

B-Engrossed
Senate Bill 1581

Ordered by the Senate March 5
Including Senate Amendments dated February 9 and March 5

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor John A. Kitzhaber for Oregon Education Investment Board)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Identifies positions that will be under direction and control of Chief Education Officer for matters related to design and organization of state's education system.

Requires governing bodies of education entities to enter into achievement compact with Oregon Education Investment Board. Describes terms that must be included in achievement compact. Directs education entities to form achievement compact advisory committees to develop and implement achievement compact.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to education; creating new provisions; amending ORS 326.300, 326.375, 351.075 and 351.725
3 and sections 1, 2 and 4, chapter 519, Oregon Laws 2011; repealing sections 5 and 6, chapter ____,
4 Oregon Laws 2012 (Enrolled House Bill 4165); and declaring an emergency.

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

6 **SECTION 1.** Section 2, chapter 519, Oregon Laws 2011, is amended to read:

7 **Sec. 2.** (1) The Oregon Education Investment Board established by section 1 [*of this 2011 Act*],
8 **chapter 519, Oregon Laws 2011**, shall appoint a Chief Education Officer who shall serve at the
9 pleasure of the board.

10 (2) The Chief Education Officer shall be a person who, by training and experience, is well
11 qualified to:

12 (a) Perform the duties of the office, as determined by the board; and

13 (b) Assist in carrying out the functions of the board, as described in section 1 [*of this 2011*
14 *Act*], **chapter 519, Oregon Laws 2011**.

15 **(3)(a) For the purpose of furthering the mission of the Oregon Education Investment**
16 **Board to oversee a unified public education system, the Chief Education Officer shall have**
17 **direction and control over the positions identified in paragraph (b) of this subsection for**
18 **matters related to the design and organization of the state's education system, including**
19 **early childhood services provided by the state.**

20 **(b) The positions over which the Chief Education Officer shall have direction and control**
21 **are:**

22 **(A) The Commissioner for Community College Services.**

23 **(B) The Chancellor of the Oregon University System.**

24 **(C) The executive director of the Oregon Student Access Commission.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **(D) The Early Childhood System Director.**

2 **(E) The executive director of the Higher Education Coordinating Commission.**

3 **(F) The Deputy Superintendent of Public Instruction.**

4 (c) The authority of the Chief Education Officer granted under paragraph (a) of this
5 subsection does not include the authority to appoint or remove a person from a position
6 identified in paragraph (b) of this subsection.

7 (d) If a person in a position identified in paragraph (b) of this subsection is appointed by
8 an entity other than the Governor, the Governor shall resolve any dispute between the Chief
9 Education Officer and the appointing authority of the person. The Governor's decision is
10 final.

11 **SECTION 2.** The amendments to section 2, chapter 519, Oregon Laws 2011, by section 1
12 of this 2012 Act do not apply to any Deputy Superintendent of Public Instruction appointed
13 by the Superintendent of Public Instruction who was holding office on August 5, 2011.

14 **SECTION 3.** ORS 326.375 is amended to read:

15 326.375. (1) The State Board of Education shall appoint a Commissioner for Community College
16 Services who shall:

17 (a) Serve at the pleasure of the board.

18 **(b) Serve under the direction and control of the Chief Education Officer appointed under**
19 **section 2, chapter 519, Oregon Laws 2011, for matters related to the design and organization**
20 **of the state's education system.**

21 (2) The commissioner shall be a person who by training and experience is well qualified to per-
22 form the duties of the office and to assist in carrying out the functions of the board under ORS
23 326.041, 326.051, 326.375, 341.005, 341.015, 341.440, 341.455, 341.626, 341.655 and 341.933.

24 (3) The commissioner shall:

25 (a) Be the executive head of the Department of Community Colleges and Workforce
26 Development[;].

27 (b) Direct and supervise all activities of the Department of Community Colleges and Workforce
28 Development[;].

29 (c) Hire staff, as authorized by the State Board of Education to assist in carrying out the duties
30 of the commissioner. The staff shall be considered employees of the Department of Community Col-
31 leges and Workforce Development for purposes of ORS chapters 240 and 243[; and].

32 (d) Be responsible directly to:

33 **(A)** The State Board of Education for those duties enumerated in ORS chapter 341.

