

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 2870**

1 On page 1 of the printed A-engrossed bill, line 2, after “351.735” insert “;  
2 and declaring an emergency”.

3 Delete lines 4 through 25 and delete pages 2 through 6 and insert:

4 **“SECTION 1.** ORS 351.735, as amended by section 2, chapter 83, Oregon  
5 Laws 2014, and section 1, chapter 113, Oregon Laws 2014, is amended to read:

6 “351.735. (1) As used in this section, ‘student access programs’ means  
7 scholarship, loan, grant and access programs described in ORS chapter 348.

8 “(2) The Higher Education Coordinating Commission shall be guided by  
9 the legislative findings in ORS 341.009, 351.001 and 351.003 and the goals and  
10 mission of post-secondary education set forth in ORS 351.006 and 351.009.

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

12 “(a) Advise and assist the Oregon Education Investment Board on:

13 “(A) State goals and associated achievement compacts for the state post-  
14 secondary education system, including community colleges and public uni-  
15 versities listed in ORS 352.002, and for student access programs.

16 “(B) Strategic investments in the state’s community colleges, public uni-  
17 versities and student access programs necessary to achieve state post-  
18 secondary education goals.

19 “(C) Coordination of the post-secondary elements of data collection and  
20 structure, with the advice and recommendation of the state’s independent  
21 institutions, community colleges and public universities, as appropriate, in  
22 order to assist the Oregon Education Investment Board in the construction

1 of a state longitudinal data system, as authorized by law.

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

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

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

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

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

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

15 “(c)(A) Each biennium, after receiving funding requests from the state’s  
16 community colleges and public universities as authorized by law, recommend  
17 to the Governor and the Oregon Education Investment Board a consolidated  
18 higher education budget request aligned with the strategic plan described in  
19 subsection (3)(b) of this section, including appropriations for:

20 “(i) Student access programs;

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

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

26 “(iv) New facilities or programs;

27 “(v) Capital improvements and deferred maintenance; and

28 “(vi) Special initiatives and investments.

29 “(B) In the development of the consolidated higher education budget re-  
30 quest:

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

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

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

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

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

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

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

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

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

28 “(f) For public universities listed in ORS 352.002:

29 “(A) Approve the mission statement adopted by a governing board of a  
30 public university or by the State Board of Higher Education.

1 “(B) Review and determine whether a proposed annual increase of resi-  
2 dent undergraduate enrollment fees, as described in ORS 351.063, of greater  
3 than five percent is appropriate.

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

6 “(D) Approve and authorize degrees.

7 “(g) Authorize degrees to be offered by independent post-secondary insti-  
8 tutions in this state under ORS 348.594 to 348.615.

9 “(h) Oversee the licensing of career schools under ORS 345.010 to 345.450.

10 “(i) Have the authority to enter into and administer interstate agreements  
11 regarding the provision of post-secondary distance education. The partic-  
12 ipation by an educational institution that is not based in this state in dis-  
13 tance learning courses or programs that are part of an interstate agreement  
14 entered into and administered under this paragraph does not constitute op-  
15 erating in this state for purposes of ORS 348.594 to 348.615. The commission,  
16 by rule, may impose a fee on any educational institution that seeks to oper-  
17 ate under or participate in such interstate agreements. The fee amount shall  
18 be established to recover designated expenses incurred by the commission in  
19 participating in such agreements.

20 “(4)(a) **The Higher Education Coordinating Commission shall im-**  
21 **plement a process to resolve student complaints against any school**  
22 **operating in this state. As part of the process implemented under this**  
23 **subsection, the commission may:**

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

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

27 “(C) **Investigate any student complaint filed against a school;**

28 “(D) **Establish a process to review and resolve student complaints**  
29 **against a school, including but not limited to reviewing school records,**  
30 **holding administrative hearings and issuing final orders;**

1       **“(E) Assess a fee to cover the costs of any proceeding brought under**  
2 **this subsection, including but not limited to the costs of an investi-**  
3 **gation or administrative hearing;**

4       **“(F) Require a school to make full or partial restitution to a student**  
5 **or to cease an act or practice that is challenged in a student com-**  
6 **plaint;**

7       **“(G) Adopt rules to implement the provisions of this subsection; and**

8       **“(H) Enter into agreements to implement the provisions of this**  
9 **subsection.**

10       **“(b) Any hearing held under this subsection is subject to the pro-**  
11 **visions of ORS chapter 183.**

12       **“(c) As used in this subsection:**

13       **“(A) ‘School’ means a school that meets the requirements of ORS**  
14 **348.597 (2)(d); and**

15       **“(B) ‘Student’ means a person who is enrolled or accepted for en-**  
16 **rollment at a school for the purpose of obtaining a degree, certificate**  
17 **or other recognized educational credential offered by that school.**

18       **“[(4)] (5) In addition to the duties described in subsections (2) [and (3)]**  
19 **to (4) of this section, the Higher Education Coordinating Commission shall**  
20 **advise the Legislative Assembly, the Governor, community colleges, public**  
21 **universities and other state boards and commissions on policies in order to:**

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

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

25       **“(c) Improve the coordination of the provision of educational services,**  
26 **including:**

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

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

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

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

1 “(E) Reciprocity agreements with other states.

