

HOUSE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2018

By JOINT COMMITTEE ON WAYS AND MEANS

June 21

1 On page 1 of the printed A-engrossed bill, line 2, after the semicolon insert “creating new pro-
2 visions; amending ORS 350.075;”.

3 Delete lines 4 through 25 and delete pages 2 through 4 and insert:

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.**

25 **“(3) The Higher Education Coordinating Commission shall:**

26 **“(a) Develop state goals for the state post-secondary education system, including community
27 colleges and public universities listed in ORS 352.002, and for student access programs.**

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

30 **“(c) Coordinate the post-secondary elements of data collection and structure, with the advice
31 and recommendation of the state’s independent institutions, community colleges and public univer-
32 sities, as appropriate, in order to construct a state longitudinal data system.**

33 **“(d) Adopt a strategic plan for achieving state post-secondary education goals, taking into con-
34 sideration the contributions of this state’s independent institutions, philanthropic organizations and
35 other organizations dedicated to helping Oregonians reach state goals. State post-secondary educa-**

1 tion goals as described in this section should include, but need not be limited to:

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

3 “(B) Increasing this state’s global economic competitiveness and the quality of life of its resi-
4 dents;

5 “(C) Ensuring affordable access for qualified Oregon students at each college or public univer-
6 sity;

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

8 “(E) Tracking progress toward meeting the state’s post-secondary education goals established in
9 the strategic plan described in this paragraph.

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

14 “(i) Student access programs;

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

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

19 “(iv) New facilities or programs;

20 “(v) Capital improvements and deferred maintenance;

21 “(vi) Special initiatives and investments; and

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

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

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

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

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

29 “(f) Adopt rules governing the distribution of appropriations from the Legislative Assembly to
30 community colleges, public universities listed in ORS 352.002 and student access programs. These
31 rules must be based on allocation formulas developed in consultation with the state’s community
32 colleges and public universities, as appropriate.

33 “(g) Approve or disapprove any significant change to the academic program of a community
34 college or a public university listed in ORS 352.002. In reaching a decision under this paragraph, the
35 commission shall consider the recommendation from the community college or public university
36 seeking to make the change to an academic program that is issued pursuant to the obligation of the
37 governing board of a community college or public university to review and approve academic pro-
38 grams. The commission shall ensure that approved programs:

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

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

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

44 “(D) Are allocated among Oregon’s community colleges and public universities to maximize the
45 achievement of statewide needs and requirements.

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

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

3 “(B) Review and determine whether a proposed annual increase of resident undergraduate en-

4 rollment fees of greater than five percent is appropriate.

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

6 “(D) Approve and authorize degrees.

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

8 “(i) Authorize degrees to be offered by independent post-secondary institutions in this state un-

9 der ORS 348.594 to 348.615.

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

11 “(k) Have the authority to enter into and administer interstate agreements regarding the pro-

12 vision of post-secondary distance education. The participation by an educational institution that is

13 not based in this state in distance learning courses or programs that are part of an interstate

14 agreement entered into and administered under this paragraph does not constitute operating in this

15 state for purposes of ORS 348.594 to 348.615. The commission, by rule, may impose a fee on any

16 educational institution that seeks to operate under or participate in such interstate agreements. The

17 fee amount shall be established to recover designated expenses incurred by the commission in par-

18 ticipating in such agreements.

19 “(L) Administer a statewide longitudinal data system.

20 “(m) In coordination with the Department of Education, the Employment Department and other

21 state agencies, conduct statewide longitudinal studies and reporting of early learning, kindergarten

22 through grade 12 education, higher education and workforce programs. For the purposes of this

23 paragraph:

24 “(A) The commission shall enter into written interagency agreements with the Department of

25 Education, the Employment Department and any other state agencies necessary for [*the purposes*

26 *of*] conducting statewide longitudinal studies and reporting.

