

Enrolled Senate Bill 77

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Kate Brown for Higher Education Coordinating Commission)

CHAPTER

AN ACT

Relating to the Higher Education Coordinating Commission; amending ORS 285A.522, 341.465, 344.259, 418.657, 458.555, 458.558, 458.560, 458.565, 458.568, 458.570, 458.573, 458.575, 660.300, 660.336, 660.343 and 660.349; and repealing ORS 458.577, 458.578, 458.585, 458.590 and 458.595.

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

SECTION 1. ORS 660.300 is amended to read:
660.300. As used in ORS 660.300 to 660.364:

(1) "Chief elected official" means a county commissioner, a county judge or the mayor of the City of Portland.

(2) "Federal Act" or "federal Workforce Innovation and Opportunity Act" means the federal Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.).

(3) "Local workforce development area" means the City of Portland or a county when the city or county has been designated as a local workforce development area under ORS 660.324. "Local workforce development area" may include two or more counties that have joined together to form a local workforce development area and that have been designated as a local workforce development area under ORS 660.324.

(4) "Local workforce development board" means a board established pursuant to section 3122 of the federal Workforce Innovation and Opportunity Act.

(5) "Maritime sector" includes but is not limited to:

(a) Enterprises engaged in the design, construction, manufacture, acquisition, operation, supply, repair or maintenance of marine vessels or component parts of marine vessels;

(b) Enterprises engaged in managing or operating shipping lines;

(c) Customs brokerage services, shipyards, shipping and freight forwarding services, dry docks, marine railways and marine repair shops;

(d) Enterprises engaged in commercial or recreational fishing;

(e) Enterprises and academic institutions engaged in scientific research of ocean processes, marine life or other ocean resources; and

(f) Enterprises engaged in marine tours or travel, water sports or other marine leisure activities.

[*(6) "Office" means the Office of Community Colleges and Workforce Development.*]

[*(7)*] **(6)** "Participant" means a person receiving services under the federal Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.).

[8] (7) "Participant records" means records relating to matters such as grades, conduct, personal and academic evaluations, results of psychometric testing, counseling, disciplinary actions, if any, and other personal matters.

[9] (8) "State workforce agencies" means state agencies that administer workforce programs.

[10] (9) "Workforce development" means services designed to help individuals attain employment and progress along career pathways and to help businesses better achieve business goals by more easily finding skilled employees. "Workforce development" includes:

- (a) Education, training and apprenticeship services;
- (b) Labor market analysis;
- (c) Employment and reemployment services;
- (d) Employee recruitment and retention services; and
- (e) Convening, coordinating, oversight and evaluation services for business and state workforce agencies.

[11] (10) "Workforce programs" means programs that have a primary mission of helping individuals become employed, retain employment, increase wages and progress along career pathways and that are responsible for outcomes related to the primary mission.

SECTION 2. ORS 660.349 is amended to read:

660.349. (1)(a) There is created in the [*Office of Community Colleges and Workforce Development*] **Higher Education Coordinating Commission** a program to make grants to pilot projects to promote hands-on experience and education in the fundamentals and core competencies in architecture, construction trades and engineering for high school juniors and seniors.

(b) Pilot projects funded by the program created under this subsection shall be based on collaborative efforts between local school districts, community colleges, business organizations and labor organizations that provide participants the opportunity for education and training in skills required to meet the workforce development needs of local, regional and statewide employers.

(c) The [*office*] **commission** may apply for and receive grants and gifts from public and private sources to fund grants provided under this section.

(2) The program created under subsection (1) of this section for making grants to pilot projects shall ensure that:

- (a) Local communities are informed about the availability of the grants;
- (b) The pilot projects are geographically distributed throughout Oregon;
- (c) Urban and rural participants have equal opportunity to access quality educational opportunities;
- (d) Representatives of related, ongoing community efforts assist in the implementation of architecture, construction trades and engineering education and training; and
- (e) The program and timelines are designed to minimize barriers to receiving funds.

