

Requested by SENATE COMMITTEE ON EDUCATION

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2262**

1 On page 1 of the printed A-engrossed bill, line 2, after the semicolon in-
2 sert “creating new provisions;”.

3 In line 3, after “329.195,” insert “350.075,” and before the period insert “;
4 and declaring an emergency”.

5 On page 8, delete lines 32 through 45 and delete page 9 and insert:

6 **“SECTION 11. The amendments to ORS 326.425, 329.150, 329.165,
7 329.195, 417.788, 417.793, 417.796 and 417.827 by sections 1 to 10 of this
8 2019 Act become operative on September 1, 2019.**

9 **“SECTION 12. ORS 417.847 is amended to read:**

10 “417.847. (1) The Youth Development Council is established.

11 “(2) The council is established for the purpose of [*overseeing*] **coordinat-**
12 **ing** a unified **and aligned** system that provides services to school-age chil-
13 dren through youth 24 years of age in a manner that supports educational
14 success, focuses on crime prevention, reduces high risk behaviors and is in-
15 tegrated, measurable and accountable. The council shall provide direction to
16 the Youth Development Division.

17 “(3) The council consists of no fewer than 15 members who are appointed
18 by the Governor. The Governor shall ensure that membership of the council
19 satisfies any federal requirements for membership of a state advisory com-
20 mittee on juvenile justice, and shall include tribal representation in the
21 membership of the council.

1 “(4) The council shall:

2 “(a) Determine the availability of funding to support community-based
3 youth development programs, services and initiatives with demonstrated
4 outcomes and strategic objectives established by the council by rule.

5 “(b) Prioritize funding for services related to:

6 “(A) The prevention of and intervention in the risk factors that lead to
7 juvenile delinquency and the promotion of protective factors that improve
8 the health and well-being of children and youth, as supported by evidence-
9 based program models and other research-based models; and

10 “(B) The prevention of and intervention in gang violence and gang in-
11 volvement.

12 “(5) The council may:

13 “[*a*] *Enter into performance-based intergovernmental agreements with re-*
14 *gional and county entities, and tribal governments, to contract for the provision*
15 *of youth development programs, services and initiatives that will achieve dem-*
16 *onstrated outcomes and strategic objectives established by the council by*
17 *rule.*]

18 “**(a) Enter into intergovernmental agreements with county and**
19 **municipal governments, tribal governments, educational institutions**
20 **and other governmental entities identified by rule of the council for**
21 **the provision of youth development programs, services and initiatives.**

22 “**(b) Enter into grant agreements and contracts with community-**
23 **based organizations, educational institutions, regional entities and**
24 **other entities identified by rule of the council for the provision of**
25 **youth development programs, services and initiatives.**

26 “[*b*] **(c)** Determine the means by which services to children and youth
27 may be provided effectively and efficiently across multiple programs to im-
28 prove the academic and social outcomes of children and youth.

29 “[*c*] **(d)** Assess state programs and services related to youth development
30 and training, and identify methods by which programs and services may be

1 coordinated or consolidated.

2 “[*d*] (e) Establish common academic and social indicators to support
3 attainment of goals established by the council.

4 “[*e*] (f) Establish common program outcome measurements and coordi-
5 nate data collection across multiple programs and services.

6 “[*f*] (g) Ensure implementation of best practices that:

7 “(A) Are evidence based;

8 “(B) Are culturally, gender and age appropriate;

9 “(C) Address individual risk factors;

10 “(D) Build upon factors that improve the health and well-being of children
11 and youth; and

12 “(E) Include tribal best practices.

13 “(6) The Governor may designate one member of the council to serve as
14 the chairperson or, if the Governor chooses not to designate a chairperson,
15 the council may elect one of its members to serve as chairperson.

16 “(7) In accordance with applicable provisions of ORS chapter 183, the
17 council may adopt rules necessary for the administration of the laws that the
18 council is charged with administering.

