SB 730-2
(LC 3716)
3/19/19 (DRG/ps)

Requested by SENATE COMMITTEE ON EDUCATION

PROPOSED AMENDMENTS TO SENATE BILL 730

On page 1 of the printed bill, line 2, after "ORS" insert "350.075 and".

On page 3, after line 6, insert:

"**SECTION 3.** ORS 350.075 is amended to read:

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

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

"(3) The Higher Education Coordinating Commission shall:

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

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

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

"(d) Adopt a strategic plan for achieving state post-secondary education goals, taking into consideration the contributions of this state's independent

institutions, philanthropic organizations and other organizations dedicated to helping Oregonians reach state goals. State post-secondary education goals as described in this section should include, but need not be limited to:

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

"(B) Increasing this state's global economic competitiveness and the quality of life of its residents;

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

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

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

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

"(i) Student access programs;

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

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

"(iv) New facilities or programs;

"(v) Capital improvements and deferred maintenance;

"(vi) Special initiatives and investments; and

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

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

"(i) Determine the costs necessary to provide quality post-secondary edu-

cation;

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

"(iii) Solicit public input regarding educational priorities.

"(f) Adopt rules governing the distribution of appropriations from the Legislative Assembly to community colleges, public universities listed in ORS 352.002 and student access programs. These rules must**:**

"(A) Be based on allocation formulas developed in consultation with the state's community colleges and public universities, as appropriate[.]**; and**

"(B) Include provisions withholding an amount of the allocations made to community colleges and public universities that are not in substantial compliance with the requirements set forth in ORS 350.404, with the amount of allocations withheld based, to the degree practicable, on the number of students affected by the noncompliance of the community college or public university.

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

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

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

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

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

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

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

"(B) Review and determine whether a proposed annual increase of resident undergraduate enrollment fees of greater than five percent is appropriate.

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

"(D) Approve and authorize degrees.

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

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

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

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

"(L) Coordinate and collaborate with the Chief Education Office as provided by section 1, chapter 519, Oregon Laws 2011.

"(4)(a) The Higher Education Coordinating Commission shall implement a process to review and appropriately act on student complaints regarding any school operating in this state. As part of the process implemented under

this subsection, the commission may:

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

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

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

"(D) Refer a student complaint to another entity for investigation and resolution as provided in paragraph (b) of this subsection;

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

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

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

"(A) An appropriate state agency if the complaint alleges that a school has violated a state law concerning consumer protection, civil rights, employment rights or environmental quality;

"(B) A school's accrediting association if the complaint relates to the school's authorization to offer academic degree programs or to the quality of the school's academic degree programs; or

"(C) The school at which the student is enrolled if the commission determines that the complaint should be resolved through the school's internal review process.

"(c) As used in this subsection:

"(A)(i) 'School' means an independent institution of higher education that meets the requirements of ORS 348.597 (2)(a).

"(ii) 'School' does not mean a school that is exempt from ORS 348.594 to 348.615 under ORS 348.597 (2)(b) or (c).

"(B) 'Student' means a person who is enrolled at a school for the purpose of obtaining a degree, certificate or other recognized educational credential offered by that school.

"(5) A student complaint that is received by the Higher Education Coor-

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

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

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

"(b) Encourage student success and completion initiatives.

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

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

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

"(C) Applied baccalaureate and other transfer degrees;

"(D) Programs and grants that span multiple institutions; and

"(E) Reciprocity agreements with other states.

"(d) In coordination with the State Board of Education, enhance the use and quality of dual credit, career and technical pathways and efforts to create a culture of college attendance in this state.

"(e) In coordination with the State Workforce and Talent Development Board, local workforce development boards, the Oregon Health and Science University and independent institutions, ensure that the state's colleges and universities offer programs in high-demand occupations that meet Oregon's workforce needs.

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

"(7) The Higher Education Coordinating Commission, in a manner consistent with ORS chapter 183, may adopt administrative rules.

"(8) With the exception of the rulemaking authority granted in subsection

(7) of this section, the Higher Education Coordinating Commission may delegate any of its powers, duties or functions to a committee of the commission or to the executive director of the commission.

"(9) The Higher Education Coordinating Commission may, subject to the Public Contracting Code, enter into contracts and agreements, including grant agreements, with public and private entities for those higher education and workforce development activities that are consistent with ORS 350.001 and 350.005, with the policies set forth in ORS chapters 341 and 348 and with statutory policies related to career schools and public universities.

