

CHAPTER 36

AN ACT

SB 1581

Relating to education; creating new provisions; amending ORS 326.300, 326.375, 351.075 and 351.725 and sections 1, 2 and 4, chapter 519, Oregon Laws 2011; repealing sections 5 and 6, chapter 37, Oregon Laws 2012 (Enrolled House Bill 4165); and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2, chapter 519, Oregon Laws 2011, is amended to read:

Sec. 2. (1) The Oregon Education Investment Board established by section 1 [of this 2011 Act], **chapter 519, Oregon Laws 2011**, shall appoint a Chief Education Officer who shall serve at the pleasure of the board.

(2) The Chief Education Officer shall be a person who, by training and experience, is well qualified to:

(a) Perform the duties of the office, as determined by the board; and

(b) Assist in carrying out the functions of the board, as described in section 1 [of this 2011 Act], **chapter 519, Oregon Laws 2011**.

(3)(a) **For the purpose of furthering the mission of the Oregon Education Investment Board to oversee a unified public education system, the Chief Education Officer shall have direction and control over the positions identified in paragraph (b) of this subsection for matters related to the design and organization of the state's education system, including early childhood services provided by the state.**

(b) **The positions over which the Chief Education Officer shall have direction and control are:**

(A) **The Commissioner for Community College Services.**

(B) **The Chancellor of the Oregon University System.**

(C) **The executive director of the Oregon Student Access Commission.**

(D) **The Early Childhood System Director.**

(E) **The executive director of the Higher Education Coordinating Commission.**

(F) **The Deputy Superintendent of Public Instruction.**

(c) **The authority of the Chief Education Officer granted under paragraph (a) of this subsection does not include the authority to appoint or remove a person from a position identified in paragraph (b) of this subsection.**

(d) **If a person in a position identified in paragraph (b) of this subsection is appointed by an entity other than the Governor, the Governor shall resolve any dispute between the Chief Education Officer and the appointing authority of the person. The Governor's decision is final.**

SECTION 2. **The amendments to section 2, chapter 519, Oregon Laws 2011, by section 1 of this 2012 Act do not apply to any Deputy Superintendent of Public Instruction appointed by the Superintendent of Public Instruction who was holding office on August 5, 2011.**

SECTION 3. ORS 326.375 is amended to read:
326.375. (1) The State Board of Education shall appoint a Commissioner for Community College Services who shall:

(a) Serve at the pleasure of the board.

(b) **Serve under the direction and control of the Chief Education Officer appointed under section 2, chapter 519, Oregon Laws 2011, for matters related to the design and organization of the state's education system.**

(2) The commissioner shall be a person who by training and experience is well qualified to perform the duties of the office and to assist in carrying out the functions of the board under ORS 326.041, 326.051, 326.375, 341.005, 341.015, 341.440, 341.455, 341.626, 341.655 and 341.933.

(3) The commissioner shall:

(a) Be the executive head of the Department of Community Colleges and Workforce Development[;].

(b) Direct and supervise all activities of the Department of Community Colleges and Workforce Development[;].

(c) Hire staff, as authorized by the State Board of Education to assist in carrying out the duties of the commissioner. The staff shall be considered employees of the Department of Community Colleges and Workforce Development for purposes of ORS chapters 240 and 243[; and].

(d) Be responsible directly to:

(A) The State Board of Education for those duties enumerated in ORS chapter 341.

(B) **The Chief Education Officer for matters related to the design and organization of the state's education system.**

(4) The commissioner, with approval of the State Board of Education, shall be responsible for the representation of community college interests to the Governor, the Legislative Assembly, state agencies and others. The commissioner, with the approval of the state board, shall be responsible for submitting community college budget requests and budget reports for the Department of Community Colleges and Workforce Development to the Legislative Assembly. The state board shall [insure] **ensure** that the budget request for community colleges and for the Department of Community Colleges and Workforce Development are separate and distinct from its other requests to the Legislative Assembly.

SECTION 4. ORS 351.075 is amended to read:
351.075. (1) The State Board of Higher Education shall appoint a chief executive officer who shall be known as the Chancellor of the Oregon University System [and who].

(2) **The chancellor shall:**

(a) Serve at the pleasure of the board.