34 **(B) The Chief Education Officer for matters related to the design and organization of the**
35 **state's education system.**

36 (4) The commissioner, with approval of the State Board of Education, shall be responsible for
37 the representation of community college interests to the Governor, the Legislative Assembly, state
38 agencies and others. The commissioner, with the approval of the state board, shall be responsible
39 for submitting community college budget requests and budget reports for the Department of Com-
40 munity Colleges and Workforce Development to the Legislative Assembly. The state board shall
41 [insure] ensure that the budget request for community colleges and for the Department of Commu-
42 nity Colleges and Workforce Development are separate and distinct from its other requests to the
43 Legislative Assembly.

44 **SECTION 4.** ORS 351.075 is amended to read:

45 351.075. (1) The State Board of Higher Education shall appoint a chief executive officer who

1 shall be known as the Chancellor of the Oregon University System [*and who*].

2 (2) **The chancellor** shall:

3 (a) Serve at the pleasure of the board.

4 (b) **Serve under the direction and control of the Chief Education Officer appointed under**
5 **section 2, chapter 519, Oregon Laws 2011, for matters related to the design and organization**
6 **of the state's education system.**

7 **SECTION 5.** Section 4, chapter 519, Oregon Laws 2011, is amended to read:

8 **Sec. 4.** (1) The Early Learning Council is established. The council shall function under the di-
9 rection and control of the Oregon Education Investment Board established by section 1 [*of this 2011*
10 *Act*], **chapter 519, Oregon Laws 2011.**

11 (2) The council is established for the purpose of assisting the board in overseeing a unified
12 system of early childhood services, including the funding and administration of those services.

13 (3)(a) The council consists of nine members who are appointed by the Governor and serve at the
14 pleasure of the Governor.

15 (b) When determining who to appoint to the council, the Governor shall:

16 (A) Ensure that at least one of the members is an appointed member of the Oregon Education
17 Investment Board;

18 (B) Ensure that each congressional district of this state is represented by at least one member
19 of the council;

20 (C) For a member who is not an appointed member of the Oregon Education Investment Board,
21 ensure that the member meets the following qualifications:

22 (i) Demonstrates leadership skills in civics or the member's profession;

23 (ii) To the greatest extent practicable, contributes to the council's representation of the ge-
24 ographic, ethnic, gender, racial and economic diversity of this state; and

25 (iii) Contributes to the council's expertise, knowledge and experience in early childhood devel-
26 opment, early childhood care, early childhood education, family financial stability, populations dis-
27 proportionately burdened by poor education outcomes and outcome-based best practices; and

28 (D) Solicit recommendations from the Speaker of the House of Representatives for at least two
29 members and from the President of the Senate for at least two members.

30 (4) The activities of the council shall be directed and supervised by the Early Childhood System
31 Director[, *who is*]. **The director shall:**

32 (a) **Be** appointed by the Governor and [*serves*] **serve** at the pleasure of the Governor.

33 (b) **Serve under the direction and control of the Chief Education Officer appointed under**
34 **section 2, chapter 519, Oregon Laws 2011, for matters related to the design and organization**
35 **of the state's education system.**

36 **SECTION 6.** ORS 351.725 is amended to read:

37 351.725. (1) The Higher Education Coordinating Commission shall appoint an executive [*officer*]
38 **director** to:

39 (a) Serve at the pleasure of the commission.

40 (b) **Serve under the direction and control of the Chief Education Officer appointed under**
41 **section 2, chapter 519, Oregon Laws 2011, for matters related to the design and organization**
42 **of the state's education system.**

43 (2) The appointment of the executive [*officer*] **director** must be by written order, filed with the
44 Secretary of State.

45 (3) Subject to any applicable provisions of ORS chapter 240, the executive [*officer*] **director** shall

1 appoint all subordinate officers and employees of the commission, prescribe their duties and fix their
2 compensation.

3 **SECTION 7.** ORS 326.300 is amended to read:

4 326.300. (1) As provided by section 1, Article VIII of the Oregon Constitution, the Governor is
5 the Superintendent of Public Instruction.

6 (2)(a) The Governor, acting as Superintendent of Public Instruction, shall appoint a Deputy Su-
7 perintendent of Public Instruction. The deputy superintendent must have at least five years of ex-
8 perience in the administration of an elementary school or a secondary school. The appointment of
9 the deputy superintendent shall be subject to confirmation by the Senate as provided by ORS 171.562
10 and 171.565.

11 (b) The deputy superintendent shall:

12 (A) Perform any act or duty of the office of Superintendent of Public Instruction that is desig-
13 nated by the Governor, and the Governor is responsible for any acts of the deputy superintendent.

