

**Enrolled
Senate Bill 442**

Sponsored by COMMITTEE ON EDUCATION AND GENERAL GOVERNMENT

CHAPTER

AN ACT

Relating to university consolidation; creating new provisions; amending ORS 351.070; and declaring an emergency.

Whereas it is the goal of this 2009 Act to support institutions in identifying and achieving cost savings to reduce tuition costs for Oregon's college students and strengthen the entire Oregon University System; and

Whereas Oregon must do everything possible to maximize opportunity and educational attainment for Oregonians across the state; and

Whereas Oregon must not sacrifice the quality of degree programs or student learning in order to maintain access to universities; and

Whereas the Oregon University System must focus on ends, rather than means, both in goals and in policy framework; and

Whereas the preservation or reduction of programs and activities must be based on their ability to advance the universities' mission; now, therefore,

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

SECTION 1. (1) The Joint Boards of Education shall conduct a study of the conversion of some or all state institutions of higher education listed in ORS 352.002 and community colleges to a semester calendar and shall submit a report of its findings and recommendations to the appropriate interim legislative committees on higher education no later than October 1, 2010.

(2) The Joint Boards of Education shall conduct a study of approaches to increase student enrollment and student success for rural residents of this state at institutions of higher education listed in ORS 352.002 and community colleges. The Joint Boards of Education shall submit a report of its findings and recommendations concerning structural, legal, funding or other changes necessary to effect such an increase to the appropriate interim legislative committees on higher education prior to October 1, 2010.

(3) The State Board of Higher Education shall conduct a study of the combination of enrollment management functions into a single office at each state institution of higher education listed in ORS 352.002 whose enrollment is less than 7,500 full-time equivalent students as defined by the board. The board shall submit a report of its findings and actions to the appropriate interim legislative committees on higher education not later than October 1, 2010.

(4)(a) The State Board of Higher Education shall review the missions and programs of each institution of higher education listed in ORS 352.002 and shall direct implementation of the following measures:

(A) Elimination of unnecessary duplication of programs in high-cost disciplines, areas of low student demand and graduate level education; and

(B) Collaboration among universities to provide education programs to students in all parts of this state.

(b) The board shall submit a report on changes to the institutions' missions and programs to the appropriate interim legislative committees on higher education not later than October 1, 2010.

SECTION 2. ORS 351.070 is amended to read:

351.070. (1) The Oregon University System, in accordance with rules adopted by the State Board of Higher Education, shall implement a personnel system and may engage in collective bargaining with its employees. All collective bargaining with any certified or recognized exclusive employee representative shall be under the direction and supervision of the Chancellor of the Oregon University System. The Oregon University System shall have payroll authority pursuant to ORS 292.043 to 292.180.

(2)(a) The board shall establish competitive procedures for the purchasing, procurement and contracting of goods, services and information technology, for the benefit of the Oregon University System and all the institutions, departments and activities therein. The board may also establish exemptions from the competitive procedures when appropriate.

(b) The board shall ensure that the hourly rate of wage paid by any contractor upon all public improvements contracts undertaken for the board shall not be less than the same rate of wage as determined by the Bureau of Labor and Industries for an hour's work in the same trade or occupation in the locality where such labor is performed. Claims or disputes arising under this subsection shall be decided by the Commissioner of the Bureau of Labor and Industries.

(c) The board shall adopt policies and procedures that achieve results equal to or better than the standards existing on July 17, 1995, regarding affirmative action, pay equity for comparable work, recycling, the provision of workers' compensation insurance to workers on contract and the participation of emerging small businesses and businesses owned by minorities and women.

(3) The board may, for each institution under its control:

(a) Appoint and employ a president and the requisite number of professors, teachers and employees, and prescribe their compensation and tenure of office or employment.

(b) Demand and receive the interest mentioned in ORS 352.510 and all sums due and accruing to the institutions of higher education for admission and tuition therein, and apply the same, or so much thereof as is necessary, to the payment of the compensation referred to in paragraph (a) of this subsection and the other current expenses of the institutions.

(c) Prescribe fees for enrollment into the institutions. Such enrollment fees shall include tuition for education and general services and such other charges found by the board to be necessary to carry out its educational programs. The board may award student aid from any fund other than the General Fund.

