

Requested by JOINT COMMITTEE ON WAYS AND MEANS

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2018**

1 On page 1 of the printed A-engrossed bill, line 2, after the semicolon in-
2 sert “creating new provisions; amending ORS 350.075;”.

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

4 **“SECTION 1. The duties, functions and powers of the Chief Educa-
5 tion Office relating to a statewide longitudinal data system are im-
6 posed upon, transferred to and vested in the Higher Education
7 Coordinating Commission.**

8 **“SECTION 2. (1) Nothing in section 1 of this 2019 Act relieves a
9 person of a liability, duty or obligation accruing under or with respect
10 to the duties, functions and powers transferred by section 1 of this 2019
11 Act. The Higher Education Coordinating Commission may undertake
12 the collection or enforcement of any such liability, duty or obligation.**

13 **“(2) The rights and obligations of the Chief Education Office legally
14 incurred under contracts, leases and business transactions executed,
15 entered into or begun before the operative date of section 1 of this 2019
16 Act accruing under or with respect to the duties, functions and powers
17 transferred by section 1 of this 2019 Act are transferred to the Higher
18 Education Coordinating Commission. For the purpose of succession to
19 these rights and obligations, the Higher Education Coordinating Com-
20 mission is a continuation of the Chief Education Office and not a new
21 authority.**

1 **“SECTION 3.** ORS 350.075, as amended by section 14, chapter ___, Oregon
2 Laws 2019 (Enrolled House Bill 2262), is amended to read:

3 “350.075. (1) As used in this section, ‘student access programs’ means
4 scholarship, loan, grant and access programs described in ORS chapter 348.

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

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

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

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

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

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

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

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

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

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

30 “(E) Tracking progress toward meeting the state’s post-secondary educa-

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

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

7 “(i) Student access programs;

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

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

13 “(iv) New facilities or programs;

14 “(v) Capital improvements and deferred maintenance;

15 “(vi) Special initiatives and investments; and

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

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

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

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

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

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

1 “(g) Approve or disapprove any significant change to the academic pro-
2 gram of a community college or a public university listed in ORS 352.002. In
3 reaching a decision under this paragraph, the commission shall consider the
4 recommendation from the community college or public university seeking to
5 make the change to an academic program that is issued pursuant to the ob-
6 ligation of the governing board of a community college or public university
7 to review and approve academic programs. The commission shall ensure that
8 approved programs:

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

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

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

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

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

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

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

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

25 “(D) Approve and authorize degrees.

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

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

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

30 “(k) Have the authority to enter into and administer interstate agree-

1 ments regarding the provision of post-secondary distance education. The
2 participation by an educational institution that is not based in this state in
3 distance learning courses or programs that are part of an interstate agree-
4 ment entered into and administered under this paragraph does not constitute
5 operating in this state for purposes of ORS 348.594 to 348.615. The commis-
6 sion, by rule, may impose a fee on any educational institution that seeks to
7 operate under or participate in such interstate agreements. The fee amount
8 shall be established to recover designated expenses incurred by the commis-
9 sion in participating in such agreements.

10 “(L) Administer a statewide longitudinal data system.

11 “(m) In coordination with the Department of Education, the Employment
12 Department and other state agencies, conduct statewide longitudinal studies
13 and reporting of early learning, kindergarten through grade 12 education,
14 higher education and workforce programs. For the purposes of this para-
15 graph:

16 “(A) The commission shall enter into written interagency agreements with
17 the Department of Education, the Employment Department and any other
18 state agencies necessary for [*the purposes of*] conducting statewide longi-
19 tudinal studies and reporting.

20 “**(B) The commission may share data from the statewide longitudi-**
21 **nal data system with persons or public bodies. For purposes of this**
22 **subparagraph, the commission shall adopt rules to establish proce-**
23 **dures for requesting or sharing data and may enter into written**
24 **agreements for sharing data.**

25 “[*(B)*] (C) The commission is considered an authorized representative of
26 state educational agencies under applicable state and federal law for pur-
27 poses of accessing, compiling and storing student data for research, audit and
28 evaluation purposes.

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

1 “(4)(a) The Higher Education Coordinating Commission shall implement
2 a process to review and appropriately act on student complaints regarding
3 any school operating in this state. As part of the process implemented under
4 this subsection, the commission may:

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

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

8 “(C) Investigate and resolve student complaints that relate to state fi-
9 nancial aid;

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

12 “(E) Adopt rules to implement the provisions of this subsection; and

13 “(F) Enter into agreements to implement the provisions of this subsection.

