

**A-Engrossed**  
**Senate Bill 909**

Ordered by the Senate April 27  
Including Senate Amendments dated April 27

Sponsored by COMMITTEE ON RULES (at the request of Governor John A. Kitzhaber)

**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.

*[Establishes Task Force on Education Investment Board for purpose of determining whether to establish education investment board and to identify potential functions of board.]*

**Establishes Oregon Education Investment Board for purpose of ensuring equitable outcomes for public school students by overseeing unified public education system that begins with early childhood services and continues throughout public education from kindergarten to post-secondary education. Directs board to appoint Chief Education Officer.**

**Establishes Oregon Education Investment Fund. Continuously appropriates moneys in fund to board for purpose of funding duties of board.**

**Establishes Early Learning Council. Directs council to prepare and submit information to board related to plans to merge, redesign or improve coordination of early childhood services, to align early childhood services with child-centered outcomes and to implement specified early childhood services.**

**Directs board to submit report related to proposed changes in public education to legislative committees on education by December 15, 2011.**

**Declares emergency, effective on passage.**

**A BILL FOR AN ACT**

1  
2 Relating to education; appropriating money; and declaring an emergency.

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

4 **SECTION 1. (1) The Oregon Education Investment Board is established for the purpose**  
5 **of ensuring equitable outcomes for all public school students of this state by overseeing a**  
6 **unified public education system that begins with early childhood services and continues**  
7 **throughout public education from kindergarten to post-secondary education.**

8 **(2) The board consists of 13 members as follows:**

9 **(a) The Governor, or the designee of the Governor; and**

10 **(b) Twelve members who are appointed by the Governor, subject to confirmation by the**  
11 **Senate in the manner provided in ORS 171.562 and 171.565, and who serve at the pleasure of**  
12 **the Governor.**

13 **(3) The Governor, or the Governor's designee, shall serve as chairperson of the Oregon**  
14 **Education Investment Board.**

15 **(4) The duties of the board include:**

16 **(a) Ensuring that early childhood services are streamlined and connected to public edu-**  
17 **cation from kindergarten through grade 12 and that public education from kindergarten**  
18 **through grade 12 is streamlined and connected to post-secondary education. To assist the**  
19 **board in fulfilling this duty, the board shall oversee the Early Learning Council established**  
20 **by section 4 of this 2011 Act.**

**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 (b) Recommending strategic investments in order to ensure integrated, outcome-based  
2 budgets for public education.

3 (c) Providing an integrated, statewide, student-based data system that monitors expen-  
4 ditures and returns on investments. The board shall provide the data system described in  
5 this paragraph by:

6 (A) Developing the data system or identifying or modifying an existing data system that  
7 accomplishes the goals of the data system; and

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

9 (5) An appointed member of the board is entitled to compensation and expenses as pro-  
10 vided in ORS 292.495.

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

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

15 (8) In accordance with applicable provisions of ORS chapter 183, the board may adopt  
16 rules necessary for the administration of the laws that the board is charged with adminis-  
17 tering.

18 **SECTION 2.** (1) The Oregon Education Investment Board established by section 1 of this  
19 2011 Act shall appoint a Chief Education Officer who shall serve at the pleasure of the board.

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

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

23 (b) Assist in carrying out the functions of the board, as described in section 1 of this 2011  
24 Act.

25 **SECTION 3.** (1) The Oregon Education Investment Fund is established in the State  
26 Treasury, separate and distinct from the General Fund. Moneys in the Oregon Education  
27 Investment Fund may be invested and reinvested. Interest earned by the Oregon Education  
28 Investment Fund shall be credited to the fund.

29 (2) Moneys in the Oregon Education Investment Fund are continuously appropriated to  
30 the Oregon Education Investment Board established by section 1 of this 2011 Act for the  
31 purpose of funding the duties of the board related to early childhood services and public ed-  
32 ucation from kindergarten through post-secondary education.

33 **SECTION 4.** (1) The Early Learning Council is established. The council shall function  
34 under the direction and control of the Oregon Education Investment Board established by  
35 section 1 of this 2011 Act.

36 (2) The council is established for the purpose of assisting the board in overseeing a uni-  
37 fied system of early childhood services, including the funding and administration of those  
38 services.

39 (3) The council consists of nine members who are appointed by the Governor and serve  
40 at the pleasure of the Governor. At least one of the members must be an appointed member  
41 of the Oregon Education Investment Board.

42 (4) The activities of the council shall be directed and supervised by the Early Childhood  
43 System Director, who is appointed by the Governor and serves at the pleasure of the Gov-  
44 ernor.

45 **SECTION 5.** (1) The Early Learning Council established by section 4 of this 2011 Act shall

1 prepare and submit to the Oregon Education Investment Board the information described in  
2 this section for inclusion in the report required under section 6 of this 2011 Act.

3 (2) The council shall conduct an analysis of plans to merge, redesign or improve the co-  
4 ordination of early childhood services and to align early childhood services with child-  
5 centered outcomes. The early childhood services to be considered in the analysis include:

6 (a) Certain programs or services funded or administered by the State Commission on  
7 Children and Families, including:

8 (A) Healthy Start Family Support Services programs described in ORS 417.795.

9 (B) Relief nurseries described in ORS 417.788.

10 (C) Community schools described in ORS 336.505 to 336.525.

11 (D) Great Start.

12 (E) Family preservation programs.

13 (F) Any other services identified by the board that are funded by grants or other moneys  
14 awarded to the commission for the purpose of serving children, youth and families.

15 (b) Certain programs or services funded or administered by the Department of Education,  
16 including:

17 (A) Early intervention services.