14 (B) **Serve under the direction and control of the Chief Education Officer appointed under**
15 **section 2, chapter 519, Oregon Laws 2011, for matters related to the design and organization**
16 **of the state's education system.**

17 (3) The deputy superintendent may be removed from office by the Governor following consulta-
18 tion with the State Board of Education.

19 (4) The deputy superintendent shall receive a salary set by the Governor, and shall be reim-
20 bursed for all expenses actually and necessarily incurred by the deputy superintendent in the per-
21 formance of official duties.

22 **SECTION 8. The amendments to ORS 326.300 by section 7 of this 2012 Act do not apply**
23 **to any Deputy Superintendent of Public Instruction appointed by the Superintendent of**
24 **Public Instruction who was holding office on August 5, 2011.**

25 **SECTION 9.** ORS 326.375, as amended by section 3 of this 2012 Act, is amended to read:

26 326.375. (1) The State Board of Education shall appoint a Commissioner for Community College
27 Services who shall[:]

28 [(a)] serve at the pleasure of the board.

29 [(b) *Serve under the direction and control of the Chief Education Officer appointed under section*
30 *2, chapter 519, Oregon Laws 2011, for matters related to the design and organization of the state's*
31 *education system.*]

32 (2) The commissioner shall be a person who by training and experience is well qualified to per-
33 form the duties of the office and to assist in carrying out the functions of the board under ORS
34 326.041, 326.051, 326.375, 341.005, 341.015, 341.440, 341.455, 341.626, 341.655 and 341.933.

35 (3) The commissioner shall:

36 (a) Be the executive head of the Department of Community Colleges and Workforce Develop-
37 ment.

38 (b) Direct and supervise all activities of the Department of Community Colleges and Workforce
39 Development.

40 (c) Hire staff, as authorized by the State Board of Education to assist in carrying out the duties
41 of the commissioner. The staff shall be considered employees of the Department of Community Col-
42 leges and Workforce Development for purposes of ORS chapters 240 and 243.

43 (d) Be responsible directly to[:]

44 [(A)] the State Board of Education for those duties enumerated in ORS chapter 341.

45 [(B) *The Chief Education Officer for matters related to the design and organization of the state's*

1 *education system.]*

2 (4) The commissioner, with approval of the State Board of Education, shall be responsible for
3 the representation of community college interests to the Governor, the Legislative Assembly, state
4 agencies and others. The commissioner, with the approval of the state board, shall be responsible
5 for submitting community college budget requests and budget reports for the Department of Com-
6 munity Colleges and Workforce Development to the Legislative Assembly. The state board shall
7 ensure that the budget request for community colleges and for the Department of Community Col-
8 leges and Workforce Development are separate and distinct from its other requests to the Legisla-
9 tive Assembly.

10 **SECTION 10.** ORS 351.075, as amended by section 4 of this 2012 Act, is amended to read:

11 351.075. (1) The State Board of Higher Education shall appoint a chief executive officer who
12 shall be known as the Chancellor of the Oregon University System.

13 (2) The chancellor shall[:]

14 [(a)] serve at the pleasure of the board.

15 [(b) *Serve under the direction and control of the Chief Education Officer appointed under section*
16 *2, chapter 519, Oregon Laws 2011, for matters related to the design and organization of the state's*
17 *education system.]*

18 **SECTION 11.** ORS 351.725, as amended by section 6 of this 2012 Act, is amended to read:

19 351.725. (1) The Higher Education Coordinating Commission shall appoint an executive director
20 to[:]

21 [(a)] serve at the pleasure of the commission.

22 [(b) *Serve under the direction and control of the Chief Education Officer appointed under section*
23 *2, chapter 519, Oregon Laws 2011, for matters related to the design and organization of the state's*
24 *education system.]*

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

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

30 **SECTION 12.** ORS 326.300, as amended by section 7 of this 2012 Act, is amended to read:

31 326.300. (1) As provided by section 1, Article VIII of the Oregon Constitution, the Governor is
32 the Superintendent of Public Instruction.

33 (2)(a) The Governor, acting as Superintendent of Public Instruction, shall appoint a Deputy Su-
34 perintendent of Public Instruction. The deputy superintendent must have at least five years of ex-
35 perience in the administration of an elementary school or a secondary school. The appointment of
36 the deputy superintendent shall be subject to confirmation by the Senate as provided by ORS 171.562
37 and 171.565.