(d) Prescribe incidental fees for programs under the supervision or control of the board found by the board, upon its own motion or upon recommendation of the recognized student government of the institution concerned, to be advantageous to the cultural or physical development of students. Fees realized in excess of amounts allocated and exceeding required reserves shall be considered surplus incidental fees and shall be allocated for programs under the control of the board and found to be advantageous to the cultural or physical development of students by the institution president upon the recommendation of the recognized student government at the institution concerned.

(e) Upon recommendation of the recognized student government, collect optional fees authorized by the institution executive, for student activities not included in paragraph (c) or (d) of this subsection. The payment of such optional fees shall be at the option and selection of the student and shall not be a prerequisite of enrollment.

(f) Confer, on the recommendation of the faculty of any such institution, such degrees as usually are conferred by such institutions, or as they deem appropriate.

(g) Prescribe the qualifications for admission into such institutions.

(4) Subject to such delegation as the board may decide to make to the institutions, divisions and departments under its control, the board, for each institution, division and department under its control:

(a) Shall supervise the general course of instruction therein, and the research, extension, educational and other activities thereof.

(b) Shall adopt rules and bylaws for the government thereof, including the faculty, teachers, students and employees therein.

(c) Shall maintain cultural and physical development services and facilities therefor and, in connection therewith, may cooperate and enter into agreements with any person or governmental agency.

(d) May contract to provide health services at student health centers.

(e) Shall provide health services at student health centers to students.

(f) May provide health services at student health centers to any of the following:

(A) Dependents of students.

(B) Staff.

(C) Faculty.

(g) Shall prescribe and collect charges.

(h) Shall adopt rules relating to the creation, use, custody and disclosure, including access, of student education records of the institutions that are consistent with the requirements of applicable state and federal law. Whenever a student has attained 18 years of age or is attending an institution of post-secondary education, the permission or consent required of and the rights accorded to a parent of the student regarding education records shall thereafter be required of and accorded to only the student.

(5) For each institution under its jurisdiction, the board shall provide opportunities for part-time students to obtain complete undergraduate degrees at unconventional times, which include but are not limited to early morning and noon hours, evenings and weekends. In administering these degree programs, the institution may use any educational facility available for the use of the institution.

(6) For all institutions of higher education listed in ORS 352.002, the board shall, no later than October 1, 2010, and to the extent feasible and cost beneficial, develop and begin implementation of a common admissions process that permits applicants to be considered for admission to more than one institution.

SECTION 3. The State Board of Higher Education shall report the enrollment, revenue, costs and savings associated with the measures in ORS 351.070 (6) to the Seventy-sixth Legislative Assembly before October 1, 2010, and the Seventy-seventh Legislative Assembly before October 1, 2012.

SECTION 4. This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect on its passage.

Because the Committee feels so strongly we need to begin identifying Principles around this.

Far more political than usual.

Semesters Versus Quarters
A Discussion Brief for OCCA Board of Directors

URGENCY OF THE ISSUE

In February, SB 442, was introduced to the Senate and referred to the Committee on Education and General Government. The initial bill called for the State Board of Higher Education to conduct a study of the benefits and drawbacks of consolidating the regional institutions of higher education. The bill was later amended and passed out of the committee with the original language, plus a provision that the Joint Boards of Education is to conduct a study of the *conversion of some or all state institutions of higher education and community colleges to a semester calendar*. OCCA testified against the bill, pointing out that such a conversion is time consuming and expensive. OCCA pointed out that such a study at this time only serves to raise expectations, when conversion in the present economic climate is difficult.

SB 442 ultimately passed the House and Senate and was signed by the Governor and took effect on July 23, 2009. It also includes provisions that the State Board of Higher Education is to review each institutions mission and eliminate duplication in high cost programs or areas of low student demand. As a result of the passage of the legislation the Joint Board of Education must now conduct the study on the conversation to a semester system and report its findings by October 1, 2010.

OVERVIEW OF THE ISSUE

Perhaps no issue in post-secondary education has been more hotly debated than the issue of the academic calendar. States have wrestled with the financial and academic merits of semesters versus quarters for over a quarter of a century and in some instances, have even reversed direction after mandating a uniform system. There are an enormous number of studies on this topic. The advantages to either system are based on a variety of factors which do not appear to affect the quality of education.