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

"SECTION 4. ORS 350.075, as amended by section 61, chapter 774, Oregon Laws 2015, section 6, chapter 30, Oregon Laws 2016, section 56, chapter 117, Oregon Laws 2016, section 8, chapter 66, Oregon Laws 2017, section 2, chapter 98, Oregon Laws 2017, section 6, chapter 185, Oregon Laws 2017, section 22, chapter 297, Oregon Laws 2017, and section 2b, chapter 440, Oregon Laws 2017, is amended to read:

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

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

"(3) The Higher Education Coordinating Commission shall:

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

"(b) Determine strategic investments in the state's community colleges,

public universities and student access programs necessary to achieve state post-secondary education goals.

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

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

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

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

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

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

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

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"(f) Adopt rules governing the distribution of appropriations from the Legislative Assembly to community colleges, public universities listed in ORS 352.002 and student access programs. These rules must**:**

"(A) Be based on allocation formulas developed in consultation with the state's community colleges and public universities, as appropriate[.]**; and**

"(B) Include provisions withholding an amount of the allocations made to community colleges and public universities that are not in substantial compliance with the requirements set forth in ORS 350.404, with the amount of allocations withheld based, to the degree practicable, on the number of students affected by the noncompliance of the community college or public university.

"(g) Approve or disapprove any significant change to the academic program of a community college or a public university listed in ORS 352.002. In reaching a decision under this paragraph, the commission shall consider the recommendation from the community college or public university seeking to make the change to an academic program that is issued pursuant to the obligation of the governing board of a community college or public university

to review and approve academic programs. The commission shall ensure that approved programs:

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

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

"(D) Approve and authorize degrees.

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

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

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

"(k) Have the authority to enter into and administer interstate agreements regarding the provision of post-secondary distance education. The participation by an educational institution that is not based in this state in distance learning courses or programs that are part of an interstate agreement entered into and administered under this paragraph does not constitute operating in this state for purposes of ORS 348.594 to 348.615. The commission, by rule, may impose a fee on any educational institution that seeks to

operate under or participate in such interstate agreements. The fee amount shall be established to recover designated expenses incurred by the commission in participating in such agreements.

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"(C) The school at which the student is enrolled if the commission determines that the complaint should be resolved through the school's internal review process.

"(c) As used in this subsection:

"(A)(i) 'School' means an independent institution of higher education that meets the requirements of ORS 348.597 (2)(a).

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

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"(b) Encourage student success and completion initiatives.

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

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

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"(d) In coordination with the State Board of Education, enhance the use and quality of dual credit, career and technical pathways and efforts to create a culture of college attendance in this state.

"(e) In coordination with the State Workforce and Talent Development Board, local workforce development boards, the Oregon Health and Science University and independent institutions, ensure that the state's colleges and universities offer programs in high-demand occupations that meet Oregon's

workforce needs.

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

"(7) The Higher Education Coordinating Commission, in a manner consistent with ORS chapter 183, may adopt administrative rules.

"(8) With the exception of the rulemaking authority granted in subsection (7) of this section, the Higher Education Coordinating Commission may delegate any of its powers, duties or functions to a committee of the commission or to the executive director of the commission.

"(9) The Higher Education Coordinating Commission may, subject to the Public Contracting Code, enter into contracts and agreements, including grant agreements, with public and private entities for those higher education and workforce development activities that are consistent with ORS 350.001 and 350.005, with the policies set forth in ORS chapters 341 and 348 and with statutory policies related to career schools and public universities.

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"SECTION 5. ORS 350.075, as amended by section 61, chapter 774, Oregon Laws 2015, section 6, chapter 30, Oregon Laws 2016, section 56, chapter 117, Oregon Laws 2016, section 8, chapter 66, Oregon Laws 2017, sections 2 and 3, chapter 98, Oregon Laws 2017, section 6, chapter 185, Oregon Laws 2017, section 22, chapter 297, Oregon Laws 2017, and section 2b, chapter 440, Oregon Laws 2017, is amended to read:

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

"(D) Approve and authorize degrees.

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

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

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

"(k) Have the authority to enter into and administer interstate agree-

ments regarding the provision of post-secondary distance education. The participation by an educational institution that is not based in this state in distance learning courses or programs that are part of an interstate agreement entered into and administered under this paragraph does not constitute operating in this state for purposes of ORS 348.594 to 348.615. The commission, by rule, may impose a fee on any educational institution that seeks to operate under or participate in such interstate agreements. The fee amount shall be established to recover designated expenses incurred by the commission in participating in such agreements.

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

In line 7, delete "3" and insert "6".