

Senate Bill 222

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Conforms student record law with federal law by removing provision that student 18 years of age or older has sole control of education records at post-secondary institution.
Declares emergency, effective July 1, 2009.

A BILL FOR AN ACT

1
2 Relating to student records; amending ORS 341.290, 351.070 and 353.180; and declaring an emer-
3 gency.

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

5 **SECTION 1.** ORS 341.290 is amended to read:

6 341.290. The board of education of a community college district shall be responsible for the
7 general supervision and control of any and all community colleges operated by the district. Con-
8 sistent with any applicable rules of the State Board of Education, the board may:

9 (1) Subject to ORS chapters 238 and 238A, employ administrative officers, professional personnel
10 and other employees, define their duties, terms and conditions of employment and prescribe com-
11 pensation therefor, pursuant to ORS 243.650 to 243.782.

12 (2) Enact rules for the government of the community college, including professional personnel
13 and other employees thereof and students therein.

14 (3) Prescribe the educational program.

15 (4) Control use of and access to the grounds, buildings, books, equipment and other property of
16 the district.

17 (5) Acquire, receive, hold, control, convey, sell, manage, operate, lease, lease-purchase, lend, in-
18 vest, improve and develop any and all property of whatever nature given to or appropriated for the
19 use, support or benefit of any activity under the control of the board, according to the terms and
20 conditions of such gift or appropriation.

21 (6) Purchase real property upon a contractual basis when the period of time allowed for payment
22 under the contract does not exceed 30 years.

23 (7) Fix standards of admission to the community college, prescribe and collect tuition for ad-
24 mission to the community college, including fixing different tuition rates for students who reside in
25 the district, students who do not reside in the district but are residents of the state and students
26 who do not reside in the state.

27 (8) Prescribe and collect fees and expend funds so raised for special programs and services for
28 the students and for programs for the cultural and physical development of the students.

29 (9) Provide and disseminate to the public information relating to the program, operation and fi-
30 nances of the community college.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 (10) Establish or contract for advisory and consultant services.

2 (11) Take, hold and dispose of mortgages on real and personal property acquired by way of gift
3 or arising out of transactions entered into in accordance with the powers, duties and authority of
4 the board and institute, maintain and participate in suits and actions and other judicial proceedings
5 in the name of the district for the foreclosure of such mortgages.

6 (12) Maintain programs, services and facilities, and, in connection therewith, cooperate and en-
7 ter into agreements with any person or public or private agency.

8 (13) Provide student services including health, guidance, counseling and placement services, and
9 contract therefor.

10 (14) Join appropriate associations and pay any required dues therefor from resources of the
11 district.

12 (15) Apply for federal funds and accept and enter into any contracts or agreements for the re-
13 ceipt of such funds from the federal government or its agencies for educational purposes.

14 (16) Exercise any other power, duty or responsibility necessary to carry out the functions under
15 this section or required by law.

16 (17) Prescribe rules for the use and access to public records of the district that are consistent
17 with ORS 192.420, and education records of students under applicable state and federal law and
18 rules of the State Board of Education. [*Whenever a student has attained 18 years of age or is at-*
19 *tending an institution of post-secondary education, the permission or consent required of and the rights*
20 *accorded to a parent of the student regarding education records shall thereafter be required of and*
21 *accorded to only the student.*] However, faculty records relating to matters such as conduct, personal
22 and academic evaluations, disciplinary actions, if any, and other personal matters shall not be made
23 available to public inspection for any purpose except with the consent of the person who is the
24 subject of the record or upon order of a court of competent jurisdiction.

25 (18) Enter into contracts for the receipt of cash or property, or both, and establish charitable
26 gift annuities pursuant to ORS 731.038; and, commit, appropriate, authorize and budget for the pay-
27 ment of or other disposition of general funds to pay, in whole or in part, sums due under an agree-
28 ment for a charitable gift annuity, and to provide the necessary funding for reserves or other trust
29 funds pursuant to ORS 731.038.

30 (19) Encourage gifts to the district by faithfully devoting the proceeds of such gifts to the dis-
31 trict purposes for which intended.

32 (20) Build, furnish, equip, repair, lease, purchase and raze facilities; and locate, buy and acquire
33 lands for all district purposes. Financing may be by any prudent method including but not limited
34 to loans, contract purchase or lease. Leases authorized by this section include lease-purchase
35 agreements under which the district may acquire ownership of the leased property at a nominal
36 price. Such financing agreements may be for a term of up to 30 years except for lease arrangements
37 which may be for a term of up to 50 years.

38 (21) Participate in an educational consortium with public and private institutions that offer up-
39 per division and graduate instruction. Community colleges engaged in such consortiums may expend
40 money, provide facilities and assign staff to assist those institutions offering upper division and
41 graduate instruction.

42 (22) Enter into contracts of insurance or medical and hospital service contracts or may operate
43 a self-insurance program as provided in ORS 341.312.

