

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 3564

By COMMITTEE ON EDUCATION

May 16

- 1 On page 1 of the printed A-engrossed bill, line 2, delete “and”.
- 2 In line 3, after “350.050,” insert “350.075,”.
- 3 In line 4, after “659A.318” insert “; and declaring an emergency”.
- 4 On page 11, after line 3, insert:
- 5 **“SECTION 16.** ORS 350.075 is amended to read:
- 6 “350.075. (1) As used in this section, ‘student access programs’ means scholarship, loan, grant
7 and access programs described in ORS chapter 348.
- 8 “(2) The Higher Education Coordinating Commission shall be guided by the legislative findings
9 in ORS 341.009, 350.001 and 350.005 and the goals and mission of post-secondary education set forth
10 in ORS 350.009 and 350.014.
- 11 “(3) The Higher Education Coordinating Commission shall:
- 12 “(a) Develop state goals for the state post-secondary education system, including community
13 colleges and public universities listed in ORS 352.002, and for student access programs.
- 14 “(b) Determine strategic investments in the state’s community colleges, public universities and
15 student access programs necessary to achieve state post-secondary education goals.
- 16 “(c) Coordinate the post-secondary elements of data collection and structure, with the advice
17 and recommendation of the state’s independent institutions, community colleges and public univer-
18 sities, as appropriate, in order to construct a state longitudinal data system.
- 19 “(d) Adopt a strategic plan for achieving state post-secondary education goals, taking into con-
20 sideration the contributions of this state’s independent institutions, philanthropic organizations and
21 other organizations dedicated to helping Oregonians reach state goals. State post-secondary educa-
22 tion goals as described in this section should include, but need not be limited to:
- 23 “(A) Increasing the educational attainment of the population;
- 24 “(B) Increasing this state’s global economic competitiveness and the quality of life of its resi-
25 dents;
- 26 “(C) Ensuring affordable access for qualified Oregon students at each college or public univer-
27 sity;
- 28 “(D) Removing barriers to on-time completion; and
- 29 “(E) Tracking progress toward meeting the state’s post-secondary education goals established in
30 the strategic plan described in this paragraph.
- 31 “(e)(A) Each biennium, after receiving funding requests from the state’s community colleges and
32 public universities as authorized by law, recommend to the Governor a consolidated higher educa-
33 tion agency request budget aligned with the strategic plan described in paragraph (d) of this sub-
34 section, including appropriations for:
- 35 “(i) Student access programs;

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

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

5 “(iv) New facilities or programs;

6 “(v) Capital improvements and deferred maintenance;

7 “(vi) Special initiatives and investments; and

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

10 “(B) In the development of the consolidated higher education agency request budget:

11 “(i) Determine the costs necessary to provide quality post-secondary education;

12 “(ii) Solicit input from educators, education policy experts, appropriate legislative committees,
13 students and other persons interested in the development of the funding model; and

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

15 “(f) Adopt rules governing the distribution of appropriations from the Legislative Assembly to
16 community colleges, public universities listed in ORS 352.002 and student access programs. These
17 rules must be based on allocation formulas developed in consultation with the state’s community
18 colleges and public universities, as appropriate.

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

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

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

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

30 “(D) Are allocated among Oregon’s community colleges and public universities to maximize the
31 achievement of statewide needs and requirements.

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

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

34 “(B) Review and determine whether a proposed annual increase of resident undergraduate en-
35 rollment fees of greater than five percent is appropriate.

36 “(C) Advise the Governor and the Legislative Assembly on issues of university governance.

37 “(D) Approve and authorize degrees.

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

39 “(i) Authorize degrees to be offered by independent post-secondary institutions in this state un-
40 der ORS 348.594 to 348.615.

