

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2262

By COMMITTEE ON EDUCATION

May 21

1 On page 1 of the printed A-engrossed bill, line 2, after the semicolon insert “creating new pro-
2 visions;”.

3 In line 3, after “329.195,” insert “350.075,” and before the period insert “; and declaring an
4 emergency”.

5 After line 26, insert:

6 “(C) Ensure that at least one member represents the workforces for child care and early learn-
7 ing;”.

8 In line 27, delete “(C)” and insert “(D)”.

9 On page 2, line 6, delete “(D)” and insert “(E)”.

10 After line 40, insert:

11 “(C) Ensure that at least one member represents the workforces for child care and early learn-
12 ing;”.

13 In line 41, delete “(C)” and insert “(D)”.

14 On page 3, line 3, delete “(D)” and insert “(E)”.

15 On page 8, delete lines 32 through 45 and delete page 9 and insert:

16 “**SECTION 11. The amendments to ORS 326.425, 329.150, 329.165, 329.195, 417.788, 417.793,**
17 **417.796 and 417.827 by sections 1 to 10 of this 2019 Act become operative on September 1, 2019.**

18 “**SECTION 12.** ORS 417.847 is amended to read:

19 “417.847. (1) The Youth Development Council is established.

20 “(2) The council is established for the purpose of [overseeing] **coordinating** a unified **and**
21 **aligned** system that provides services to school-age children through youth 24 years of age in a
22 manner that supports educational success, focuses on crime prevention, reduces high risk behaviors
23 and is integrated, measurable and accountable. The council shall provide direction to the Youth
24 Development Division.

25 “(3) The council consists of no fewer than 15 members who are appointed by the Governor. The
26 Governor shall ensure that membership of the council satisfies any federal requirements for mem-
27 bership of a state advisory committee on juvenile justice, and shall include tribal representation in
28 the membership of the council.

29 “(4) The council shall:

30 “(a) Determine the availability of funding to support community-based youth development pro-
31 grams, services and initiatives with demonstrated outcomes and strategic objectives established by
32 the council by rule.

33 “(b) Prioritize funding for services related to:

34 “(A) The prevention of and intervention in the risk factors that lead to juvenile delinquency and
35 the promotion of protective factors that improve the health and well-being of children and youth,

1 as supported by evidence-based program models and other research-based models; and

2 “(B) The prevention of and intervention in gang violence and gang involvement.

3 “(5) The council may:

4 “[*a*] *Enter into performance-based intergovernmental agreements with regional and county entities,*
5 *and tribal governments, to contract for the provision of youth development programs, services and ini-*
6 *tiatives that will achieve demonstrated outcomes and strategic objectives established by the council by*
7 *rule.*]

8 “(a) **Enter into intergovernmental agreements with county and municipal governments,**
9 **tribal governments, educational institutions and other governmental entities identified by**
10 **rule of the council for the provision of youth development programs, services and initiatives.**

11 “(b) **Enter into grant agreements and contracts with community-based organizations,**
12 **educational institutions, regional entities and other entities identified by rule of the council**
13 **for the provision of youth development programs, services and initiatives.**

14 “[*b*] (c) Determine the means by which services to children and youth may be provided effec-
15 tively and efficiently across multiple programs to improve the academic and social outcomes of
16 children and youth.

17 “[*c*] (d) Assess state programs and services related to youth development and training, and
18 identify methods by which programs and services may be coordinated or consolidated.

19 “[*d*] (e) Establish common academic and social indicators to support attainment of goals es-
20 tablished by the council.

21 “[*e*] (f) Establish common program outcome measurements and coordinate data collection
22 across multiple programs and services.

23 “[*f*] (g) Ensure implementation of best practices that:

24 “(A) Are evidence based;

25 “(B) Are culturally, gender and age appropriate;

26 “(C) Address individual risk factors;

27 “(D) Build upon factors that improve the health and well-being of children and youth; and

28 “(E) Include tribal best practices.

29 “(6) The Governor may designate one member of the council to serve as the chairperson or, if
30 the Governor chooses not to designate a chairperson, the council may elect one of its members to
31 serve as chairperson.

32 “(7) In accordance with applicable provisions of ORS chapter 183, the council may adopt rules
33 necessary for the administration of the laws that the council is charged with administering.

34 “(8) The council shall coordinate and collaborate with the Chief Education Office as provided
35 by section 1, chapter 519, Oregon Laws 2011.

36 “**SECTION 13.** ORS 417.847, as amended by section 63, chapter 774, Oregon Laws 2015, and
37 section 36, chapter 17, Oregon Laws 2017, is amended to read:

38 “417.847. (1) The Youth Development Council is established.

