

**PROPOSED AMENDMENTS TO
HOUSE BILL 2870**

1 In line 2 of the printed bill, delete “and declaring an emergency” and in-
2 sert “amending ORS 351.735”.

3 Delete lines 4 through 11 and insert:

4 **“SECTION 1.** ORS 351.735, as amended by section 2, chapter 83, Oregon
5 Laws 2014, and section 1, chapter 113, Oregon Laws 2014, is amended to read:

6 “351.735. (1) As used in this section, ‘student access programs’ means
7 scholarship, loan, grant and access programs described in ORS chapter 348.

8 “(2) The Higher Education Coordinating Commission shall be guided by
9 the legislative findings in ORS 341.009, 351.001 and 351.003 and the goals and
10 mission of post-secondary education set forth in ORS 351.006 and 351.009.

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

12 “(a) Advise and assist the Oregon Education Investment Board on:

13 “(A) State goals and associated achievement compacts for the state post-
14 secondary education system, including community colleges and public uni-
15 versities listed in ORS 352.002, and for student access programs.

16 “(B) Strategic investments in the state’s community colleges, public uni-
17 versities and student access programs necessary to achieve state post-
18 secondary education goals.

19 “(C) Coordination of the post-secondary elements of data collection and
20 structure, with the advice and recommendation of the state’s independent
21 institutions, community colleges and public universities, as appropriate, in
22 order to assist the Oregon Education Investment Board in the construction

1 of a state longitudinal data system, as authorized by law.

2 “(b) Adopt a strategic plan for achieving state post-secondary education
3 goals, taking into consideration the contributions of this state’s independent
4 institutions, philanthropic organizations and other organizations dedicated
5 to helping Oregonians reach state goals. State post-secondary education
6 goals as described in this section should include, but need not be limited to:

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

8 “(B) Increasing this state’s global economic competitiveness and the
9 quality of life of its residents;

10 “(C) Ensuring affordable access for qualified Oregon students at each
11 college or public university;

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

13 “(E) Tracking progress toward meeting the state’s post-secondary educa-
14 tion goals established in the strategic plan described in this paragraph.

15 “(c)(A) Each biennium, after receiving funding requests from the state’s
16 community colleges and public universities as authorized by law, recommend
17 to the Governor and the Oregon Education Investment Board a consolidated
18 higher education budget request aligned with the strategic plan described in
19 subsection (3)(b) of this section, including appropriations for:

20 “(i) Student access programs;

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

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

26 “(iv) New facilities or programs;

27 “(v) Capital improvements and deferred maintenance; and

28 “(vi) Special initiatives and investments.

29 “(B) In the development of the consolidated higher education budget re-
30 quest:

1 “(i) Determine the costs necessary to provide quality post-secondary edu-
2 cation;

3 “(ii) Solicit input from educators, education policy experts, appropriate
4 legislative committees, students and other persons interested in the develop-
5 ment of the funding model; and

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

7 “(d) Adopt rules governing the distribution of appropriations from the
8 Legislative Assembly to community colleges, public universities listed in
9 ORS 352.002 and student access programs. These rules must be based on al-
10 location formulas developed in consultation with the state’s community col-
11 leges and public universities, as appropriate.

12 “(e) Approve or disapprove any significant change to the academic pro-
13 gram of a community college or a public university listed in ORS 352.002. In
14 reaching a decision under this paragraph, the commission shall consider the
15 recommendation from the community college or public university seeking to
16 make the change to an academic program that is issued pursuant to the ob-
17 ligation of the governing board of a community college or public university
18 to review and approve academic programs. The commission shall ensure that
19 approved programs:

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

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

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

26 “(D) Are allocated among Oregon’s community colleges and public uni-
27 versities to maximize the achievement of statewide needs and requirements.

28 “(f) For public universities listed in ORS 352.002:

29 “(A) Approve the mission statement adopted by a governing board of a
30 public university or by the State Board of Higher Education.