14 “(b) The commission may refer the investigation and resolution of a stu-
15 dent complaint to:

16 “(A) An appropriate state agency if the complaint alleges that a school
17 has violated a state law concerning consumer protection, civil rights, em-
18 ployment rights or environmental quality;

19 “(B) A school’s accrediting association if the complaint relates to the
20 school’s authorization to offer academic degree programs or to the quality
21 of the school’s academic degree programs; or

22 “(C) The school at which the student is enrolled if the commission de-
23 termines that the complaint should be resolved through the school’s internal
24 review process.

25 “(c) As used in this subsection:

26 “(A)(i) ‘School’ means an independent institution of higher education that
27 meets the requirements of ORS 348.597 (2)(a).

28 “(ii) ‘School’ does not mean a school that is exempt from ORS 348.594 to
29 348.615 under ORS 348.597 (2)(b) or (c).

30 “(B) ‘Student’ means a person who is enrolled at a school for the purpose

1 of obtaining a degree, certificate or other recognized educational credential
2 offered by that school.

3 “(5) A student complaint that is received by the Higher Education Coor-
4 dinating Commission, including but not limited to a student complaint filed
5 under subsection (4) of this section, is not subject to disclosure under ORS
6 192.311 to 192.478.

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

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

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

14 “(c) Improve the coordination of the provision of educational services,
15 including:

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

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

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

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

20 “(E) Reciprocity agreements with other states.

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

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

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

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

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

7 “(9) The Higher Education Coordinating Commission may, subject to the
8 Public Contracting Code, enter into contracts and agreements, including
9 grant agreements, with public and private entities for those higher education
10 and workforce development activities that are consistent with ORS 350.001
11 and 350.005, with the policies set forth in ORS chapters 341 and 348 and with
12 statutory policies related to career schools and public universities.

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

18 **“SECTION 4.** ORS 350.075, as amended by section 61, chapter 774, Oregon
19 Laws 2015, section 6, chapter 30, Oregon Laws 2016, section 56, chapter 117,
20 Oregon Laws 2016, section 8, chapter 66, Oregon Laws 2017, section 2, chap-
21 ter 98, Oregon Laws 2017, section 6, chapter 185, Oregon Laws 2017, section
22 22, chapter 297, Oregon Laws 2017, section 2b, chapter 440, Oregon Laws
23 2017, and section 15, chapter ___, Oregon Laws 2019 (Enrolled House Bill
24 2262), is amended to read:

25 “350.075. (1) As used in this section, ‘student access programs’ means
26 scholarship, loan, grant and access programs described in ORS chapter 348.

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

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

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2 including community colleges and public universities listed in ORS 352.002,
3 and for student access programs.

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5 public universities and student access programs necessary to achieve state
6 post-secondary education goals.

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

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12 goals, taking into consideration the contributions of this state’s independent
13 institutions, philanthropic organizations and other organizations dedicated
14 to helping Oregonians reach state goals. State post-secondary education
15 goals as described in this section should include, but need not be limited to:

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

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18 quality of life of its residents;

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

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

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9 ORS 352.002 is authorized to undertake.

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15 legislative committees, students and other persons interested in the develop-
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11 public university.

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16 versity governance.

17 “(D) Approve and authorize degrees.

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

19 “(i) Authorize degrees to be offered by independent post-secondary insti-
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.

22 “(k) Have the authority to enter into and administer interstate agree-
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.

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3 “(m) In coordination with the Department of Education, the Employment
4 Department and other state agencies, conduct statewide longitudinal studies
5 and reporting of early learning, kindergarten through grade 12 education,
6 higher education and workforce programs. For the purposes of this para-
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9 the Department of Education, the Employment Department and any other
10 state agencies necessary for [*the purposes of*] conducting statewide longi-
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13 **nal data system with persons or public bodies. For purposes of this**
14 **subparagraph, the commission shall adopt rules to establish proce-**
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18 state educational agencies under applicable state and federal law for pur-
19 poses of accessing, compiling and storing student data for research, audit and
20 evaluation purposes.

21 “(4)(a) The Higher Education Coordinating Commission shall implement
22 a process to review and appropriately act on student complaints regarding
23 any school operating in this state. As part of the process implemented under
24 this subsection, the commission may:

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

28 “(C) Investigate and resolve student complaints that relate to state fi-
29 nancial aid;

30 “(D) Refer a student complaint to another entity for investigation and

1 resolution as provided in paragraph (b) of this subsection;

2 “(E) Adopt rules to implement the provisions of this subsection; and

3 “(F) Enter into agreements to implement the provisions of this subsection.

4 “(b) The commission may refer the investigation and resolution of a stu-
5 dent complaint to:

6 “(A) An appropriate state agency if the complaint alleges that a school
7 has violated a state law concerning consumer protection, civil rights, em-
8 ployment rights or environmental quality;

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10 school’s authorization to offer academic degree programs or to the quality
11 of the school’s academic degree programs; or

12 “(C) The school at which the student is enrolled if the commission de-
13 termines that the complaint should be resolved through the school’s internal
14 review process.