19 “(8) The council shall coordinate and collaborate with the Chief Educa-
20 tion Office as provided by section 1, chapter 519, Oregon Laws 2011.

21 “**SECTION 13.** ORS 417.847, as amended by section 63, chapter 774,
22 Oregon Laws 2015, and section 36, chapter 17, Oregon Laws 2017, is amended
23 to read:

24 “417.847. (1) The Youth Development Council is established.

25 “(2) The council is established for the purpose of [*overseeing*] **coordinat-**
26 **ing** a unified **and aligned** system that provides services to school-age chil-
27 dren through youth 24 years of age in a manner that supports educational
28 success, focuses on crime prevention, reduces high risk behaviors and is in-
29 tegrated, measurable and accountable. The council shall provide direction to
30 the Youth Development Division.

1 “(3) The council consists of no fewer than 15 members who are appointed
2 by the Governor. The Governor shall ensure that membership of the council
3 satisfies any federal requirements for membership of a state advisory com-
4 mittee on juvenile justice, and shall include tribal representation in the
5 membership of the council.

6 “(4) The council shall:

7 “(a) Determine the availability of funding to support community-based
8 youth development programs, services and initiatives with demonstrated
9 outcomes and strategic objectives established by the council by rule.

10 “(b) Prioritize funding for services related to:

11 “(A) The prevention of and intervention in the risk factors that lead to
12 juvenile delinquency and the promotion of protective factors that improve
13 the health and well-being of children and youth, as supported by evidence-
14 based program models and other research-based models; and

15 “(B) The prevention of and intervention in gang violence and gang in-
16 volvement.

17 “(5) The council may:

18 “[*(a) Enter into performance-based intergovernmental agreements with re-*
19 *gional and county entities, and tribal governments, to contract for the provision*
20 *of youth development programs, services and initiatives that will achieve dem-*
21 *onstrated outcomes and strategic objectives established by the council by*
22 *rule.*]

23 “(a) **Enter into intergovernmental agreements with county and**
24 **municipal governments, tribal governments, educational institutions**
25 **and other governmental entities identified by rule of the council for**
26 **the provision of youth development programs, services and initiatives.**

27 “(b) **Enter into grant agreements and contracts with community-**
28 **based organizations, educational institutions, regional entities and**
29 **other entities identified by rule of the council for the provision of**
30 **youth development programs, services and initiatives.**

1 “[(b)] (c) Determine the means by which services to children and youth
2 may be provided effectively and efficiently across multiple programs to im-
3 prove the academic and social outcomes of children and youth.

4 “[(c)] (d) Assess state programs and services related to youth development
5 and training, and identify methods by which programs and services may be
6 coordinated or consolidated.

7 “[(d)] (e) Establish common academic and social indicators to support
8 attainment of goals established by the council.

9 “[(e)] (f) Establish common program outcome measurements and coordi-
10 nate data collection across multiple programs and services.

11 “[(f)] (g) Ensure implementation of best practices that:

12 “(A) Are evidence based;

13 “(B) Are culturally, gender and age appropriate;

14 “(C) Address individual risk factors;

15 “(D) Build upon factors that improve the health and well-being of children
16 and youth; and

17 “(E) Include tribal best practices.

18 “(6) The Governor may designate one member of the council to serve as
19 the chairperson or, if the Governor chooses not to designate a chairperson,
20 the council may elect one of its members to serve as chairperson.

21 “(7) In accordance with applicable provisions of ORS chapter 183, the
22 council may adopt rules necessary for the administration of the laws that the
23 council is charged with administering.

24 “**SECTION 14.** ORS 350.075 is amended to read:

25 “350.075. (1) As used in this section, ‘student access programs’ means
26 scholarship, loan, grant and access programs described in ORS chapter 348.

