

Senate Bill 547

Sponsored by Senator WHITSETT

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 **as introduced**.

Grants Oregon residency status to university and community college students who have at least one parent who resided in state for 12 months prior to beginning of academic term.

A BILL FOR AN ACT

1
2 Relating to student residency; amending ORS 341.290 and 351.070.

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

4 **SECTION 1.** ORS 351.070 is amended to read:

5 351.070. (1) The Oregon University System, in accordance with rules adopted by the State Board
6 of Higher Education, shall implement a personnel system and may engage in collective bargaining
7 with its employees. All collective bargaining with any certified or recognized exclusive employee
8 representative shall be under the direction and supervision of the Chancellor of the Oregon Uni-
9 versity System. The Oregon University System shall have payroll authority pursuant to ORS 292.043
10 to 292.180.

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

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

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

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

25 (a) Appoint and employ a president and the requisite number of professors, teachers and em-
26 ployees, and prescribe their compensation and tenure of office or employment.

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

31 (c) Prescribe fees for enrollment into the institutions. Such enrollment fees shall include tuition

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 for education and general services and such other charges found by the board to be necessary to
2 carry out its educational programs. The board may award student aid from any fund other than the
3 General Fund.

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

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

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

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

18 **(h) Establish rules for residency status of students. The rules must provide that a stu-**
19 **dent with at least one parent who has resided in this state continuously for the 12 months**
20 **prior to the beginning of the term for which the student seeks resident classification is a**
21 **resident of this state if the resident parent is:**

22 **(A) A United States citizen; or**

23 **(B) A noncitizen legally residing in this state under the laws of the United States.**

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

27 (a) Shall supervise the general course of instruction therein, and the research, extension, edu-
28 cational and other activities thereof.

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

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

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

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

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

37 (A) Dependents of students.

38 (B) Staff.

39 (C) Faculty.

40 (g) Shall prescribe and collect charges.

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

1 only the student.

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

6 **SECTION 2.** ORS 341.290 is amended to read:

7 341.290. The board of education of a community college district shall be responsible for the
8 general supervision and control of any and all community colleges operated by the district. Con-
9 sistent with any applicable rules of the State Board of Education, the board may:

10 (1) Subject to ORS chapters 238 and 238A, employ administrative officers, professional personnel
11 and other employees, define their duties, terms and conditions of employment and prescribe com-
12 pensation therefor, pursuant to ORS 243.650 to 243.782.

13 (2) Enact rules for the government of the community college, including professional personnel
14 and other employees thereof and students therein.

15 (3) Prescribe the educational program.

16 (4) Control use of and access to the grounds, buildings, books, equipment and other property of
17 the district.

18 (5) Acquire, receive, hold, control, convey, sell, manage, operate, lease, lease-purchase, lend, in-
19 vest, improve and develop any and all property of whatever nature given to or appropriated for the
20 use, support or benefit of any activity under the control of the board, according to the terms and
21 conditions of such gift or appropriation.

22 (6) Purchase real property upon a contractual basis when the period of time allowed for payment
23 under the contract does not exceed 30 years.

24 (7) Fix standards of admission to the community college[, *prescribe and collect tuition for admis-*
25 *sion to the community college, including fixing different tuition rates for students who reside in the*
26 *district, students who do not reside in the district but are residents of the state and students who do*
27 *not reside in the state*].

28 **(8) Prescribe and collect tuition for admission to the community college, including fixing**
29 **different tuition rates for students who reside in the district, students who do not reside in**
30 **the district but are residents of this state and students who do not reside in this state. For**
31 **purposes of this subsection:**

32 **(a) A student with at least one parent who has resided in the district continuously for**
33 **the 12 months prior to the beginning of the term for which the student seeks resident clas-**
34 **sification is a resident of the district if the resident parent is:**

35 **(A) A United States citizen; or**

36 **(B) A noncitizen legally residing in this state under the laws of the United States.**

37 **(b) A student with at least one parent who has resided in this state continuously for the**
38 **12 months prior to the beginning of the term for which the student seeks resident classi-**
39 **fication is a resident of this state if the resident parent is:**

40 **(A) A United States citizen; or**

41 **(B) A noncitizen legally residing in this state under the laws of the United States.**

42 [(8)] **(9) Prescribe and collect fees and expend funds so raised for special programs and services**
43 **for the students and for programs for the cultural and physical development of the students.**

44 [(9)] **(10) Provide and disseminate to the public information relating to the program, operation**
45 **and finances of the community college.**

1 [(10)] (11) Establish or contract for advisory and consultant services.

2 [(11)] (12) Take, hold and dispose of mortgages on real and personal property acquired by way
3 of gift or arising out of transactions entered into in accordance with the powers, duties and au-
4 thority of the board and institute, maintain and participate in suits and actions and other judicial
5 proceedings in the name of the district for the foreclosure of such mortgages.

6 [(12)] (13) Maintain programs, services and facilities, and, in connection therewith, cooperate
7 and enter into agreements with any person or public or private agency.

8 [(13)] (14) Provide student services including health, guidance, counseling and placement ser-
9 vices, and contract therefor.

10 [(14)] (15) Join appropriate associations and pay any required dues therefor from resources of
11 the district.

12 [(15)] (16) Apply for federal funds and accept and enter into any contracts or agreements for the
13 receipt of such funds from the federal government or its agencies for educational purposes.

14 [(16)] (17) Exercise any other power, duty or responsibility necessary to carry out the functions
15 under this section or required by law.

16 [(17)] (18) Prescribe rules for the use and access to public records of the district that are con-
17 sistent with ORS 192.420, and education records of students under applicable state and federal law
18 and rules of the State Board of Education. Whenever a student has attained 18 years of age or is
19 attending an institution of post-secondary education, the permission or consent required of and the
20 rights accorded to a parent of the student regarding education records shall thereafter be required
21 of and accorded to only the student. However, faculty records relating to matters such as conduct,
22 personal and academic evaluations, disciplinary actions, if any, and other personal matters shall not
23 be made available to public inspection for any purpose except with the consent of the person who
24 is the subject of the record or upon order of a court of competent jurisdiction.

25 [(18)] (19) Enter into contracts for the receipt of cash or property, or both, and establish chari-
26 table gift annuities pursuant to ORS 731.038; and, commit, appropriate, authorize and budget for the
27 payment of or other disposition of general funds to pay, in whole or in part, sums due under an
28 agreement for a charitable gift annuity, and to provide the necessary funding for reserves or other
29 trust funds pursuant to ORS 731.038.

30 [(19)] (20) Encourage gifts to the district by faithfully devoting the proceeds of such gifts to the
31 district purposes for which intended.

32 [(20)] (21) Build, furnish, equip, repair, lease, purchase and raze facilities; and locate, buy and
33 acquire lands for all district purposes. Financing may be by any prudent method including but not
34 limited to loans, contract purchase or lease. Leases authorized by this section include lease-
35 purchase agreements under which the district may acquire ownership of the leased property at a
36 nominal price. Such financing agreements may be for a term of up to 30 years except for lease ar-
37 rangements which may be for a term of up to 50 years.

38 [(21)] (22) Participate in an educational consortium with public and private institutions that of-
39 fer upper division and graduate instruction. Community colleges engaged in such consortiums may
40 expend money, provide facilities and assign staff to assist those institutions offering upper division
41 and graduate instruction.

42 [(22)] (23) Enter into contracts of insurance or medical and hospital service contracts or may
43 operate a self-insurance program as provided in ORS 341.312.

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