38 (b) The deputy superintendent shall[:]

39 [(A)] perform any act or duty of the office of Superintendent of Public Instruction that is des-
40 ignated by the Governor, and the Governor is responsible for any acts of the deputy superintendent.

41 [(B) *Serve under the direction and control of the Chief Education Officer appointed under section*
42 *2, chapter 519, Oregon Laws 2011, for matters related to the design and organization of the state's*
43 *education system.]*

44 (3) The deputy superintendent may be removed from office by the Governor following consulta-
45 tion with the State Board of Education.

1 (4) The deputy superintendent shall receive a salary set by the Governor, and shall be reim-
2 bursed for all expenses actually and necessarily incurred by the deputy superintendent in the per-
3 formance of official duties.

4 **SECTION 13. The amendments to ORS 326.300, 326.375, 351.075 and 351.725 by sections 9**
5 **to 12 of this 2012 Act become operative on March 15, 2016.**

6 **SECTION 14. (1) For the purposes of this section:**

7 (a) “Achievement compact” means an agreement entered into between the Oregon Edu-
8 cation Investment Board and the governing body of an education entity as described in this
9 section.

10 (b) “Education entity” means:

11 (A) A school district, as defined in ORS 332.002;

12 (B) An education service district operated under ORS chapter 334;

13 (C) A community college district or community college service district operated under
14 ORS chapter 341;

15 (D) The Oregon University System established by ORS 351.011;

16 (E) A public university of the Oregon University System, as listed in ORS 352.002; and

17 (F) The health professions and graduate science programs of the Oregon Health and
18 Science University operated under ORS chapter 353.

19 (c) “Governing body of an education entity” means:

20 (A) For a school district, the school district board.

21 (B) For an education service district, the board of directors of the education service
22 district.

23 (C) For a community college district or a community college service district, the board
24 of education of the community college district.

25 (D) For the Oregon University System, the State Board of Higher Education.

26 (E) For a public university of the Oregon University System, the president of the uni-
27 versity.

28 (F) For the Oregon Health and Science University, the Oregon Health and Science Uni-
29 versity Board of Directors.

30 (2)(a) Prior to the beginning of each fiscal year, the governing body of each education
31 entity must enter into an achievement compact with the Oregon Education Investment
32 Board for the fiscal year.

33 (b) Governing bodies of education entities identified in subsection (1)(b)(A) to (C) of this
34 section shall enter into achievement compacts as part of the budgeting process under ORS
35 294.305 to 294.565 and shall submit achievement compacts to the board prior to July 1 of each
36 year.

37 (c) The board shall specify a process for adoption and a timeline for submission of
38 achievement compacts for education entities identified in subsection (1)(b)(D) to (F) of this
39 section.

40 (d) The board shall provide to each school district a number quantifying the district’s
41 estimated level of funding for the next fiscal year compared to the determination of funding
42 needed to ensure that the state’s system of kindergarten through grade 12 public education
43 meets the quality goals specified under ORS 327.506.

44 (3)(a) The board shall establish the terms for achievement compacts.

45 (b) The terms of an achievement compact may include:

1 (A) A description of goals for outcomes that are consistent with the educational goals
2 identified in ORS 329.015, the findings described in ORS 351.003 and the mission of education
3 provided in ORS 351.009.

4 (B) A description of the outcomes and measures of progress that will allow each educa-
5 tion entity to quantify:

6 (i) Completion rates for:

7 (I) Critical stages of learning and programs of study;

8 (II) The attainment of diplomas, certificates and degrees; and

9 (III) Achieving the high school and post-secondary education goals established in ORS
10 351.009 and a projection of the progress needed to achieve those goals by 2025;

11 (ii) Validations of the quality of knowledge and skills acquired by students of the educa-
12 tion entity; and

13 (iii) The relevance of the knowledge and skills acquired by the students of the education
14 entity and the means by which those skills and knowledge will contribute to the workforce,
15 the economy and society as described in state policy.

16 (C) Other information suggested by the governing body of an education entity and ap-
17 proved by the board.

18 (c) Notwithstanding the terms described in paragraph (b) of this subsection, for an
19 achievement compact entered into by an education entity identified in subsection (1)(b)(F)
20 of this section, the terms of the achievement compact shall be limited to the enrollment of,
21 and attainment of degrees by, Oregon residents in programs for which the state provides
22 funding.

23 (4)(a) The governing body of each education entity shall identify a target number and
24 percentage of students for achievement of the outcomes, measures of progress and goals
25 specified in the achievement compact for the fiscal year.