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

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

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

12 “[5] (6) The Higher Education Coordinating Commission, in a manner  
13 consistent with ORS chapter 183, may adopt administrative rules.

14 “[6] (7) With the exception of the rulemaking authority granted in sub-  
15 section [(5)] (6) of this section, the Higher Education Coordinating Commis-  
16 sion may delegate any of its powers, duties or functions to a committee of  
17 the commission or to the executive director of the commission.

18 “[7] (8) The Higher Education Coordinating Commission may establish  
19 technical or advisory committees to assist the commission in exercising its  
20 powers, duties and functions.

21 “[8] (9) The Higher Education Coordinating Commission may exercise  
22 only powers, duties and functions expressly granted by the Legislative As-  
23 sembly. Except as otherwise expressly provided by law, all other authorities  
24 reside at the institutional level with the respective boards of the post-  
25 secondary institutions.

26 “**SECTION 2.** ORS 351.735, as amended by section 2, chapter 83, Oregon  
27 Laws 2014, and sections 1 and 2, chapter 113, Oregon Laws 2014, is amended  
28 to read:

29 “351.735. (1) As used in this section, ‘student access programs’ means  
30 scholarship, loan, grant and access programs described in ORS chapter 348.

1       “(2) The Higher Education Coordinating Commission shall be guided by  
2 the legislative findings in ORS 341.009, 351.001 and 351.003 and the goals and  
3 mission of post-secondary education set forth in ORS 351.006 and 351.009.

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

5       “(a) Develop state goals and associated achievement compacts for the  
6 state post-secondary education system, including community colleges and  
7 public universities listed in ORS 352.002, and for student access programs.

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

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

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

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22 quality of life of its residents;

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

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

28       “(e)(A) Each biennium, after receiving funding requests from the state’s  
29 community colleges and public universities as authorized by law, recommend  
30 to the Governor a consolidated higher education budget request aligned with

1 the strategic plan described in subsection (3)(d) of this section, including  
2 appropriations for:

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6 Oregon’s other community colleges or public universities;

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13 public university or by the State Board of Higher Education.

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17 “(C) Advise the Governor and the Legislative Assembly on issues of uni-  
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22 “(j) Oversee the licensing of career schools under ORS 345.010 to 345.450.

23 “(k) Have the authority to enter into and administer interstate agree-  
24 ments regarding the provision of post-secondary distance education. The  
25 participation by an educational institution that is not based in this state in  
26 distance learning courses or programs that are part of an interstate agree-  
27 ment entered into and administered under this paragraph does not constitute  
28 operating in this state for purposes of ORS 348.594 to 348.615. The commis-  
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30 operate under or participate in such interstate agreements. The fee amount

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18 or to cease an act or practice that is challenged in a student com-  
19 plaint;**

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22 subsection.**

23 **“(b) Any hearing held under this subsection is subject to the pro-  
24 visions of ORS chapter 183.**

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26 **“(A) ‘School’ means a school that meets the requirements of ORS  
27 348.597 (2)(d); and**

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29 rollment at a school for the purpose of obtaining a degree, certificate  
30 or other recognized educational credential offered by that school.**

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2 **to** (4) of this section, the Higher Education Coordinating Commission shall  
3 advise the Legislative Assembly, the Governor, community colleges, public  
4 universities and other state boards and commissions on policies in order to:

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

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

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

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

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

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19 workforce investment boards, the Oregon Health and Science University and  
20 independent institutions, ensure that the state’s colleges and universities  
21 offer programs in high-demand occupations that meet Oregon’s workforce  
22 needs.

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

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26 consistent with ORS chapter 183, may adopt administrative rules.

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28 section [~~5~~] (6) of this section, the Higher Education Coordinating Commis-  
29 sion may delegate any of its powers, duties or functions to a committee of  
30 the commission or to the executive director of the commission.

1        “[7] (8) The Higher Education Coordinating Commission may establish  
2 technical or advisory committees to assist the commission in exercising its  
3 powers, duties and functions.

4        “[8] (9) The Higher Education Coordinating Commission may exercise  
5 only powers, duties and functions expressly granted by the Legislative As-  
6 sembly. Except as otherwise expressly provided by law, all other authorities  
7 reside at the institutional level with the respective boards of the post-  
8 secondary institutions.

9        **“SECTION 3. This 2015 Act being necessary for the immediate  
10 preservation of the public peace, health and safety, an emergency is  
11 declared to exist, and this 2015 Act takes effect on its passage.”.**

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