commission has received a complaint from a student or former student of the school that
4 the school is failing to comply with a condition for exemption under ORS 348.604, the commission
5 determines that the complaint is valid, the school has been provided with notice and opportunity to
6 cure as required by subsection (4) of this section and the school fails to comply with the condition
7 listed in the notice; or

8 (c) After the notice and opportunity to cure provided in subsection (4) of this section, a school
9 is in violation of ORS 348.605.

10 (4) The Higher Education Coordinating Commission shall provide notice of and 90 days to cure
11 a school's:

12 (a) Failure to provide the statement required by subsection (1) of this section;

13 (b) Failure to maintain compliance with a condition for exemption under ORS 348.604 if the
14 commission has received a complaint from a student or former student of the school that the school
15 is failing to comply with a condition for exemption under ORS 348.604 and the commission has de-
16 termined the complaint is valid; or

17 (c) Violation of ORS 348.605.

18 (5) A school may appeal the denial, suspension or revocation of an exemption to the Higher
19 Education Coordinating Commission.

20 (6) A school may appeal the Higher Education Coordinating Commission's decision that a faculty
21 member does not possess sufficient compensatory qualifications to substitute for an academic degree
22 in the field in which the faculty member teaches.

23 (7) The Higher Education Coordinating Commission shall conduct an appeal under this section
24 as a contested case under ORS chapter 183.

25 (8)(a) If a school appeals the denial, suspension or revocation of an exemption and the Higher
26 Education Coordinating Commission upholds the denial, suspension or revocation, the commission
27 shall provide the school 90 days to cure the grounds for the denial, suspension or revocation. If the
28 school does not cure the grounds for the denial, suspension or revocation within 90 days after the
29 commission upholds the denial, suspension or revocation, then the denial, suspension or revocation
30 becomes effective 90 days after the issuance of the decision on the appeal by the commission.

31 (b) If a school does not appeal the denial, suspension or revocation of an exemption to the
32 commission and the school does not cure the grounds for the denial, suspension or revocation within
33 the period of time to appeal the decision to the commission, then the denial, suspension or revoca-
34 tion becomes effective upon the expiration of the period of time to appeal.

35 **SECTION 14.** ORS 659A.318 is amended to read:

36 659A.318. (1) If an employer requires an applicant or employee to have an academic degree from
37 a post-secondary institution to qualify for a position, but does not require a degree with a specific
38 title, it is an unlawful employment practice for the employer to refuse to hire or promote or in any
39 manner discriminate or retaliate against the applicant or employee only because the applicant or
40 employee meets the educational requirements for the position by having a degree [*with a title*]
41 **leading to occupations** in theology or religious occupations from a school that, when the degree
42 was issued, was a school:

43 (a) That, on July 14, 2005, met the criteria and followed procedures to obtain a religious ex-
44 emption adopted by rule by the Oregon Student Access Commission and that offered only degrees
45 [*with approved titles*] **leading to occupations** in theology or religious occupations; or

1 (b) Exempt from ORS 348.594 to 348.615 under ORS 348.604.

2 (2) If an employer other than a public body, as defined in ORS 192.311, offers employees benefits
3 of tuition reimbursement, educational debt reduction, educational incentive or educational contri-
4 bution or gift match for educational services provided by a post-secondary institution and the em-
5 ployer does not restrict the program to specific institutions or degrees with specific titles, it is an
6 unlawful employment practice for the employer to refuse to offer the benefit to or in any manner
7 discriminate or retaliate against an employee because the employee attends or seeks to attend a
8 school that is:

9 (a) A school that, on July 14, 2005, met the criteria and followed procedures to obtain a religious
10 exemption adopted by rule by the Oregon Student Access Commission and that offered only degrees
11 [*with approved titles*] **leading to occupations** in theology or religious occupations; or

12 (b) Exempt from ORS 348.594 to 348.615 under ORS 348.604.

13 **SECTION 15.** ORS 350.300, as amended by section 2, chapter 42, Oregon Laws 2022, is amended
14 to read:

15 350.300. (1) Notwithstanding ORS 341.290, 352.105 or 353.050, a student who is a current foster
16 child or former foster child or a current homeless youth or former homeless youth, under 25 years
17 of age and enrolled in courses totaling one or more credit hours at an institution of higher education
18 as an undergraduate student shall have the amount of tuition and all fees levied against the student
19 waived if attending an institution of higher education for purposes of pursuing an initial under-
20 graduate degree.

21 (2) A student is entitled to waiver of tuition and all fees under subsection (1) of this section until
22 the student has received the equivalent of four years of undergraduate education.