1 “(B) Review and determine whether a proposed annual increase of resi-
2 dent undergraduate enrollment fees, as described in ORS 351.063, of greater
3 than five percent is appropriate.

4 “(C) Advise the Governor and the Legislative Assembly on issues of uni-
5 versity governance.

6 “(D) Approve and authorize degrees.

7 “(g) Authorize degrees to be offered by independent post-secondary insti-
8 tutions in this state under ORS 348.594 to 348.615.

9 “(h) Oversee the licensing of career schools under ORS 345.010 to 345.450.

10 “(i) Have the authority to enter into and administer interstate agreements
11 regarding the provision of post-secondary distance education. The partic-
12 ipation by an educational institution that is not based in this state in dis-
13 tance learning courses or programs that are part of an interstate agreement
14 entered into and administered under this paragraph does not constitute op-
15 erating in this state for purposes of ORS 348.594 to 348.615. The commission,
16 by rule, may impose a fee on any educational institution that seeks to oper-
17 ate under or participate in such interstate agreements. The fee amount shall
18 be established to recover designated expenses incurred by the commission in
19 participating in such agreements.

20 “(j) **With respect to independent nonprofit post-secondary insti-**
21 **tutions of education that are exempt from ORS 348.594 to 348.615 under**
22 **ORS 348.604:**

23 “(A) **Have the authority to enter into a contract with the institution**
24 **to review and act on complaints filed against the institution; and**

25 “(B) **Adopt rules governing the resolution of complaints filed**
26 **against the institution.**

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

1 “(a) Ensure or improve access to higher education by diverse and under-
2 served populations.

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

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

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

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

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

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

10 “(E) Reciprocity agreements with other states.

11 “(d) In coordination with the State Board of Education, enhance the use
12 and quality of dual credit, career and technical pathways and efforts to cre-
13 ate a culture of college attendance in this state.

14 “(e) In coordination with the State Workforce Investment Board, local
15 workforce investment boards, the Oregon Health and Science University and
16 independent institutions, ensure that the state’s colleges and universities
17 offer programs in high-demand occupations that meet Oregon’s workforce
18 needs.

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

21 “(5) The Higher Education Coordinating Commission, in a manner con-
22 sistent with ORS chapter 183, may adopt administrative rules.

23 “(6) With the exception of the rulemaking authority granted in subsection
24 (5) of this section, the Higher Education Coordinating Commission may del-
25 egate any of its powers, duties or functions to a committee of the commission
26 or to the executive director of the commission.

27 “(7) The Higher Education Coordinating Commission may establish tech-
28 nical or advisory committees to assist the commission in exercising its pow-
29 ers, duties and functions.

30 “(8) The Higher Education Coordinating Commission may exercise only

1 powers, duties and functions expressly granted by the Legislative Assembly.
2 Except as otherwise expressly provided by law, all other authorities reside
3 at the institutional level with the respective boards of the post-secondary
4 institutions.

5 **SECTION 2.** ORS 351.735, as amended by section 2, chapter 83, Oregon
6 Laws 2014, and sections 1 and 2, chapter 113, Oregon Laws 2014, is amended
7 to read:

8 “351.735. (1) As used in this section, ‘student access programs’ means
9 scholarship, loan, grant and access programs described in ORS chapter 348.

10 “(2) The Higher Education Coordinating Commission shall be guided by
11 the legislative findings in ORS 341.009, 351.001 and 351.003 and the goals and
12 mission of post-secondary education set forth in ORS 351.006 and 351.009.

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

14 “(a) Develop state goals and associated achievement compacts for the
15 state post-secondary education system, including community colleges and
16 public universities listed in ORS 352.002, and for student access programs.

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

20 “(c) Coordinate the post-secondary elements of data collection and struc-
21 ture, with the advice and recommendation of the state’s independent insti-
22 tutions, community colleges and public universities, as appropriate, in order
23 to construct a state longitudinal data system.