26 (b) The governing body of each education entity shall provide a target number and per-
27 centage of students for the aggregate of all disadvantaged subgroups, as defined by federal
28 law or specified by rules adopted by the board. The target number and percentage of students
29 must reflect the education entity's goals of improving education outcomes for disadvantaged
30 student groups and closing any student achievement gaps between disadvantaged student
31 groups and other student groups.

32 (5) As part of the process of entering into an achievement compact, the governing body
33 of an education entity shall ensure that open communications are provided to parents, stu-
34 dents, teachers or faculty, employees, exclusive bargaining representatives and community
35 representatives for the purposes of explaining and discussing the outcomes, measures of
36 progress, goals and targets specified in the achievement compact for the fiscal year. The
37 open communications must be provided during each education entity's public budget process.

38 (6) The board shall specify the format of the achievement compacts and provide model
39 achievement compacts to the governing body of each education entity.

40 (7) The board may adopt a timeline and method for governing bodies of education entities
41 to provide the board with a report at the end of a fiscal year that describes the achievements
42 made by the education entities during the fiscal year. The report:

43 (a) Must include disaggregated data for each disadvantaged student group specified by the
44 board; and

45 (b) May state achievements in numbers and percentages and in relation to the outcomes,

1 measures of progress, goals and targets specified in the achievement compact for the fiscal
2 year.

3 **SECTION 15.** (1) For the purpose of entering into achievement compacts under section
4 14 of this 2012 Act and achieving the outcomes, measures of progress, goals and targets de-
5 scribed in achievement compacts, the Oregon Education Investment Board:

6 (a) Shall direct the State Board of Education to waive for the 2012-2013 fiscal year com-
7 pliance reporting requirements that are adopted by the State Board of Education pursuant
8 to rules adopted under ORS 327.103 and that are related to standards that school districts
9 are required to meet.

10 (b) May direct the Department of Education to waive, as permitted by federal law, re-
11 quirements relating to local district continuous improvement plans specified under ORS
12 329.095.

13 (2) If the Oregon Education Investment Board directs that a compliance reporting re-
14 quirement or a local district continuous improvement plan requirement be waived as pro-
15 vided by subsection (1) of this section, the Superintendent of Public Instruction, the State
16 Board of Education or the Department of Education may not find a school district deficient
17 or nonstandard or otherwise penalize the school district for failure to comply with the waived
18 requirement.

19 **SECTION 16.** (1) Each school district and education service district shall form an
20 achievement compact advisory committee.

21 (2) An achievement compact advisory committee shall be responsible for developing an
22 achievement compact and ensuring that an achievement compact is implemented.

23 (3) The governing body of a district shall appoint the members of an achievement com-
24 pact advisory committee. The members shall consist of teachers, administrators and other
25 appropriate education personnel who are employed by the district. When an employee or-
26 ganization represents educators of a district, the superintendent of the district, at the di-
27 rection of the governing board of the district, shall collaborate with the local president of the
28 employee organization to recommend the appointment of educators to the achievement
29 compact advisory committee.

30 (4) An achievement compact advisory committee shall:

31 (a) Develop plans for achieving the district's outcomes, measures of progress, goals and
32 targets expressed in an achievement compact, including methods of assessing and reporting
33 progress toward the achievement of goals and targets; and

34 (b) Recommend outcomes, measures of progress, goals and targets to be contained in the
35 district's achievement compact for the next fiscal year.

36 (5) Each achievement compact advisory committee shall present its recommendations in
37 a report to the governing board of the district no later than February 1 of each year. An
38 achievement compact advisory committee's report and recommendations shall be considered
39 by the governing board of the district when entering into an achievement compact for the
40 next fiscal year. The governing board shall file the achievement compact advisory
41 committee's report with each achievement compact it adopts and forwards to the Oregon
42 Education Investment Board.

43 **SECTION 17.** (1) The requirements of section 16 of this 2012 Act relating to the imple-
44 mentation of achievement compacts first apply to achievement compacts entered into for
45 fiscal years beginning with the 2012-2013 fiscal year.