18 (B) Early childhood special education.

19 (C) Head Start programs.

20 (D) Oregon prekindergarten programs, as defined in ORS 329.170.

21 (E) The federal Even Start Statewide Family Literacy Initiative.

22 (F) Special education and related services.

23 (c) Certain programs funded or administered by the State Library, including Ready to  
24 Read.

25 (d) Certain programs or services funded or administered by the Oregon Health Authority,  
26 including:

27 (A) Maternal and child health services.

28 (B) The Women, Infants and Children Program established by ORS 409.600.

29 (e) Certain programs funded or administered by the Employment Department, including:

30 (A) The Child Care Division established under ORS 657A.010.

31 (B) The Commission for Child Care created by ORS 657A.600.

32 (f) Certain programs funded or administered by the Department of Human Services, in-  
33 cluding:

34 (A) The Employment Related Day Care program.

35 (B) The Wraparound initiative described in ORS 418.977.

36 (3) The council shall establish a plan to implement early childhood services that could  
37 be implemented by June 30, 2012, to accomplish the following goals:

38 (a) Ensure the early identification of children and families who are at risk based upon  
39 identified, critical indicators.

40 (b) Establish and maintain family support managers who:

41 (A) Coordinate support services provided to children and families;

42 (B) Act as an intermediary between providers of support services and children and fam-  
43 ilies receiving support services; and

44 (C) Serve a geographic area that represents the service area of one or more elementary  
45 schools.

1 (c) Provide services at a biennially calculated average cost per child to ensure account-  
2 ability for efficient and equitable service delivery to children and families with minimal ad-  
3 ministrative costs.

4 (d) Ensure that contracts with early childhood services providers require measured  
5 progress, establish goals and provide payment based on the success of the provider in  
6 achieving the goals.

7 (e) Establish kindergarten readiness assessments and early learning benchmarks.

8 (f) Collect and evaluate data related to early childhood services to ensure that stated  
9 goals are being achieved.

10 (4) The council shall submit the information described in this section to the board by a  
11 date identified by the board. The board shall determine what information to present in the  
12 report described in section 6 of this 2011 Act and how the information shall be presented.

13 **SECTION 6.** (1) The Oregon Education Investment Board established by section 1 of this  
14 2011 Act shall submit a report to the interim legislative committees on education on or be-  
15 fore December 15, 2011, and may file proposed legislative measures with the Legislative  
16 Counsel in the manner allowed by both houses of the Legislative Assembly.

17 (2) The report required by this section shall describe the proposed legislative measures,  
18 which may provide for any of the following:

19 (a) Allowing the Oregon Education Investment Board to carry out the duties of the board  
20 described in section 1 of this 2011 Act.

21 (b) Merging, redesigning or improving the coordination of early childhood services and  
22 aligning early childhood services with child-centered outcomes, as described in section 5 (2)  
23 of this 2011 Act.

24 (c) Implementing early childhood services that meet the goals described in section 5 (3)  
25 of this 2011 Act.

26 (d) Merging the State Board of Education and the State Board of Higher Education and  
27 transferring the duties of those boards and the State Commission on Children and Families  
28 to the Oregon Education Investment Board by June 30, 2012.

29 (e) Requiring the Commissioner for Community College Services, the Chancellor of the  
30 Oregon University System and the executive director of the Oregon Student Assistance  
31 Commission to function under the direction and control of the Chief Education Officer of the  
32 Oregon Education Investment Board by June 30, 2012.

33 (f) Consolidating, aligning and coordinating governance, programs and funding for youth  
34 development and training, including the Oregon Youth Investment Foundation, juvenile  
35 crime prevention programs and services, the Oregon Youth Conservation Corps and the  
36 Youth Standing Committee of the Oregon Workforce Investment Board.

37 **SECTION 7.** The Oregon Education Investment Board established by section 1 of this 2011  
38 Act shall ensure that the statewide data system described in section 1 (4)(c) of this 2011 Act  
39 is operating on or before June 30, 2012.

40 **SECTION 8.** If Senate Bill 242 becomes law, section 1 of this 2011 Act is amended to read:

41 **Sec. 1.** (1) The Oregon Education Investment Board is established for the purpose of ensuring  
42 equitable outcomes for all public school students of this state by overseeing a unified public edu-  
43 cation system that begins with early childhood services and continues throughout public education  
44 from kindergarten to post-secondary education.

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

1 (a) The Governor, or the designee of the Governor; and

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

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

6 (4) The duties of the board include:

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

11 (A) The Early Learning Council established by section 4 of this 2011 Act.

12 (B) **The Higher Education Coordinating Commission established by section 1, chapter \_\_\_,**  
13 **Oregon Laws 2011 (Enrolled Senate Bill 242).**

14 (b) Recommending strategic investments in order to ensure integrated, outcome-based budgets  
15 for public education.

16 (c) Providing an integrated, statewide, student-based data system that monitors expenditures and  
17 returns on investments. The board shall provide the data system described in this paragraph by:

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

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

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

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

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

26 (8) In accordance with applicable provisions of ORS chapter 183, the board may adopt rules  
27 necessary for the administration of the laws that the board is charged with administering, **including**  
28 **any rules necessary for the oversight of the direction and control of the Higher Education**  
29 **Coordinating Commission.**

30 **SECTION 9. The amendments to section 1 of this 2011 Act by section 8 of this 2011 Act**  
31 **become operative on January 1, 2012.**

32 **SECTION 10. This 2011 Act being necessary for the immediate preservation of the public**  
33 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**  
34 **on its passage.**