Proponents of the quarter system cite an array of advantages: more entry points for students, greater flexibility in scheduling classes, a wider choice of courses and range of subjects, and higher intensity. Many in Oregon's university system supports a semester system, saying it provides more time for an in-depth review of materials, provides more opportunity for students and faculty to connect, and reduces the number of registration processing periods.

RATIONALE FOR POST SECONDARY EDUCATION/ HIGHER EDUCATION CONVERTING TO A SEMESTER SYSTEM

The Benefits of a Semester System:

- provides more opportunity for thorough examination of a subject;
- permits more meaningful term paper and research assignments;
- allows time at the beginning to get into a subject and at the end to review course work before exams ("dead week");
- permits students to choose research topics or term papers in a less hurried fashion;
- allows students more time to pace their studies;
- promotes greater interaction between faculty and students;
- results in proportionately less time in administering exams;
- reduces faculty time spent on such course preliminaries as reading lists, syllabi, etc.;
- promotes better use of textbooks, which are now designed principally for the semester system; and,
- reduces the tendency towards fragmentation of courses.

RATIONAL FOR POST SECONDARY EDUCATION/ HIGHER EDUCATION REMAINING ON A QUARTER SYSTEM

The Benefits of a Quarter System:

- afford departments greater flexibility in providing course offerings and allow for more curricular innovation;
- allow students more flexibility in selecting majors and arranging class schedules;
- better suit the needs of rapidly changing or emerging disciplines;
- provide students and faculty with more frequent breaks and thus reduce intellectual fatigue;
- multiple entry and exit points;
- wider choice of courses;
- higher intensity in a specific class subject; and,
- lower cost at the point of beginning of each major entry point.

A NEVER ENDING DEBATE WITHOUT A FINAL EMPIRICAL ANSWER

Analyzing the above summary makes it difficult to understand why anyone would want to debate the advantages of a semester versus quarter. However, there are some very strong arguments that weigh in favor of each system. The U. of California conducted an extensive study and found that a semester system works best for science and mathematics courses that build on sequential modules. In addition, it is more efficient and lower cost for colleges and universities to enroll students twice a year using semesters as opposed to enrolling students three times a year using quarters. Based on these and other arguments the entire U. of California system converted from a quarter system to a semester system.

However, there are strong arguments against such a conversion. Colleges converting to the semester system have noticed the percentage of students withdrawing from classes is higher; the student credit hour load is lower, there are fewer entry and exit points for students, students have less flexibility in arranging their schedules, students appear to be able to be less focused and motivated for classes than were for classes offered in a shorter period of time, and the semester system does not appear to work as well for working students, both in scheduling and affordability.

There are hundreds of studies that support the value of each system and resolution will not be reached by simply analyzing the contents of these studies. Ultimately, resolution must be based on what works within for students enrolled in Oregon's colleges and universities, and community colleges.

NEXT STEPS TO COMPLY WITH LEGISLATIVE MANDATE

The legislation directs the Joint Boards of Education to develop and conduct a study on the conversion to a semester system and report its findings by October 1, 2010. There will need to an internal dialogue within the Oregon University System and Community Colleges about the pros and cons of such a conversion. Cam Preus, Commission, Community Colleges and Workforce Development will announce the process that will be followed to insure that Oregon's community colleges have the opportunity to provide appropriate input into the final report.

OCCA BOARD ACTION

The OUS and community college presidents, chief academic officers, and faculty leaders will come together to learn, scope and determine what is needed to respond to the legislative request. **The OCCA Board needs to determine its position on this issue. Possible options include:**

- OCCA recognizes that allowing community colleges in Oregon to remain on the quarter system or to convert to a semester system is a local issue that should be determined by each local board. OCCA will work to ensure that any subsequent legislation recognizes and supports local flexibility.

OR

- OCCA recognizes that allowing all community colleges in Oregon to remain on the quarter system is an advantage to Oregon's community college students. OCCA should strongly lobby in favor of this position.

OR

- OCCA recognizes that converting all community colleges in Oregon to a semester system is an advantage to the Oregon University System and Post-Secondary Education in Oregon. OCCA should strongly lobby in favor of this position.

OR

- Other position statement.