

# Chapter 350

2017 EDITION

## Statewide Coordination of Higher Education

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**POLICY ON HIGHER EDUCATION**

**350.001 Legislative findings.** The Legislative Assembly finds that:

(1) For its survival and political well-being, Oregon needs wise and effective leadership and an informed citizenry.

(2) For its survival and economic well-being, Oregon needs able and imaginative men and women for the direction and operation of all its institutions, for the production of goods and services and for the management of its fiscal affairs. Oregon also needs alert and informed consumers.

(3) For its cultural advancement, Oregon needs creative talent as well as appreciative and discriminating readers, viewers and listeners. Oregon also needs people who understand the diverse patterns of behavior, communication and belief that make up the common cultures of the various communities in which we all must function.

(4) For its survival, Oregon needs citizens who understand the interdependence of human beings and our shared dependence on the resources provided by our natural environment.

(5) Oregon needs people who, in the roles of parents and teachers and in other capacities, are able to transmit the state's and the nation's ideals and heritage to future generations.

(6) For their personal well-being, individual Oregonians need to cultivate an advanced literacy essential to leading productive and rewarding lives. This includes the capacity to think logically and critically; to internalize and exemplify humane values; to write, speak and figure clearly and accurately; to understand, in some depth, a variety of psychological, historical, cultural, aesthetic and scientific concepts and theories; and to master a range of occupational, professional, avocational, social and personal skills. [Formerly 351.001]

**350.005 Additional findings.** In addition to making the findings under ORS 350.001, the Legislative Assembly finds that:

(1) Oregonians need access to educational opportunities beyond high school and throughout life.

(2) To meet the societal and individual needs described under ORS 350.001, Oregonians have created and should sustain diverse institutions of higher education, both independent and state-assisted.

(3) These institutions have developed the intellectual capacity of Oregonians and have prepared thousands of them for productive and fulfilling careers.

(4) These institutions should provide educational access to all segments of Oregon's diverse population.

(5) These institutions provide research that generates knowledge value essential for Oregon's economic growth.

(6) These institutions engage the professional expertise of their faculties to solve social problems.

(7) These institutions provide important cultural activities and services that add to Oregon's quality of life. [Formerly 351.003]

**350.009 Fundamental goals of public higher education.** The Legislative Assembly finds that public higher education is necessary to accomplish the findings in ORS 350.001 and recognizes the following as fundamental goals of public higher education in this state:

(1) Creating an educated citizenry to support responsible roles in a democratic society and provide a globally competitive workforce to drive this state's economy, while ensuring access for all qualified Oregonians to a high-quality post-secondary education;

(2) Ensuring a high-quality learning environment that allows students to succeed;

(3) Creating original knowledge and advancing innovation; and

(4) Contributing positively to the economic, civic and cultural life of communities in all regions of Oregon. [Formerly 351.006]

**350.014 Mission of education beyond high school.** (1) The Legislative Assembly declares that the mission of all education beyond high school in Oregon includes ensuring that by 2025, when adult Oregonians complete their education:

(a) At least 40 percent have earned a bachelor's degree or higher;

(b) At least 40 percent have earned an associate's degree or a post-secondary credential as their highest level of educational attainment; and

(c) The remaining 20 percent or less have earned a high school diploma, an extended or modified high school diploma or the equivalent of a high school diploma as their highest level of educational attainment.

(2) The earning of a post-secondary credential described in subsection (1)(b) of this section may be satisfied by adult Oregonians who have completed apprenticeship programs registered with the State Apprenticeship and Training Council. [Formerly 351.009; 2017 c.264 §1]

**350.018 Educational attainment goals for adult Oregonians not currently enrolled in academic programs; rules.** (1) The Higher Education Coordinating Commis-

sion, in coordination with the State Workforce and Talent Development Board, shall establish by rule educational attainment goals for adult Oregonians who are not currently enrolled in a kindergarten through grade 12 school, an institution of higher education or another post-secondary training program.

(2) The educational attainment goals established under this section shall:

(a) Be associated with current and projected job opportunities for adult Oregonians; and

(b) Be designed to promote labor market success. [2017 c.264 §2]

### **(Task Force on Student Mental Health Support)**

**Note:** Sections 1 and 2, chapter 643, Oregon Laws 2017, provide:

**Sec. 1.** (1) The Task Force on Student Mental Health Support is established.

(2) The task force consists of 11 members appointed by the Governor as follows:

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

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

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

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

(e) Two directors of student counseling centers, one each from a public university listed in ORS 352.002 and from a community college in this state;

(f) One substance abuse disorder practitioner;

(g) Two mental health practitioners, one each from a public university listed in ORS 352.002 and from a community college in this state;

(h) One member of the public who has a child who is a student at a public university listed in ORS 352.002 or at a community college in this state; and

(i) One representative from the Oregon Health Authority.

(3) The task force shall investigate the extent to which mental health issues and substance abuse disorders have an impact on the educational mission set forth in ORS 350.014, with a specific emphasis on the impact that mental health issues and substance abuse disorders have on college recruitment, retention in college and program completion or graduation. The task force shall give particular attention to how mental health issues and substance abuse disorders differ across different communities in this state.

(4) The task force may:

(a) Consult experts, conduct literature reviews and perform other research;

(b) Receive testimony in any form;

(c) Request records and other documentation, while taking care to respect and abide by all rights and pledges of confidentiality that apply to the records and documentation; and

(d) Receive and recommend changes to law, mental health practices, substance abuse policies, school policies, funding and other measures that are necessary to

ensure that the state can meet the mission set forth in ORS 350.014 without a significant impact from student mental health issues and substance abuse disorders.

(5) A majority of the members of the task force constitutes a quorum for the transaction of business.

(6) Official action by the task force requires the approval of a majority of the members of the task force.

(7) The task force shall elect one member to serve as chairperson.

(8) If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective.

(9) The task force shall meet at times and places specified by the call of the chairperson or of a majority of the voting members of the task force.

(10) The task force may adopt rules necessary for the operation of the task force.

(11) The task force shall submit a report in the manner provided by ORS 192.245, and may include recommendations for legislation, to an interim committee of the Legislative Assembly related to higher education no later than November 1, 2018.

(12) The Higher Education Coordinating Commission and the Oregon Health Authority shall provide staff support to the task force. The commission shall schedule and organize task force meetings and provide additional administrative support that is necessary to facilitate the operation of the task force. The commission and the authority shall collaborate to provide research, writing and other technical assistance that is necessary to produce the report described in subsection (11) of this section.

(13) Members of the task force are not entitled to compensation or reimbursement for expenses and serve as volunteers on the task force.

(14) All agencies of state government, as defined in ORS 174.111, are directed to assist the task force in the performance of the task force's duties and, to the extent permitted by laws relating to confidentiality, to furnish information and advice the members of the task force consider necessary to perform their duties. [2017 c.643 §1]

**Sec. 2.** Section 1 of this 2017 Act is repealed on December 31, 2018. [2017 c.643 §2]

## **HIGHER EDUCATION COORDINATING COMMISSION**

### **(Generally)**

#### **350.050 Higher Education Coordinating Commission; members; confirmation.**

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

(2) The Governor shall appoint:

(a) One member from each of the five congressional districts in this state; and

(b) Four members of the general public.

(3) The Governor shall also appoint five nonvoting members to the commission. The Governor shall elicit recommendations for appointments made under this subsection from official student, faculty and nonfaculty staff organizations at community colleges and public universities listed in ORS 352.002. The five nonvoting members of the commission shall consist of:

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

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

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

(d) One faculty member at a community college in this state; and

(e) One nonfaculty member of the staff from either a public university listed in ORS 352.002 or a community college.

(4) The term of office of each voting member is four years and the term of office for each nonvoting member is two years. A member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on July 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(5) The Governor may at any time, for cause, remove any member of the board that the Governor has appointed, after notice and public hearing, but not more than three members shall be removed within a period of four years, unless it is for corrupt conduct in office.

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

(7) A member of the commission is entitled to compensation and expenses as provided in ORS 292.495. [Formerly 351.715]

**350.055 Qualifications of members.** The members of the Higher Education Coordinating Commission must be residents of this state who are well informed on the principles of higher education. [Formerly 351.718]

**350.060 Officers; quorum; official action; meetings.** (1) The Higher Education Coordinating Commission shall select one of its members as chairperson and another as vice chairperson, for such terms and with duties and powers necessary for the performance of the functions of such offices as the commission determines.

(2) A majority of the members of the commission constitutes a quorum for the transaction of business.

(3) Official action by the commission requires the approval of a majority of the members of the commission.

(4) The commission shall meet at least once every three months at a place, day and hour determined by the chairperson. The commission may also meet at other times and

places specified by the call of the chairperson or of a majority of the members of the commission. [Formerly 351.722]

**350.065 Executive director; subordinate officers and employees.** (1) The Higher Education Coordinating Commission shall appoint an executive director to serve at the pleasure of the commission.

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

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

(4) The executive director shall coordinate with the Chief Education Officer as provided by section 2, chapter 519, Oregon Laws 2011. [Formerly 351.725]

**Note:** The amendments to 350.065 (formerly 351.725) by section 60, chapter 774, Oregon Laws 2015, become operative June 30, 2019. See section 72, chapter 774, Oregon Laws 2015, as amended by section 14, chapter 682, Oregon Laws 2015, section 20, chapter 763, Oregon Laws 2015, and section 27, chapter 639, Oregon Laws 2017. The text that is operative on and after June 30, 2019, is set forth for the user's convenience.

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

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

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

**350.070 Advisory and technical committees.** (1) The Higher Education Coordinating Commission may establish such advisory and technical committees as it considers necessary to aid and advise the commission in the performance of its functions. These committees may be continuing or temporary committees. The commission shall determine the representation, membership, terms and organization of the committees and shall appoint their members.

(2) Members of the committees are not entitled to compensation, but at the discretion of the commission may be reimbursed from funds available to the commission for actual and necessary travel and other expenses incurred by them in the performance of their official duties in the manner and amount provided in ORS 292.495. [Formerly 351.732]

**350.075 Powers, duties and functions; rules.** (1) As used in this section, "student access programs" means scholarship, loan, grant and access programs described in ORS chapter 348.

(2) The Higher Education Coordinating Commission shall be guided by the legislative

findings in ORS 341.009, 350.001 and 350.005 and the goals and mission of post-secondary education set forth in ORS 350.009 and 350.014.

(3) The Higher Education Coordinating Commission shall:

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

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

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

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

(A) Increasing the educational attainment of the population;

(B) Increasing this state's global economic competitiveness and the quality of life of its residents;

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

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

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

(e)(A) Each biennium, after receiving funding requests from the state's community colleges and public universities as authorized by law, recommend to the Governor a consolidated higher education agency request budget aligned with the strategic plan described in paragraph (d) of this subsection, including appropriations for:

(i) Student access programs;

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

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

(iv) New facilities or programs;

(v) Capital improvements and deferred maintenance;

(vi) Special initiatives and investments; and

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

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

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

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

(iii) Solicit public input regarding educational priorities.

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

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

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

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

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

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

(h) For public universities listed in ORS 352.002:

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

(B) Review and determine whether a proposed annual increase of resident undergraduate enrollment fees of greater than five percent is appropriate.

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

(D) Approve and authorize degrees.

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

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

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

(k) Have the authority to enter into and administer interstate agreements regarding the provision of post-secondary distance education. The participation by an educational institution that is not based in this state in distance learning courses or programs that are part of an interstate agreement entered into and administered under this paragraph does not constitute operating in this state for purposes of ORS 348.594 to 348.615. The commission, by rule, may impose a fee on any educational institution that seeks to operate under or participate in such interstate agreements. The fee amount shall be established to recover designated expenses incurred by the commission in participating in such agreements.

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

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

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

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

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

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

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

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

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

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

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

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

(c) As used in this subsection:

(A)(i) "School" means an independent institution of higher education that meets the requirements of ORS 348.597 (2)(a).

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

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

(5) A student complaint that is received by the Higher Education Coordinating Commission, including but not limited to a student complaint filed under subsection (4) of this section, is not subject to disclosure under ORS 192.311 to 192.478.

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

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

(b) Encourage student success and completion initiatives.

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

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

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

(C) Applied baccalaureate and other transfer degrees;

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

(E) Reciprocity agreements with other states.

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

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

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

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

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

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

(10) The Higher Education Coordinating Commission may exercise only powers, duties and functions expressly granted by the Legislative Assembly. Except as otherwise expressly provided by law, all other authorities reside at the institutional level with the respective boards of the post-secondary institutions. [Formerly 351.735; 2016 c.30 §5; 2016 c.117 §55; 2017 c.66 §7; 2017 c.98 §1; 2017 c.185 §5; 2017 c.297 §21; 2017 c.440 §2a]

**Note 1:** The amendments to 350.075 (formerly 351.735) by section 61, chapter 774, Oregon Laws 2015, become operative June 30, 2019. See section 72, chapter 774, Oregon Laws 2015, as amended by section 14, chapter 682, Oregon Laws 2015, section 20, chapter 763, Oregon Laws 2015, and section 27, chapter 639, Oregon Laws 2017. The text that is operative from June 30, 2019, until July 1, 2021, including amendments by section 6, chapter 30, Oregon Laws 2016, section 56, chapter 117, Oregon Laws 2016, section 8, chapter 66, Oregon Laws 2017, section 2, chapter 98, Oregon Laws 2017, section 6, chapter 185, Oregon Laws 2017, section 22, chapter 297, Oregon Laws 2017, and section 2b, chapter 440, Oregon Laws 2017, is set forth for the user's convenience.

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

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

(3) The Higher Education Coordinating Commission shall:

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

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

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

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

(A) Increasing the educational attainment of the population;

(B) Increasing this state's global economic competitiveness and the quality of life of its residents;

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

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

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

(e)(A) Each biennium, after receiving funding requests from the state's community colleges and public universities as authorized by law, recommend to the Governor a consolidated higher education agency request budget aligned with the strategic plan described in paragraph (d) of this subsection, including appropriations for:

(i) Student access programs;

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

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

(iv) New facilities or programs;

(v) Capital improvements and deferred maintenance;

(vi) Special initiatives and investments; and

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

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

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

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



(iii) Solicit public input regarding educational priorities.