23 (3) As a condition of receiving a tuition waiver for an academic year, **if the student is eligible**
24 **to file** the [*student must complete and submit the*] Free Application for Federal Student Aid (FAFSA)
25 [*for that academic year*], **the student must complete and submit the application for that aca-**
26 **ademic year.**

27 (4) A waiver of tuition and all fees under subsection (1) of this section may be reduced by the
28 amount of any federal aid scholarships or grants, an award from the Oregon Opportunity Grant
29 program established under ORS 348.205 and any other aid received from the institution of higher
30 education. For the purposes of this subsection, “federal aid scholarships or grants” does not include
31 Chafee Educational and Training Voucher Program grants under 42 U.S.C. 677.

32 (5) As used in this section:

33 (a) “Former foster child” means an individual who, for a total of six or more months while be-
34 tween 14 and 21 years of age, was:

35 (A) A ward of the court pursuant to ORS 419B.100 (1)(b) to (e), in the legal custody of the De-
36 partment of Human Services for out-of-home placement and not dismissed from care before reaching
37 16 years of age; or

38 (B) An Indian child subject to ORS 419B.600 to 419B.654, under the jurisdiction of a tribal court
39 for out-of-home placement and not dismissed from care before reaching 16 years of age.

40 (b) “Homeless youth” means a person who:

41 (A) Experienced homelessness for a total of six or more months while between 14 and 24 years
42 of age;

43 (B) While experiencing homelessness as described in subparagraph (A) of this paragraph, re-
44 ceived services from an organization contracted by the Department of Human Services to provide
45 services to homeless persons or from a host home, as defined by the department by rule; and

1 (C) Was at least 16 years of age when the person last received the services described in sub-
2 paragraph (B) of this paragraph.

3 (c) “Institution of higher education” means:

4 (A) A public university listed in ORS 352.002;

5 (B) A community college operated under ORS chapter 341; or

6 (C) The Oregon Health and Science University.

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

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

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

13 (3) The Higher Education Coordinating Commission shall:

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

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

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

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

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

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

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

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

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

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

36 (i) Student access programs;

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

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

41 (iv) New facilities or programs;

42 (v) Capital improvements and deferred maintenance;

43 (vi) Special initiatives and investments; and

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

- 1 (B) In the development of the consolidated higher education agency request budget:
- 2 (i) Determine the costs necessary to provide quality post-secondary education;
- 3 (ii) Solicit input from educators, education policy experts, appropriate legislative committees,
- 4 students and other persons interested in the development of the funding model; and
- 5 (iii) Solicit public input regarding educational priorities.
- 6 (f) Adopt rules governing the distribution of appropriations from the Legislative Assembly to
- 7 community colleges, public universities listed in ORS 352.002 and student access programs. These
- 8 rules must be based on allocation formulas developed in consultation with the state's community
- 9 colleges and public universities, as appropriate.
- 10 (g) Approve or disapprove any significant change to the academic program of a community col-
- 11 lege or a public university listed in ORS 352.002. In reaching a decision under this paragraph, the
- 12 commission shall consider the recommendation from the community college or public university
- 13 seeking to make the change to an academic program that is issued pursuant to the obligation of the
- 14 governing board of a community college or public university to review and approve academic pro-
- 15 grams. The commission shall ensure that approved programs:
- 16 (A) Are consistent with the mission statement of the community college or public university;
- 17 (B) Do not unnecessarily duplicate academic programs offered by Oregon's other community
- 18 colleges or public universities;
- 19 (C) Are not located in a geographic area that will cause undue hardship to Oregon's other
- 20 community colleges or public universities; and
- 21 (D) Are allocated among Oregon's community colleges and public universities to maximize the
- 22 achievement of statewide needs and requirements.
- 23 (h) For public universities listed in ORS 352.002:
- 24 (A) Approve the mission statement adopted by a governing board of a public university.
- 25 (B) Review and determine whether a proposed annual increase of resident undergraduate en-
- 26 rollment fees of greater than five percent is appropriate.
- 27 (C) Advise the Governor and the Legislative Assembly on issues of university governance.
- 28 (D) Approve and authorize degrees.
- 29 (E) Perform the evaluation and certification required by ORS 350.095.
- 30 (i) Authorize degrees to be offered by independent post-secondary institutions in this state under
- 31 ORS 348.594 to 348.615.
- 32 (j) Oversee the licensing of career schools under ORS 345.010 to 345.450.
- 33 (k) Have the authority to enter into and administer interstate agreements regarding the pro-
- 34 vision of post-secondary distance education. The participation by an educational institution that is
- 35 not based in this state in distance learning courses or programs that are part of an interstate
- 36 agreement entered into and administered under this paragraph does not constitute operating in this
- 37 state for purposes of ORS 348.594 to 348.615. The commission, by rule, may impose a fee on any
- 38 educational institution that seeks to operate under or participate in such interstate agreements. The
- 39 fee amount shall be established to recover designated expenses incurred by the commission in par-
- 40 ticipating in such agreements.
- 41 (L) Administer a statewide longitudinal data system.
- 42 (m) In coordination with the Department of Education, the Employment Department and other
- 43 state agencies, conduct statewide longitudinal studies and reporting of early learning, kindergarten
- 44 through grade 12 education, higher education and workforce programs. For the purposes of this
- 45 paragraph:

1 (A) The commission shall enter into written interagency agreements with the Department of
2 Education, the Employment Department and any other state agencies necessary for conducting
3 statewide longitudinal studies and reporting.

4 (B) The commission may share data from the statewide longitudinal data system with persons
5 or public bodies. For purposes of this subparagraph, the commission shall adopt rules to establish
6 procedures for requesting or sharing data and may enter into written agreements for sharing data.

7 (C) The commission is considered an authorized representative of state educational agencies
8 under applicable state and federal law for purposes of accessing, compiling and storing student data
9 for research, audit and evaluation purposes.

10 **(4)(a) The Higher Education Coordinating Commission shall implement a process to re-**
11 **view and appropriately act on student complaints regarding any school operating in this**
12 **state. As part of the 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 pro-**
17 **vided in 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**
22 **law concerning consumer protection, civil rights, employment rights or environmental qual-**
23 **ity;**

24 **(B) A school's accrediting association if the complaint relates to the school's authori-**
25 **zation to offer academic degree programs or to the quality of the school's academic degree**
26 **programs; or**

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

29 **(c) As used in this subsection:**

30 **(A)(i) "School" means an independent institution of higher education that meets the re-**
31 **quirements of ORS 348.597 (2)(a).**

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

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

36 **(5) A student complaint that is received by the Higher Education Coordinating Commis-**
37 **sion, including but not limited to a student complaint filed under subsection (4) of this sec-**
38 **tion, is not subject to disclosure under ORS 192.311 to 192.478.**

39 **[(4)] (6) In addition to the duties described in subsections (2) [and (3)] to (4) of this section, the**
40 **Higher Education Coordinating Commission shall advise the Legislative Assembly, the Governor,**
41 **community colleges, public universities and other state boards and commissions on policies in order**
42 **to:**

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

44 **(b) Encourage student success and completion initiatives.**

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

- 1 (A) Transfers and coenrollment throughout the higher education system;
- 2 (B) Accelerated college credit programs for high school students;
- 3 (C) Applied baccalaureate and other transfer degrees;
- 4 (D) Programs and grants that span multiple institutions; and
- 5 (E) Reciprocity agreements with other states.

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

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

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

15 [(5)] (7) The Higher Education Coordinating Commission, in a manner consistent with ORS
16 chapter 183, may adopt administrative rules.

17 [(6)] (8) With the exception of the rulemaking authority granted in subsection [(5)] (7) of this
18 section, the Higher Education Coordinating Commission may delegate any of its powers, duties or
19 functions to a committee of the commission or to the executive director of the commission.

20 [(7)] (9) The Higher Education Coordinating Commission may, subject to the Public Contracting
21 Code, enter into contracts and agreements, including grant agreements, with public and private en-
22 tities for those higher education and workforce development activities that are consistent with ORS
23 350.001 and 350.005, with the policies set forth in ORS chapters 341 and 348 and with statutory
24 policies related to career schools and public universities.

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

29 (b) The commission has implied and direct authority to implement the powers, duties and func-
30 tions expressly granted to the commission by the Legislative Assembly.

31 (c) Notwithstanding paragraph (b) of this subsection, the commission may not exercise any au-
32 thority, express or implied, statutorily provided to a governing board of a public university listed in
33 ORS 352.002 or a community college operated under ORS chapter 341.

34 **SECTION 17. The amendments to ORS 350.075 by section 16 of this 2023 Act apply to any**
35 **student complaint that was filed with the Higher Education Coordinating Commission on or**
36 **after July 1, 2021.**

37 **SECTION 18. This 2023 Act being necessary for the immediate preservation of the public**
38 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**
39 **on its passage.**

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