24 “(d) Adopt a strategic plan for achieving state post-secondary education
25 goals, taking into consideration the contributions of this state’s independent
26 institutions, philanthropic organizations and other organizations dedicated
27 to helping Oregonians reach state goals. State post-secondary education
28 goals as described in this section should include, but need not be limited to:

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

30 “(B) Increasing this state’s global economic competitiveness and the

1 quality of life of its residents;

2 “(C) Ensuring affordable access for qualified Oregon students at each
3 college or public university;

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

5 “(E) Tracking progress toward meeting the state’s post-secondary educa-
6 tion goals established in the strategic plan described in this paragraph.

7 “(e)(A) Each biennium, after receiving funding requests from the state’s
8 community colleges and public universities as authorized by law, recommend
9 to the Governor a consolidated higher education budget request aligned with
10 the strategic plan described in subsection (3)(d) of this section, including
11 appropriations for:

12 “(i) Student access programs;

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

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

18 “(iv) New facilities or programs;

19 “(v) Capital improvements and deferred maintenance; and

20 “(vi) Special initiatives and investments.

21 “(B) In the development of the consolidated higher education budget re-
22 quest:

23 “(i) Determine the costs necessary to provide quality post-secondary edu-
24 cation;

25 “(ii) Solicit input from educators, education policy experts, appropriate
26 legislative committees, students and other persons interested in the develop-
27 ment of the funding model; and

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

29 “(f) Adopt rules governing the distribution of appropriations from the
30 Legislative Assembly to community colleges, public universities listed in

1 ORS 352.002 and student access programs. These rules must be based on al-
2 location formulas developed in consultation with the state’s community col-
3 leges and public universities, as appropriate.

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

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

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

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

18 “(D) Are allocated among Oregon’s community colleges and public uni-
19 versities to maximize the achievement of statewide needs and requirements.

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

21 “(A) Approve the mission statement adopted by a governing board of a
22 public university or by the State Board of Higher Education.

23 “(B) Review and determine whether a proposed annual increase of resi-
24 dent undergraduate enrollment fees, as described in ORS 351.063, of greater
25 than five percent is appropriate.

26 “(C) Advise the Governor and the Legislative Assembly on issues of uni-
27 versity governance.

28 “(D) Approve and authorize degrees.

29 “(i) Authorize degrees to be offered by independent post-secondary insti-
30 tutions in this state under ORS 348.594 to 348.615.

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

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

12 **“(L) With respect to independent nonprofit post-secondary insti-
13 tutions of education that are exempt from ORS 348.594 to 348.615 under
14 ORS 348.604:**

15 **“(A) Have the authority to enter into a contract with the institution
16 to review and act on complaints filed against the institution; and**

17 **“(B) Adopt rules governing the resolution of complaints filed
18 against the institution.**

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

23 “(a) Ensure or improve access to higher education by diverse and under-
24 served populations.

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

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

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

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

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

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

2 “(E) Reciprocity agreements with other states.

3 “(d) In coordination with the State Board of Education, enhance the use
4 and quality of dual credit, career and technical pathways and efforts to cre-
5 ate a culture of college attendance in this state.

6 “(e) In coordination with the State Workforce Investment Board, local
7 workforce investment boards, the Oregon Health and Science University and
8 independent institutions, ensure that the state’s colleges and universities
9 offer programs in high-demand occupations that meet Oregon’s workforce
10 needs.

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

13 “(5) The Higher Education Coordinating Commission, in a manner con-
14 sistent with ORS chapter 183, may adopt administrative rules.

15 “(6) With the exception of the rulemaking authority granted in subsection
16 (5) of this section, the Higher Education Coordinating Commission may del-
17 egate any of its powers, duties or functions to a committee of the commission
18 or to the executive director of the commission.

19 “(7) The Higher Education Coordinating Commission may establish tech-
20 nical or advisory committees to assist the commission in exercising its pow-
21 ers, duties and functions.

22 “(8) The Higher Education Coordinating Commission may exercise only
23 powers, duties and functions expressly granted by the Legislative Assembly.
24 Except as otherwise expressly provided by law, all other authorities reside
25 at the institutional level with the respective boards of the post-secondary
26 institutions.”.

27