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

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

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

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

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

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

(h) For public universities listed in ORS 352.002:

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

(B) Review and determine whether a proposed annual increase of resident undergraduate enrollment fees of greater than five percent is appropriate.

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

(D) Approve and authorize degrees.

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

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

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

(k) Have the authority to enter into and administer interstate agreements regarding the provision of post-secondary distance education. The participation by an educational institution that is not based in this state in distance learning courses or programs that are part of an interstate agreement entered into and administered under this paragraph does not constitute operating in this state for purposes of ORS 348.594 to 348.615. The commission, by rule, may impose a fee on any educational institution that seeks to operate under or participate in such interstate agreements. The fee amount shall be established to recover designated expenses incurred by the commission in participating in such agreements.

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

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

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

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

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

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

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

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

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

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

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

(c) As used in this subsection:

(A)(i) "School" means an independent institution of higher education that meets the requirements of ORS 348.597 (2)(a).

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

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

(5) A student complaint that is received by the Higher Education Coordinating Commission, including but not limited to a student complaint filed under subsection (4) of this section, is not subject to disclosure under ORS 192.311 to 192.478.

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

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

(b) Encourage student success and completion initiatives.

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

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

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

(C) Applied baccalaureate and other transfer degrees;

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

(E) Reciprocity agreements with other states.

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

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

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

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

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

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

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

**Note 2:** The amendments to 350.075 by section 3, chapter 98, Oregon Laws 2017, become operative July 1, 2021. See section 4, chapter 98, Oregon Laws 2017. The text that is operative on and after July 1, 2021, including amendments by section 6, chapter 30, Oregon Laws 2016, section 56, chapter 117, Oregon Laws 2016, section 8, chapter 66, Oregon Laws 2017, section 2, chapter 98, Oregon Laws 2017, section 6, chapter 185, Oregon Laws 2017, section 22, chapter 297, Oregon Laws 2017, and section 2b, chapter 440, Oregon Laws 2017, is set forth for the user's convenience.

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

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

(3) The Higher Education Coordinating Commission shall:

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

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

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

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

(A) Increasing the educational attainment of the population;

(B) Increasing this state's global economic competitiveness and the quality of life of its residents;

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

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

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

(e)(A) Each biennium, after receiving funding requests from the state's community colleges and public universities as authorized by law, recommend to the Governor a consolidated higher education agency request budget aligned with the strategic plan described in paragraph (d) of this subsection, including appropriations for:

(i) Student access programs;

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

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

(iv) New facilities or programs;

(v) Capital improvements and deferred maintenance;

(vi) Special initiatives and investments; and

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

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

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

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

(iii) Solicit public input regarding educational priorities.

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

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

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

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

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

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

(h) For public universities listed in ORS 352.002:

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

(B) Review and determine whether a proposed annual increase of resident undergraduate enrollment fees of greater than five percent is appropriate.

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

(D) Approve and authorize degrees.

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

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

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

(k) Have the authority to enter into and administer interstate agreements regarding the provision of post-secondary distance education. The participation by an educational institution that is not based in this state in distance learning courses or programs that are part of an interstate agreement entered into and administered under this paragraph does not constitute operating in this state for purposes of ORS 348.594 to 348.615. The commission, by rule, may impose a fee on any educational institution that seeks to operate under or participate in such interstate agreements. The fee amount shall be established to recover designated expenses incurred by the commission in participating in such agreements.

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

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

(b) Encourage student success and completion initiatives.

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

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

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

(C) Applied baccalaureate and other transfer degrees;

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

(E) Reciprocity agreements with other states.

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

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

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

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

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

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

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

**Note 3:** Sections 5 and 6, chapter 98, Oregon Laws 2017, provide:

**Sec. 5.** The amendments to ORS 350.075 by sections 1 and 2 of this 2017 Act apply to any student complaint regarding a school that is submitted to the Higher Education Coordinating Commission on or after July 1, 2017, and before July 1, 2021. [2017 c.98 §5]

**Sec. 6.** No later than September 1, 2020, the Higher Education Coordinating Commission shall provide a written report to the Governor describing the number, type and disposition of student complaints that the commission receives under ORS 350.075 on or after July 1, 2017, and before March 31, 2020. [2017 c.98 §6]

**Note 4:** Section 4, chapter 98, Oregon Laws 2017, provides:

**Sec. 4.** (1) The amendments to ORS 350.075 by section 3 of this 2017 Act become operative on July 1, 2021.

(2) The Higher Education Coordinating Commission shall adopt rules to ensure that any student complaint that is submitted to the commission before July 1, 2021, is reviewed and appropriately acted on in accordance with ORS 350.075 (4) as in effect before July 1, 2021. [2017 c.98 §4]

**350.080 Ability of Higher Education Coordinating Commission to accept and deposit moneys or property and to apply for funds.** The Higher Education Coordinating Commission may:

(1) Consistent with the laws of this state, accept money or property not otherwise provided for under subsection (2) of this section that is donated for the use or benefit of community colleges and use such money or property for the purpose for which it was donated. Until it is used, the commission shall deposit any moneys received under this subsection in a special fund with the State Treasurer as provided in ORS 293.265 to 293.275.

(2) Apply for federal funds or funds from any other source and accept and enter into any contracts or agreements on behalf of this state for the receipt of such funds from the federal government, federal agencies or any other entity providing funding for:

(a) Educational purposes;

(b) Career and technical education programs at community colleges;

(c) Adult education programs;

(d) Workforce training programs; and

(e) Any grants available to this state or its political subdivisions for general federal

aid for community colleges and their auxiliary services, improvement of teacher preparation, teacher salaries, construction of school buildings, administration of the commission and any other educational activities under the jurisdiction of the commission. [Formerly 351.745; 2017 c.66 §9]

**350.085 Mission statements and academic programs of public universities.** The Higher Education Coordinating Commission shall:

(1) Approve all mission statements of the public universities listed in ORS 352.002; and

(2) Approve all significant changes to academic programs offered at the public universities, and shall ensure that the changes:

(a) Are consistent with the mission statement of the respective public university;

(b) Do not unnecessarily duplicate academic programs offered by other public universities;

(c) Are not located in a geographic area that will cause undue hardship to Oregon's other public universities; and

(d) Are allocated among the public universities to maximize the achievement of statewide needs and requirements. [Formerly 351.047; 2017 c.66 §2]

**(Temporary provisions relating to lack of official recognition of academic accomplishments)**

**Note:** Sections 1 and 2, chapter 743, Oregon Laws 2015, provide:

**Sec. 1.** The Higher Education Coordinating Commission shall work with public universities listed in ORS 352.002 to develop effective solutions to address the problem of students who:

(1) Enroll in a public university listed in ORS 352.002;

(2) Successfully complete two or more years of coursework at the university; and

(3) Leave the university without graduating and without any official recognition of their academic accomplishments. [2015 c.743 §1]

**Sec. 2.** Section 1 of this 2015 Act is repealed on July 1, 2020. [2015 c.743 §2]

**350.090 Biennial funding request; rules.** (1) On or before September 1 of each even-numbered year, the Higher Education Coordinating Commission shall submit a consolidated funding request to the Governor on behalf of all the public universities listed in ORS 352.002.

(2) The Governor's budget may include the Higher Education Coordinating Commission's funding request for public universities listed in ORS 352.002. Any funding request approved by the Legislative Assembly must specify that the moneys be appropriated to the Higher Education Coordinating Commission for allocation to the public universities listed in ORS 352.002.

(3) The Higher Education Coordinating Commission may adopt rules necessary for the administration of this section. [Formerly 351.052; 2016 c.117 §57; 2017 c.440 §4]

**350.095 Budgetary items in funding request; allocation of funds; certification of revenue sufficiency.** (1) The Higher Education Coordinating Commission is authorized to:

(a) Request, as part of the funding request under ORS 350.090, appropriations for budgetary items, including but not limited to education and general operations, statewide public services, state funded debt service, capital improvements, deferred maintenance, special initiatives and investments or any other purpose listed under ORS 350.075 (3)(e); and

(b) Allocate moneys, from funds appropriated to the commission and other available moneys, to public universities listed in ORS 352.002.

(2) The commission shall certify to the Legislative Assembly, in any funding request pursuant to subsection (1)(a) of this section for state bonds under Article XI-F(1) of the Oregon Constitution for the benefit of a public university listed in ORS 352.002, its evaluation of the revenue sufficiency, as defined in ORS 286A.830, of the public university that will receive the proceeds of any Article XI-F(1) bonds approved by the Legislative Assembly. [Formerly 351.054; 2017 c.440 §3]

**350.100 Implementation of diverse educator recruitment plans.** (1) The Higher Education Coordinating Commission and the Chief Education Office shall ensure the implementation of the plans developed under ORS 342.447 for recruitment of diverse educators.

(2) The commission and the office shall report biennially to the Legislative Assembly on the implementation and results of the plans. The report may include recommendations on ways in which the Legislative Assembly can assist in increasing the number of diverse educators. [Formerly 351.077]

**Note:** The amendments to 350.100 (formerly 351.077) by section 75a, chapter 774, Oregon Laws 2015, become operative June 30, 2019. See section 72, chapter 774, Oregon Laws 2015, as amended by section 14, chapter 682, Oregon Laws 2015, section 20, chapter 763, Oregon Laws 2015, and section 27, chapter 639, Oregon Laws 2017. The text that is operative on and after June 30, 2019, is set forth for the user's convenience.

**350.100.** (1) The Higher Education Coordinating Commission shall ensure the implementation of the plans developed under ORS 342.447 for recruitment of diverse educators.

(2) The commission shall report biennially to the Legislative Assembly on the implementation and results of the plans. The report may include recommendations on ways in which the Legislative Assembly can assist in increasing the number of diverse educators.

**350.105 Report on capital construction projects.** No later than March 1 of each odd-numbered year, the Higher Education Coordinating Commission shall submit a report to the Legislative Assembly concerning the status of all previously approved capital construction projects that have not been completed or have been completed within the preceding 24-month period. The report shall include the project title, funding sources, the amount of the original appropriation or expenditure limitation, the amount of unexpected funds, the construction status and the anticipated completion date. [Formerly 351.165]

**350.110 Coordination between Higher Education Coordinating Commission, public universities, community college districts and independent for-profit and not-for-profit institutions of higher education; common goals; advisory committee; annual reporting.** (1) The Higher Education Coordinating Commission shall work with public universities listed in ORS 352.002, community college districts and independent for-profit and not-for-profit institutions of higher education to carry out the following goals:

(a) Increase the number of students who receive academic credit for prior learning and the number of students who receive academic credit for prior learning that counts toward their major or toward earning their degree, certificate or credential, while ensuring that credit is awarded only for high quality course-level competencies;

(b) Increase the number and type of academic credits accepted for prior learning in institutions of higher education, while ensuring that credit is awarded only for high quality course-level competencies;

(c) Develop transparent policies and practices in awarding academic credit for prior learning to be adopted by the governing boards of public universities, community colleges and independent institutions of higher education;

(d) Improve prior learning assessment practices across all institutions of higher education;

(e) Create tools to develop faculty and staff knowledge and expertise in awarding academic credit for prior learning and to share exemplary policies and practices among institutions of higher education;

(f) Develop articulation agreements when patterns of academic credit for prior learning are identified for particular programs and pathways; and

(g) Develop outcome measures to track progress on the goals outlined in this section.

(2) The Higher Education Coordinating Commission shall appoint an advisory committee to coordinate implementation of the goals in subsection (1) of this section. The committee shall include:

(a) A member representing public universities in this state.

(b) A member representing community colleges in this state.

(c) A member representing independent not-for-profit institutions of higher education located in this state.

(d) A member representing for-profit institutions of higher education offering degree programs to students in this state.

(e) A member representing the business community.

(f) A member representing the labor community.

(g) A member who is a student at a two-year or four-year institution of higher education located in this state.

(h) Other members appointed by the Higher Education Coordinating Commission based upon a demonstrated interest in and knowledge of prior learning programs.

(3) The Higher Education Coordinating Commission shall submit an annual report to the Legislative Assembly no later than December 31 of each calendar year, in the manner prescribed by ORS 192.245, reporting on progress toward meeting the goals set forth in subsection (1) of this section.

(4) For the purposes of this section, "prior learning" means the knowledge and skills gained through work and life experience, through military training and experience and through formal and informal education and training from institutions of higher education in the United States and in other nations. [Formerly 351.751]

**350.115 Regional services institutes; general program; location.** (1) The Higher Education Coordinating Commission shall cause to have prepared and submitted to the Legislative Assembly a program and time schedule for the establishment of regional services institutes at appropriate public universities. The program shall include academic curriculum and practical training appropriate to train students in various aspects of economic and community services planning, with particular emphasis on economic services planning for areas of the state that have common geographic, economic and social characteristics but that do not have sufficient population to qualify as metropolitan statistical areas.

(2) In carrying out its duties under subsection (1) of this section, the commission shall consult with the Oregon Business De-

velopment Department and shall rely on the department for technical advice and, as necessary, technical services. The commission shall also consult with community colleges, the Oregon State University Extension Service, economic development districts and special districts providing community and economic development services in the region in order to prepare curriculum and programs with particular emphasis on streamlining existing programs, avoiding duplication and overlap of programs, better utilizing students and resources and identifying needs in the region that are currently unaddressed.