(b) **Serve under the direction and control of the Chief Education Officer appointed under section 2, chapter 519, Oregon Laws 2011, for matters related to the design and organization of the state's education system.**

SECTION 5. Section 4, chapter 519, Oregon Laws 2011, is amended to read:

Sec. 4. (1) The Early Learning Council is established. The council shall function under the direction and control of the Oregon Education Investment Board established by section 1 [of this 2011 Act], **chapter 519, Oregon Laws 2011.**

(2) The council is established for the purpose of assisting the board in overseeing a unified system of early childhood services, including the funding and administration of those services.

(3)(a) The council consists of nine members who are appointed by the Governor and serve at the pleasure of the Governor.

(b) When determining who to appoint to the council, the Governor shall:

(A) Ensure that at least one of the members is an appointed member of the Oregon Education Investment Board;

(B) Ensure that each congressional district of this state is represented by at least one member of the council;

(C) For a member who is not an appointed member of the Oregon Education Investment Board, ensure that the member meets the following qualifications:

(i) Demonstrates leadership skills in civics or the member's profession;

(ii) To the greatest extent practicable, contributes to the council's representation of the geographic, ethnic, gender, racial and economic diversity of this state; and

(iii) Contributes to the council's expertise, knowledge and experience in early childhood development, early childhood care, early childhood education, family financial stability, populations disproportionately burdened by poor education outcomes and outcome-based best practices; and

(D) Solicit recommendations from the Speaker of the House of Representatives for at least two members and from the President of the Senate for at least two members.

(4) The activities of the council shall be directed and supervised by the Early Childhood System Director[, who is]. **The director shall:**

(a) Be appointed by the Governor and [serves] serve at the pleasure of the Governor.

(b) **Serve under the direction and control of the Chief Education Officer appointed under section 2, chapter 519, Oregon Laws 2011, for matters related to the design and organization of the state's education system.**

SECTION 6. ORS 351.725 is amended to read:

351.725. (1) The Higher Education Coordinating Commission shall appoint an executive [officer] **director** to:

(a) Serve at the pleasure of the commission.

(b) **Serve under the direction and control of the Chief Education Officer appointed under section 2, chapter 519, Oregon Laws 2011, for matters related to the design and organization of the state's education system.**

(2) The appointment of the executive [officer] **director** must be by written order, filed with the Secretary of State.

(3) Subject to any applicable provisions of ORS chapter 240, the executive [officer] **director** shall appoint all subordinate officers and employees of the commission, prescribe their duties and fix their compensation.

SECTION 7. ORS 326.300 is amended to read:

326.300. (1) As provided by section 1, Article VIII of the Oregon Constitution, the Governor is the Superintendent of Public Instruction.

(2)(a) The Governor, acting as Superintendent of Public Instruction, shall appoint a Deputy Superintendent of Public Instruction. The deputy superintendent must have at least five years of experience in the administration of an elementary school or a secondary school. The appointment of the deputy superintendent shall be subject to confirmation by the Senate as provided by ORS 171.562 and 171.565.

(b) The deputy superintendent shall:

(A) Perform any act or duty of the office of Superintendent of Public Instruction that is designated by the Governor, and the Governor is responsible for any acts of the deputy superintendent.

(B) **Serve under the direction and control of the Chief Education Officer appointed under section 2, chapter 519, Oregon Laws 2011, for matters related to the design and organization of the state's education system.**

(3) The deputy superintendent may be removed from office by the Governor following consultation with the State Board of Education.

(4) The deputy superintendent shall receive a salary set by the Governor, and shall be reimbursed for all expenses actually and necessarily incurred by the deputy superintendent in the performance of official duties.

SECTION 8. The amendments to ORS 326.300 by section 7 of this 2012 Act do not apply to any Deputy Superintendent of Public Instruction appointed by the Superintendent of Public Instruction who was holding office on August 5, 2011.

SECTION 9. ORS 326.375, as amended by section 3 of this 2012 Act, is amended to read:

326.375. (1) The State Board of Education shall appoint a Commissioner for Community College Services who shall[:]

[(a)] serve at the pleasure of the board.

[(b)] *Serve under the direction and control of the Chief Education Officer appointed under section 2, chapter 519, Oregon Laws 2011, for matters related to*

the design and organization of the state's education system.]

(2) The commissioner shall be a person who by training and experience is well qualified to perform the duties of the office and to assist in carrying out the functions of the board under ORS 326.041, 326.051, 326.375, 341.005, 341.015, 341.440, 341.455, 341.626, 341.655 and 341.933.

(3) The commissioner shall:

(a) Be the executive head of the Department of Community Colleges and Workforce Development.