44 **SECTION 2.** ORS 351.070 is amended to read:

45 351.070. (1) The Oregon University System, in accordance with rules adopted by the State Board

1 of Higher Education, shall implement a personnel system and may engage in collective bargaining
2 with its employees. All collective bargaining with any certified or recognized exclusive employee
3 representative shall be under the direction and supervision of the Chancellor of the Oregon Uni-
4 versity System. The Oregon University System shall have payroll authority pursuant to ORS 292.043
5 to 292.180.

6 (2)(a) The board shall establish competitive procedures for the purchasing, procurement and
7 contracting of goods, services and information technology, for the benefit of the Oregon University
8 System and all the institutions, departments and activities therein. The board may also establish
9 exemptions from the competitive procedures when appropriate.

10 (b) The board shall ensure that the hourly rate of wage paid by any contractor upon all public
11 improvements contracts undertaken for the board shall not be less than the same rate of wage as
12 determined by the Bureau of Labor and Industries for an hour's work in the same trade or occupa-
13 tion in the locality where such labor is performed. Claims or disputes arising under this subsection
14 shall be decided by the Commissioner of the Bureau of Labor and Industries.

15 (c) The board shall adopt policies and procedures that achieve results equal to or better than
16 the standards existing on July 17, 1995, regarding affirmative action, pay equity for comparable
17 work, recycling, the provision of workers' compensation insurance to workers on contract and the
18 participation of emerging small businesses and businesses owned by minorities and women.

19 (3) The board may, for each institution under its control:

20 (a) Appoint and employ a president and the requisite number of professors, teachers and em-
21 ployees, and prescribe their compensation and tenure of office or employment.

22 (b) Demand and receive the interest mentioned in ORS 352.510 and all sums due and accruing
23 to the institutions of higher education for admission and tuition therein, and apply the same, or so
24 much thereof as is necessary, to the payment of the compensation referred to in paragraph (a) of this
25 subsection and the other current expenses of the institutions.

26 (c) Prescribe fees for enrollment into the institutions. Such enrollment fees shall include tuition
27 for education and general services and such other charges found by the board to be necessary to
28 carry out its educational programs. The board may award student aid from any fund other than the
29 General Fund.

30 (d) Prescribe incidental fees for programs under the supervision or control of the board found
31 by the board, upon its own motion or upon recommendation of the recognized student government
32 of the institution concerned, to be advantageous to the cultural or physical development of students.
33 Fees realized in excess of amounts allocated and exceeding required reserves shall be considered
34 surplus incidental fees and shall be allocated for programs under the control of the board and found
35 to be advantageous to the cultural or physical development of students by the institution president
36 upon the recommendation of the recognized student government at the institution concerned.

37 (e) Upon recommendation of the recognized student government, collect optional fees authorized
38 by the institution executive, for student activities not included in paragraph (c) or (d) of this sub-
39 section. The payment of such optional fees shall be at the option and selection of the student and
40 shall not be a prerequisite of enrollment.

41 (f) Confer, on the recommendation of the faculty of any such institution, such degrees as usually
42 are conferred by such institutions, or as they deem appropriate.

43 (g) Prescribe the qualifications for admission into such institutions.

44 (4) Subject to such delegation as the board may decide to make to the institutions, divisions and
45 departments under its control, the board, for each institution, division and department under its

1 control:

2 (a) Shall supervise the general course of instruction therein, and the research, extension, edu-
 3 cational and other activities thereof.

4 (b) Shall adopt rules and bylaws for the government thereof, including the faculty, teachers,
 5 students and employees therein.

6 (c) Shall maintain cultural and physical development services and facilities therefor and, in
 7 connection therewith, may cooperate and enter into agreements with any person or governmental
 8 agency.

9 (d) May contract to provide health services at student health centers.

10 (e) Shall provide health services at student health centers to students.

11 (f) May provide health services at student health centers to any of the following:

12 (A) Dependents of students.

13 (B) Staff.

14 (C) Faculty.

15 (g) Shall prescribe and collect charges.

16 (h) Shall adopt rules relating to the creation, use, custody and disclosure, including access, of
 17 student education records of the institutions that are consistent with the requirements of applicable
 18 state and federal law. [*Whenever a student has attained 18 years of age or is attending an institution*
 19 *of post-secondary education, the permission or consent required of and the rights accorded to a parent*
 20 *of the student regarding education records shall thereafter be required of and accorded to only the*
 21 *student.*]

22 (5) For each institution under its jurisdiction, the board shall provide opportunities for part-time
 23 students to obtain complete undergraduate degrees at unconventional times, which include but are
 24 not limited to early morning and noon hours, evenings and weekends. In administering these degree
 25 programs, the institution may use any educational facility available for the use of the institution.

26 **SECTION 3.** ORS 353.180 is amended to read:

27 353.180. Oregon Health and Science University may adopt policies relating to the creation, use,
 28 custody and disclosure, including access, of student education records of the university that are
 29 consistent with the requirements of applicable state and federal law. [*Whenever a student has at-*
 30 *tained 18 years of age or is attending the university, the permission or consent required of and the*
 31 *rights accorded to a parent of the student regarding education records shall thereafter only be required*
 32 *of and accorded to the student.*]

33 **SECTION 4. This 2009 Act being necessary for the immediate preservation of the public**
 34 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
 35 **July 1, 2009.**