(3) In preparing programs for establishing regional services institutes, the commission shall give priority to establishing institutes at Eastern Oregon University and Southern Oregon University. [Formerly 352.390]

**350.120 Program purpose and function.** Programs prepared under ORS 350.115 shall include proposals for training students and utilizing resources in the following, using the region in which the institute is located as the training area:

(1) Developing specific resources on the campus where the institute is to be located to assist with orderly and balanced economic and community services and for the development and implementation of training and assistance programs;

(2) Providing technical and research assistance on request to political subdivisions, special districts, businesses located in the region and businesses which might prospectively locate in the region;

(3) Locating markets for local manufacturers and processors and aiding local merchants in locating and contacting markets;

(4) Investigating and studying conditions affecting local business, industry and commerce and collecting and disseminating information, and engaging in technical studies, scientific investigations, and statistical research and educational activities necessary or useful for the promoting and developing local business and industry upon request of local business and industry for such aid;

(5) Assembling and coordinating information relative to the status, scope, cost and employment possibilities and the availability of materials, equipment and labor in connection with public works projects, state, county and municipal; recommending limitations on public works; gathering current progress information with respect to public works being conducted in the local area and report such information to the Oregon Business Development Commission where such sources in the region do not presently exist;

(6) Gathering, compiling and making available statistical information relating to

business, trade, commerce, industry, transportation, communication, natural resources and other related subjects in the region, with reliance on other agencies of the state and the region, whether public or private, for statistical data and results obtained by them;

(7) Publishing, disseminating and distributing information and statistics acquired by the institute;

(8) Aiding the communities in the region in getting businesses to locate therein by disseminating information as to natural resources, desirable locations and other advantages of the community upon request of the community for such aid;

(9) Cooperating with municipal, county, regional and other planning agencies and planning groups within the state for the purpose of promoting coordination between the state and localities as to plans and development in order to maintain a high level of gainful employment in private profitable production and achieve commensurate advancement in social and cultural welfare; and

(10) Aiding in coordinating the activities of statewide and local planning agencies, correlating information secured from them, assisting in problem solving and resolving state department concerns on a regional level if appropriate, securing and disseminating information and suggestions to such planning agencies; and encouraging and assisting in the organization and functioning of local planning agencies where none exist. [Formerly 352.400]

**350.125 Report on competency-based education.** Before September 15 of each year, the Higher Education Coordinating Commission shall submit a report in the manner provided by ORS 192.245 to the appropriate interim committees of the Legislative Assembly. The report must describe the progress made in providing competency-based education in the public post-secondary institutions of education in this state. The report must:

(1) Describe the effectiveness of expanding competency-based education in public post-secondary institutions of education in this state and of granting post-secondary degrees on the basis of competency-based education;

(2) Identify issues and barriers, including post-secondary accreditation standards, that present challenges to implementing or expanding competency-based education programs in post-secondary institutions of education in this state;

(3) Analyze competency-based education models and determine which models have been successful; and

(4) Recommend specific policy changes and initiatives that public post-secondary institutions of education in this state may implement to expand competency-based education. [2017 c.404 §1]

**350.130 Enrollment and graduation rate of Oregon high school students at post-secondary institutions of education.**

(1) Each post-secondary institution of education that operates in this state shall annually provide to the Higher Education Coordinating Commission:

(a) The number of Oregon high school graduates from each school district who are enrolled at the institution; and

(b) The graduation rate at the institution for Oregon high school graduates from each school district.

(2) The commission shall annually submit to the Department of Education the information provided under subsection (1) of this section.

(3) The department shall annually provide to each school district the information related to high school graduates from that school district that is provided to the department under subsection (2) of this section. [2017 c.415 §1]

**Note:** Section 2, chapter 415, Oregon Laws 2017, provides:

**Sec. 2.** The reporting requirements set forth in section 1 of this 2017 Act [350.130] first apply to the 2018-2019 academic year. [2017 c.415 §2]

**(Office of Community Colleges and Workforce Development)**

**350.150 Office to function under Higher Education Coordinating Commission; rules.**

(1) The Office of Community Colleges and Workforce Development is established within the Higher Education Coordinating Commission. The office shall function under the direction and control of the commission, with the Director of the Office of Community Colleges and Workforce Development serving as an administrative officer for community college matters.

(2) Except as provided in subsection (3) of this section, the commission may adopt any rules necessary for the effective and efficient administration of the office or for the administration of laws that the office is charged with administering.

(3) The commission, in consultation with the State Workforce and Talent Development Board, workforce partners and the Education and Workforce Policy Advisor and pursuant to ORS chapter 183, may adopt any rules necessary for the administration of laws related to the federal Workforce Innovation and Opportunity Act that the office or com-

mission is charged with administering. [Formerly 351.755; 2017 c.185 §7; 2017 c.297 §30]

**350.155 Office of Community Colleges and Workforce Development Account.**

(1) The Office of Community Colleges and Workforce Development Account is established in the State Treasury, separate and distinct from the General Fund. Except for moneys otherwise designated by statute, all fees, assessments and other moneys received by the Office of Community Colleges and Workforce Development shall be deposited into the State Treasury and credited to the account. All moneys in the account are continuously appropriated to the Higher Education Coordinating Commission for purposes authorized by law.

(2) The office may accept gifts, grants and donations from any source to carry out the duties imposed upon the office. Moneys received under this subsection shall be paid into the account.

(3) The office shall keep a record of all moneys deposited into the account. The record shall indicate by separate cumulative subaccounts the sources from which the moneys are derived and the individual activity or program against which each withdrawal is charged.

(4) Disbursements from the account shall be made as directed by the Higher Education Coordinating Commission. [Formerly 351.758]

**350.160 Director of the Office of Community Colleges and Workforce Development.**

(1) The executive director of the Higher Education Coordinating Commission shall appoint a Director of the Office of Community Colleges and Workforce Development who shall serve at the pleasure of the executive director.

(2) The director shall be a person who by training and experience is well qualified to perform the duties of the office and to assist in carrying out the functions of the Higher Education Coordinating Commission under this section and ORS 341.015, 341.440, 341.455, 341.626, 341.655 and 341.933.

(3) The director shall:

(a) Be the executive head of the Office of Community Colleges and Workforce Development.

(b) Direct and supervise all activities of the Office of Community Colleges and Workforce Development.

(c) Hire staff, as authorized by the executive director of the Higher Education Coordinating Commission to assist in carrying out the duties of the director. The staff shall be considered employees of the Office of Community Colleges and Workforce Development.

opment for purposes of ORS chapters 240 and 243.

(d) Be responsible directly to the executive director of the Higher Education Coordinating Commission for those duties enumerated in ORS chapter 341.

(4) The director, with approval of the executive director of the Higher Education Coordinating Commission, shall be responsible for the representation of community college interests to the Governor, the Legislative Assembly, state agencies and others.

(5) The executive director of the Higher Education Coordinating Commission shall be responsible for submitting community college budget requests for the Office of Community Colleges and Workforce Development to the Legislative Assembly. The Higher Education Coordinating Commission shall ensure that the budget request for community colleges and for the Office of Community Colleges and Workforce Development are separate and distinct from the commission's other requests to the Legislative Assembly. [Formerly 351.762; 2016 c.117 §58]

**350.165 Advanced Technology Education and Training Fund.** The Advanced Technology Education and Training Fund is established in the State Treasury, separate and distinct from the General Fund. Moneys in the Advanced Technology Education and Training Fund are continuously appropriated to the Higher Education Coordinating Commission for the purpose of making grants and loans for the provision of advanced technology education and training opportunities under ORS 350.170. [Formerly 351.764]

**350.170 Advanced technology education and training grants and loans; rules.**

(1) The Higher Education Coordinating Commission shall establish by rule a process for making grants or loans to public-private partnerships to provide advanced technology education and training opportunities. The purpose of the grants and loans is to support the development and implementation of public-private partnerships to provide advanced technology education and training opportunities in all business and industry sectors for individuals in communities throughout Oregon. The partnerships shall be between public and private entities and may include joint ventures among business and industry, school districts, education service districts, eligible post-secondary institutions as defined in ORS 348.180 and public bodies as defined in ORS 174.109.

(2) A public-private partnership that receives a grant or loan under this section must provide advanced technology education and training opportunities that:

(a) Address current and future workforce development needs dictated by Oregon's rapidly changing economy;

(b) Facilitate sustainable and dynamic economic development in communities by creating flexible opportunities for workforce development;

(c) Establish results oriented, collaborative investments of public and private resources in communities throughout Oregon;

(d) Ensure that Oregon's capacity for economic growth and vitality is not limited by a lack of opportunities for workforce development; and

(e) Provide support to existing community efforts to establish innovative strategies for delivering advanced technology education and training.

(3) The process established by the commission for making grants and loans shall ensure that:

(a) Local communities are informed about the availability of the grants and loans;

(b) Advanced technology education and training projects are geographically distributed throughout Oregon;

(c) There is equal opportunity for urban and rural access to quality education and training opportunities;

(d) Representatives of related, ongoing community efforts assist in the implementation of advanced technology education and training projects; and

(e) Procedures and timelines are designed to minimize barriers to receiving funds.

(4) When considering applications for grants and loans, the Office of Community Colleges and Workforce Development shall give priority to advanced technology education and training projects that:

(a) Provide or increase access for individuals to advanced technology education and training through the efforts of local and regional career centers and partnerships and distance education technology available locally and regionally;

(b) In combination with other projects receiving funds, contribute to advanced technology education and training opportunities in every part of the state;

(c) Use federal funds;

(d) Have widespread community support as evidenced by a memorandum of agreement or similar documentation;

(e) Represent an effective sharing of resources through public-private partnerships among business and industry, school districts, education service districts, eligible post-secondary institutions as defined in ORS



348.180 and public bodies as defined in ORS 174.109;

(f) Have a long-term strategic plan and lack only the necessary financial resources;

(g) Provide state-of-the-art technology that meets current standards of business and industry and addresses local and regional economic development priorities;

(h) Help individuals connect education and training with career planning and job opportunities through local and regional career centers as implemented under the federal Workforce Innovation and Opportunity Act;

(i) Provide articulated education programs that lead to a degree or an industry-specific skills certification; and

(j) Establish short-term training programs that meet the immediate needs of local employers in their communities.

(5)(a) A public-private partnership awarded a grant or loan under this section shall use the grant or loan for any of the following:

(A) Infrastructure construction or reconstruction.

(B) Equipment or technology purchases.

(C) Curriculum development.

(D) Expansion or revision of a current project to increase the capacity of the project, alter the project plan, change the members of the partnership or address education or employment deficiencies in the community served by the public-private partnership.

(b) A grant or loan awarded under this section for the purpose described in paragraph (a)(D) of this subsection may not exceed \$25,000.

(6) The application for a grant or loan under this section shall include:

(a) The names of the members of the public-private partnership;

(b) A description of standards used to assess the performance of the project;

(c) An estimate of the number of individuals who will be served by the project;

(d) The name of the fiscal agent of the public-private partnership;

(e) A project plan covering at least the first two years after receipt of a grant or loan; and

(f) The name of the person who will be responsible for convening the public-private partnership on a regular basis.

(7) The commission may accept contributions of funds and assistance from the United States Government or its agencies or from any other source, public or private, and agree to conditions placed on the funds not

inconsistent with the purposes of this section.

(8) Any moneys received by the commission through repayment of a loan awarded under this section, or received by the commission under subsection (7) of this section, shall be deposited by the commission in the Advanced Technology Education and Training Fund established under ORS 350.165. [Formerly 351.766; 2017 c.185 §8; 2017 c.297 §31]

### **350.175 Certificates for passing approved high school equivalency tests; rules; fees.**

(1) The Director of the Office of Community Colleges and Workforce Development may issue certificates for passing approved high school equivalency tests such as the General Educational Development (GED) test to persons who demonstrate satisfactory performance in tests prescribed under subsection (2) of this section or meet the requirements of any prescribed evaluative procedure.

(2) The Higher Education Coordinating Commission by rule may prescribe tests and other appropriate evaluation procedures for the purposes of subsection (1) of this section and may establish age, residence and other relevant qualifications for applicants.

(3) The Office of Community Colleges and Workforce Development may utilize its personnel and facilities for the administration of this section, and the commission may establish by rule a nonrefundable application fee. The fee may be waived by the commission in case of hardship.

(4) Subject to prior approval of the Oregon Department of Administrative Services and a report to the Emergency Board prior to adopting the fee, the fee established under subsection (3) of this section shall not exceed the cost of administering the program, as authorized by the Legislative Assembly within the office's budget, as the budget may be modified by the Emergency Board.

(5) All moneys received under this section shall be deposited in the State Treasury to the credit of the Office of Community Colleges and Workforce Development and shall be used exclusively for administration of this section. The Office of Community Colleges and Workforce Development shall keep a record of all moneys deposited in such account. The record shall indicate by separate cumulative accounts the source from which the moneys are derived and the individual activity against which each withdrawal is charged.

(6) The Director of the Office of Community Colleges and Workforce Development shall consult with the Superintendent of Public Instruction on all matters related to evaluation procedures used to measure

equivalent achievement under this section. The superintendent is authorized to make independent recommendations on evaluation procedures to the office in those cases where the superintendent's judgment differs from that of the director. [Formerly 351.768; 2017 c.66 §21]

### STUDENT POLICIES (Generally)

**350.245 Ballot drop sites and voter registration procedures at schools of higher education.** (1) As used in this section, "school of higher education" means:

(a) A public university listed in ORS 352.002.

(b) A community college, as defined in ORS 341.005.

(2)(a) The Secretary of State shall ensure that within four miles of the main campus of each school of higher education there is at least one location designated as an official ballot drop site under ORS 254.470.

(b) The requirement set forth in paragraph (a) of this subsection applies only to elections held within the electoral district in which the main campus of a school of higher education is located.

(3) Each school of higher education shall:

(a) Display a direct link to the Secretary of State's online voter registration tool on the school's Internet website or on any appropriate student-focused digital communication network managed by the school.

(b) Upon the request of the school's official student government or its equivalent, give the student government or its equivalent an opportunity to provide nonpartisan voter registration services:

(A) As part of student orientation programs held by the school's administration;

(B) As part of campus welcome events that occur before classes begin each academic term; and

(C) As part of residence life program activities.

(c) Upon the request of the school's official student government or its equivalent, provide the student government or its equivalent with an official class schedule and a list of professional contact information for school faculty, which may be used for the purpose of seeking faculty approval for the student government or its equivalent to provide nonpartisan voter registration classroom presentations.

(d) Provide individual students and student groups the opportunity to provide nonpartisan voter registration services throughout the academic term in any nonre-

served public space on the school's property, provided that the nonpartisan voter registration services conform to the rules of conduct and rules for reserving space at the school. This paragraph applies only to students enrolled at the school and does not alter in any way the rights of a person who is not enrolled as a student at the school.