1 **(2) The requirements of section 16 of this 2012 Act relating to the development of an**
2 **achievement compact first apply to achievement compacts entered into for fiscal years be-**
3 **ginning with the 2013-2014 fiscal year.**

4 **SECTION 18. (1) State associations representing educators, administrators and governing**
5 **board members of school districts and education service districts may develop and recom-**
6 **mend to the Oregon Education Investment Board collaborative models and resources, in-**
7 **cluding professional development opportunities, that may be used by districts and**
8 **achievement compact advisory committees for the achievement of student success.**

9 **(2) State associations, organizations and employee organizations representing educators,**
10 **administrators, students and governing board members of community colleges and universi-**
11 **ties may develop and recommend to the Oregon Education Investment Board processes for**
12 **collaboration in the development of achievement compacts for their institutions, including**
13 **professional development opportunities, for the achievement of student success.**

14 **(3) The entities described in subsections (1) and (2) of this section must make any rec-**
15 **ommendations to the Oregon Education Investment Board no later than September 30, 2012.**

16 **SECTION 19. Sections 14 to 18 of this 2012 Act are repealed on July 1, 2015.**

17 **SECTION 20.** Section 1, chapter 519, Oregon Laws 2011, as amended by section 8, chapter 519,
18 Oregon Laws 2011, is amended to read:

19 **Sec. 1.** (1) The Oregon Education Investment Board is established for the purpose of ensuring
20 that all public school students in this state reach the education outcomes established for the state.
21 The board shall accomplish this goal by overseeing a unified public education system that begins
22 with early childhood services and continues throughout public education from kindergarten to
23 post-secondary education.

24 (2)(a) The board consists of 13 members as follows:

25 (A) The Governor, or the designee of the Governor; and

26 (B) Twelve members who are appointed by the Governor, subject to confirmation by the Senate
27 in the manner provided in ORS 171.562 and 171.565, and who serve at the pleasure of the Governor.

28 (b) When determining who to appoint to the board, the Governor shall:

29 (A) Ensure that each congressional district of this state is represented by at least one member
30 of the board; and

31 (B) Solicit recommendations from the Speaker of the House of Representatives for at least two
32 members and from the President of the Senate for at least two members.

33 (3) The Governor, or the Governor's designee, shall serve as chairperson of the Oregon Educa-
34 tion Investment Board.

35 (4) The duties of the board include:

36 (a) Ensuring that early childhood services are streamlined and connected to public education
37 from kindergarten through grade 12 and that public education from kindergarten through grade 12
38 is streamlined and connected to post-secondary education. To assist the board in fulfilling this duty,
39 the board shall oversee:

40 (A) The Early Learning Council established by section 4 *[of this 2011 Act]*, **chapter 519, Oregon**
41 **Laws 2011.**

42 (B) The Higher Education Coordinating Commission established by *[section 1, chapter 637,*
43 *Oregon Laws 2011]* **ORS 351.715.**

44 (b) Recommending strategic investments in order to ensure that the public education budget is
45 integrated and is targeted to achieve the education outcomes established for the state.

1 (c) Providing an integrated, statewide, student-based data system that monitors expenditures and
2 outcomes to determine the return on statewide education investments. The board shall provide the
3 data system described in this paragraph by:

4 (A) Developing the data system or identifying or modifying an existing data system that ac-
5 complishes the goals of the data system; and

6 (B) Ensuring that the data system is maintained.

7 **(d) Entering into achievement compacts and administering sections 14, 15 and 18 of this**
8 **2012 Act.**

9 **(e) Working with the Quality Education Commission to identify best practices for school**
10 **districts and the costs and benefits of the adoption of those best practices by school districts.**

11 (5) An appointed member of the board is entitled to compensation and expenses as provided in
12 ORS 292.495.

13 (6) A majority of the members of the board constitutes a quorum for the transaction of business.

14 (7) The board shall meet at such times and places specified by the call of the chairperson or of
15 a majority of the members of the board.

16 (8) In accordance with applicable provisions of ORS chapter 183, the board may adopt rules
17 necessary for the administration of the laws that the board is charged with administering, including
18 any rules necessary for the oversight of the direction and control of the Higher Education Coordin-
19 ating Commission.

20 **SECTION 21.** Section 1, chapter 519, Oregon Laws 2011, as amended by section 8, chapter 519,
21 Oregon Laws 2011, and section 20 of this 2012 Act, is amended to read:

22 **Sec. 1.** (1) The Oregon Education Investment Board is established for the purpose of ensuring
23 that all public school students in this state reach the education outcomes established for the state.
24 The board shall accomplish this goal by overseeing a unified public education system that begins
25 with early childhood services and continues throughout public education from kindergarten to
26 post-secondary education.