(b) Direct and supervise all activities of the Department of Community Colleges and Workforce Development.

(c) Hire staff, as authorized by the State Board of Education to assist in carrying out the duties of the commissioner. The staff shall be considered employees of the Department of Community Colleges and Workforce Development for purposes of ORS chapters 240 and 243.

(d) Be responsible directly to[:]

[(A)] the State Board of Education for those duties enumerated in ORS chapter 341.

[(B)] *The Chief Education Officer for matters related to the design and organization of the state's education system.]*

(4) The commissioner, with approval of the State Board of Education, shall be responsible for the representation of community college interests to the Governor, the Legislative Assembly, state agencies and others. The commissioner, with the approval of the state board, shall be responsible for submitting community college budget requests and budget reports for the Department of Community Colleges and Workforce Development to the Legislative Assembly. The state board shall ensure that the budget request for community colleges and for the Department of Community Colleges and Workforce Development are separate and distinct from its other requests to the Legislative Assembly.

SECTION 10. ORS 351.075, as amended by section 4 of this 2012 Act, is amended to read:

351.075. (1) The State Board of Higher Education shall appoint a chief executive officer who shall be known as the Chancellor of the Oregon University System.

(2) The chancellor shall[:]

[(a)] serve at the pleasure of the board.

[(b)] *Serve under the direction and control of the Chief Education Officer appointed under section 2, chapter 519, Oregon Laws 2011, for matters related to the design and organization of the state's education system.]*

SECTION 11. ORS 351.725, as amended by section 6 of this 2012 Act, is amended to read:

351.725. (1) The Higher Education Coordinating Commission shall appoint an executive director to[:]

[(a)] serve at the pleasure of the commission.

[(b)] *Serve under the direction and control of the Chief Education Officer appointed under section 2, chapter 519, Oregon Laws 2011, for matters related to*

the design and organization of the state's education system.]

(2) The appointment of the executive director must be by written order, filed with the Secretary of State.

(3) Subject to any applicable provisions of ORS chapter 240, the executive director shall appoint all subordinate officers and employees of the commission, prescribe their duties and fix their compensation.

SECTION 12. ORS 326.300, as amended by section 7 of this 2012 Act, is amended to read:

326.300. (1) As provided by section 1, Article VIII of the Oregon Constitution, the Governor is the Superintendent of Public Instruction.

(2)(a) The Governor, acting as Superintendent of Public Instruction, shall appoint a Deputy Superintendent of Public Instruction. The deputy superintendent must have at least five years of experience in the administration of an elementary school or a secondary school. The appointment of the deputy superintendent shall be subject to confirmation by the Senate as provided by ORS 171.562 and 171.565.

(b) The deputy superintendent shall[:]

[(A)] perform any act or duty of the office of Superintendent of Public Instruction that is designated by the Governor, and the Governor is responsible for any acts of the deputy superintendent.

[(B)] *Serve under the direction and control of the Chief Education Officer appointed under section 2, chapter 519, Oregon Laws 2011, for matters related to the design and organization of the state's education system.]*

(3) The deputy superintendent may be removed from office by the Governor following consultation with the State Board of Education.

(4) The deputy superintendent shall receive a salary set by the Governor, and shall be reimbursed for all expenses actually and necessarily incurred by the deputy superintendent in the performance of official duties.

SECTION 13. The amendments to ORS 326.300, 326.375, 351.075 and 351.725 by sections 9 to 12 of this 2012 Act become operative on March 15, 2016.

SECTION 14. (1) For the purposes of this section:

(a) "Achievement compact" means an agreement entered into between the Oregon Education Investment Board and the governing body of an education entity as described in this section.

(b) "Education entity" means:

(A) A school district, as defined in ORS 332.002;

(B) An education service district operated under ORS chapter 334;

(C) A community college district or community college service district operated under ORS chapter 341;

(D) The Oregon University System established by ORS 351.011;

(E) A public university of the Oregon University System, as listed in ORS 352.002; and

(F) The health professions and graduate science programs of the Oregon Health and Science University operated under ORS chapter 353.

(c) "Governing body of an education entity" means:

(A) For a school district, the school district board.

(B) For an education service district, the board of directors of the education service district.

(C) For a community college district or a community college service district, the board of education of the community college district.

(D) For the Oregon University System, the State Board of Higher Education.

(E) For a public university of the Oregon University System, the president of the university.

(F) For the Oregon Health and Science University, the Oregon Health and Science University Board of Directors.