(3) When considering applications for grants, the program shall give priority to pilot projects that:

(a) Provide access for high school juniors and seniors to architecture, construction trades and engineering education and training through the efforts of local and regional career centers and public-private consortia;

(b) In combination with other projects receiving funds, contribute to architecture, construction trades and engineering education and training opportunities in every part of the state;

(c) Use private and federal funds;

(d) Facilitate sharing of resources through public-private partnerships including collaboration among local school districts, community colleges, business organizations and labor organizations;

(e) Have a long-term strategic plan and lack only the necessary financial resources;

(f) Help students connect education and training with career planning and job opportunities through local and regional career centers implemented under the federal Workforce Innovation and Opportunity Act;

(g) Provide articulated secondary and post-secondary education programs that are designed to lead to a degree or industry-specific skills certification; and

(h) Establish short-term training programs that meet the immediate needs of local and regional employers.

(4)(a) The [office] **commission** shall include in the program created under subsection (1) of this section a process for the certification of instructors for the program to provide education and practical experience in architecture, construction trades and engineering.

(b) The [office] **commission** shall adopt by rule requirements for the certification of instructors described in paragraph (a) of this subsection.

(c) Notwithstanding the requirements adopted under paragraph (b) of this subsection, a person qualified to serve as an instructor in a state-recognized apprenticeship program is qualified for certification as an instructor for projects implemented under this section.

SECTION 3. ORS 458.555 is amended to read:

458.555. (1) There is established the [*Oregon Volunteers Commission for Voluntary Action and Service*] **OregonServes Commission** within the Higher Education Coordinating Commission. **The OregonServes Commission is the AmeriCorps service commission for Oregon.**

(2)(a) The [*Oregon Volunteers Commission for Voluntary Action and Service*] **OregonServes Commission** shall consist of at least 15 **voting** members appointed by the Governor and may consist of not more than 25 **voting** members appointed by the Governor.

(b) **In addition to the voting members of the commission appointed under paragraph (a) of this subsection, the commission may include any voting or nonvoting members authorized under federal law.**

(3) The term of office of each member **appointed under subsection (2)(a) of this section** is three years, but a member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on the first day of the next following month. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(4) The appointment of the members of the [*Oregon Volunteers Commission for Voluntary Action and Service*] **OregonServes Commission under subsection (2)(a) of this section** is subject to confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565.

(5) A member of the [*Oregon Volunteers Commission for Voluntary Action and Service*] **OregonServes Commission** is entitled to receive, from moneys available to the commission, actual and necessary travel and other expenses incurred in the performance of official duties as provided in ORS 292.495.

SECTION 4. ORS 458.558 is amended to read:

458.558. (1) The members of the [*Oregon Volunteers Commission for Voluntary Action and Service*] **OregonServes Commission appointed under ORS 458.555 (2)(a)** must be [*citizens*] **residents** of this state who have a proven commitment to community service and who have a demonstrated interest in fostering and nurturing [*citizen involvement*] **civic engagement** as a strategy for strengthening communities and promoting the ethic of service in all sectors of this state.

(2)(a) The Governor shall appoint as members of the commission [*at least one of each of the following*]:

[(a)] (A) An individual with experience in educational, training and development needs of youth, particularly disadvantaged youth.

[(b)] (B) An individual with experience in promoting involvement of [*older*] adults **55 years of age or older** in service and volunteerism.

[(c)] (C) A representative of community-based agencies or organizations within this state.

[(d)] (D) The Deputy Superintendent of Public Instruction or designee.

[(e)] (E) A representative of local governments in this state.

[(f)] (F) A representative of local labor unions in this state.

[(g)] (G) A representative of business.

[(h)] (H) [*A person at least 16, but not more than 25,*] **An individual between 16 and 25 years of age who is a participant in or supervisor of a service program for school-age youth, or a campus-based or [*in a*] national service program.**

[(i)] (I) A representative of a national service program described in 42 U.S.C. 12572(a).