15 “(c) As used in this subsection:

16 “(A)(i) ‘School’ means an independent institution of higher education that
17 meets the requirements of ORS 348.597 (2)(a).

18 “(ii) ‘School’ does not mean a school that is exempt from ORS 348.594 to
19 348.615 under ORS 348.597 (2)(b) or (c).

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

23 “(5) A student complaint that is received by the Higher Education Coor-
24 dinating Commission, including but not limited to a student complaint filed
25 under subsection (4) of this section, is not subject to disclosure under ORS
26 192.311 to 192.478.

27 “(6) In addition to the duties described in subsections (2) to (4) of this
28 section, the Higher Education Coordinating Commission shall advise the
29 Legislative Assembly, the Governor, community colleges, public universities
30 and other state boards and commissions on policies in order to:

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

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

4 “(c) Improve the coordination of the provision of educational services,
5 including:

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

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

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15 Board, local workforce development boards, the Oregon Health and Science
16 University and independent institutions, ensure that the state’s colleges and
17 universities offer programs in high-demand occupations that meet Oregon’s
18 workforce needs.

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

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

23 “(8) With the exception of the rulemaking authority granted in subsection
24 (7) of this section, the Higher Education Coordinating Commission may del-
25 egate any of its powers, duties or functions to a committee of the commission
26 or to the executive director of the commission.

27 “(9) The Higher Education Coordinating Commission may, subject to the
28 Public Contracting Code, enter into contracts and agreements, including
29 grant agreements, with public and private entities for those higher education
30 and workforce development activities that are consistent with ORS 350.001

1 and 350.005, with the policies set forth in ORS chapters 341 and 348 and with
2 statutory policies related to career schools and public universities.

3 “(10) The Higher Education Coordinating Commission may exercise only
4 powers, duties and functions expressly granted by the Legislative Assembly.
5 Except as otherwise expressly provided by law, all other authorities reside
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7 institutions.

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9 Laws 2015, section 6, chapter 30, Oregon Laws 2016, section 56, chapter 117,
10 Oregon Laws 2016, section 8, chapter 66, Oregon Laws 2017, sections 2 and
11 3, chapter 98, Oregon Laws 2017, section 6, chapter 185, Oregon Laws 2017,
12 section 22, chapter 297, Oregon Laws 2017, and section 2b, chapter 440,
13 Oregon Laws 2017, and section 16, chapter ___, Oregon Laws 2019 (Enrolled
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5 legislative committees, students and other persons interested in the develop-
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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.

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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) Administer a statewide longitudinal data system.

23 “(m) In coordination with the Department of Education, the Employment
24 Department and other state agencies, conduct statewide longitudinal studies
25 and reporting of early learning, kindergarten through grade 12 education,
26 higher education and workforce programs. For the purposes of this para-
27 graph:

28 “(A) The commission shall enter into written interagency agreements with
29 the Department of Education, the Employment Department and any other
30 state agencies necessary for [*the purposes of*] conducting statewide longi-

1 tudinal studies and reporting.

2 **“(B) The commission may share data from the statewide longitudi-**
3 **nal data system with persons or public bodies. For purposes of this**
4 **subparagraph, the commission shall adopt rules to establish proce-**
5 **dures for requesting or sharing data and may enter into written**
6 **agreements for sharing data.**

7 “[B)] (C) The commission is considered an authorized representative of
8 state educational agencies under applicable state and federal law for pur-
9 poses of accessing, compiling and storing student data for research, audit and
10 evaluation purposes.

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

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

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

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

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

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

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

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

24 “(E) Reciprocity agreements with other states.

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

28 “(e) In coordination with the State Workforce and Talent Development
29 Board, local workforce development boards, the Oregon Health and Science
30 University and independent institutions, ensure that the state’s colleges and

1 universities offer programs in high-demand occupations that meet Oregon’s
2 workforce needs.

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

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

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

11 “(7) The Higher Education Coordinating Commission may, subject to the
12 Public Contracting Code, enter into contracts and agreements, including
13 grant agreements, with public and private entities for those higher education
14 and workforce development activities that are consistent with ORS 350.001
15 and 350.005, with the policies set forth in ORS chapters 341 and 348 and with
16 statutory policies related to career schools and public universities.

17 “(8) The Higher Education Coordinating Commission may exercise only
18 powers, duties and functions expressly granted by the Legislative Assembly.
19 Except as otherwise expressly provided by law, all other authorities reside
20 at the institutional level with the respective boards of the post-secondary
21 institutions.

22 **“SECTION 6. This 2019 Act being necessary for the immediate**
23 **preservation of the public peace, health and safety, an emergency is**
24 **declared to exist, and this 2019 Act takes effect July 1, 2019.”.**

25
