

SB 54-A2
(LC 500)
5/16/17 (DRG/ps)

Requested by HOUSE COMMITTEE ON HIGHER EDUCATION AND WORKFORCE DEVELOPMENT

**PROPOSED AMENDMENTS TO RESOLVE CONFLICTS TO
A-ENGROSSED SENATE BILL 54**

1 On page 7 of the printed A-engrossed bill, after line 26, insert:

2 **“SECTION 2a. If House Bill 2314 becomes law, section 1 of this 2017**
3 **Act (amending ORS 350.075) is repealed and ORS 350.075, as amended**
4 **by section 5, chapter 30, Oregon Laws 2016, section 55, chapter 117,**
5 **Oregon Laws 2016, and section 7, chapter __, Oregon Laws 2017 (En-**
6 **rolled House Bill 2314), is amended to read:**

7 “350.075. (1) As used in this section, ‘student access programs’ means
8 scholarship, loan, grant and access programs described in ORS chapter 348.

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

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

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

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

19 “(c) Coordinate the post-secondary elements of data collection and struc-
20 ture, with the advice and recommendation of the state’s independent insti-
21 tutions, community colleges and public universities, as appropriate, in order

1 to construct a state longitudinal data system.

2 “(d) 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 “(e)(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 a consolidated higher education agency request budget
18 aligned with the strategic plan described in paragraph (d) of this subsection,
19 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; **and**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 “(D) Approve and authorize degrees.

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

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

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

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

23 “(L) Coordinate and collaborate with the Chief Education Office as pro-
24 vided by section 1, chapter 519, Oregon Laws 2011.

25 “(4)(a) The Higher Education Coordinating Commission shall implement
26 a process to resolve student complaints against any school operating in this
27 state. As part of the process implemented under this subsection, the com-
28 mission may:

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

30 “(B) Specify the type of information that must be included in a student

1 complaint;

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

3 “(D) Establish a process to review and resolve student complaints against
4 a school, including but not limited to reviewing school records, holding ad-
5 ministrative hearings and issuing final orders;

6 “(E) Assess a fee to cover the costs of any proceeding brought under this
7 subsection, including but not limited to the costs of an investigation or ad-
8 ministrative hearing;

9 “(F) Require a school to make full or partial restitution to a student or
10 to cease an act or practice that is challenged in a student complaint;

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

12 “(H) Enter into agreements to implement the provisions of this sub-
13 section.

14 “(b) Any hearing held under this subsection is subject to the provisions
15 of ORS chapter 183.

16 “(c) As used in this subsection:

17 “(A) ‘School’ means a school that meets the requirements of ORS 348.597
18 (2)(a); and

19 “(B) ‘Student’ means a person who is enrolled or accepted for enrollment
20 at a school for the purpose of obtaining a degree, certificate or other recog-
21 nized educational credential offered by that school.

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

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

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

29 “(c) Improve the coordination of the provision of educational services,
30 including:

- 1 “(A) Transfers and coenrollment throughout the higher education system;
2 “(B) Accelerated college credit programs for high school students;
3 “(C) Applied baccalaureate and other transfer degrees;
4 “(D) Programs and grants that span multiple institutions; and
5 “(E) Reciprocity agreements with other states.

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

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

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

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

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

22 “(8) The Higher Education Coordinating Commission may, [.]

23 “[*(a) Establish technical or advisory committees to assist the commission in*
24 *exercising its powers, duties and functions; or]*

25 “[*(b)]* subject to the Public Contracting Code, enter into contracts and
26 agreements, including grant agreements, with public and private entities for
27 those higher education and workforce development activities that are con-
28 sistent with ORS 350.001 and 350.005, with the policies set forth in ORS
29 chapters 341 and 348 and with statutory policies related to career schools
30 and public universities.

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

6 **“SECTION 2b. If House Bill 2314 becomes law, section 2 of this 2017**
7 **Act (amending ORS 350.075) is repealed and ORS 350.075, as amended**
8 **by section 61, chapter 774, Oregon Laws 2015, section 6, chapter 30,**
9 **Oregon Laws 2016, section 56, chapter 117, Oregon Laws 2016, and sec-**
10 **tion 8, chapter ___, Oregon Laws 2017 (Enrolled House Bill 2314), is**
11 **amended to read:**

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

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15 the legislative findings in ORS 341.009, 350.001 and 350.005 and the goals and
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29 goals, taking into consideration the contributions of this state’s independent
30 institutions, philanthropic organizations and other organizations dedicated

1 to helping Oregonians reach state goals. State post-secondary education
2 goals as described in this section should include, but need not be limited to:

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5 quality of life of its residents;

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