(J) **A representative of the volunteer sector.**

(b) An individual member of the commission may represent more than one of the entities or organizations required to be represented under this subsection.

(3) In addition to appointing members under subsection (2) of this section, the Governor may appoint as members individuals from the following groups:

(a) Educators, **including representatives of post-secondary institutions of education and local education agencies.**

(b) Experts in the delivery of human, educational, environmental or public safety services to communities and individuals.

(c) Members **or representatives** of Native American tribes.

(d) At-risk **or out-of-school** youths [*who are out of school*].

(e) Entities that receive assistance under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

(4) In making appointments of members described in subsections (2) and (3) of this section, the Governor shall ensure that:

(a) No more than 50 percent of the appointed members are from the same political party; and

(b) No more than 25 percent of the appointed members are state employees.

(5) To the extent practicable, the Governor shall ensure that the membership of the commission is diverse with respect to race, ethnicity, age, gender and disability characteristics.

SECTION 5. ORS 458.560 is amended to read:

458.560. (1) The [*Oregon Volunteers Commission for Voluntary Action and Service*] **members of the OregonServes Commission appointed under ORS 458.555 (2)(a)** shall select a commission member as chairperson and another as vice chairperson, for terms, and with duties and powers necessary for the performance of the functions of those offices, as the commission determines. **The chairperson and vice chairperson must be members of the commission appointed under ORS 458.555 (2)(a).**

(2) A majority of the **voting** members of the commission constitutes a quorum for the transaction of business.

(3) The commission shall meet at least once every three months at a place, day and hour determined by **a majority of the voting members** of the commission. The commission shall meet at other times and places specified by the call of the chairperson or of a majority of the **voting** members of the commission.

SECTION 6. ORS 458.565 is amended to read:

458.565. (1) The [*Oregon Volunteers Commission for Voluntary Action and Service*] **OregonServes Commission** may establish advisory and technical committees as the commission considers necessary to aid and advise the commission in the performance of commission functions. These committees may be continuing or temporary committees. The commission shall determine the representation, membership, terms and organization of the committees and shall appoint the committee members.

(2) Members of the committees are not entitled to compensation, but at the discretion of the commission may be reimbursed, from moneys available to the commission, for actual and necessary travel and other expenses incurred by them in the performance of their official duties, as provided in ORS 292.495.

SECTION 7. ORS 458.568 is amended to read:

458.568. The [*Oregon Volunteers Commission for Voluntary Action and Service*] **OregonServes Commission** shall:

(1) Develop programs and provide oversight and administration of programs granted to this state by [*the Corporation for National and Community Service*] **AmeriCorps** under the National and Community Service Trust Act of 1993, as amended[,] (P.L. 103-82).

(2) Prepare state applications to [*the Corporation for National and Community Service*] **AmeriCorps** for financial assistance for state-based service programs.

(3) Establish state priorities for volunteerism and develop a three-year, comprehensive national and community service plan based on the priorities.

[(3)] (4) Develop projects, training methods, curriculum materials and other materials and activities related to state service programs that receive assistance directly from [*the Corporation for National and Community Service*] **AmeriCorps**.

[(4) *To engage citizens in service and to strengthen communities, create statewide access for all Oregon citizens to a variety of volunteer opportunities by:*]

[(a) *Evaluating the status of volunteerism in the public, private and nonprofit sectors of this state;*]

[(b) *Examining methods to strengthen the capacity of volunteer organizations to support citizen involvement; and*]

[(c) *Educating all citizens about the importance of citizen involvement and voluntary action.*]

[(5) *Encourage youth and young adults to engage in their communities through voluntary action by:*]

[(a) *Assisting efforts to inform young Oregonians about opportunities for involvement in the public, private and nonprofit sectors;*]

[(b) *Promoting the value of service learning as an educational strategy in the kindergarten through higher educational systems; and*]

[(c) *Collaborating with groups to advocate for youth voice in the public, private and nonprofit governing structures.*]

(5) Coordinate national service and volunteer service in statewide activities for disaster preparedness, response and relief activities and climate mitigation. Coordination under this subsection must include establishing an administration, training methods and curriculum materials.