(e) If the school owns and operates any student housing, at least three months prior to each primary or general election:

(A) Obtain from the local county elections office what address information students living in on-campus housing must provide in order to receive election ballots in the event a student chooses to vote using the student's campus address; and

(B) Make the information obtained under subparagraph (A) of this paragraph available to the school's official student government or its equivalent. [2016 c.114 §1]

**350.250 Students unable because of religious beliefs to attend classes on certain days.** (1) As used in this section, "school of higher education" means:

(a) Any public university listed in ORS 352.002.

(b) Any community college as defined in ORS 341.005.

(2) No student shall be refused admission to a school of higher education or be expelled from such a school for the sole reason that, because of religious beliefs, the student is unable to attend classes on a particular day.

(3) Any student in a school of higher education who, because of religious beliefs, is unable to attend classes on a particular day shall be excused on that day from any examination, study requirement or work requirement. However, at the student's own expense the student shall make up the examination, study requirement or work requirement missed because of the absence. [Formerly 352.370]

**350.255 Written sexual assault protocol; content.** (1) Each public university listed in ORS 352.002, community college and Oregon-based private university or college shall adopt a written protocol to ensure that victims of sexual assault receive necessary services and assistance in situations where:

(a) The alleged victim of the sexual assault is a student at the university or college and the alleged sexual assault occurred on the grounds or at the facilities of the university or college; or

(b) The alleged perpetrator of the sexual assault is a student at the university or college, or a member of the faculty or staff of

the university or college, regardless of where the alleged sexual assault occurred.

(2) A written protocol adopted under subsection (1) of this section must ensure that each victim who reports a sexual assault is provided with a written notification setting forth:

(a) The victim's rights;

(b) Information about what legal options are available to the victim, including but not limited to:

(A) The various civil and criminal options the victim may pursue following an assault; and

(B) Any campus-based disciplinary processes the victim may pursue;

(c) Information about campus-based services available to the victim;

(d) Information about the victim's privacy rights, including but not limited to information about the limitations of privacy that exist if the victim visits a campus health or counseling center; and

(e) Information about and contact information for state and community-based services and resources that are available to victims of sexual assault.

(3) A written notification provided under subsection (2) of this section must:

(a) Be written in plain language that is easy to understand;

(b) Use print that is of a color, size and font that allow the notification to be easily read; and

(c) Be made available to students:

(A) When a sexual assault is reported;

(B) During student orientation; and

(C) On the Internet website of the university or college. [2015 c.398 §1]

**350.257 Limitations on investigations involving sexual assault, domestic violence or stalking.** A public university listed in ORS 352.002, a community college or an Oregon-based private university or college may not use the threat or imposition of student discipline or other sanction to influence the decision of a victim of an alleged incident of sexual assault, domestic violence or stalking regarding whether or not the victim will report the alleged incident or participate in an investigation or adjudication of the alleged incident. [2017 c.57 §1]

**Note:** Section 2, chapter 57, Oregon Laws 2017, provides:

**Sec. 2.** Section 1 of this 2017 Act [350.257] first applies to the 2018-2019 academic year. [2017 c.57 §2]

**350.260 Student journalists; student expression; civil action.** (1) For the purposes of this section:

(a) "Public institution of higher education" means:

(A) A community college;

(B) A public university listed in ORS 352.002; and

(C) The Oregon Health and Science University.

(b) "School-sponsored media" means materials that are prepared, substantially written, published or broadcast by student journalists, that are distributed or generally made available, either free of charge or for a fee, to members of the student body and that are prepared under the direction of a student media adviser. "School-sponsored media" does not include media intended for distribution or transmission solely in the classrooms in which they are produced.

(c) "Student journalist" means a student who gathers, compiles, writes, edits, photographs, records or prepares information for dissemination in school-sponsored media.

(d) "Student media adviser" means a person who is employed, appointed or designated by a public institution of higher education to supervise, or provide instruction relating to, school-sponsored media.

(2) Student journalists are responsible for determining the news, opinion, feature and advertising content of school-sponsored media. This subsection does not prevent a student media adviser from teaching professional standards of English and journalism to the student journalists.

(3) Nothing in this section may be interpreted to authorize expression by students that:

(a) Is libelous or slanderous;

(b) Constitutes an unwarranted invasion of privacy;

(c) Violates federal or state statutes, rules or regulations or state common law; or

(d) So incites students as to create a clear and present danger of:

(A) The commission of unlawful acts on or off school premises;

(B) The violation of school policies; or

(C) The material and substantial disruption of the orderly operation of the school. A school official must base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension.

(4) Any student enrolled in a public institution of higher education may commence a civil action to obtain damages under this subsection and appropriate injunctive or

declaratory relief as determined by a court for a violation of subsection (2) of this section, the First Amendment to the United States Constitution or section 8, Article I of the Oregon Constitution. Upon a motion, a court may award \$100 in damages and injunctive and declaratory relief to a prevailing plaintiff in a civil action brought under this subsection. [Formerly 351.649]

**350.265 Armed Forces recruitment on campuses; standards.** (1) As used in this section, “institution of higher education” means:

(a) A public university listed in ORS 352.002;

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

(c) The Oregon Health and Science University.

(2) An institution of higher education shall allow members and agents of the Armed Forces of the United States to recruit on a public campus and shall set standards for such recruitment that are the same as for all other employment recruitment activities allowed on the campus. [Formerly 351.296]

**350.270 Priority enrollment system for active or former member of Armed Forces or qualified dependent of former member; conditions.** (1) As used in this section:

(a) “Active member of the Armed Forces of the United States” and “Armed Forces of the United States” have the meaning given those terms in ORS 352.313.

(b) “Community college” has the meaning given that term in ORS 341.005.

(c) “Qualified student” means a student who:

(A) Is an active member of the Armed Forces of the United States or served in the Armed Forces of the United States;

(B) If a former member of the Armed Forces of the United States, was relieved or discharged from that service with either an honorable discharge or a general discharge under honorable conditions; or

(C) Is a student who receives veterans’ educational benefits as a federally qualified dependent of a person described in subparagraph (B) of this paragraph.

(2) Subject to subsection (4) of this section, a public university listed in ORS 352.002 shall establish a priority enrollment system by which a qualified student is prioritized over nonqualified students for registration at the public university.

(3) A community college that has established a priority enrollment system is subject to subsection (4) of this section.

(4) A priority enrollment system established pursuant to this section must, at a minimum, offer registration for courses to continuing qualified students before offering registration for courses to nonqualified students within the same classification. Public universities and community colleges must accommodate priority registration for new qualified students as practicable pursuant to institutional orientation requirements. [2015 c.371 §1; 2017 c.76 §1]

#### (Social Media)

**350.272 Prohibited actions related to access to personal social media accounts.**

(1) A public or private educational institution may not:

(a) Require, request or otherwise compel a student or prospective student to disclose or to provide access to a personal social media account through the student’s or prospective student’s user name and password, password or other means of authentication that provides access.

(b) Require, request or otherwise compel a student or prospective student to access a personal social media account in the presence of an administrator or other employee of the educational institution in a manner that enables the administrator or employee to observe the contents of the personal social media account.

(c) Take, or threaten to take, any action to discipline or to prohibit from participation in curricular or extracurricular activities a student or prospective student for refusal to disclose the information or take actions specified in paragraph (a) or (b) of this subsection.

(d) Fail or refuse to admit a prospective student as a result of the refusal by the prospective student to disclose the information or take actions specified in paragraph (a) or (b) of this subsection.

(2) Nothing in this section prohibits an educational institution from:

(a) Conducting an investigation, for the purpose of ensuring compliance with applicable law, regulatory requirements or prohibitions against student misconduct, that is based on the receipt of specific information about activity associated with a personal social media account.

(b) Conducting an investigation authorized under paragraph (a) of this subsection that requires the student to share specific content on a social media account with the educational institution in order for the educational institution to make a factual determination about that content. Student cooperation required under this paragraph does not include providing the student’s user

name and password, password or other means of authentication that provides access to the student's personal social media account to the educational institution.

(c) Revoking a student's access, in whole or in part, to equipment or computer networks owned or operated by the educational institution.

(3) An educational institution is not liable for obtaining the user name and password, password or other means of authentication that provides access to a student's social media account through the application of the educational institution's policies governing the use of university equipment or computer networks owned or operated by the educational institution. However, the educational institution may not use the information obtained without the voluntary consent of the student.

(4) Nothing in this section applies to social media accounts intended for use solely for educational purposes at an educational institution or to social media accounts that are created by the educational institution and provided to the student if the student has been provided advance notice that the account may be monitored at any time by the educational institution.

(5) As used in this section:

(a) "Educational institution" means an institution that offers participants, students or trainees an organized course of study or training that is academic, technical, trade-oriented or preparatory for gainful employment in a recognized occupation. "Educational institution" includes, but is not limited to, community colleges and the public universities listed in ORS 352.002 but does not include kindergarten, elementary or secondary schools.

(b) "Social media" means an electronic medium that allows users to create, share and view user-generated content, including, but not limited to, uploading or downloading videos, still photographs, blogs, video blogs, podcasts, instant messages, electronic mail or Internet website profiles or locations. [Formerly 326.551]

**350.274 Cause of action for violation of ORS 350.272.** (1) Any person claiming to be aggrieved by a violation of ORS 350.272 may file a civil action in circuit court for equitable relief or, subject to the terms and conditions of ORS 30.265 to 30.300, damages, or both. The court may order such other relief as may be appropriate. Damages shall be \$200 or actual damages, whichever is greater.

(2) The action authorized by this section shall be filed within one year of the filing of a grievance.

(3) An action under this section may not be filed unless, within 180 days of the alleged violation, a grievance has been filed with the governing body of the educational institution against which the violation is alleged.

(4) An action under this section may not be filed until 90 days after filing a grievance unless only injunctive relief is sought pursuant to ORCP 79. The right to temporary or preliminary injunctive relief shall be independent of the right to pursue any administrative remedy available to complainants.

(5) An action under this section may not be filed if the governing body of the educational institution has obtained a conciliation agreement with the person filing the grievance or if a final determination of the grievance has been made except as provided in ORS 183.480.

(6) Notwithstanding the filing of a grievance pursuant to subsection (3) of this section, a person seeking to maintain an action under this section against a public educational institution shall also file a notice of claim within 180 days of the alleged violation in the manner provided by ORS 30.275.

(7) The court shall award reasonable attorney fees to a prevailing plaintiff in any action under this section. The court may award reasonable attorney fees and expert witness fees incurred by a defendant who prevails in the action if the court determines that the plaintiff had no objectively reasonable basis for asserting a claim or no objectively reasonable basis for appealing an adverse decision of a trial court. [Formerly 326.554]

### **(Disclosure of Social Security Numbers)**

**350.276 Definitions for ORS 350.278 and 350.280.** As used in ORS 350.278 and 350.280:

(1) "Disclose" means to make available for review by another person.

(2) "Law enforcement agency" has the meaning given that term in ORS 181A.010.

(3) "Wages" has the meaning given that term in ORS 652.210. [Formerly 326.585]

**350.278 Disclosure of Social Security number of student attending public university.** (1) A public university listed in ORS 352.002 may not disclose the Social Security number of a student who is attending the public university.

(2) Subsection (1) of this section does not apply if the public university discloses the Social Security number:

(a) At the request of a law enforcement agency or an agency providing support enforcement services under ORS 25.080;

(b) After obtaining written permission for the disclosure from the student to whom the number refers;

(c) In the payment of wages or benefits;

(d) In the payment or collection of taxes or of a debt owed by the student to whom the number refers;

(e) For purposes of statistical analysis; or

(f) As otherwise required by law. [Formerly 326.587; 2017 c.440 §6]

**350.280 Disclosure of Social Security number of community college student.** (1) A community college as defined in ORS 341.005 may not disclose the Social Security number of a student who is attending the college.

(2) Subsection (1) of this section does not apply if the college discloses the Social Security number:

(a) At the request of a law enforcement agency or an agency providing support enforcement services under ORS 25.080;

(b) After obtaining written permission for the disclosure from the student to whom the number refers;

(c) In the payment of wages or benefits;

(d) In the payment or collection of taxes or of a debt owed by the student to whom the number refers; or

(e) For purposes of statistical analysis. [Formerly 326.589]

**350.282 Action for disclosure of Social Security number.** (1) A student who suffers an ascertainable loss of money, personal property or real property as a result of a violation of ORS 350.278 or 350.280 may bring an action in a circuit court to recover the student's actual damages.

(2) The court may award reasonable attorney fees to the party that prevails in an action on a claim under this section. [Formerly 326.591]

### (Tuition)

**350.285 Waiver of tuition for family members of deceased or disabled veterans or children of Purple Heart recipients.** (1) As used in this section:

(a) "Child" means a child, adopted child or stepchild of either a service member or a Purple Heart recipient.

(b) "Eligible post-secondary institution" means:

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

(B) The Oregon Health and Science University.

(c) "Purple Heart recipient" means a person, alive or deceased, who:

(A) Was relieved or discharged from service in the Armed Forces of the United States with either an honorable discharge or a general discharge under honorable conditions; and

(B) Was awarded the Purple Heart in 2001 or thereafter for wounds received in combat.

(d) "Qualified student" means a child, a spouse or an unremarried surviving spouse of a service member or a child of a Purple Heart recipient.

(e) "Service member" means a person who:

(A) As a member of the Armed Forces of the United States, died on active duty;

(B) As a member of the Armed Forces of the United States, died as a result of a military service connected disability; or

(C) Is 100 percent disabled as the result of a military service connected disability, as certified by the United States Department of Veterans Affairs or any branch of the Armed Forces of the United States.

(2) Subject to subsections (3) to (7) of this section, an eligible post-secondary institution shall waive tuition for a qualified student for courses that may lead to a baccalaureate degree or a master's degree. A qualified student who received a tuition waiver for a baccalaureate degree may also qualify for a tuition waiver for a master's degree.

(3)(a) The maximum waiver granted under this section shall be as follows:

(A) For a baccalaureate degree, the total number of credit hours that equals four years of full-time attendance at an eligible post-secondary institution.

(B) For a master's degree, the total number of credit hours that equals two years of full-time attendance at an eligible post-secondary institution.

(b) Notwithstanding paragraph (a) of this subsection, a waiver may not exceed the total number of credit hours the qualified student needs to graduate with a baccalaureate degree or a master's degree.