39 “(2) The council is established for the purpose of [*overseeing*] **coordinating** a unified **and**
40 **aligned** system that provides services to school-age children through youth 24 years of age in a
41 manner that supports educational success, focuses on crime prevention, reduces high risk behaviors
42 and is integrated, measurable and accountable. The council shall provide direction to the Youth
43 Development Division.

44 “(3) The council consists of no fewer than 15 members who are appointed by the Governor. The
45 Governor shall ensure that membership of the council satisfies any federal requirements for mem-

1 bership of a state advisory committee on juvenile justice, and shall include tribal representation in
2 the membership of the council.

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4 “(a) Determine the availability of funding to support community-based youth development pro-
5 grams, services and initiatives with demonstrated outcomes and strategic objectives established by
6 the council by rule.

7 “(b) Prioritize funding for services related to:

8 “(A) The prevention of and intervention in the risk factors that lead to juvenile delinquency and
9 the promotion of protective factors that improve the health and well-being of children and youth,
10 as supported by evidence-based program models and other research-based models; and

11 “(B) The prevention of and intervention in gang violence and gang involvement.

12 “(5) The council may:

13 “[*(a) Enter into performance-based intergovernmental agreements with regional and county entities,*
14 *and tribal governments, to contract for the provision of youth development programs, services and ini-*
15 *tiatives that will achieve demonstrated outcomes and strategic objectives established by the council by*
16 *rule.*]

17 “(a) **Enter into intergovernmental agreements with county and municipal governments,**
18 **tribal governments, educational institutions and other governmental entities identified by**
19 **rule of the council for the provision of youth development programs, services and initiatives.**

20 “(b) **Enter into grant agreements and contracts with community-based organizations,**
21 **educational institutions, regional entities and other entities identified by rule of the council**
22 **for the provision of youth development programs, services and initiatives.**

23 “[*(b)*] (c) Determine the means by which services to children and youth may be provided effec-
24 tively and efficiently across multiple programs to improve the academic and social outcomes of
25 children and youth.

26 “[*(c)*] (d) Assess state programs and services related to youth development and training, and
27 identify methods by which programs and services may be coordinated or consolidated.

28 “[*(d)*] (e) Establish common academic and social indicators to support attainment of goals es-
29 tablished by the council.

30 “[*(e)*] (f) Establish common program outcome measurements and coordinate data collection
31 across multiple programs and services.

32 “[*(f)*] (g) Ensure implementation of best practices that:

33 “(A) Are evidence based;

34 “(B) Are culturally, gender and age appropriate;

35 “(C) Address individual risk factors;

36 “(D) Build upon factors that improve the health and well-being of children and youth; and

37 “(E) Include tribal best practices.

38 “(6) The Governor may designate one member of the council to serve as the chairperson or, if
39 the Governor chooses not to designate a chairperson, the council may elect one of its members to
40 serve as chairperson.

41 “(7) In accordance with applicable provisions of ORS chapter 183, the council may adopt rules
42 necessary for the administration of the laws that the council is charged with administering.

43 “**SECTION 14.** ORS 350.075 is amended to read:

44 “350.075. (1) As used in this section, ‘student access programs’ means scholarship, loan, grant
45 and access programs described in ORS chapter 348.

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

4 “(3) The Higher Education Coordinating Commission shall:

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

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

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

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

16 “(A) Increasing the educational attainment of the population;

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

19 “(C) Ensuring affordable access for qualified Oregon students at each college or public univer-
20 sity;

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

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

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

28 “(i) Student access programs;

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

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

33 “(iv) New facilities or programs;

34 “(v) Capital improvements and deferred maintenance;

35 “(vi) Special initiatives and investments; and

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

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

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

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

42 “(iii) Solicit public input regarding educational priorities.

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

1 colleges and public universities, as appropriate.

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

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

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

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

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

15 “(h) For public universities listed in ORS 352.002:

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

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

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

20 “(D) Approve and authorize degrees.

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

22 “(i) Authorize degrees to be offered by independent post-secondary institutions in this state un-
23 der ORS 348.594 to 348.615.