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

42 “(k) Have the authority to enter into and administer interstate agreements regarding the pro-
43 vision of post-secondary distance education. The participation by an educational institution that is
44 not based in this state in distance learning courses or programs that are part of an interstate
45 agreement entered into and administered under this paragraph does not constitute operating in this

1 state for purposes of ORS 348.594 to 348.615. The commission, by rule, may impose a fee on any
2 educational institution that seeks to operate under or participate in such interstate agreements. The
3 fee amount shall be established to recover designated expenses incurred by the commission in par-
4 ticipating in such agreements.

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

6 “(m) In coordination with the Department of Education, the Employment Department and other
7 state agencies, conduct statewide longitudinal studies and reporting of early learning, kindergarten
8 through grade 12 education, higher education and workforce programs. For the purposes of this
9 paragraph:

10 “(A) The commission shall enter into written interagency agreements with the Department of
11 Education, the Employment Department and any other state agencies necessary for conducting
12 statewide longitudinal studies and reporting.

13 “(B) The commission may share data from the statewide longitudinal data system with persons
14 or public bodies. For purposes of this subparagraph, the commission shall adopt rules to establish
15 procedures for requesting or sharing data and may enter into written agreements for sharing data.

16 “(C) The commission is considered an authorized representative of state educational agencies
17 under applicable state and federal law for purposes of accessing, compiling and storing student data
18 for research, audit and evaluation purposes.

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

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

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

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

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

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

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

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

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

34 **“(B) A school’s accrediting association if the complaint relates to the school’s authori-
35 zation to offer academic degree programs or to the quality of the school’s academic degree
36 programs; or**

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

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

40 **“(A)(i) ‘School’ means an independent institution of higher education that meets the re-
41 quirements of ORS 348.597 (2)(a).**

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

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

1 **“(5) A student complaint that is received by the Higher Education Coordinating Com-**
2 **mission, including but not limited to a student complaint filed under subsection (4) of this**
3 **section, is not subject to disclosure under ORS 192.311 to 192.478.**

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

8 “(a) Ensure or improve access to higher education by diverse and underserved populations.

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

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

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

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

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

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

15 “(E) Reciprocity agreements with other states.

16 “(d) In coordination with the State Board of Education, enhance the use and quality of dual
17 credit, career and technical pathways and efforts to create a culture of college attendance in this
18 state.

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

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

25 “[(5)] (7) The Higher Education Coordinating Commission, in a manner consistent with ORS
26 chapter 183, may adopt administrative rules.

27 “[(6)] (8) With the exception of the rulemaking authority granted in subsection [(5)] (7) of this
28 section, the Higher Education Coordinating Commission may delegate any of its powers, duties or
29 functions to a committee of the commission or to the executive director of the commission.

30 “[(7)] (9) The Higher Education Coordinating Commission may, subject to the Public Contracting
31 Code, enter into contracts and agreements, including grant agreements, with public and private en-
32 tities for those higher education and workforce development activities that are consistent with ORS
33 350.001 and 350.005, with the policies set forth in ORS chapters 341 and 348 and with statutory
34 policies related to career schools and public universities.

35 “[(8)(a)] (10)(a) The Higher Education Coordinating Commission may exercise only powers, du-
36 ties and functions expressly granted by the Legislative Assembly. Except as otherwise expressly
37 provided by law, all other authorities reside at the institutional level with the respective boards of
38 the post-secondary institutions.

39 “(b) The commission has implied and direct authority to implement the powers, duties and
40 functions expressly granted to the commission by the Legislative Assembly.

41 “(c) Notwithstanding paragraph (b) of this subsection, the commission may not exercise any au-
42 thority, express or implied, statutorily provided to a governing board of a public university listed in
43 ORS 352.002 or a community college operated under ORS chapter 341.

44 **“SECTION 17. The amendments to ORS 350.075 by section 16 of this 2023 Act apply to any**
45 **student complaint that was filed with the Higher Education Coordinating Commission on or**

1 after July 1, 2021.

2 SECTION 18. This 2023 Act being necessary for the immediate preservation of the public
3 peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect
4 on its passage.”

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