27 (2)(a) The board consists of 13 members as follows:

28 (A) The Governor, or the designee of the Governor; and

29 (B) Twelve members who are appointed by the Governor, subject to confirmation by the Senate
30 in the manner provided in ORS 171.562 and 171.565, and who serve at the pleasure of the Governor.

31 (b) When determining who to appoint to the board, the Governor shall:

32 (A) Ensure that each congressional district of this state is represented by at least one member
33 of the board; and

34 (B) Solicit recommendations from the Speaker of the House of Representatives for at least two
35 members and from the President of the Senate for at least two members.

36 (3) The Governor, or the Governor's designee, shall serve as chairperson of the Oregon Educa-
37 tion Investment Board.

38 (4) The duties of the board include:

39 (a) Ensuring that early childhood services are streamlined and connected to public education
40 from kindergarten through grade 12 and that public education from kindergarten through grade 12
41 is streamlined and connected to post-secondary education. To assist the board in fulfilling this duty,
42 the board shall oversee:

43 (A) The Early Learning Council established by section 4, chapter 519, Oregon Laws 2011.

44 (B) The Higher Education Coordinating Commission established by ORS 351.715.

45 (b) Recommending strategic investments in order to ensure that the public education budget is

1 integrated and is targeted to achieve the education outcomes established for the state.

2 (c) Providing an integrated, statewide, student-based data system that monitors expenditures and
3 outcomes to determine the return on statewide education investments. The board shall provide the
4 data system described in this paragraph by:

5 (A) Developing the data system or identifying or modifying an existing data system that ac-
6 complishes the goals of the data system; and

7 (B) Ensuring that the data system is maintained.

8 [(d) *Entering into achievement compacts and administering sections 14, 15 and 18 of this 2012*
9 *Act.*]

10 [(e)] (d) Working with the Quality Education Commission to identify best practices for school
11 districts and the costs and benefits of the adoption of those best practices by school districts.

12 (5) An appointed member of the board is entitled to compensation and expenses as provided in
13 ORS 292.495.

14 (6) A majority of the members of the board constitutes a quorum for the transaction of business.

15 (7) The board shall meet at such times and places specified by the call of the chairperson or of
16 a majority of the members of the board.

17 (8) In accordance with applicable provisions of ORS chapter 183, the board may adopt rules
18 necessary for the administration of the laws that the board is charged with administering, including
19 any rules necessary for the oversight of the direction and control of the Higher Education Coordi-
20 nating Commission.

21 **SECTION 22. The amendments to section 1, chapter 519, Oregon Laws 2011, by section**
22 **21 of this 2012 Act become operative on July 1, 2015.**

23 **SECTION 22a. If House Bill 4165 becomes law, section 5 of this 2012 Act (amending sec-**
24 **tion 4, chapter 519, Oregon Laws 2011) is repealed and section 4, chapter 519, Oregon Laws**
25 **2011, as amended by section 3, chapter __, Oregon Laws 2012 (Enrolled House Bill 4165), is**
26 **amended to read:**

27 **Sec. 4.** (1) The Early Learning Council is established. The council shall function under the di-
28 rection and control of the Oregon Education Investment Board established by section 1, chapter 519,
29 Oregon Laws 2011.

30 (2) The council is established to assist the board in overseeing a unified system of early learning
31 services for the purpose of ensuring that children enter school ready to learn. The Early Learning
32 Council shall ensure that children enter school ready to learn by:

33 (a) Serving as the state advisory council for purposes of the federal Head Start Act, as provided
34 by section 7, **chapter __, Oregon Laws 2012 (Enrolled House Bill 4165)** [*of this 2012 Act*].

35 (b) Implementing and overseeing a system that coordinates the delivery of early learning ser-
36 vices.

37 (c) Overseeing the Oregon Early Learning System created by ORS 417.727.

38 (3) The council consists of members appointed as provided by subsections (4) and (5) of this
39 section.

40 (4)(a) The Governor shall appoint nine voting members who are appointed for a term of four
41 years and serve at the pleasure of the Governor. A person appointed under this subsection may not
42 be appointed to serve more than two consecutive full terms as a council member.

