

Requested by Representative JOHNSON

**PROPOSED AMENDMENTS TO
HOUSE BILL 2457**

1 On page 1 of the printed bill, line 2, after “provisions;” delete the rest
2 of the line and line 3 and insert “amending ORS 350.075; and declaring an
3 emergency.”.

4 Delete lines 5 through 31 and delete pages 2 through 7 and insert:

5 **“SECTION 1.** ORS 350.075, as amended by section 5, chapter 30, Oregon
6 Laws 2016, and section 55, chapter 117, Oregon Laws 2016, is amended to
7 read:

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

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

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

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

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

20 “(c) Coordinate the post-secondary elements of data collection and struc-
21 ture, with the advice and recommendation of the state’s independent insti-

1 tutions, community colleges and public universities, as appropriate, in order
2 to construct a state longitudinal data system.

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

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

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

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

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

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

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

21 “(i) Student access programs;

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

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

27 “(iv) New facilities or programs;

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

29 “(vi) Special initiatives and investments.

30 “(B) In the development of the consolidated higher education agency re-

1 quest budget:

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

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

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

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

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

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

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

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

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

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

30 “(A) Approve the mission statement adopted by a governing board of a

1 public university.

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

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

7 “(D) Approve and authorize degrees.

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

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

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

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

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

24 “(4)(a) The Higher Education Coordinating Commission shall implement
25 a process to [*resolve*] **review and appropriately act on** student complaints
26 [*against*] **regarding** any school operating in this state. As part of the process
27 implemented under this subsection, the commission may:

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

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

1 **“(C) Investigate and resolve student complaints that relate to state**
2 **financial aid;**

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

5 *“[(C) Investigate any student complaint filed against a school;]*

6 *“[(D) Establish a process to review and resolve student complaints against*
7 *a school, including but not limited to reviewing school records, holding ad-*
8 *ministrative hearings and issuing final orders;]*

9 *“[(E) Assess a fee to cover the costs of any proceeding brought under this*
10 *subsection, including but not limited to the costs of an investigation or ad-*
11 *ministrative hearing;]*

12 *“[(F) Require a school to make full or partial restitution to a student or to*
13 *cease an act or practice that is challenged in a student complaint;]*

14 *“[(G)] (E) Adopt rules to implement the provisions of this subsection; and*

15 *“[(H)] (F) Enter into agreements to implement the provisions of this*
16 *subsection.*

17 *“[(b) Any hearing held under this subsection is subject to the provisions*
18 *of ORS chapter 183.]*

19 **“(b) The commission may refer the investigation and resolution of**
20 **a student complaint to:**

21 **“(A) An appropriate state agency if the complaint alleges that a**
22 **school has violated a state law concerning consumer protection, civil**
23 **rights, employment rights or environmental quality;**

24 **“(B) A school’s accrediting association if the complaint relates to**
25 **the school’s authorization to offer academic degree programs or to the**
26 **quality of the school’s academic degree programs; or**

27 **“(C) The school at which the student is enrolled if the commission**
28 **determines that the complaint should be resolved through the school’s**
29 **internal review process.**

30 “(c) As used in this subsection:

1 “(A)(i) ‘School’ means [*a school*] **an independent institution of higher**
2 **education** that meets the requirements of ORS 348.597 (2)(a)[; *and*].

3 “(ii) ‘School’ **does not mean a school that is exempt from ORS**
4 **348.594 to 348.615 under ORS 348.597 (2)(b) or (c).**

5 “(B) ‘Student’ means a person who is enrolled [*or accepted for*
6 *enrollment*] at a school for the purpose of obtaining a degree, certificate or
7 other recognized educational credential offered by that school.

8 “(5) **A student complaint that is received by the Higher Education**
9 **Coordinating Commission, including but not limited to a student**
10 **complaint filed under subsection (4) of this section, is not subject to**
11 **disclosure under ORS 192.410 to 192.505.**

12 “[5] (6) In addition to the duties described in subsections (2) to (4) of
13 this section, the Higher Education Coordinating Commission shall advise the
14 Legislative Assembly, the Governor, community colleges, public universities
15 and other state boards and commissions on policies in order to:

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

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

19 “(c) Improve the coordination of the provision of educational services,
20 including:

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

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

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

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

25 “(E) Reciprocity agreements with other states.

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

29 “(e) In coordination with the State Workforce Investment Board, local
30 workforce investment boards, the Oregon Health and Science University and

1 independent institutions, ensure that the state’s colleges and universities
2 offer programs in high-demand occupations that meet Oregon’s workforce
3 needs.