27 **“(B) The commission may share data from the statewide longitudinal data system with**

28 **persons or public bodies. For purposes of this subparagraph, the commission shall adopt**

29 **rules to establish procedures for requesting or sharing data and may enter into written**

30 **agreements for sharing data.**

31 “[(B)] (C) The commission is considered an authorized representative of state educational

32 agencies under applicable state and federal law for purposes of accessing, compiling and storing

33 student data for research, audit and evaluation purposes.

34 “(n) Coordinate and collaborate with the Chief Education Office as provided by section 1,

35 chapter 519, Oregon Laws 2011.

36 “(4)(a) The Higher Education Coordinating Commission shall implement a process to review and

37 appropriately act on student complaints regarding any school operating in this state. As part of the

38 process implemented under this subsection, the commission may:

39 “(A) Receive student complaints from students regarding a school;

40 “(B) Specify the type of information that must be included in a student complaint;

41 “(C) Investigate and resolve student complaints that relate to state financial aid;

42 “(D) Refer a student complaint to another entity for investigation and resolution as provided in

43 paragraph (b) of this subsection;

44 “(E) Adopt rules to implement the provisions of this subsection; and

45 “(F) Enter into agreements to implement the provisions of this subsection.

1 “(b) The commission may refer the investigation and resolution of a student complaint to:

2 “(A) An appropriate state agency if the complaint alleges that a school has violated a state law

3 concerning consumer protection, civil rights, employment rights or environmental quality;

4 “(B) A school’s accrediting association if the complaint relates to the school’s authorization to

5 offer academic degree programs or to the quality of the school’s academic degree programs; or

6 “(C) The school at which the student is enrolled if the commission determines that the complaint

7 should be resolved through the school’s internal review process.

8 “(c) As used in this subsection:

9 “(A)(i) ‘School’ means an independent institution of higher education that meets the require-

10 ments of ORS 348.597 (2)(a).

11 “(ii) ‘School’ does not mean a school that is exempt from ORS 348.594 to 348.615 under ORS

12 348.597 (2)(b) or (c).

13 “(B) ‘Student’ means a person who is enrolled at a school for the purpose of obtaining a degree,

14 certificate or other recognized educational credential offered by that school.

15 “(5) A student complaint that is received by the Higher Education Coordinating Commission,

16 including but not limited to a student complaint filed under subsection (4) of this section, is not

17 subject to disclosure under ORS 192.311 to 192.478.

18 “(6) In addition to the duties described in subsections (2) to (4) of this section, the Higher Edu-

19 cation Coordinating Commission shall advise the Legislative Assembly, the Governor, community

20 colleges, public universities and other state boards and commissions on policies in order to:

21 “(a) Ensure or improve access to higher education by diverse and underserved populations.

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

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

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

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

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

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

28 “(E) Reciprocity agreements with other states.

29 “(d) In coordination with the State Board of Education, enhance the use and quality of dual

30 credit, career and technical pathways and efforts to create a culture of college attendance in this

31 state.

32 “(e) In coordination with the State Workforce and Talent Development Board, local workforce

33 development boards, the Oregon Health and Science University and independent institutions, ensure

34 that the state’s colleges and universities offer programs in high-demand occupations that meet

35 Oregon’s workforce needs.

36 “(f) Improve economies of scale by encouraging and facilitating the use of the shared services

37 among post-secondary institutions in this state.

38 “(7) The Higher Education Coordinating Commission, in a manner consistent with ORS chapter

39 183, may adopt administrative rules.

40 “(8) With the exception of the rulemaking authority granted in subsection (7) of this section, the

41 Higher Education Coordinating Commission may delegate any of its powers, duties or functions to

42 a committee of the commission or to the executive director of the commission.

43 “(9) The Higher Education Coordinating Commission may, subject to the Public Contracting

44 Code, enter into contracts and agreements, including grant agreements, with public and private en-

45 tities for those higher education and workforce development activities that are consistent with ORS

1 350.001 and 350.005, with the policies set forth in ORS chapters 341 and 348 and with statutory
2 policies related to career schools and public universities.

3 “(10) The Higher Education Coordinating Commission may exercise only powers, duties and
4 functions expressly granted by the Legislative Assembly. Except as otherwise expressly provided by
5 law, all other authorities reside at the institutional level with the respective boards of the post-
6 secondary institutions.