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

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

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

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

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

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

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

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

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

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

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

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

29 “(i) Student access programs;

30 “(ii) Public universities listed in ORS 352.002, including but not limited

1 to education and general operations, statewide public services and state-
2 funded debt service;

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

5 “(iv) New facilities or programs;

6 “(v) Capital improvements and deferred maintenance;

7 “(vi) Special initiatives and investments; and

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

10 “(B) In the development of the consolidated higher education agency re-
11 quest budget:

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

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

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

18 “(f) Adopt rules governing the distribution of appropriations from the
19 Legislative Assembly to community colleges, public universities listed in
20 ORS 352.002 and student access programs. These rules must be based on al-
21 location formulas developed in consultation with the state’s community col-
22 leges and public universities, as appropriate.

23 “(g) Approve or disapprove any significant change to the academic pro-
24 gram of a community college or a public university listed in ORS 352.002. In
25 reaching a decision under this paragraph, the commission shall consider the
26 recommendation from the community college or public university seeking to
27 make the change to an academic program that is issued pursuant to the ob-
28 ligation of the governing board of a community college or public university
29 to review and approve academic programs. The commission shall ensure that
30 approved programs:

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

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

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

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

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

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

12 “(B) Review and determine whether a proposed annual increase of resi-
13 dent undergraduate enrollment fees of greater than five percent is appropri-
14 ate.

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

17 “(D) Approve and authorize degrees.

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

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

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

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

1 sion in participating in such agreements.

2 **“(L) Administer a statewide longitudinal data system.**

3 **“(m) In coordination with the Department of Education, the Em-**
4 **ployment Department and other state agencies, conduct statewide**
5 **longitudinal studies and reporting of early learning, kindergarten**
6 **through grade 12 education, higher education and workforce programs.**
7 **For the purposes of this paragraph:**

8 **“(A) The commission shall enter into written interagency agree-**
9 **ments with the Department of Education, the Employment Depart-**
10 **ment and any other state agencies necessary for the purposes of**
11 **conducting statewide longitudinal studies and reporting.**

12 **“(B) The commission is considered an authorized representative of**
13 **state educational agencies under applicable state and federal law for**
14 **purposes of accessing, compiling and storing student data for research,**
15 **audit and evaluation purposes.**

16 **“[(L)] (n) Coordinate and collaborate with the Chief Education Office as**
17 **provided by section 1, chapter 519, Oregon Laws 2011.**

18 **“(4)(a) The Higher Education Coordinating Commission shall implement**
19 **a process to review and appropriately act on student complaints regarding**
20 **any school operating in this state. As part of the process implemented under**
21 **this subsection, the commission may:**

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

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

25 **“(C) Investigate and resolve student complaints that relate to state fi-**
26 **nancial aid;**

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

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

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

1 “(b) The commission may refer the investigation and resolution of a stu-
2 dent complaint to:

3 “(A) An appropriate state agency if the complaint alleges that a school
4 has violated a state law concerning consumer protection, civil rights, em-
5 ployment rights or environmental quality;

6 “(B) A school’s accrediting association if the complaint relates to the
7 school’s authorization to offer academic degree programs or to the quality
8 of the school’s academic degree programs; or

9 “(C) The school at which the student is enrolled if the commission de-
10 termines that the complaint should be resolved through the school’s internal
11 review process.

12 “(c) As used in this subsection:

13 “(A)(i) ‘School’ means an independent institution of higher education that
14 meets the requirements of ORS 348.597 (2)(a).

15 “(ii) ‘School’ does not mean a school that is exempt from ORS 348.594 to
16 348.615 under ORS 348.597 (2)(b) or (c).

17 “(B) ‘Student’ means a person who is enrolled at a school for the purpose
18 of obtaining a degree, certificate or other recognized educational credential
19 offered by that school.

20 “(5) A student complaint that is received by the Higher Education Coor-
21 dinating Commission, including but not limited to a student complaint filed
22 under subsection (4) of this section, is not subject to disclosure under ORS
23 192.311 to 192.478.