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

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

33 “(L) **Administer a statewide longitudinal data system.**

34 “(m) **In coordination with the Department of Education, the Employment Department**
35 **and other state agencies, conduct statewide longitudinal studies and reporting of early**
36 **learning, kindergarten through grade 12 education, higher education and workforce pro-**
37 **grams. For the purposes of this paragraph:**

38 “(A) **The commission shall enter into written interagency agreements with the Depart-**
39 **ment of Education, the Employment Department and any other state agencies necessary for**
40 **the purposes of conducting statewide longitudinal studies and reporting.**

41 “(B) **The commission is considered an authorized representative of state educational**
42 **agencies under applicable state and federal law for purposes of accessing, compiling and**
43 **storing student data for research, audit and evaluation purposes.**

44 “[L] (n) Coordinate and collaborate with the Chief Education Office as provided by section 1,
45 chapter 519, Oregon Laws 2011.

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

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

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

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

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

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

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

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

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

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

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

18 “(c) As used in this subsection:

19 “(A)(i) ‘School’ means an independent institution of higher education that meets the require-
20 ments of ORS 348.597 (2)(a).

21 “(ii) ‘School’ does not mean a school that is exempt from ORS 348.594 to 348.615 under ORS
22 348.597 (2)(b) or (c).

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

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

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

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

32 “(b) Encourage student success and completion initiatives.

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

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

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

36 “(C) Applied baccalaureate and other transfer degrees;

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

38 “(E) Reciprocity agreements with other states.

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

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

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

3 “(7) The Higher Education Coordinating Commission, in a manner consistent with ORS chapter
4 183, may adopt administrative rules.

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

8 “(9) The Higher Education Coordinating Commission may, subject to the Public Contracting
9 Code, enter into contracts and agreements, including grant agreements, with public and private en-
10 tities for those higher education and workforce development activities that are consistent with ORS
11 350.001 and 350.005, with the policies set forth in ORS chapters 341 and 348 and with statutory
12 policies related to career schools and public universities.

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

17 “**SECTION 15.** ORS 350.075, as amended by section 61, chapter 774, Oregon Laws 2015, section
18 6, chapter 30, Oregon Laws 2016, section 56, chapter 117, Oregon Laws 2016, section 8, chapter 66,
19 Oregon Laws 2017, section 2, chapter 98, Oregon Laws 2017, section 6, chapter 185, Oregon Laws
20 2017, section 22, chapter 297, Oregon Laws 2017, and section 2b, chapter 440, Oregon Laws 2017, is
21 amended to read:

22 “350.075. (1) As used in this section, ‘student access programs’ means scholarship, loan, grant
23 and access programs described in ORS chapter 348.

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

27 “(3) The Higher Education Coordinating Commission shall:

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

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

32 “(c) Coordinate the post-secondary elements of data collection and structure, with the advice
33 and recommendation of the state’s independent institutions, community colleges and public univer-
34 sities, as appropriate, in order to construct a state longitudinal data system.

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

39 “(A) Increasing the educational attainment of the population;

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

42 “(C) Ensuring affordable access for qualified Oregon students at each college or public univer-
43 sity;

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

45 “(E) Tracking progress toward meeting the state’s post-secondary education goals established in

1 the strategic plan described in this paragraph.

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

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

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

11 “(iv) New facilities or programs;

12 “(v) Capital improvements and deferred maintenance;

13 “(vi) Special initiatives and investments; and

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

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

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

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

20 “(iii) Solicit public input regarding educational priorities.

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

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

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

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

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

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

38 “(h) For public universities listed in ORS 352.002:

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41 rollment fees of greater than five percent is appropriate.

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

43 “(D) Approve and authorize degrees.

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

45 “(i) Authorize degrees to be offered by independent post-secondary institutions in this state un-

1 der ORS 348.594 to 348.615.

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

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

11 “(L) **Administer a statewide longitudinal data system.**

12 “(m) **In coordination with the Department of Education, the Employment Department**
13 **and other state agencies, conduct statewide longitudinal studies and reporting of early**
14 **learning, kindergarten through grade 12 education, higher education and workforce pro-**
15 **grams. For the purposes of this paragraph:**

16 “(A) **The commission shall enter into written interagency agreements with the Depart-**
17 **ment of Education, the Employment Department and any other state agencies necessary for**
18 **the purposes of conducting statewide longitudinal studies and reporting.**

19 “(B) **The commission is considered an authorized representative of state educational**
20 **agencies under applicable state and federal law for purposes of accessing, compiling and**
21 **storing student data for research, audit and evaluation purposes.**

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

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

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

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

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

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

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

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

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

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

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

39 “(c) As used in this subsection:

40 “(A)(i) ‘School’ means an independent institution of higher education that meets the require-
41 ments of ORS 348.597 (2)(a).

42 “(ii) ‘School’ does not mean a school that is exempt from ORS 348.594 to 348.615 under ORS
43 348.597 (2)(b) or (c).