(6) Promote engagement in volunteerism and service for the purpose of strengthening communities in Oregon by:

(a) Promoting a statewide volunteer recognition plan open to all sectors;

(b) Assisting efforts by Oregon communities to encourage involvement in volunteerism;

(c) Evaluating the status of volunteerism and service in the public, private and nonprofit sectors of this state;

(d) Assisting efforts to inform young Oregonians about opportunities for involvement in the public, private and nonprofit sectors through service and volunteerism;

(e) Promoting the value of service learning as an educational strategy in both kindergarten through grade 12 and higher education;

(f) Promoting the concept and practice of business and corporate volunteering, with an emphasis on communities where business and corporate volunteering initiatives are less developed;

(g) Promoting best practices in volunteer management, including screening and background check processes;

(h) Promoting and supporting the concept of participation and volunteerism by all residents as an effective means of addressing community needs and achieving a collective commitment to lifelong community service;

(i) Recognizing individual members of service and volunteer organizations as a means to honor and celebrate their impact on Oregon communities; and

(j) Recognizing National Volunteer Week and AmeriCorps Week as a time for encouraging residents to participate in community service projects.

[(6) *Promote recognition of volunteerism and service into the daily operation of public, private and nonprofit sectors throughout the state by:*]

[(a) *Promoting a statewide volunteer recognition plan open to all sectors; and*]

[(b) *Assisting efforts by Oregon communities to encourage citizen involvement in volunteerism.*]

(7) Biennially submit a report to the Governor and the Legislative Assembly as provided under ORS 192.230 to 192.245:

- (a) Detailing commission activities during the preceding two-year period;
- (b) Reviewing and summarizing, to the extent the commission deems relevant, the content of reports accepted by the commission on behalf of the Governor;
- (c) Assessing the state of national service in Oregon; and
- (d) Containing specific recommendations for any additional legislation the commission deems necessary to [carry out the purpose of the Oregon Volunteer and Community Service Act or to]:

(A) Support the responsibilities of the commission to further national service, civic engagement and volunteerism; or

(B) Improve the effectiveness or efficiency of the commission.

SECTION 8. ORS 458.570 is amended to read:

458.570. (1) The [*Oregon Volunteers Commission for Voluntary Action and Service*] **OregonServes Commission** shall act in all respects as the successor to **both the Oregon Volunteers Commission for Voluntary Action and Service and** the Oregon Commission for National and Community Service formed in response to the National and Community Service Trust Act of 1993.

(2) The [*Oregon Volunteers Commission for Voluntary Action and Service*] **OregonServes Commission** shall act at all times in compliance with the requirements imposed upon a state commission by the National and Community Service Trust Act of 1993 in effect on January 1, 2006.

SECTION 9. ORS 458.573 is amended to read:

458.573. In accordance with applicable provisions in ORS chapter 183, the Higher Education Coordinating Commission, in consultation with the [*Oregon Volunteers Commission for Voluntary Action and Service*] **OregonServes Commission**, may adopt rules:

- (1) Establishing standards and guidelines for applications for grants; and
- (2) Establishing standards and requirements for administration of programs funded by grants.

SECTION 10. ORS 458.575 is amended to read:

458.575. The [*Oregon Volunteers Commission for Voluntary Action and Service*] **OregonServes Commission** may apply for and accept grants, contributions and assistance from any federal, state or local government agency and any foundation, individual or organization for the purposes of:

- (1) Performing commission duties under ORS 458.568;
- (2) Implementing programs and policies necessary to carry out the duties, functions and powers of the commission; or
- (3) Assisting [*citizens*] **residents** and public and private entities in implementing commission programs and policies [*adopted under the Oregon Volunteer and Community Service Act*].