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

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

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

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

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

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

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

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

7 “(E) Reciprocity agreements with other states.

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

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

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

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

20 “(8) With the exception of the rulemaking authority granted in subsection
21 (7) of this section, the Higher Education Coordinating Commission may del-
22 egate any of its powers, duties or functions to a committee of the commission
23 or to the executive director of the commission.

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

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

11 “350.075. (1) As used in this section, ‘student access programs’ means
12 scholarship, loan, grant and access programs described in ORS chapter 348.

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

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

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

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

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

27 “(d) Adopt a strategic plan for achieving state post-secondary education
28 goals, taking into consideration the contributions of this state’s independent
29 institutions, philanthropic organizations and other organizations dedicated
30 to helping Oregonians reach state goals. State post-secondary education

1 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
4 quality of life of its residents;

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

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

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

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

15 “(i) Student access programs;

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

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

21 “(iv) New facilities or programs;

22 “(v) Capital improvements and deferred maintenance;

23 “(vi) Special initiatives and investments; and

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

26 “(B) In the development of the consolidated higher education agency re-
27 quest budget:

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

30 “(ii) Solicit input from educators, education policy experts, appropriate

1 legislative committees, students and other persons interested in the develop-
2 ment of the funding model; and

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

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

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

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

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

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

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

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

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

28 “(B) Review and determine whether a proposed annual increase of resi-
29 dent undergraduate enrollment fees of greater than five percent is appropri-
30 ate.

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

3 “(D) Approve and authorize degrees.

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

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

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

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

18 “(L) **Administer a statewide longitudinal data system.**

19 “(m) **In coordination with the Department of Education, the Em-
20 ployment Department and other state agencies, conduct statewide
21 longitudinal studies and reporting of early learning, kindergarten
22 through grade 12 education, higher education and workforce programs.
23 For the purposes of this paragraph:**

24 “(A) **The commission shall enter into written interagency agree-
25 ments with the Department of Education, the Employment Depart-
26 ment and any other state agencies necessary for the purposes of
27 conducting statewide longitudinal studies and reporting.**

28 “(B) **The commission is considered an authorized representative of
29 state educational agencies under applicable state and federal law for
30 purposes of accessing, compiling and storing student data for research,**

1 **audit and evaluation purposes.**

2 “(4)(a) The Higher Education Coordinating Commission shall implement
3 a process to review and appropriately act on student complaints regarding
4 any school operating in this state. As part of the process implemented under
5 this subsection, the commission may:

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

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

9 “(C) Investigate and resolve student complaints that relate to state fi-
10 nancial aid;

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

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

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

15 “(b) The commission may refer the investigation and resolution of a stu-
16 dent complaint to:

17 “(A) An appropriate state agency if the complaint alleges that a school
18 has violated a state law concerning consumer protection, civil rights, em-
19 ployment rights or environmental quality;

20 “(B) A school’s accrediting association if the complaint relates to the
21 school’s authorization to offer academic degree programs or to the quality
22 of the school’s academic degree programs; or

23 “(C) The school at which the student is enrolled if the commission de-
24 termines that the complaint should be resolved through the school’s internal
25 review process.

26 “(c) As used in this subsection:

27 “(A)(i) ‘School’ means an independent institution of higher education that
28 meets the requirements of ORS 348.597 (2)(a).

29 “(ii) ‘School’ does not mean a school that is exempt from ORS 348.594 to
30 348.615 under ORS 348.597 (2)(b) or (c).

1 “(B) ‘Student’ means a person who is enrolled at a school for the purpose
2 of obtaining a degree, certificate or other recognized educational credential
3 offered by that school.

4 “(5) A student complaint that is received by the Higher Education Coor-
5 dinating Commission, including but not limited to a student complaint filed
6 under subsection (4) of this section, is not subject to disclosure under ORS
7 192.311 to 192.478.