(4) A waiver may be granted under this section only for credit hours for courses that are offered by an eligible post-secondary institution and are available for enrollment.

(5) A qualified student may receive a waiver under this section if the student:

(a) At the time of application for a waiver, is considered a resident of this state for the purpose of determining tuition to be paid at an eligible post-secondary institution; and

(b) Has been admitted to an eligible post-secondary institution for a baccalaureate degree program or has been admitted to a master's degree program at an eligible post-secondary institution.

(6)(a) A child who applies for a waiver under this section must be 23 years of age or younger at the time the child applies for a waiver.

(b) Notwithstanding paragraph (a) of this subsection, a child who is older than 23 years of age is eligible for a waiver for a master's degree if the child:

(A) Applied for and received a waiver for a baccalaureate degree when the child was 23 years of age or younger; and

(B) Applied for a waiver for a master's degree within 12 months of receiving a baccalaureate degree.

(7)(a) The amount of tuition waived under this section may be reduced by the amount of any federal aid scholarships or grants, awards from the Oregon Opportunity Grant program established under ORS 348.205, or any other aid from the eligible post-secondary institution, received by the qualified student.

(b) The amount of tuition waived under this section may not be reduced by the amount of any Survivors' and Dependents' Educational Assistance under 38 U.S.C. chapter 35 paid to a qualified student. [Formerly 351.656]

**350.290 Resident tuition and fees for nonresident students who served, or who are dependents of someone who served, in Armed Forces or international position.** (1) A public university listed in ORS 352.002 or a community college shall charge an enrolled student who is not a resident of this state and who is attending classes as an undergraduate or graduate student on a public university or community college campus in this state tuition and fees no greater than the resident rate if the student:

(a)(A) Served in the Armed Forces of the United States;

(B) Was relieved or discharged from that service with either an honorable discharge or a general discharge under honorable conditions; and

(C) Provides proof that the student has established a physical presence in Oregon within 12 months of being enrolled at the public university or community college;

(b) Was, or is the dependent of, a resident of Oregon who left the state within the previous five years in order to serve, and who subsequently served, in the Armed Forces of the United States or in an international po-

sition with the state, the federal government or a humanitarian aid organization; or

(c)(A) Was, or is the dependent of, a resident of Oregon who left the state more than five years ago in order to serve, and who subsequently served, in the Armed Forces of the United States or in an international position with the state, the federal government or a humanitarian aid organization; and

(B) Since leaving the state in the manner provided in subparagraph (A) of this paragraph, has never established residence in another state.

(2) A person who served in the Armed Forces of the United States or in an international position with the state, the federal government or a humanitarian aid organization and who receives federal tuition benefits in excess of the tuition and fees the person is charged under subsection (1) of this section at a public university listed in ORS 352.002 or a community college where the person is enrolled shall pay tuition and fees equal to the federal tuition benefits received.

(3) Distance education and self-support courses as identified by each public university listed in ORS 352.002 and community college are exempt from the tuition reduction provisions of this section.

(4) If a nonresident student otherwise eligible for tuition benefits under this section is receiving federal vocational rehabilitation education benefits, that student shall pay full nonresident tuition and fees charged by a public university listed in ORS 352.002 or a community college. [Formerly 352.375; 2016 c.30 §7]

**350.295 Annual report on reduced tuition rate and tuition waiver recipients.** The Higher Education Coordinating Commission shall report annually on or before February 1 to committees of the Legislative Assembly related to veterans and military affairs and to higher education regarding students who have received tuition relief and assistance under ORS 350.285 and 350.290 including but not limited to the following:

(1) The number of nonresident veterans who were assessed reduced tuition rates under ORS 350.290 and the amount of nonresident tuition moneys not assessed as a result of receiving the reduced tuition rates under ORS 350.290;

(2) The number of former Oregon residents who were assessed reduced tuition rates under ORS 350.290 and the amount of nonresident tuition moneys not assessed as a result of receiving the reduced tuition rates under ORS 350.290;

(3) The number of qualified students receiving tuition waivers under ORS 350.285, the amount of tuition waived and the re-

lationship of the qualified student to a service member or Purple Heart recipient under ORS 350.285; and

(4) Any other relevant information. [Formerly 351.657]

**350.300 Waiver of tuition and fees for foster child.** (1) Notwithstanding ORS 341.290, 352.105 or 353.050, a current foster child or former foster child under 25 years of age who enrolls in an institution of higher education as an undergraduate student shall have the amount of tuition and all fees levied against the student waived if attending an institution of higher education for purposes of pursuing an initial undergraduate degree.

(2) A student who is a current foster child or former foster child is entitled to waiver of tuition and all fees under subsection (1) of this section until the student has received the equivalent of four years of undergraduate education.

(3) As a condition of receiving a tuition waiver for an academic year, a current foster child or former foster child must:

(a) Complete and submit the Free Application for Federal Student Aid for that academic year; and

(b) For years after the first academic year at an institution of higher education, have completed a minimum of 30 volunteer service hours in the previous academic year performing community service activities such as mentoring foster youth or assisting in the provision of peer support service activities, according to policies developed by the institution of higher education at which the current foster child or former foster child is enrolled.

(4) A waiver of tuition and all fees under subsection (1) of this section may be reduced by the amount of any federal aid scholarships or grants, an award from the Oregon Opportunity Grant program established under ORS 348.205 and any other aid received from the institution of higher education. For the purposes of this subsection, "federal aid scholarships or grants" does not include Chafee Education and Training Grant vouchers (P.L. 107-133).

(5) As used in this section:

(a) "Former foster child" means an individual who, for a total of six or more months while between 14 and 21 years of age, was:

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

(B) An Indian child subject to the Indian Child Welfare Act (25 U.S.C. 1901 et seq.), under the jurisdiction of a tribal court for

out-of-home placement and not dismissed from care before reaching 16 years of age.

(b) "Institution of higher education" means:

(A) A public university listed in ORS 352.002;

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

(C) The Oregon Health and Science University. [Formerly 351.293]

**350.305 Number and graduation rate of current and former foster children enrolled at community colleges and public universities.** (1) The Higher Education Coordinating Commission shall, on an annual basis, work with the Department of Human Services, each public university listed in ORS 352.002 and each community college in this state to determine:

(a) The number of current foster children and former foster children enrolled at the college or university; and

(b) The graduation rate for current foster children and former foster children enrolled at the college or university.

(2) The commission shall:

(a) Make the findings under subsection (1) of this section available to the public. The findings must be available both in the aggregate and on an individual basis for each college or university referenced under subsection (1) of this section.

(b) Use the findings under subsection (1) of this section when conducting the annual evaluation of each public university under ORS 352.061.

(3) As used in this section, "former foster child" has the meaning given that term in ORS 350.300. [2017 c.332 §1]

## EMPLOYMENT POLICIES

**350.350 "Public institution of higher education" defined for ORS 350.355 and 350.360.** As used in ORS 350.355 and 350.360, "public institution of higher education" means:

(1) A community college; or

(2) A public university listed in ORS 352.002. [Formerly 351.700]

**350.355 Health care benefits for part-time faculty.** (1) Subject to ORS 352.237 and any group health and welfare insurance benefit plan developed under ORS 352.237, a part-time faculty member at a public institution of higher education is eligible for the same health care benefits as full-time faculty members if the part-time faculty member is eligible for membership in the Public Employees Retirement System or another plan



authorized under ORS chapter 238 or 238A by teaching either at a single public institution of higher education or in aggregate at multiple public institutions of higher education during the prior year.

(2) A part-time faculty member at a public institution of higher education shall pay all insurance premiums for health care benefits unless otherwise provided for by the policy of the institution or by collective bargaining at the institution. [Formerly 351.704]

**350.360 Review of employees at public institutions of higher education; report to Legislative Assembly and Governor.** (1) As used in this section, “employee group” means each category of employee employed by a public institution of higher education, including at least categories for:

(a) Administrative or management employees;

(b) Faculty employees; and

(c) Classified or professional nonfaculty employees.

(2) The Higher Education Coordinating Commission shall establish baselines and conduct an annual review of each public university listed in ORS 352.002 with respect to the employment of all employee groups. Each public university shall provide the necessary data for the commission’s report prior to September 1 of each year. The commission shall use data available from a national post-secondary data collection system within the United States Department of Education. The commission shall report the results of the reviews to the Legislative Assembly and the Governor’s office prior to December 1 of each year.

(3) The Office of Community Colleges and Workforce Development shall determine definitions and data that will be used for annual reviews and conduct an annual review of each community college district with respect to the employment of all employee groups. The office shall use data available from a national post-secondary data collection system within the United States Department of Education. The office shall report the results of the reviews to the Legislative Assembly and the Governor before December 1 of each year.

(4) An annual review under this section must include:

(a) Examination of data related to the ratio of instruction provided by the following faculty categories:

(A) Full-time faculty;

(B) Part-time faculty; and

(C) Graduate assistants.

(b) The pay differential for the faculty categories.

(c) The average contracted wages for each employee group.

(d) The number of employees in each employee group within a public university or community college district, and a ratio of the number of employees in each employee group to the number of students enrolled in the university or district, both full-time and part-time.

(e) The health care and other benefits provided for each faculty category.

(f) A recommendation on whether a different method of data tracking would improve the ability of the Legislative Assembly to obtain the most precise and relevant data on staffing ratios without placing undue financial burdens on public universities and community colleges. [Formerly 351.708]

**350.365 Report on number of employees at public universities.** Not later than July 1 of each year, the Higher Education Coordinating Commission shall report to the Legislative Assembly in the manner provided by ORS 192.245:

(1) For each public university listed in ORS 352.002, the number of employees and the number of full-time equivalent employees of the university in the following categories:

(a) Supervisory employees, as defined in ORS 243.650 (23), who supervise classified employees covered by a collective bargaining agreement;

(b) Full-time faculty;

(c) Part-time faculty; and

(d) Classified employees.

(2) A recommendation on whether a different method of data tracking would improve the ability of the Legislative Assembly to obtain the most precise and relevant data on staffing ratios without placing undue financial burdens on public universities. [Formerly 351.711]

**350.370 Requirements for classification as post-doctoral scholar position.** (1) A public university listed in ORS 352.002 or the Oregon Health and Science University may classify a position as a post-doctoral scholar position if the position:

(a) Requires a doctoral or equivalent degree;

(b) Provides a temporary and defined period of employment with the university; and

(c) Provides clinical or academic research training under formal mentorship.

(2) As used in this section, “formal mentorship” means a training and mentoring program that:

(a) Is set forth in writing;

(b) Is directed by a faculty member of a public university listed in ORS 352.002 or the Oregon Health and Science University; and

(c) Teaches professional research skills needed to pursue the post-doctoral scholar's anticipated career path in accordance with the requirements necessary for the funding of sponsored research projects that include funding for post-doctoral scholars. [2017 c.569 §1]

**350.375 Cultural competency requirements at public universities and community colleges.** (1) As used in this section:

(a) "Board" means:

(A) For a public university listed in ORS 352.002, the governing board of the university; or

(B) For a community college, the board of education of a community college district.

(b) "Community college district" has the meaning given that term in ORS 341.005.

(c) "Cultural competency" means an understanding of how institutions and individuals can respond respectfully and effectively to people from all cultures, economic statuses, language backgrounds, races, ethnic backgrounds, disabilities, religions, genders, gender identifications, sexual orientations, veteran statuses and other characteristics in a manner that recognizes, affirms and values the worth, and preserves the dignity, of individuals, families and communities.

(d) "Governing board" has the meaning given that term in ORS 352.029.

(e) "Public institution of higher education" has the meaning given that term in ORS 350.350.

(2) Each public institution of higher education shall establish a process for recommending, and providing oversight for the implementation of, cultural competency standards for the public institution of higher education and the institution's employees. The process established under this subsection must:

(a) Include a broad range of institutional perspectives;

(b) Give equal weight to the perspectives of administrators, faculty members, staff and students;

(c) Require that the institution provide continuing training and development opportunities that foster the ability of the institution's faculty, staff and administration to meet cultural competency standards;

(d) Propose institution-wide goals that seek to improve the cultural inclusion climate for students, faculty, staff and administration from diverse backgrounds;

(e) Require preparation of a biennial report that is presented to the appropriate board regarding the institution's progress toward achieving the goals set forth in this subsection;

(f) Recommend mechanisms for assessing how well the institution meets cultural competency standards; and

(g) Ensure that the institution clearly communicates to new faculty, staff and administrators the institution's commitment to including meeting cultural competency standards in professional development. [2017 c.397 §1]

**Note:** Section 2, chapter 397, Oregon Laws 2017, provides:

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

(a) "Cultural competency" has the meaning given that term in section 1 of this 2017 Act [350.375]; and

(b) "Public institution of higher education" has the meaning given that term in section 1 of this 2017 Act.

(2) Each public institution of higher education shall:

(a) Not later than December 31, 2019, establish a committee or other entity, or establish a process, that complies with the requirements set forth in section 1 (2)(a) and (b) of this 2017 Act and that will enable the public institution of higher education to recommend, and provide oversight for the implementation of, cultural competency standards for the public institution of higher education and the institution's employees; and

(b) Not later than December 31, 2020, be in compliance with all of the requirements set forth in section 1 of this 2017 Act. [2017 c.397 §2]

## TRANSFER OF ACADEMIC CREDIT

**350.395 Transfer Student Bill of Rights and Responsibilities; standards for applying community college credits toward baccalaureate degrees; annual report.** (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) The number of students who transfer from a community college to a public uni-

versity and who have an associate transfer degree or have completed a transfer program.

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

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

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

(g) The average number of credits students who have transferred from a community college to a public university must earn prior to receiving a baccalaureate degree compared to the average number of credits students who did not transfer from a community college must earn prior to receiving a baccalaureate degree. [Formerly 341.430]

**350.404 Establishment of foundational curricula; requirements.** (1) Community colleges and public universities listed in ORS 352.002 shall:

(a) Evaluate existing one-year curricula for students at a public post-secondary institution of education who plan to transfer to a different public post-secondary institution of education; and

(b) Establish a foundational curriculum, or foundational curricula, for the first year of coursework at public post-secondary institutions of education in this state.

(2) A foundational curriculum established under subsection (1) of this section must contain a minimum of 30 college-level academic credits.