7 “**SECTION 4.** ORS 350.075, as amended by section 61, chapter 774, Oregon Laws 2015, section
8 6, chapter 30, Oregon Laws 2016, section 56, chapter 117, Oregon Laws 2016, section 8, chapter 66,
9 Oregon Laws 2017, section 2, chapter 98, Oregon Laws 2017, section 6, chapter 185, Oregon Laws
10 2017, section 22, chapter 297, Oregon Laws 2017, section 2b, chapter 440, Oregon Laws 2017, and
11 section 15, chapter 395, Oregon Laws 2019 (Enrolled House Bill 2262), is amended to read:

12 “350.075. (1) As used in this section, ‘student access programs’ means scholarship, loan, grant
13 and access programs described in ORS chapter 348.

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

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19 colleges and public universities listed in ORS 352.002, and for student access programs.

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21 student access programs necessary to achieve state post-secondary education goals.

22 “(c) Coordinate the post-secondary elements of data collection and structure, with the advice
23 and recommendation of the state’s independent institutions, community colleges and public univer-
24 sities, as appropriate, in order to construct a state longitudinal data system.

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27 other organizations dedicated to helping Oregonians reach state goals. State post-secondary educa-
28 tion goals as described in this section should include, but need not be limited to:

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36 the strategic plan described in this paragraph.

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38 public universities as authorized by law, recommend to the Governor a consolidated higher educa-
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3 state agencies, conduct statewide longitudinal studies and reporting of early learning, kindergarten
4 through grade 12 education, higher education and workforce programs. For the purposes of this
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8 *of*] conducting statewide longitudinal studies and reporting.

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10 **persons or public bodies. For purposes of this subparagraph, the commission shall adopt**
11 **rules to establish procedures for requesting or sharing data and may enter into written**
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14 agencies under applicable state and federal law for purposes of accessing, compiling and storing
15 student data for research, audit and evaluation purposes.

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23 paragraph (b) of this subsection;
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28 concerning consumer protection, civil rights, employment rights or environmental quality;
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30 offer academic degree programs or to the quality of the school’s academic degree programs; or
31 “(C) The school at which the student is enrolled if the commission determines that the complaint
32 should be resolved through the school’s internal review process.

33 “(c) As used in this subsection:
34 “(A)(i) ‘School’ means an independent institution of higher education that meets the require-
35 ments of ORS 348.597 (2)(a).
36 “(ii) ‘School’ does not mean a school that is exempt from ORS 348.594 to 348.615 under ORS
37 348.597 (2)(b) or (c).
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39 certificate or other recognized educational credential offered by that school.

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41 including but not limited to a student complaint filed under subsection (4) of this section, is not
42 subject to disclosure under ORS 192.311 to 192.478.

43 “(6) In addition to the duties described in subsections (2) to (4) of this section, the Higher Edu-
44 cation Coordinating Commission shall advise the Legislative Assembly, the Governor, community
45 colleges, public universities and other state boards and commissions on policies in order to:

1 “(a) Ensure or improve access to higher education by diverse and underserved populations.
2 “(b) Encourage student success and completion initiatives.
3 “(c) Improve the coordination of the provision of educational services, including:
4 “(A) Transfers and coenrollment throughout the higher education system;
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7 “(D) Programs and grants that span multiple institutions; and
8 “(E) Reciprocity agreements with other states.
9 “(d) In coordination with the State Board of Education, enhance the use and quality of dual
10 credit, career and technical pathways and efforts to create a culture of college attendance in this
11 state.
12 “(e) In coordination with the State Workforce and Talent Development Board, local workforce
13 development boards, the Oregon Health and Science University and independent institutions, ensure
14 that the state’s colleges and universities offer programs in high-demand occupations that meet
15 Oregon’s workforce needs.
16 “(f) Improve economies of scale by encouraging and facilitating the use of the shared services
17 among post-secondary institutions in this state.
18 “(7) The Higher Education Coordinating Commission, in a manner consistent with ORS chapter
19 183, may adopt administrative rules.
20 “(8) With the exception of the rulemaking authority granted in subsection (7) of this section, the
21 Higher Education Coordinating Commission may delegate any of its powers, duties or functions to
22 a committee of the commission or to the executive director of the commission.
23 “(9) The Higher Education Coordinating Commission may, subject to the Public Contracting
24 Code, enter into contracts and agreements, including grant agreements, with public and private en-
25 tities for those higher education and workforce development activities that are consistent with ORS
26 350.001 and 350.005, with the policies set forth in ORS chapters 341 and 348 and with statutory
27 policies related to career schools and public universities.
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29 functions expressly granted by the Legislative Assembly. Except as otherwise expressly provided by
30 law, all other authorities reside at the institutional level with the respective boards of the post-
31 secondary institutions.
32 “**SECTION 5.** ORS 350.075, as amended by section 61, chapter 774, Oregon Laws 2015, section
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4 “(C) Are not located in a geographic area that will cause undue hardship to Oregon’s other

5 community colleges or public universities; and

6 “(D) Are allocated among Oregon’s community colleges and public universities to maximize the

7 achievement of statewide needs and requirements.

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11 rollment fees of greater than five percent is appropriate.

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33 *of]* conducting statewide longitudinal studies and reporting.

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35 **persons or public bodies. For purposes of this subparagraph, the commission shall adopt**

36 **rules to establish procedures for requesting or sharing data and may enter into written**

37 **agreements for sharing data.**

38 “*[(B)]* (C) The commission is considered an authorized representative of state educational

39 agencies under applicable state and federal law for purposes of accessing, compiling and storing

40 student data for research, audit and evaluation purposes.

41 “(4) In addition to the duties described in subsections (2) and (3) of this section, the Higher

42 Education Coordinating Commission shall advise the Legislative Assembly, the Governor, community

43 colleges, public universities and other state boards and commissions on policies in order to:

44 “(a) Ensure or improve access to higher education by diverse and underserved populations.

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

1 “(c) Improve the coordination of the provision of educational services, including:
2 “(A) Transfers and coenrollment throughout the higher education system;
3 “(B) Accelerated college credit programs for high school students;
4 “(C) Applied baccalaureate and other transfer degrees;
5 “(D) Programs and grants that span multiple institutions; and
6 “(E) Reciprocity agreements with other states.
7 “(d) In coordination with the State Board of Education, enhance the use and quality of dual
8 credit, career and technical pathways and efforts to create a culture of college attendance in this
9 state.
10 “(e) In coordination with the State Workforce and Talent Development Board, local workforce
11 development boards, the Oregon Health and Science University and independent institutions, ensure
12 that the state’s colleges and universities offer programs in high-demand occupations that meet
13 Oregon’s workforce needs.
14 “(f) Improve economies of scale by encouraging and facilitating the use of the shared services
15 among post-secondary institutions in this state.
16 “(5) The Higher Education Coordinating Commission, in a manner consistent with ORS chapter
17 183, may adopt administrative rules.
18 “(6) With the exception of the rulemaking authority granted in subsection (5) of this section, the
19 Higher Education Coordinating Commission may delegate any of its powers, duties or functions to
20 a committee of the commission or to the executive director of the commission.
21 “(7) The Higher Education Coordinating Commission may, subject to the Public Contracting
22 Code, enter into contracts and agreements, including grant agreements, with public and private en-
23 tities for those higher education and workforce development activities that are consistent with ORS
24 350.001 and 350.005, with the policies set forth in ORS chapters 341 and 348 and with statutory
25 policies related to career schools and public universities.
26 “(8) The Higher Education Coordinating Commission may exercise only powers, duties and
27 functions expressly granted by the Legislative Assembly. Except as otherwise expressly provided by
28 law, all other authorities reside at the institutional level with the respective boards of the post-
29 secondary institutions.
30 **“SECTION 6. This 2019 Act being necessary for the immediate preservation of the public**
31 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
32 **July 1, 2019.”**
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