43 (b) When determining whom to appoint to the council under this subsection, the Governor shall:

44 (A) Ensure that at least one of the members is an appointed member of the Oregon Education
45 Investment Board;

1 (B) Ensure that each congressional district of this state is represented;

2 (C) For a member who is not an appointed member of the Oregon Education Investment Board,
3 ensure that the member meets the following qualifications:

4 (i) Demonstrates leadership skills in civics or the member's profession;

5 (ii) To the greatest extent practicable, contributes to the council's representation of the ge-
6 ographic, ethnic, gender, racial and economic diversity of this state; and

7 (iii) Contributes to the council's expertise, knowledge and experience in early childhood devel-
8 opment, early childhood care, early childhood education, family financial stability, populations dis-
9 proportionately burdened by poor education outcomes and outcome-based best practices; and

10 (D) Solicit recommendations from the Speaker of the House of Representatives for at least two
11 members and from the President of the Senate for at least two members.

12 (5) In addition to the members appointed under subsection (4) of this section, the Governor shall
13 appoint voting, ex officio members who represent the state agencies and other entities that are re-
14 quired to be represented on a state advisory council for purposes of the federal Head Start Act and
15 who represent the tribes of this state.

16 (6) The activities of the council shall be directed and supervised by the Early Learning System
17 Director[, *who is*]. **The director shall:**

18 (a) **Be** appointed by the Governor and [*serves*] **serve** at the pleasure of the Governor.

19 (b) **Serve under the direction and control of the Chief Education Officer appointed under**
20 **section 2, chapter 519, Oregon Laws 2011, for matters related to the design and organization**
21 **of the state's education system.**

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

24 **SECTION 22b. If House Bill 4165 becomes law, sections 5 (amending section 4, chapter**
25 **519, Oregon Laws 2011) and 6, chapter __, Oregon Laws 2012 (Enrolled House Bill 4165), are**
26 **repealed and section 4, chapter 519, Oregon Laws 2011, as amended by section 3, chapter __,**
27 **Oregon Laws 2012 (Enrolled House Bill 4165), and section 22a of this 2012 Act, is amended to**
28 **read:**

29 **Sec. 4.** (1) The Early Learning Council is established.

30 (2) The council is established to oversee a unified system of early learning services for the
31 purpose of ensuring that children enter school ready to learn. The Early Learning Council shall
32 ensure that children enter school ready to learn by:

33 (a) Serving as the state advisory council for purposes of the federal Head Start Act, as provided
34 by section 7, chapter __, Oregon Laws 2012 (Enrolled House Bill 4165).

35 (b) Implementing and overseeing a system that coordinates the delivery of early learning ser-
36 vices.

37 (c) Overseeing the Oregon Early Learning System created by ORS 417.727.

38 (3) The council consists of members appointed as provided by subsections (4) and (5) of this
39 section.

40 (4)(a) The Governor shall appoint nine voting members who are appointed for a term of four
41 years and serve at the pleasure of the Governor. A person appointed under this subsection may not
42 be appointed to serve more than two consecutive full terms as a council member.

43 (b) When determining whom to appoint to the council under this subsection, the Governor shall:

44 (A) Ensure that each congressional district of this state is represented;

45 (B) Ensure that each member meets the following qualifications:

1 (i) Demonstrates leadership skills in civics or the member's profession;

2 (ii) To the greatest extent practicable, contributes to the council's representation of the ge-
3 ographic, ethnic, gender, racial and economic diversity of this state; and

4 (iii) Contributes to the council's expertise, knowledge and experience in early childhood devel-
5 opment, early childhood care, early childhood education, family financial stability, populations dis-
6 proportionately burdened by poor education outcomes and outcome-based best practices; and

7 (C) Solicit recommendations from the Speaker of the House of Representatives for at least two
8 members and from the President of the Senate for at least two members.

9 (5) In addition to the members appointed under subsection (4) of this section, the Governor shall
10 appoint voting, ex officio members who represent the state agencies and other entities that are re-
11 quired to be represented on a state advisory council for purposes of the federal Head Start Act and
12 who represent the tribes of this state.

13 (6) The activities of the council shall be directed and supervised by the Early Learning System
14 Director[. *The director shall:*]

15 [(a) *Be*] **who is** appointed by the Governor and [*serve*] **serves** at the pleasure of the Governor.

16 [(b) *Serve under the direction and control of the Chief Education Officer appointed under section*
17 *2, chapter 519, Oregon Laws 2011, for matters related to the design and organization of the state's*
18 *education system.*]

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

21 **SECTION 22c. The amendments to section 4, chapter 519, Oregon Laws 2011, by section**
22 **22b of this 2012 Act become operative on March 15, 2016.**

23 **SECTION 23. This 2012 Act being necessary for the immediate preservation of the public**
24 **peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect**
25 **on its passage.**

26