(3) Students at a community college who complete a foundational curriculum established under subsection (1) of this section shall:

(a) Be able to transfer each academic credit contained within the foundational curriculum from a community college to any public university listed in ORS 352.002; and

(b) Have each academic credit from the foundational curriculum be counted toward the student's degree requirements at any public university listed in ORS 352.002. [2017 c.669 §1]

**Note:** Section 2, chapter 669, Oregon Laws 2017, provides:

**Sec. 2.** The Higher Education Coordinating Commission shall convene community colleges and public universities listed in ORS 352.002 to ensure that at least one foundational curriculum described in section 1 of this 2017 Act [350.400] is established and available for use by community college students by the beginning of the 2018-2019 academic year. [2017 c.669 §2]

**350.404 Unified statewide transfer agreements; requirements.** (1) Community colleges and public universities listed in ORS

352.002 shall collaborate to develop a unified statewide transfer agreement, based on the foundational curricula established under ORS 350.400, for each major course of study. Each unified statewide transfer agreement developed under this section must:

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

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

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

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

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

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

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

(A) Receive status at the public university, based on the number of academic credits referenced in the transfer agreement, that is comparable to the status of students with

the same number of academic credits in the major course of study who began their post-secondary studies at the public university; and

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

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

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

(b) Seek to minimize student debt;

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

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

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

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

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

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

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

(4) Community colleges and public universities listed in ORS 352.002 shall establish a unified statewide transfer agreement for three major courses of study per year. [2017 c.669 §3]

**Note:** Section 4, chapter 669, Oregon Laws 2017, provides:

**Sec. 4.** Notwithstanding section 3 (4) of this 2017 Act [350.404 (4)], community colleges and public univer-

sities listed in ORS 352.002 shall develop the first three unified statewide transfer agreements required under section 3 of this 2017 Act under the following time frame:

(1) The first unified statewide transfer agreement must be established by December 1, 2018;

(2) The second unified statewide transfer agreement must be established by April 1, 2019; and

(3) The third unified statewide transfer agreement must be established by December 1, 2019. [2017 c.669 §4]

**350.408 Community college obligations when informed that enrolled student intends to pursue bachelor's degree.** When a student attending a community college informs the community college that the student intends to pursue a bachelor's degree by transferring to a public university listed in ORS 352.002, the community college shall:

(1) Provide the student with information on potential major courses of study that the community college has received from the public university;

(2) Provide the student with a list of existing unified statewide transfer agreements; and

(3) Encourage the student to identify a potential major course of study or unified statewide transfer agreement prior to the student completing 45 academic credits. [2017 c.669 §5]

**350.412 Role of Higher Education Coordinating Commission in facilitating foundational curricula and unified statewide transfer agreements; annual reports.** (1) The Higher Education Coordinating Commission shall regularly convene representatives from community colleges and public universities listed in ORS 352.002 in order to:

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

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

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

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

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

transfer from a community college to a public university.

(5) To the extent relevant data is available, the commission shall report annually to the Legislative Assembly on whether existing unified statewide transfer agreements are meeting the goals set forth in ORS 350.404 (2). [2017 c.669 §6]

**Note:** Section 7, chapter 669, Oregon Laws 2017, provides:

**Sec. 7.** No later than June 1, 2018, community colleges and public universities listed in ORS 352.002 shall submit a joint report to the interim committees of the Legislative Assembly relating to higher education regarding best practices for advising students about:

(1) Foundational curricula established under section 1 of this 2017 Act [350.400];

(2) Unified statewide transfer agreements established under section 3 of this 2017 Act [350.404];

(3) Methods for identifying a major course of study no later than the student's second year of post-secondary education;

(4) Strategies and resources available to enhance student advising effectiveness and increase student access to information about unified statewide transfer agreements; and

(5) Academic support services, with an emphasis on assisting students enrolled in courses or major courses of study with high rates of incompleteness. [2017 c.669 §7]

**350.417 Academic credit for advanced placement (AP) exam; rules.** (1) As used in this section:

(a) "Advanced placement program" means a nationwide program that offers college-level curricula and examinations to high school students, such as the advanced placement (AP) program.

(b) "Public institution of higher education" has the meaning given that term in ORS 350.350.

(2) An award of academic credit by a public institution of higher education under this section must align with state statutes, rules, standards and requirements regarding the transfer of academic credits to public institutions of higher education.

(3)(a) Each public institution of higher education shall award academic credit in each instance in which an incoming student enrolled at the institution has:

(A) Taken the examination offered as part of an advanced placement program; and

(B) Received a grade indicating that the student is fully qualified to receive college credit for the advanced placement program.

(b) Except as provided in subsection (4) of this section, a student shall be considered to have received a grade indicating that the student is fully qualified to receive academic credit for the advanced placement program if the student has received a score of three, four or five on an advanced placement (AP) exam.

(4)(a) A public institution of higher education may notify the Higher Education Coordinating Commission if the institution considers it necessary to require that, in order to receive academic credit, incoming enrolled students receive a score of higher than three on one or more advanced placement (AP) exams.

(b) Upon receiving notice under paragraph (a) of this subsection, the commission shall convene a committee to determine whether the institution may require a score of higher than three on the identified advanced placement (AP) exams in order for a student to receive academic credit. Subject to paragraph (d) of this subsection, the commission may use a currently existing committee or work group for the purpose of complying with this subsection.

(c) A committee convened under this subsection shall:

(A) Include representatives from the faculty and staff of public universities listed in ORS 352.002 and community colleges as defined in ORS 341.005; and

(B) Consult with a representative from the advanced placement (AP) program prior to issuing a final determination under paragraph (d) of this subsection.

(d) A committee convened under this subsection shall make a final determination on whether the public institution of higher education may require that a student receive a score of higher than three on the identified advanced placement (AP) exams in order to receive academic credit. The determination must be based on whether the institution has provided justification for each subject area in which a score of three on an advanced placement (AP) exam is not sufficient for a student to earn academic credit. The justification must include:

(A) A thorough analysis of placement validity findings detailing the academic performance of students at the public institution of higher education who have taken advanced placement (AP) exams, with disaggregated data on courses of study and exam scores; and

(B) Specific data on learning outcomes that have not been met by students who receive a three on the advanced placement (AP) exam.

(5) If a committee convened under subsection (4) of this section determines that a public institution of higher education may require that students receive a score of higher than three on an advanced placement (AP) exam in order to receive academic credit, the committee shall submit a report detailing the final determination, including the justification provided by the institution

under subsection (4)(d) of this section, to the committees of the Legislative Assembly responsible for higher education. The report must be submitted no later than the final day of the first regular session of the Legislative Assembly that begins after the committee has made the final determination.

(6) The Higher Education Coordinating Commission may make rules to implement this section. [2017 c.516 §1]

**Note:** Section 2, chapter 516, Oregon Laws 2017, provides:

**Sec. 2.** Section 1 of this 2017 Act [350.417] first applies to the 2019-2020 academic year. [2017 c.516 §2]

## FORESTRY EDUCATION

**350.500 Forestry Education Council; members; term of office.** (1) There is established a Forestry Education Council, consisting of five members appointed by the President of Oregon State University. The president shall appoint to the council at least three members who are forestland owners in this state or representatives of forest products manufacturers operating in this state.

(2) The term of office of each council member is four years, but a member serves at the pleasure of the president. Before the expiration of the term of a council member, the president shall appoint a successor whose term begins on January 1 next following. A council member is eligible for reappointment. If there is a vacancy for any cause, the president shall make an appointment to become immediately effective for the unexpired term.

(3) A council member is entitled to compensation and expenses as provided in ORS 292.495 from any unrestricted moneys in a subaccount created as described in ORS 350.520. [Formerly 351.671]

**350.505 Qualifications of members of Forestry Education Council.** The members of the Forestry Education Council must be residents of this state who are well informed on the principles of providing educational opportunities for forestland owners, forest products manufacturers and persons wishing to train in forest-related occupations. [Formerly 351.674]

**350.510 Administration of Forestry Education Council.** (1) The Forestry Education Council shall select one of its members as chairperson and another as vice chairperson, for such terms and with duties and powers necessary for the performance of the functions of such offices as the President of Oregon State University determines.

(2) Except as provided in ORS 350.530, a majority of the members of the council constitutes a quorum for the transaction of business.

(3) The council shall meet at times and places specified by the call of:

(a) The chairperson;

(b) A majority of the members of the council; or

(c) The Dean of the College of Forestry at Oregon State University after consultation with the president. [Formerly 351.677]

**350.515 Criteria and measurements for investments in professional forestry education; process; report.** (1) The Dean of the College of Forestry at Oregon State University shall solicit the advice of the Forestry Education Council when developing work plans or resource allocation plans affecting professional forestry education. The council shall provide advice to the dean regarding the development of work plans and resource allocation plans affecting professional forestry education upon request of the dean or the President of Oregon State University and at other times as the council deems reasonable or necessary.

(2) The council, in consultation with the dean, shall establish criteria and measurements for Oregon State University to use in determining which investments in professional forestry education to make from any subaccount created as described in ORS 350.520.

(3) The criteria and measurements established under this section shall include, but need not be limited to, standards designed to:

(a) Respond to the professional forestry education needs of forestland owners and managers and forest products manufacturers in this state;

(b) Meet the professional forestry education needs of employees working in the forest and wood products industry cluster in this state by increasing faculty and academic program capacity at the university;

(c) Create additional opportunities for residents of this state to pursue professional education in forest engineering, forest management, forest operations management, renewable material and wood products innovation and other fields important to the advancement of the forest and wood products industry cluster in this state;

(d) Maximize the leverage of any moneys that the university allocates under ORS 350.520;

(e) Give priority to allocations for which financial resources of forest products manufacturers in this state, or of other persons interested in professional forestry education in this state, are available to augment the allocations; and

(f) Ensure that any moneys the university allocates under ORS 350.520 are used to:

(A) Give priority to addressing those educational needs of the forest and wood products industry cluster that are the most evident and urgent;

(B) Produce the greatest amount of educational benefit for the least short-term and long-term costs to this state;

(C) Avoid duplication of existing public or private resources; and

(D) Leverage existing and future private resources for the public benefit.

(4) The council shall review the performance of any investments made in professional forestry education as described in ORS 350.520. The performance reviews shall be designed to identify possible improvements in the criteria and measurements established by the council, identify possible improvements in the process for allocating moneys under ORS 350.520 and determine the effectiveness of the allocations and investments in addressing the objectives described in subsection (3) of this section. The council shall report the results of the performance reviews to the dean and the president. [Formerly 351.679]

**350.520 Public University Fund subaccount for professional forestry education.**

Oregon State University may establish in the Public University Fund established under ORS 352.450 a subaccount dedicated to funding investments in professional forestry education. A subaccount created as provided in this section shall consist of any moneys from harvest taxes, appropriations, gifts, grants or donations made available to the university for the specific purpose of making investments in professional forestry education under this section. The university shall make any allocations of moneys from the subaccount to investments in professional forestry education in accordance with the criteria and measurements established by the Forestry Education Council under ORS 350.515. [Formerly 351.681]

**350.525 No obligation to fund subaccount.**

ORS 350.500 to 350.530 do not establish any obligation or expectation for the appropriation of General Fund moneys to the subaccount described in ORS 350.520 or any obligation or expectation that moneys from forest products harvest taxes will be increased or reallocated for deposit to the subaccount described in ORS 350.520. [Formerly 351.682]

**Note:** 350.525 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 350 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**350.530 Review of allocations by President of Oregon State University.** Prior to the beginning of an academic year, the For-

estry Education Council may request that the President of Oregon State University review any allocations described in ORS 350.520 that are proposed for the academic year. A request under this section must be approved by a majority of the council members. Upon receiving a request from the council, the president shall determine during the academic year whether Oregon State University should allocate additional moneys or take other measures to address any concerns raised in the council's request. [Formerly 351.684]

### VENTURE GRANT PROGRAM

**350.540 Venture grant program; applicant requirements.** The governing board of a public university listed in ORS 352.002 shall adopt a policy that prescribes the requirements for a venture grant program and the requirements that a grant applicant must meet in order to receive grant moneys from the university venture development fund operated by the university, including requirements:

(1) That a grant recipient remain within this state for at least five years following the receipt of a grant or repay the grant plus interest;

(2) That the university report amounts of tax credit certificates issued by the university and cease issuing certificates until the total amount owed to the General Fund at any one time under ORS 350.550 (6) does not exceed \$8.4 million and is allocated as provided in section 6, chapter 31, Oregon Laws 2016; and

(3) That the university maintain records of income realized by the university as the result of grants made from the fund and records of amounts paid to the General Fund. [Formerly 351.692; 2016 c.31 §3]

**Note:** Section 6, chapter 31, Oregon Laws 2016, provides:

**Sec. 6.** (1) Except as provided in subsection (4) of this section, the total amount owed to the General Fund under ORS 350.550 (6), at any time prior to January 1, 2022, by a university that has elected to establish a university venture development fund under ORS 350.550 may not exceed the amounts listed in subsection (2) or (3) of this section.

(2)(a) For Oregon State University, \$3,947,720.

(b) For Oregon Health and Science University, \$1,023,770.

(c) For Portland State University, \$1,275,840.

(d) For University of Oregon, \$2,122,670.

(3) For each of the universities listed in this subsection, \$7,500:

(a) Eastern Oregon University.

(b) Southern Oregon University.

(c) Western Oregon University.

(d) Oregon Institute of Technology.

(4) The presidents of any two or more universities that have established a university venture development

fund under ORS 350.550 may achieve an annual agreement for the reallocation of amounts within their respective limits in this section. [2016 c.31 §6]

**350.545 University venture development funds; use; fee.** (1) Notwithstanding ORS 350.550 (5), the State Treasurer, as payment for expenses, may deduct a fee pursuant to ORS 293.718 from a university venture development fund administered by a public university listed in ORS 352.002 or the Oregon Health and Science University.

(2) A public university listed in ORS 352.002 or the Oregon Health and Science University may direct that moneys credited to its university venture development fund be held and invested by the university's affiliated foundation. Any moneys held by an affiliated foundation under this section or ORS 350.550 are not subject to the provisions of ORS chapter 293 or 295 and may not be considered public or state funds for any purpose. Moneys transferred to an affiliated foundation under this section or ORS 350.550 may be used only as provided under ORS 350.540, 350.545, 350.550 and 353.445.