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

6 “[6] (7) The Higher Education Coordinating Commission, in a manner
7 consistent with ORS chapter 183, may adopt administrative rules.

8 “[7] (8) With the exception of the rulemaking authority granted in sub-
9 section [(6)] (7) of this section, the Higher Education Coordinating Commis-
10 sion may delegate any of its powers, duties or functions to a committee of
11 the commission or to the executive director of the commission.

12 “[8] (9) The Higher Education Coordinating Commission may establish
13 technical or advisory committees to assist the commission in exercising its
14 powers, duties and functions.

15 “[9] (10) The Higher Education Coordinating Commission may exercise
16 only powers, duties and functions expressly granted by the Legislative As-
17 sembly. Except as otherwise expressly provided by law, all other authorities
18 reside at the institutional level with the respective boards of the post-
19 secondary institutions.

20 **“SECTION 2.** ORS 350.075, as amended by section 61, chapter 774, Oregon
21 Laws 2015, section 6, chapter 30, Oregon Laws 2016, and section 56, chapter
22 117, Oregon Laws 2016, is amended to read:

23 “350.075. (1) As used in this section, ‘student access programs’ means
24 scholarship, loan, grant and access programs described in ORS chapter 348.

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

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

29 “(a) Develop state goals for the state post-secondary education system,
30 including community colleges and public universities listed in ORS 352.002,

1 and for student access programs.

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

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

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

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

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16 quality of life of its residents;

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

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21 tion goals established in the strategic plan described in this paragraph.

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23 community colleges and public universities as authorized by law, recommend
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2 general operations and state-funded debt service;

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

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15 Legislative Assembly to community colleges, public universities listed in
16 ORS 352.002 and student access programs. These rules must be based on al-
17 location formulas developed in consultation with the state’s community col-
18 leges and public universities, as appropriate.

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20 gram of a community college or a public university listed in ORS 352.002. In
21 reaching a decision under this paragraph, the commission shall consider the
22 recommendation from the community college or public university seeking to
23 make the change to an academic program that is issued pursuant to the ob-
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7 public university.

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9 dent undergraduate enrollment fees of greater than five percent is appropri-
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11 “(C) Advise the Governor and the Legislative Assembly on issues of uni-
12 versity governance.

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20 subsection.*

21 *“[(b) Any hearing held under this subsection is subject to the provisions
22 of ORS chapter 183.]*

23 **“(b) The commission may refer the investigation and resolution of
24 a student complaint to:**

25 **“(A) An appropriate state agency if the complaint alleges that a
26 school has violated a state law concerning consumer protection, civil
27 rights, employment rights or environmental quality;**

28 **“(B) A school’s accrediting association if the complaint relates to
29 the school’s authorization to offer academic degree programs or to the
30 quality of the school’s academic degree programs; or**

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2 **determines that the complaint should be resolved through the school’s**
3 **internal review process.**

4 “(c) As used in this subsection:

5 **“(A)(i) ‘School’ means [a school] an independent institution of higher**
6 **education that meets the requirements of ORS 348.597 (2)(a)[; and].**

7 **“(ii) ‘School’ does not mean a school that is exempt from ORS**
8 **348.594 to 348.615 under ORS 348.597 (2)(b) or (c).**

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11 other recognized educational credential offered by that school.

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13 **Coordinating Commission, including but not limited to a student**
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15 **disclosure under ORS 192.410 to 192.505.**

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17 this 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:

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21 served populations.

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24 including:

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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 Investment Board, local
4 workforce investment boards, the Oregon Health and Science University and
5 independent institutions, ensure that the state’s colleges and universities
6 offer programs in high-demand occupations that meet Oregon’s workforce
7 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 “[~~(6)~~] (7) The Higher Education Coordinating Commission, in a manner
11 consistent with ORS chapter 183, may adopt administrative rules.

12 “[~~(7)~~] (8) With the exception of the rulemaking authority granted in sub-
13 section [~~(6)~~] (7) of this section, the Higher Education Coordinating Commis-
14 sion may delegate any of its powers, duties or functions to a committee of
15 the commission or to the executive director of the commission.

16 “[~~(8)~~] (9) The Higher Education Coordinating Commission may establish
17 technical or advisory committees to assist the commission in exercising its
18 powers, duties and functions.

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20 only powers, duties and functions expressly granted by the Legislative As-
21 sembly. Except as otherwise expressly provided by law, all other authorities
22 reside at the institutional level with the respective boards of the post-
23 secondary institutions.