SECTION 11. ORS 285A.522 is amended to read:

285A.522. (1) The [*Office of Community Colleges and Workforce Development*] **Higher Education Coordinating Commission** shall prepare an annual report concerning plant closings and mass layoffs in this state. The report shall describe in detail each plant closing or mass layoff during the period covered by the report and the assistance and services provided to the affected employers, workers and communities. The report shall also contain the most recent information available relating to the current status of the employer, workers and community affected by each plant closing or mass layoff.

(2) The report prepared under this section shall be presented to the Governor, the President of the Senate, the Speaker of the House of Representatives and appropriate legislative committees.

SECTION 12. ORS 344.259 is amended to read:

344.259. (1) The Higher Education Coordinating Commission shall coordinate continuing education in lower **and upper** division, developmental, adult self-improvement, professional and technical education for agencies under its regulatory authority. The commission shall coordinate continuing education in upper division and graduate education for public universities under its jurisdiction.

(2) When significantly adverse impact is alleged by one or more of the agencies listed in this subsection, the affected parties jointly shall provide for written agreements. These agreements shall

allocate responsibility for planning and providing continuing education or off-campus instruction in specific areas or by specific types. The agencies are:

- (a) The Higher Education Coordinating Commission.
- (b) Community college districts.
- (c) Independent colleges.
- (d) Proprietary schools.
- (e) The governing board of a public university listed in ORS 352.002.

(3) In the event the affected parties fail to reach a written agreement within 120 days following receipt of written notice of the allegation, either party may request the Education and Workforce Policy Advisor to review and to recommend resolution.

(4) Nothing in this section prohibits the offering of upper division or graduate programs within 30 miles of the campus of a public university listed in ORS 352.002 offering the program, or the offering of lower division programs within 30 miles of the campus offering the program in areas outside a community college district. Such programs are entitled to the same college credit and financial support as programs offered on the campus of the university.

SECTION 13. ORS 660.336 is amended to read:

660.336. (1) The designated state agency and state level fiscal agent for **Title I** of the federal Workforce Innovation and Opportunity Act shall provide customers of the one-stop delivery system with reports containing information about the performance of training providers and programs in each local area.

(2) In order for customers to have choices in deciding the training program that best fits their needs and the organization that best provides that service, and in order for customers to have information about how well training providers succeed in preparing people for jobs, the reports shall include information about:

- (a) Training programs and the organizations that provide the programs; and
- (b) The success rate of the programs in preparing people for jobs.

(3) The reports shall present the information in a manner that allows a customer to easily understand the options that are available in choosing a program of training services.

SECTION 14. ORS 418.657 is amended to read:

418.657. (1) In consultation with the Oregon Youth Corps Advisory Board and the executive director of the Higher Education Coordinating Commission, or the designee of the executive director, the program director of the Oregon Youth Corps shall:

(a) Establish eligibility criteria for participants. Such criteria shall not render the program ineligible for federal funds. Participants shall be lawful permanent residents of this state.

(b) Establish criteria in order to make the required determination that enrollment in the corps was not the reason that an individual ceased attendance at a secondary school.

(c) Assume that application of the eligibility and participation criteria results in enrollment of at least 75 percent disadvantaged and at-risk youth among the total number of participants.

(2) The program director, in consultation with the executive director, or the designee of the executive director, may take the following actions, including but not limited to:

(a) Applying for and accepting grants or contributions of funds from any public or private source;

(b) Making agreements **or entering into contracts or other agreements** with any local, state or federal agency, **or with any private or public organization or tribal government**, to utilize, **pay for or support** any service, material or property of any such [agency] **entity**, where such agreements are considered reasonable and necessary; and

(c) Purchasing, [or] contracting **or making payment** for necessary [private] services, **awards**, equipment, materials and property where such are needed to carry out the projects approved for and undertaken by the corps.