(3) A public university listed in ORS 352.002 or the Oregon Health and Science University may retain or may elect to have its affiliated foundation retain some or all of the principal contributed to a university venture development fund for investment to perpetuate and increase the moneys available for expenditure. The balance of the fund and the earnings on that balance may be used as provided under ORS 350.540, 350.545, 350.550 and 353.445. [Formerly 351.695]

**350.550 Purposes of funds; disbursement; assessment; report.** (1) Each public university listed in ORS 352.002 and Oregon Health and Science University may elect to establish a university venture development fund as provided in this section for the purpose of facilitating the commercialization of university research and development. A university shall direct that the university venture development fund be administered, in whole or in part, by the university or by the university's affiliated foundation.

(2) The purposes of a university venture development fund are to provide:

(a) Capital for university entrepreneurial programs;

(b) Opportunities for students to gain experience in applying research to commercial activities;

(c) Proof-of-concept funding for transforming research and development concepts into commercially viable products and services; and

(d) Entrepreneurial opportunities for persons interested in transforming research into



viable commercial ventures that create jobs in this state.

(3) Each university that elects to establish a university venture development fund shall:

(a) Notify the Department of Revenue of the establishment of the fund;

(b) Either directly or through its affiliated foundation, solicit contributions to the fund and receive, manage and disburse moneys contributed to the fund;

(c) Subject to ORS 315.521, 350.540 and 353.445, issue tax credit certificates to contributors to the fund in the amount of the contributions;

(d) Establish a grant program that meets the requirements for a venture grant program under policies adopted under ORS 350.540 by the governing board of a public university listed in ORS 352.002 or under policies adopted by the Oregon Health and Science University Board of Directors under ORS 353.445; and

(e) Subject to available moneys from the fund, provide qualified grant applicants with moneys for the purpose of facilitating the commercialization of university research and development.

(4) Except as provided in subsection (5) of this section, moneys in a university venture development fund shall be disbursed only as directed by a university.

(5) A university or its affiliated foundation may charge its customary administrative assessment to manage its university venture development fund in an amount not to exceed three percent of the fund's average balance during the fiscal year of the university or its affiliated foundation. The administrative assessment may be paid from the assets in the fund. Except as authorized by law, no other fees or indirect costs shall be charged against the university venture development fund or any associated grants or other disbursements from the fund.

(6)(a) A university that has established a university venture development fund shall monitor the use of grants made from the fund and identify the income realized by the university as the result of the use of the grants. Income consists of cash realized from royalties, milestone and license fee payments and cash from the sale of equity. The university shall cause the transfer of 20 percent of the income realized from the grants to the General Fund. Except as provided in paragraph (b) of this subsection, the transferred amount may not exceed the amount of the tax credits indicated on certificates issued by the university as a result of contributions to its university venture development fund. Immediately upon deposit of the transferred

amount into the General Fund, the university may issue new tax credits to equal the transferred amount.

(b) In addition to the transferred amounts described in paragraph (a) of this subsection, for any amount listed on a certificate that has not been claimed as a tax credit by a taxpayer within five years of its issuance, a university may accept a donation and issue a certificate for an equal amount.

(7) A university that has established a university venture development fund shall report annually to the Legislative Assembly or, if the Legislative Assembly is not in session, to the interim legislative committees on revenue. The report shall be at the end of the fiscal year of the university or of its affiliated foundation and provide information for that fiscal year. The university shall include in the report the following information pertaining to its university venture development fund:

(a) The amount of donations received for the fund;

(b) The amount of income received from the fund;

(c) The amount of disbursements and grants paid from the fund;

(d) The amount of income and royalties received from disbursements from the fund; and

(e) The amount of moneys transferred from the fund to the General Fund. [Formerly 351.697; 2016 c.31 §5]

**Note:** See note under 350.540.

### POLICY ON INDEPENDENT INSTITUTIONS OF HIGHER EDUCATION

**350.600 Legislative findings.** The Legislative Assembly finds that:

(1) The current and future need for higher education services in Oregon is too great and too diverse to be met by government-sponsored institutions alone.

(2) From the early 1840s the citizens of Oregon, through private initiative, have created and sustained a variety of independent not-for-profit institutions of higher education, irrevocably organized as public benefit corporations in service to the people of Oregon. For the purposes of ORS 350.600 to 350.620, "independent institutions" or "independent higher education" refers to such institutions.

(3) These independent institutions:

(a) Conduct teaching, research and public service of high quality, contributing substantially to the preparation of a professional workforce, to the intellectual and cultural quality of life in Oregon and to the individ-

ual character of social responsibility so highly prized in this state and nation;

(b) Provide a major share of all post-secondary education in Oregon, at the lowest cost to the taxpayer;

(c) Add meaningful and valued diversity to the array of post-secondary educational opportunities available to Oregonians;

(d) Are accessible to qualified students of all ethnic backgrounds and from all socioeconomic levels;

(e) Annually attract thousands of talented people to Oregon from other regions of the country and the world;

(f) Provide unique local opportunities in higher education that many Oregonians would otherwise leave the state to find;

(g) Attract and sustain voluntary donations of private time, treasure and talent from thousands of citizens in public service toward fulfilling the educational needs of the larger community; and

(h) Constitute a sizable economic enterprise.

(4) The educational capital and services of these independent institutions are essential to meeting the current and future higher educational needs of Oregon's citizens. [Formerly 352.665]

**350.605 Public purpose to encourage and increase opportunities in independent higher education.** Based on the legislative findings described in ORS 350.600, the Legislative Assembly declares that it is an important public interest to encourage and increase opportunities in independent higher education for the people of Oregon. [Formerly 352.667]

**350.610 Policies and practices of state agencies and Higher Education Coordinating Commission.** The Legislative Assembly declares that all state agencies and the Higher Education Coordinating Commission should pursue policies and engage in practices that enhance the vitality of independent higher education in Oregon and should cooperate with the state's independent institutions. [Formerly 352.669]

**350.615 State financial aid for students.** The Legislative Assembly declares that it is an important public interest, and an appropriate objective of the state, that Oregonians who need financial assistance to attend an independent institution in Oregon should have access to state financial aid. [Formerly 352.672]

**350.620 State policies to enhance and encourage independent higher education.** The Legislative Assembly declares its ongoing interest in state policies that:

(1) Enhance the ability of independent institutions to sustain and expand their services in Oregon;

(2) Complement, assist and strengthen existing or planned programs and activities of independent institutions in Oregon while maintaining high academic and administrative standards;

(3) Encourage broad public participation in independent higher education;

(4) Promote coordination among independent and community colleges and state universities;

(5) Stimulate and encourage private initiative and financial support in connection with the programs and activities of independent higher education;

(6) Encourage recognition of the contributions made by independent higher education to the well-being of the state and to the development of the individual; and

(7) Develop, maintain and provide the public with sufficient information concerning independent educational opportunities within the state. [Formerly 352.675]

## AID TO INDEPENDENT INSTITUTIONS

**350.630 Legislative findings.** It is hereby determined and declared as a matter of legislative finding that:

(1) Independent institutions of higher education in the state educate a substantial share of all post-secondary students in Oregon and such nonpublic institutions make an important contribution to post-secondary education in Oregon.

(2) The state's duty to support the achieving of public welfare purposes in education may be, in part, fulfilled by the state's support of those nonsectarian educational objectives achieved through nonpublic post-secondary institutions.

(3) Many of Oregon's private and independent institutions of higher learning face serious financial difficulties and, should any of these institutions be forced to close, many of their students would seek admission in public institutions creating an added financial burden to the state and an impairment of post-secondary education in Oregon. Such hazards may be substantially reduced and all education in the state improved through the purchase of nonsectarian educational services from Oregon's private and independent institutions. [Formerly 352.710]

**350.635 Definitions for ORS 350.630 to 350.655.** As used in ORS 350.630 to 350.655, unless the context requires otherwise:

(1) "Private and independent institutions of higher education" or "institution" means

any nonpublic and nonprofit college or university in the State of Oregon accredited by the Northwest Commission on Colleges and Universities or its successor, and any chiropractic college located in this state and accredited by the Council on Chiropractic Education or its successor.

(2) “Nonsectarian educational services” means the provision of instruction in secular subjects.

(3) “Secular subjects” means any course that is presented in the curriculum of a private and independent institution of higher education that is not hobby or recreational in nature or that does not advocate the religious teachings or the morals or forms of worship of any sect. [Formerly 352.720]

**350.640 Contracts with independent institutions for nonsectarian and nonreligious educational services.** (1) The Higher Education Coordinating Commission may enter into contracts with private and independent institutions of higher education for the performance of nonsectarian educational services to assist the state in providing educational opportunities for Oregon students.

(2) The commission may accept grants, gifts, bequests, and devises of real and personal property to carry out the purposes of ORS 350.630 to 350.655.

(3) No funds disbursed pursuant to ORS 350.630 to 350.655 shall be used by any recipient for any religious purpose. [Formerly 352.730]

**350.645 Computation of payments under contracts.** Payments to private and independent institutions of higher education under contracts entered into under ORS 350.640 shall be determined by the Director of the Office of Student Access and Completion on a uniform rate for every 45 quarter hours, or equivalent, of approved and registered course work in nonsectarian subjects completed by undergraduate students enrolled in the institutions who are residents of Oregon, and shall not exceed the actual cost to the institution of providing such educational services. This uniform rate shall apply to the estimated 45-hour units for each institution upon which the legislative appropriation is based for that year, or the actual 45-hour units for each institution, whichever is the lesser. Any remaining funds shall be distributed among those institutions whose actual 45-hour units exceed the estimate. The distribution to each institution shall be according to the uniform rate established for the 45-hour units or an amount equal to the ratio that the excess units bear to 45. However, if insufficient funds are available for such a distribution, then the distribution

shall be according to the ratio that the total number of 45-hour units in excess of the estimate bears to the total amount of funds remaining undistributed, multiplied by the number of excess 45-hour units, if any, at each institution. [Formerly 352.740; 2017 c.66 §59]

**350.650 Rules.** In accordance with any applicable provisions of ORS chapter 183, the Higher Education Coordinating Commission may make such reasonable rules and regulations as are necessary or proper to carry out ORS 350.630 to 350.655. [Formerly 352.750]

**350.655 Severability.** If a part of ORS 350.630 to 350.655 is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of ORS 350.630 to 350.655 is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications. [Formerly 352.760]

## FINANCE OF EDUCATION FACILITIES BY MUNICIPALITY

**350.665 Definitions for ORS 350.665 to 350.695.** As used in ORS 350.665 to 350.695, unless the context requires otherwise:

(1) “Education facilities” means real or personal property owned or operated by an educational institution and used to provide post-secondary education. “Education facilities” includes administrative offices, student and staff parking and on-campus dormitories, but does not include property used for sectarian instruction nor used primarily as a place of religious worship or as a part of a program of a school or department of divinity for any religious denomination or for the religious training of ministers, priests, rabbis or other similar persons in the field of religion.

(2) “Education facilities costs” means all costs of acquiring, constructing and improving education facilities, and capitalized interest, reserves, costs of credit enhancements and costs of issuing and paying revenue bonds.

(3) “Education facility revenues” means repayments of loans authorized by ORS 350.675 (3), and any moneys derived from rights or property that are security for such a loan.

(4) “Educational institution” means any nonprofit institution located in this state that grants post-secondary degrees and is accredited by the Northwest Commission on Colleges and Universities or its successor, or affiliated nonprofit foundations whose role is to further the mission of qualified institutions.

(5) “Municipality” means any city or county.

(6) "Revenue bond" means a revenue bond as defined in ORS 287A.001 that is issued by a municipality pursuant to ORS 350.665 to 350.695. [Formerly 352.790]

**350.670 Finance of education facilities by municipalities.** In order to provide the people of this state with access to quality post-secondary education at a reasonable cost, and to provide an educated workforce which promotes economic development within this state, the Legislative Assembly authorizes municipalities to finance education facilities in accordance with ORS 350.665 to 350.695. [Formerly 352.795]

**350.675 Powers of municipality.** Except as otherwise provided in ORS 350.685, a municipality shall have all powers necessary to finance education facilities in accordance with ORS 350.665 to 350.695, including the power:

(1) To borrow money and to issue revenue bonds to finance education facilities costs or to refund revenue bonds pursuant to ORS 287A.150.

(2) To pledge education facility revenues to pay revenue bonds.

(3) To loan money to educational institutions to finance education facilities and to enter into loan contracts.

(4) To enter into covenants with the owners of revenue bonds which are intended to protect the rights of such owners.

(5) To contract with trustees to hold and administer education facility revenues and the proceeds of revenue bonds.

(6) To take any other action necessary to carry out the powers granted by ORS 350.665 to 350.695. [Formerly 352.800]

**350.680 Revenue bonds; issuance; trust funds; pledge; terms; legal effect.** (1) Revenue bonds shall be payable solely from that portion of education facility revenues which the municipality pledges therefor in the resolution authorizing issuance of revenue bonds.

(2) A municipality may authorize the issuance of revenue bonds by resolution or nonemergency ordinance under the procedure described in ORS 287A.150.

(3) The resolution may provide for the establishment of one or more special funds and may place such funds under the control of one or more trustees. The resolution may obligate the municipality to deposit and expend the proceeds of the revenue bonds only into and from such fund or funds, and to set aside and pay into such fund or funds specified education facility revenues.

(4) Any pledge of education facility revenues made by a municipality shall be valid and binding, without physical delivery or additional action, from the time that the pledge is made against any parties having subsequent claims of any kind in tort, contract or otherwise against a municipality or an educational institution, irrespective of whether such parties have actual notice thereof. The pledge shall be noted in the resolution authorizing issuance of revenue bonds, which shall be constructive notice thereof to all parties and the resolution need not be recorded, nor shall the filing of any financing statement under the Uniform Commercial Code be required to perfect such pledge.

(5) The municipality may establish the terms under which its revenue bonds shall be issued and sold.

