

Requested by SENATE COMMITTEE ON EDUCATION

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 3564**

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
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, 350.001 and 350.005 and the goals and
10 mission of post-secondary education set forth 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,
13 including community colleges and public universities listed in ORS 352.002,
14 and for student access programs.

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

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

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

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

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

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

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

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

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

19 “(i) Student access programs;

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

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

25 “(iv) New facilities or programs;

26 “(v) Capital improvements and deferred maintenance;

27 “(vi) Special initiatives and investments; and

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

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) 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 conducting statewide longitudinal studies and

1 reporting.

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

6 “(C) The commission is considered an authorized representative of state
7 educational agencies under applicable state and federal law for purposes of
8 accessing, compiling and storing student data for research, audit and evalu-
9 ation purposes.

10 **“(4)(a) The Higher Education Coordinating Commission shall im-
11 plement a process to review and appropriately act on student com-
12 plaints regarding any school operating in this state. As part of the
13 process implemented under this subsection, the commission may:**

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

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

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

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

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

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

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

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

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

1 **quality of the school’s academic degree programs; or**

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

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

6 **“(A)(i) ‘School’ means an independent institution of higher educa-**
7 **tion that meets the requirements of ORS 348.597 (2)(a).**

8 **“(ii) ‘School’ does not mean a school that is exempt from ORS**
9 **348.594 to 348.615 under ORS 348.597 (2)(b) or (c).**

10 **“(B) ‘Student’ means a person who is enrolled at a school for the**
11 **purpose of obtaining a degree, certificate or other recognized educa-**
12 **tional credential offered by that school.**

13 **“(5) A student complaint that is received by the Higher Education**
14 **Coordinating Commission, including but not limited to a student**
15 **complaint filed under subsection (4) of this section, is not subject to**
16 **disclosure under ORS 192.311 to 192.478.**

17 **“[(4)] (6) In addition to the duties described in subsections (2) [and (3)]**
18 **to (4) of this section, the Higher Education Coordinating Commission shall**
19 **advise the Legislative Assembly, the Governor, community colleges, public**
20 **universities and other state boards and commissions on policies in order to:**

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

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

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

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

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

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

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

30 **“(E) Reciprocity agreements with other states.**

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

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

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

11 “[5] (7) The Higher Education Coordinating Commission, in a manner
12 consistent with ORS chapter 183, may adopt administrative rules.

13 “[6] (8) With the exception of the rulemaking authority granted in sub-
14 section [(5)] (7) of this section, the Higher Education Coordinating Commis-
15 sion may delegate any of its powers, duties or functions to a committee of
16 the commission or to the executive director of the commission.

17 “[7] (9) The Higher Education Coordinating Commission may, subject
18 to the Public Contracting Code, enter into contracts and agreements, in-
19 cluding grant agreements, with public and private entities for those higher
20 education and workforce development activities that are consistent with ORS
21 350.001 and 350.005, with the policies set forth in ORS chapters 341 and 348
22 and with statutory policies related to career schools and public universities.

23 “[8(a)] (10)(a) The Higher Education Coordinating Commission may ex-
24 ercise only powers, duties and functions expressly granted by the Legislative
25 Assembly. Except as otherwise expressly provided by law, all other authori-
26 ties reside at the institutional level with the respective boards of the post-
27 secondary institutions.

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

1 “(c) Notwithstanding paragraph (b) of this subsection, the commission
2 may not exercise any authority, express or implied, statutorily provided to
3 a governing board of a public university listed in ORS 352.002 or a commu-
4 nity college operated under ORS chapter 341.

5 “**SECTION 17. The amendments to ORS 350.075 by section 16 of this**
6 **2023 Act apply to any student complaint that was filed with the Higher**
7 **Education Coordinating Commission on or after July 1, 2021.**

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

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