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

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

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

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

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

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

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

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

21 “(E) Reciprocity agreements with other states.

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

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

30 “(f) Improve economies of scale by encouraging and facilitating the use

1 of the shared services among post-secondary institutions in this state.

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

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

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

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

19 **“SECTION 16.** ORS 350.075, as amended by section 61, chapter 774,
20 Oregon Laws 2015, section 6, chapter 30, Oregon Laws 2016, section 56,
21 chapter 117, Oregon Laws 2016, section 8, chapter 66, Oregon Laws 2017,
22 sections 2 and 3, chapter 98, Oregon Laws 2017, section 6, chapter 185,
23 Oregon Laws 2017, section 22, chapter 297, Oregon Laws 2017, and section
24 2b, chapter 440, Oregon Laws 2017, is amended to read:

25 “350.075. (1) As used in this section, ‘student access programs’ means
26 scholarship, loan, grant and access programs described in ORS chapter 348.

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

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

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

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

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

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

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

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

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

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

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

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

29 “(i) Student access programs;

30 “(ii) Public universities listed in ORS 352.002, including but not limited

1 to education and general operations, statewide public services and state-
2 funded debt service;

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

5 “(iv) New facilities or programs;

6 “(v) Capital improvements and deferred maintenance;

7 “(vi) Special initiatives and investments; and

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

10 “(B) In the development of the consolidated higher education agency re-
11 quest budget:

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

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

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

18 “(f) Adopt rules governing the distribution of appropriations from the
19 Legislative Assembly to community colleges, public universities listed in
20 ORS 352.002 and student access programs. These rules must be based on al-
21 location formulas developed in consultation with the state’s community col-
22 leges and public universities, as appropriate.

23 “(g) Approve or disapprove any significant change to the academic pro-
24 gram of a community college or a public university listed in ORS 352.002. In
25 reaching a decision under this paragraph, the commission shall consider the
26 recommendation from the community college or public university seeking to
27 make the change to an academic program that is issued pursuant to the ob-
28 ligation of the governing board of a community college or public university
29 to review and approve academic programs. The commission shall ensure that
30 approved programs:

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

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

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

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

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

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

12 “(B) Review and determine whether a proposed annual increase of resi-
13 dent undergraduate enrollment fees of greater than five percent is appropri-
14 ate.

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

17 “(D) Approve and authorize degrees.

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

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

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

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

1 sion in participating in such agreements.

2 **“(L) Administer a statewide longitudinal data system.**

3 **“(m) In coordination with the Department of Education, the Em-**
4 **ployment Department and other state agencies, conduct statewide**
5 **longitudinal studies and reporting of early learning, kindergarten**
6 **through grade 12 education, higher education and workforce programs.**
7 **For the purposes of this paragraph:**

8 **“(A) The commission shall enter into written interagency agree-**
9 **ments with the Department of Education, the Employment Depart-**
10 **ment and any other state agencies necessary for the purposes of**
11 **conducting statewide longitudinal studies and reporting.**

12 **“(B) The commission is considered an authorized representative of**
13 **state educational agencies under applicable state and federal law for**
14 **purposes of accessing, compiling and storing student data for research,**
15 **audit and evaluation purposes.**

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

20 **“(a) Ensure or improve access to higher education by diverse and under-**
21 **served populations.**

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

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

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

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

27 **“(C) Applied baccalaureate and other transfer degrees;**

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

29 **“(E) Reciprocity agreements with other states.**

30 **“(d) In coordination with the State Board of Education, enhance the use**

1 and quality of dual credit, career and technical pathways and efforts to cre-
2 ate a culture of college attendance in this state.

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

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

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

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

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

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 **“SECTION 17. This 2019 Act being necessary for the immediate**
28 **preservation of the public peace, health and safety, an emergency is**
29 **declared to exist, and this 2019 Act takes effect July 1, 2019.”**

30