(6) All revenue bonds issued pursuant to ORS 350.665 to 350.695 shall be legal securities which may be used by any insured institution or trust company, as those terms are defined in ORS 706.008, for deposit with the State Treasurer or a county treasurer or city treasurer as security for deposits in lieu of a surety bond under any law relating to deposits of public moneys. The revenue bond shall constitute legal investments for public bodies, trustees and other fiduciaries, banks, savings and loan associations and insurance companies. All revenue bonds shall constitute negotiable instruments within the meaning of and for all purposes of the law of this state. [Formerly 352.805]

**350.685 Revenue bonds secured by education facility revenues.** Revenue bonds shall not be a general bond of any municipality nor a charge upon the tax revenues of any municipality, and shall be secured solely by the education facility revenues pledged to their payment. [Formerly 352.810]

**350.690 Municipalities acting jointly.** All powers and duties provided in ORS 350.665 to 350.695 may be exercised or discharged by two or more municipalities acting jointly. A municipality may issue revenue bonds to finance education facilities located within the boundaries of another municipality. [Formerly 352.815]

**350.695 Investment of revenues.** Notwithstanding ORS chapter 294, education facility revenues and the proceeds of revenue bonds may be invested in any classes of security which are described in the resolution authorizing issuance of the revenue bonds or are otherwise approved by the municipality. [Formerly 352.820]

### PROMOTION OF REGIONAL INTERSTATE AGREEMENTS

**350.750 Nonresident tuition in post-secondary educational institutions.** The Legislative Assembly finds that:

(1) It is in the interest of this state and its people that Oregon residents have access to the post-secondary institutions in the Northwest which best provide for the educational needs of those students;

(2) The people of Oregon and their post-secondary institutions benefit through the provision of access to Oregon colleges and universities for students from the state of Washington and from the enhanced economic and cultural well-being of the northwest region;

(3) The state should reduce or eliminate the nonresident tuition barriers that might exist between the states of Oregon and Washington to restrict or inhibit enrollment of residents of one of these states in a community college or public college or university in the other state;

(4) The general policy statement on reduction of admission and tuition barriers between the states of Oregon and Washington shall not apply to students at the Oregon Health and Science University, where enrollment priority shall continue to be given to qualified Oregon residents; and

(5) The Higher Education Coordinating Commission shall develop plans to carry out the intent of this policy within the appropriations available, and shall report to the appropriate legislative review agency before implementing the plan. [Formerly 351.647]

**350.755 Interstate agreements.** (1) In addition to any interstate agreements entered into under ORS 350.750, the Governor shall encourage interstate agreements with Washington, Idaho and California. Such agreements shall be in accordance with ORS 190.410 to 190.440 and shall:

(a) Provide for full-time equivalent reimbursement to this state for any students from another state who enroll in an Oregon public post-secondary institution pursuant to the agreement;

(b) Provide that only students who reside in counties that share a common border with this state may participate in any program developed pursuant to such an agreement; and

(c) Provide that the county government or other similar county-wide public organization of any county involved in the agreement shall provide or arrange to provide a portion of the costs of attendance for participating students.

(2) Any public post-secondary institution entering into an interstate agreement under this section shall send a copy of the agreement to the Governor and the Higher Education Coordinating Commission.

(3) The provisions of this section shall not apply to interstate agreements entered into pursuant to ORS 350.750. [Formerly 351.653]

### WESTERN REGIONAL HIGHER EDUCATION COMPACT

**350.770 Western Regional Higher Education Compact ratified.** The Western Regional Higher Education Compact is ratified and approved and the adherence of this state to its provisions, upon ratification and approval by any five or more of the states or territories therein named, is declared. [Formerly 351.770]

**350.775 Compact provisions.** The terms and provisions of the compact referred to in ORS 350.770 are as follows:

#### ARTICLE I

Whereas the future of this nation and of the western states is dependent upon the quality of the education of its youth; and

Whereas many of the western states individually do not have sufficient numbers of potential students to warrant the establishment and maintenance within their borders of adequate facilities in all of the essential fields of technical, professional and graduate training, nor do all of the states have the financial ability to furnish within their borders institutions capable of providing acceptable standards of training in all of the fields mentioned above; and

Whereas it is believed that the western states, or groups of such states within the region, cooperatively can provide acceptable and efficient educational facilities to meet the needs of the region and of the students thereof:

Now, therefore, the states of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming and the territories of Alaska and Hawaii do hereby covenant and agree as follows:

#### ARTICLE II

Each of the compacting states and territories pledges to each of the other compacting states and territories faithful cooperation in carrying out all the purposes of this compact.

#### ARTICLE III

The compacting states and territories hereby create the Western Interstate Commission for Higher Education, hereinafter

called the commission. Said commission shall be a body corporate of each compacting state and territory and an agency thereof. The commission shall have all the powers and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states and territories.

#### ARTICLE IV

The commission shall consist of three resident members from each compacting state or territory. At all times one commissioner from each compacting state or territory shall be an educator engaged in the field of higher education in the state or territory from which he is appointed.

The commissioners from each state and territory shall be appointed by the Governor thereof as provided by law in such state or territory. Any commissioner may be removed or suspended from office as provided by the law of the state or territory from which he shall have been appointed.

The terms of each commissioner shall be four years; provided, however, that the first three commissioners shall be appointed as follows: One for two years, one for three years, and one for four years. Each commissioner shall hold office until his successor shall be appointed and qualified. If any office becomes vacant for any reason, the Governor shall appoint a commissioner to fill the office for the remainder of the unexpired term.

#### ARTICLE V

Any business transacted at any meeting of the commission must be by affirmative vote of a majority of the whole number of compacting states and territories.

One or more commissioners from a majority of the compacting states and territories shall constitute a quorum for the transaction of business.

Each compacting state and territory represented at any meeting of the commission is entitled to one vote.

#### ARTICLE VI

The commission shall elect from its number a chairman and a vice chairman, and may appoint, and at its pleasure dismiss or remove, such officers, agents and employees as may be required to carry out the purpose of this compact; and shall fix and determine their duties, qualifications and compensation, having due regard for the importance of the responsibilities involved.

The commissioners shall serve without compensation, but shall be reimbursed for their actual and necessary expenses from the funds of the commission.

#### ARTICLE VII

The commission shall adopt a seal and bylaws and shall adopt and promulgate rules and regulations for its management and control.

The commission may elect such committees as it deems necessary for the carrying out of its functions.

The commission shall establish and maintain an office within one of the compacting states for the transaction of its business and may meet at any time, but in any event must meet at least once a year. The chairman may call upon such additional meetings and upon the request of a majority of the commissioners of three or more compacting states or territories shall call additional meetings.

The commission shall submit a budget to the Governor of each compacting state and territory at such time and for such period as may be required.

The commission shall, after negotiations with interested institutions, determine the cost of providing the facilities for graduate and professional education for use in its contractual agreements throughout the region.

On or before the fifteenth day of January of each year the commission shall submit to the governors and legislatures of the compacting states and territories a report of its activities for the preceding calendar year.

The commission shall keep accurate books of account, showing in full its receipts and disbursements, and said books of account shall be open at any reasonable time for inspection by the Governor of any compacting state or territory or his designated representative. The commission shall not be subject to the audit and accounting procedure of any of the compacting states or territories. The commission shall provide for an independent annual audit.

#### ARTICLE VIII

It shall be the duty of the commission to enter into such contractual agreements with any institutions in the region offering graduate or professional education and with any of the compacting states or territories as may be required in the judgment of the commission to provide adequate services and facilities of graduate and professional education for the citizens of the respective compacting states or territories. The commission shall first endeavor to provide adequate services and facilities in the fields of dentistry, medicine, public health and veterinary medicine, and may undertake similar activities in other professional and graduate fields.

For this purpose the commission may enter into contractual agreements:

(a) With the governing authority of any educational institution in the region, or with any compacting state or territory, to provide such graduate or professional educational services upon terms and conditions to be agreed upon between contracting parties, and

(b) With the governing authority of any educational institution in the region or with any compacting state or territory to assist in the placement of graduate or professional students in educational institutions in the region providing the desired services and facilities, upon such terms and conditions as the commission may prescribe.

It shall be the duty of the commission to undertake studies of needs for professional and graduate educational facilities in the region, the resources for meeting such needs, and the long-range effects of the compact on higher education; and from time to time prepare comprehensive reports on such research for presentation to the Western Governors' Conference and to the legislatures of the compacting states and territories. In conducting such studies, the commission may confer with any national or regional planning body which may be established. The commission shall draft and recommend to the Governors of the various compacting states and territories uniform legislation dealing with problems of higher education in the region.

For the purposes of this compact the word "region" shall be construed to mean the geographical limits of the several compacting states and territories.

#### ARTICLE IX

The operating costs of the commission shall be apportioned equally among the compacting states and territories.

#### ARTICLE X

This compact shall become operative and binding immediately as to those states and territories adopting it whenever five or more of the states or territories of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, Alaska and Hawaii have duly adopted it prior to July 1, 1953. This compact shall become effective as to any additional states or territories adopting thereafter at the time of such adoption.

#### ARTICLE XI

This compact may be terminated at any time by consent of a majority of the compacting states or territories. Consent shall be manifested by passage and signature in the usual manner of legislation expressing

such consent by the legislature and Governor of such terminating state. Any state or territory may at any time withdraw from this compact by means of appropriate legislation to that end. Such withdrawal shall not become effective until two years after written notice thereof by the Governor of the withdrawing state or territory, accompanied by a certified copy of the requisite legislative action, is received by the commission. Such withdrawal shall not relieve the withdrawing state or territory from its obligations hereunder accruing prior to the effective date of withdrawal. The withdrawing state or territory may rescind its action of withdrawal at any time within the two-year period. Thereafter, the withdrawing state or territory may be reinstated by application to and the approval by a majority vote of the commission.

#### ARTICLE XII

If any compacting state or territory shall at any time default in the performance of any of its obligations assumed or imposed in accordance with the provisions of this compact, all rights, privileges and benefits conferred by this compact or agreements hereunder, shall be suspended from the effective date of such default as fixed by the commission.

Unless such default shall be remedied within a period of two years following the effective date of such default, this compact may be terminated with respect to such defaulting state or territory by affirmative vote of three-fourths of the other member states or territories.

Any such defaulting state may be reinstated by: (a) performing all acts and obligations upon which it has heretofore defaulted, and (b) application to and the approval by a majority vote of the commission.

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[Formerly 351.780]

#### **350.780 Effective time of compact.**

Upon ratification and approval of the Western Regional Higher Education Compact by any five or more of the specified states or territories, the Governor of this state shall execute the compact on behalf of this state and perform any other acts which may be deemed requisite to its formal ratification and promulgation. [Formerly 351.790]

#### **350.785 Commission members; appointment and removal.** (1) The Governor shall appoint the Oregon members of the Western Interstate Commission for Higher Education.

(2) The qualifications and terms of office of the members of the commission for this state shall conform with the provisions of Article IV of the compact.

(3) The Governor may remove a member of the commission for cause after notice and public hearing. [Formerly 351.800]

**350.790 Authority to take action to achieve ends of compact.** The Higher Education Coordinating Commission, public universities listed in ORS 352.002, the Oregon Health and Science University and the Oregon members of the Western Interstate Commission for Higher Education are authorized to take any action necessary to achieving the ends of the Western Regional Higher Education Compact. [Formerly 351.810]

**350.795 Contracts to furnish out-of-state educational service to Oregon students.** (1) Prior to June 1 of each even-numbered year, the Oregon members of the Western Interstate Commission for Higher Education shall determine the quotas of Oregon students for whom various kinds of educational service should be purchased in out-of-state institutions during the next biennium and shall recommend to the Higher Education Coordinating Commission and the Oregon Health and Science University Board of Directors the amount to be included in its biennial budget to cover the cost of such educational service for students enrolled in their respective institutions.

(2) The Higher Education Coordinating Commission and the Oregon Health and Science University Board of Directors shall negotiate contracts with the Western Interstate Commission for Higher Education for educational service of the kind and amount indicated by the quotas determined under subsection (1) of this section. The commission shall make payments required by such contracts out of the money appropriated to the commission for that purpose.

(3) The Higher Education Coordinating Commission may also contract with higher education institutions, or others, which are not members of the Western Interstate Commission for Higher Education, to furnish educational services to students who are residents of the State of Oregon in those areas of higher education where the educational institutions of the State of Oregon are unable to provide the desired professional educational opportunities. [Formerly 351.820]

**350.800 Selection of Oregon residents to receive out-of-state educational service.** (1) Any Oregon resident desiring to take advantage of the Western Regional Higher Education Compact may make application to the Higher Education Coordinating Commission for out-of-state educational ser-

vice. From such applicants the commission shall select students to fill the quotas determined under ORS 350.795.

(2) The commission and the Oregon members of the Western Interstate Commission for Higher Education shall jointly establish criteria to be observed by the commission in making such selections.

(3) The commission shall certify the names of the students selected to the Western Interstate Commission for Higher Education and to the out-of-state institution to which each student desires admission. [Formerly 351.830]

**350.805 Contracts to furnish educational service in Oregon public universities to out-of-state students.** (1) The governing boards of public universities listed in ORS 352.002 and the Oregon Health and Science University Board of Directors may contract with the Western Interstate Commission for Higher Education to furnish educational service in their respective Oregon public universities to out-of-state students.

(2) The governing boards of public universities listed in ORS 352.002 and the Oregon Health and Science University Board of Directors shall determine the number of out-of-state students that should be accepted into their respective universities, and shall make final decisions on admission of individual applicants.

(3) Payments made by the commission under such contracts shall be deposited with the public university attended by the student in the same manner that fees and tuition payments for resident students are deposited and credited. The estimated amount of the payments must be considered by the governing board of the public university in making its biennial budgetary requests. Payments made by the commission under such contracts must be deposited with the Oregon Health and Science University for students who enroll in that university under the terms of such contracts. [Formerly 351.840]

**350.810 Effect of registering to vote on student eligibility to participate in Western Undergraduate Exchange.** The act of registering to vote by a student who is attending a post-secondary institution of education has no effect in determining that student's eligibility to participate in the Western Undergraduate Exchange coordinated by the Western Interstate Commission for Higher Education established under ORS 350.775. [2014 c.113 §11]