24 **“SECTION 3.** ORS 350.075, as amended by section 61, chapter 774, Oregon
25 Laws 2015, section 6, chapter 30, Oregon Laws 2016, section 56, chapter 117,
26 Oregon Laws 2016, and section 2 of this 2017 Act is amended to read:

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28 scholarship, loan, grant and access programs described in ORS chapter 348.

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30 the legislative findings in ORS 341.009, 350.001 and 350.005 and the goals and

1 mission of post-secondary education set forth in ORS 350.009 and 350.014.

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

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4 including community colleges and public universities listed in ORS 352.002,
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17 goals as described in this section should include, but need not be limited to:

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22 college or public university;

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19 Legislative Assembly to community colleges, public universities listed in

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27 make the change to an academic program that is issued pursuant to the ob-

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30 approved programs:

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2 or public university;

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4 Oregon’s other community colleges or public universities;

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6 to Oregon’s other community colleges or public universities; and

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11 public university.

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16 versity governance.

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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.

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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 “[(4)(a) *The Higher Education Coordinating Commission shall implement*
3 *a process to review and appropriately act on student complaints regarding any*
4 *school operating in this state. As part of the process implemented under this*
5 *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 finan-*
10 *cial aid;]*

11 “[(D) *Refer a student complaint to another entity for investigation and re-*
12 *solution 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*
15 *subsection.]*

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

18 “[(A) *An appropriate state agency if the complaint alleges that a school has*
19 *violated a state law concerning consumer protection, civil rights, employment*
20 *rights or environmental quality;]*

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22 *school’s authorization to offer academic degree programs or to the quality of*
23 *the school’s academic degree programs; or]*

24 “[(C) *The school at which the student is enrolled if the commission deter-*
25 *mines that the complaint should be resolved through the school’s internal re-*
26 *view process.]*

27 “[(c) *As used in this subsection:]*

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

30 “[(ii) *‘School’ does not mean a school that is exempt from ORS 348.594 to*

1 348.615 under ORS 348.597 (2)(b) or (c).]

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

5 “[5] A student complaint that is received by the Higher Education Coor-
6 dinating Commission, including but not limited to a student complaint filed
7 under subsection (4) of this section, is not subject to disclosure under ORS
8 192.410 to 192.505.]

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

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

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

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

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

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

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

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

22 “(E) Reciprocity agreements with other states.

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

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

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

3 “[~~(7)~~] (5) The Higher Education Coordinating Commission, in a manner
4 consistent with ORS chapter 183, may adopt administrative rules.

5 “[~~(8)~~] (6) With the exception of the rulemaking authority granted in sub-
6 section [~~(7)~~] (5) of this section, the Higher Education Coordinating Commis-
7 sion may delegate any of its powers, duties or functions to a committee of
8 the commission or to the executive director of the commission.

9 “[~~(9)~~] (7) The Higher Education Coordinating Commission may establish
10 technical or advisory committees to assist the commission in exercising its
11 powers, duties and functions.

12 “[~~(10)~~] (8) The Higher Education Coordinating Commission may exercise
13 only powers, duties and functions expressly granted by the Legislative As-
14 sembly. Except as otherwise expressly provided by law, all other authorities
15 reside at the institutional level with the respective boards of the post-
16 secondary institutions.

17 **“SECTION 4. (1) The amendments to ORS 350.075 by section 3 of this
18 2017 Act become operative on July 1, 2021.**

19 **“(2) The Higher Education Coordinating Commission shall adopt
20 rules to ensure that any student complaint that is submitted to the
21 commission before July 1, 2021, is reviewed and appropriately acted on
22 in accordance with ORS 350.075 (4) as in effect before July 1, 2021.**

23 **“SECTION 5. The amendments to ORS 350.075 by sections 1 and 2
24 of this 2017 Act apply to any student complaint regarding a school that
25 is submitted to the Higher Education Coordinating Commission on or
26 after July 1, 2017, and before July 1, 2021.**

27 **“SECTION 6. No later than September 1, 2020, the Higher Education
28 Coordinating Commission shall provide a written report to the Gover-
29 nor describing the number, type and disposition of student complaints
30 that the commission receives under ORS 350.075 on or after July 1,**

1 2017, and before March 31, 2020.

2 SECTION 7. This 2017 Act being necessary for the immediate
3 preservation of the public peace, health and safety, an emergency is
4 declared to exist, and this 2017 Act takes effect July 1, 2017.”.

5