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

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

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

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

8 “(b) Encourage student success and completion initiatives.

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

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

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

12 “(C) Applied baccalaureate and other transfer degrees;

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

14 “(E) Reciprocity agreements with other states.

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

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

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

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

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

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

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

38 “**SECTION 16.** ORS 350.075, as amended by section 61, chapter 774, Oregon Laws 2015, section
39 6, chapter 30, Oregon Laws 2016, section 56, chapter 117, Oregon Laws 2016, section 8, chapter 66,
40 Oregon Laws 2017, sections 2 and 3, chapter 98, Oregon Laws 2017, section 6, chapter 185, Oregon
41 Laws 2017, section 22, chapter 297, Oregon Laws 2017, and section 2b, chapter 440, Oregon Laws
42 2017, is amended to read:

43 “350.075. (1) As used in this section, ‘student access programs’ means scholarship, loan, grant
44 and access programs described in ORS chapter 348.

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

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

3 “(3) The Higher Education Coordinating Commission shall:

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

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

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

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

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

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

18 “(C) Ensuring affordable access for qualified Oregon students at each college or public univer-
19 sity;

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

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

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

27 “(i) Student access programs;

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

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

32 “(iv) New facilities or programs;

33 “(v) Capital improvements and deferred maintenance;

34 “(vi) Special initiatives and investments; and

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

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

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

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

41 “(iii) Solicit public input regarding educational priorities.

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

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

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

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

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

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

14 “(h) For public universities listed in ORS 352.002:

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

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

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

19 “(D) Approve and authorize degrees.

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

21 “(i) Authorize degrees to be offered by independent post-secondary institutions in this state un-
22 der ORS 348.594 to 348.615.

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

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

32 “(L) **Administer a statewide longitudinal data system.**

33 “(m) **In coordination with the Department of Education, the Employment Department**
34 **and other state agencies, conduct statewide longitudinal studies and reporting of early**
35 **learning, kindergarten through grade 12 education, higher education and workforce pro-**
36 **grams. For the purposes of this paragraph:**

37 “(A) **The commission shall enter into written interagency agreements with the Depart-**
38 **ment of Education, the Employment Department and any other state agencies necessary for**
39 **the purposes of conducting statewide longitudinal studies and reporting.**

40 “(B) **The commission is considered an authorized representative of state educational**
41 **agencies under applicable state and federal law for purposes of accessing, compiling and**
42 **storing student data for research, audit and evaluation purposes.**

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

1 “(a) Ensure or improve access to higher education by diverse and underserved populations.
2 “(b) Encourage student success and completion initiatives.
3 “(c) Improve the coordination of the provision of educational services, including:
4 “(A) Transfers and coenrollment throughout the higher education system;
5 “(B) Accelerated college credit programs for high school students;
6 “(C) Applied baccalaureate and other transfer degrees;
7 “(D) Programs and grants that span multiple institutions; and
8 “(E) Reciprocity agreements with other states.
9 “(d) In coordination with the State Board of Education, enhance the use and quality of dual
10 credit, career and technical pathways and efforts to create a culture of college attendance in this
11 state.
12 “(e) In coordination with the State Workforce and Talent Development Board, local workforce
13 development boards, the Oregon Health and Science University and independent institutions, ensure
14 that the state’s colleges and universities offer programs in high-demand occupations that meet
15 Oregon’s workforce needs.
16 “(f) Improve economies of scale by encouraging and facilitating the use of the shared services
17 among post-secondary institutions in this state.
18 “(5) The Higher Education Coordinating Commission, in a manner consistent with ORS chapter
19 183, may adopt administrative rules.
20 “(6) With the exception of the rulemaking authority granted in subsection (5) of this section, the
21 Higher Education Coordinating Commission may delegate any of its powers, duties or functions to
22 a committee of the commission or to the executive director of the commission.
23 “(7) The Higher Education Coordinating Commission may, subject to the Public Contracting
24 Code, enter into contracts and agreements, including grant agreements, with public and private en-
25 tities for those higher education and workforce development activities that are consistent with ORS
26 350.001 and 350.005, with the policies set forth in ORS chapters 341 and 348 and with statutory
27 policies related to career schools and public universities.
28 “(8) The Higher Education Coordinating Commission may exercise only powers, duties and
29 functions expressly granted by the Legislative Assembly. Except as otherwise expressly provided by
30 law, all other authorities reside at the institutional level with the respective boards of the post-
31 secondary institutions.
32 “**SECTION 17. This 2019 Act being necessary for the immediate preservation of the public**
33 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
34 **July 1, 2019.”.**
35
