

B-Engrossed
House Bill 2018

Ordered by the House June 21
Including House Amendments dated May 16 and June 21

Sponsored by JOINT COMMITTEE ON STUDENT SUCCESS

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 Educational Accountability and Transparency. Prescribes membership and duties of task force.]

[Directs task force to submit report to interim committee of Legislative Assembly related to education no later than December 1, 2020.]

[Sunsets December 31, 2020.]

Transfers duties, functions and powers of Chief Education Office relating to statewide longitudinal data system to Higher Education Coordinating Commission. Authorizes commission to share data from system with persons or public bodies.

Declares emergency, effective *[on passage]* **July 1, 2019.**

A BILL FOR AN ACT

1
2 Relating to education; creating new provisions; amending ORS 350.075; and declaring an emergency.

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

4 **SECTION 1. The duties, functions and powers of the Chief Education Office relating to**
5 **a statewide longitudinal data system are imposed upon, transferred to and vested in the**
6 **Higher Education Coordinating Commission.**

7 **SECTION 2. (1) Nothing in section 1 of this 2019 Act relieves a person of a liability, duty**
8 **or obligation accruing under or with respect to the duties, functions and powers transferred**
9 **by section 1 of this 2019 Act. The Higher Education Coordinating Commission may undertake**
10 **the collection or enforcement of any such liability, duty or obligation.**

11 **(2) The rights and obligations of the Chief Education Office legally incurred under con-**
12 **tracts, leases and business transactions executed, entered into or begun before the operative**
13 **date of section 1 of this 2019 Act accruing under or with respect to the duties, functions and**
14 **powers transferred by section 1 of this 2019 Act are transferred to the Higher Education**
15 **Coordinating Commission. For the purpose of succession to these rights and obligations, the**
16 **Higher Education Coordinating Commission is a continuation of the Chief Education Office**
17 **and not a new authority.**

18 **SECTION 3. ORS 350.075, as amended by section 14, chapter 395, Oregon Laws 2019 (Enrolled**
19 **House Bill 2262), is amended to read:**

20 350.075. (1) As used in this section, "student access programs" means scholarship, loan, grant
21 and access programs described in ORS chapter 348.

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

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 (3) The Higher Education Coordinating Commission shall:

2 (a) Develop state goals for the state post-secondary education system, including community col-
3 leges and public universities listed in ORS 352.002, and for student access programs.

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

6 (c) Coordinate the post-secondary elements of data collection and structure, with the advice and
7 recommendation of the state's independent institutions, community colleges and public universities,
8 as appropriate, in order to construct a state longitudinal data system.

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

13 (A) Increasing the educational attainment of the population;

14 (B) Increasing this state's global economic competitiveness and the quality of life of its resi-
15 dents;

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

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

18 (E) Tracking progress toward meeting the state's post-secondary education goals established in
19 the strategic plan described in this paragraph.

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

24 (i) Student access programs;

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

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

29 (iv) New facilities or programs;

30 (v) Capital improvements and deferred maintenance;

31 (vi) Special initiatives and investments; and

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

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

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

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

38 (iii) Solicit public input regarding educational priorities.

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

43 (g) Approve or disapprove any significant change to the academic program of a community col-
44 lege or a public university listed in ORS 352.002. In reaching a decision under this paragraph, the
45 commission shall consider the recommendation from the community college or public university

1 seeking to make the change to an academic program that is issued pursuant to the obligation of the
2 governing board of a community college or public university to review and approve academic pro-
3 grams. The commission shall ensure that approved programs:

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

5 (B) Do not unnecessarily duplicate academic programs offered by Oregon's other community
6 colleges or public universities;

7 (C) Are not located in a geographic area that will cause undue hardship to Oregon's other
8 community colleges or public universities; and

9 (D) Are allocated among Oregon's community colleges and public universities to maximize the
10 achievement of statewide needs and requirements.

11 (h) For public universities listed in ORS 352.002:

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

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

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

16 (D) Approve and authorize degrees.

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

18 (i) Authorize degrees to be offered by independent post-secondary institutions in this state under
19 ORS 348.594 to 348.615.

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

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

29 (L) Administer a statewide longitudinal data system.

30 (m) In coordination with the Department of Education, the Employment Department and other
31 state agencies, conduct statewide longitudinal studies and reporting of early learning, kindergarten
32 through grade 12 education, higher education and workforce programs. For the purposes of this
33 paragraph:

34 (A) The commission shall enter into written interagency agreements with the Department of
35 Education, the Employment Department and any other state agencies necessary for *[the purposes*
36 *of]* conducting statewide longitudinal studies and reporting.

37 **(B) The commission may share data from the statewide longitudinal data system with**
38 **persons or public bodies. For purposes of this subparagraph, the commission shall adopt**
39 **rules to establish procedures for requesting or sharing data and may enter into written**
40 **agreements for sharing data.**

41 ~~[(B)]~~ (C) The commission is considered an authorized representative of state educational agen-
42 cies under applicable state and federal law for purposes of accessing, compiling and storing student
43 data for research, audit and evaluation purposes.

44 (n) Coordinate and collaborate with the Chief Education Office as provided by section 1, chapter
45 519, 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, in-
26 cluding but not limited to a student complaint filed under subsection (4) of this section, is not sub-
27 ject 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 Code,
9 enter into contracts and agreements, including grant agreements, with public and private entities
10 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 4.** 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, section 2b, chapter 440, Oregon Laws 2017, and
21 section 15, chapter 395, Oregon Laws 2019 (Enrolled House Bill 2262), is 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.

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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 and
33 recommendation of the state’s independent institutions, community colleges and public universities,
34 as appropriate, in order to construct a state longitudinal data system.

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37 other organizations dedicated to helping Oregonians reach state goals. State post-secondary educa-
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45 the strategic plan described in this paragraph.

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6 state for purposes of ORS 348.594 to 348.615. The commission, by rule, may impose a fee on any
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19 credit, career and technical pathways and efforts to create a culture of college attendance in this
20 state.

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22 development boards, the Oregon Health and Science University and independent institutions, ensure
23 that the state's colleges and universities offer programs in high-demand occupations that meet
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30 Higher Education Coordinating Commission may delegate any of its powers, duties or functions to
31 a committee of the commission or to the executive director of the commission.

32 (9) The Higher Education Coordinating Commission may, subject to the Public Contracting Code,
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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 (5) The Higher Education Coordinating Commission, in a manner consistent with ORS chapter
25 183, may adopt administrative rules.

26 (6) With the exception of the rulemaking authority granted in subsection (5) 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 (7) The Higher Education Coordinating Commission may, subject to the Public Contracting Code,
30 enter into contracts and agreements, including grant agreements, with public and private entities
31 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 (8) The Higher Education Coordinating Commission may exercise only powers, duties and func-
35 tions expressly granted by the Legislative Assembly. Except as otherwise expressly provided by law,
36 all other authorities reside at the institutional level with the respective boards of the post-secondary
37 institutions.

38 **SECTION 6. This 2019 Act being necessary for the immediate preservation of the public**
39 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
40 **July 1, 2019.**