(3) The commission may adopt all necessary rules to carry out the purposes and objectives of the program and to regulate the standards of conduct and other operating guidelines for corps members and other personnel.

- (4) Corps members are exempt from:
 - (a) State Personnel Relations Law; and
 - (b) ORS 279C.800 to 279C.870.

SECTION 15. ORS 660.343 is amended to read:

660.343. (1) There is created in the Higher Education Coordinating Commission the Oregon National Career Readiness Certification Program to certify the workplace and college readiness skills of Oregonians and to better prepare Oregonians for continued education and workforce training, successful employment and career advancement in a demand-driven, skills-based economy.

(2) Program services may be offered through public high schools, community colleges, local and regional career centers and any other institutions determined to be appropriate by the commission to residents of Oregon and to employees of businesses located in Oregon.

(3) Services provided by the program shall include, but are not limited to:

(a) An assessment process that identifies the proficiency level of program participants in work-ready skills including, but not limited to, reading, applied mathematics, locating information and any additional skills determined by the commission to be necessary to meet business and industry skill demands;

(b) Targeted instruction and remedial skills training to provide work-ready skills in which program participants are not proficient, as determined by the assessment process described in paragraph (a) of this subsection, and that have been identified by the commission as work-ready skills required by local employers;

(c) Issuance of a National Career Readiness Certificate to program participants who demonstrate proficiency in work-ready skills, as determined by the assessment process described in paragraph (a) of this subsection, and who satisfy any other requirements for certification adopted by the commission by rule;

(d) Providing information to school districts, community colleges and community college service districts about the National Career Readiness Certificate and the assessments, targeted instruction and remedial skills training available through the program; and

(e) An online database that:

(A) Serves as the repository for National Career Readiness Certificate attainment data.

(B) Provides online access to program data that enables employers to determine the work skill proficiency level of individual program participants and to locate certified individuals on a statewide or regional basis.

(C) Provides individual program participants the opportunity for career exploration, continuing education, job readiness practice and job searches.

(D) Provides individual program participants the opportunity to opt out of the database in accordance with rules adopted by the commission.

(4) The commission, after consultation with the State Workforce and Talent Development Board and the Department of Education, shall adopt rules for the implementation and administration of the program created under subsection (1) of this section.

(5) By September 1 of each year, school districts, community colleges and community college service districts shall report to the commission the rate of participation in and the total number of students enrolled in the district or community college who utilized the services provided by the program in the most recently concluded school year.

(6) The commission shall submit a report on program outcomes and recommendations for improving and funding the program to the appropriate interim legislative committees and to the Governor by ~~December~~ **January** 1 of each year. The report shall include a summary of the information required under subsection (5) of this section.

SECTION 16. ORS 341.465 is amended to read:

341.465. (1) The board of a district operating a community college, upon approval of the Higher Education Coordinating Commission, may award certificates and associate degrees indicating satisfactory completion of a course of study offered by the community college.

(2)(a) The board of a district operating a community college may award training certificates indicating satisfactory completion of noncredit courses and programs.

(b) Prior to offering a new, noncredit course for a training certificate, the board of a district operating a community college must follow procedures established by the commission to ensure that the course meets an occupational employment need and fulfills a regional educational need.

(3) Notwithstanding subsections (1) and (2) of this section, the board of a district operating a community college may not award a certificate or associate degree relating to emergency medical services unless the community college program that results in the certificate or degree meets standards for accreditation established by the commission by rule.

SECTION 17. ORS 458.577, 458.578, 458.585, 458.590 and 458.595 are repealed.

Passed by Senate March 11, 2021

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 17, 2021

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Tina Kotek, Speaker of House

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Approved:

.....M,....., 2021

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Kate Brown, Governor

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Shemia Fagan, Secretary of State