(2)(a) Prior to the beginning of each fiscal year, the governing body of each education entity must enter into an achievement compact with the Oregon Education Investment Board for the fiscal year.

(b) Governing bodies of education entities identified in subsection (1)(b)(A) to (C) of this section shall enter into achievement compacts as part of the budgeting process under ORS 294.305 to 294.565 and shall submit achievement compacts to the board prior to July 1 of each year.

(c) The board shall specify a process for adoption and a timeline for submission of achievement compacts for education entities identified in subsection (1)(b)(D) to (F) of this section.

(d) The board shall provide to each school district a number quantifying the district's estimated level of funding for the next fiscal year compared to the determination of funding needed to ensure that the state's system of kindergarten through grade 12 public education meets the quality goals specified under ORS 327.506.

(3)(a) The board shall establish the terms for achievement compacts.

(b) The terms of an achievement compact may include:

(A) A description of goals for outcomes that are consistent with the educational goals identified in ORS 329.015, the findings described in ORS 351.003 and the mission of education provided in ORS 351.009.

(B) A description of the outcomes and measures of progress that will allow each education entity to quantify:

(i) Completion rates for:

(I) Critical stages of learning and programs of study;

(II) The attainment of diplomas, certificates and degrees; and

(III) Achieving the high school and post-secondary education goals established in ORS 351.009 and a projection of the progress needed to achieve those goals by 2025;

(ii) Validations of the quality of knowledge and skills acquired by students of the education entity; and

(iii) The relevance of the knowledge and skills acquired by the students of the education entity and the means by which those skills and knowledge will contribute to the workforce, the economy and society as described in state policy.

(C) Other information suggested by the governing body of an education entity and approved by the board.

(c) Notwithstanding the terms described in paragraph (b) of this subsection, for an achievement compact entered into by an education entity identified in subsection (1)(b)(F) of this section, the terms of the achievement compact shall be limited to the enrollment of, and attainment of degrees by, Oregon residents in programs for which the state provides funding.

(4)(a) The governing body of each education entity shall identify a target number and percentage of students for achievement of the outcomes, measures of progress and goals specified in the achievement compact for the fiscal year.

(b) The governing body of each education entity shall provide a target number and percentage of students for the aggregate of all disadvantaged subgroups, as defined by federal law or specified by rules adopted by the board. The target number and percentage of students must reflect the education entity's goals of improving education outcomes for disadvantaged student groups and closing any student achievement gaps between disadvantaged student groups and other student groups.

(5) As part of the process of entering into an achievement compact, the governing body of an education entity shall ensure that open communications are provided to parents, students, teachers or faculty, employees, exclusive bargaining representatives and community representatives for the purposes of explaining and discussing the outcomes, measures of progress, goals and targets specified in the achievement compact for the fiscal year. The open communications must be provided during each education entity's public budget process.

(6) The board shall specify the format of the achievement compacts and provide model achievement compacts to the governing body of each education entity.

(7) The board may adopt a timeline and method for governing bodies of education entities to provide the board with a report at the

end of a fiscal year that describes the achievements made by the education entities during the fiscal year. The report:

(a) Must include disaggregated data for each disadvantaged student group specified by the board; and

(b) May state achievements in numbers and percentages and in relation to the outcomes, measures of progress, goals and targets specified in the achievement compact for the fiscal year.

SECTION 15. (1) For the purpose of entering into achievement compacts under section 14 of this 2012 Act and achieving the outcomes, measures of progress, goals and targets described in achievement compacts, the Oregon Education Investment Board:

(a) Shall direct the State Board of Education to waive for the 2012-2013 fiscal year compliance reporting requirements that are adopted by the State Board of Education pursuant to rules adopted under ORS 327.103 and that are related to standards that school districts are required to meet.

(b) May direct the Department of Education to waive, as permitted by federal law, requirements relating to local district continuous improvement plans specified under ORS 329.095.

(2) If the Oregon Education Investment Board directs that a compliance reporting requirement or a local district continuous improvement plan requirement be waived as provided by subsection (1) of this section, the Superintendent of Public Instruction, the State Board of Education or the Department of Education may not find a school district deficient or nonstandard or otherwise penalize the school district for failure to comply with the waived requirement.

SECTION 16. (1) Each school district and education service district shall form an achievement compact advisory committee.

(2) An achievement compact advisory committee shall be responsible for developing an achievement compact and ensuring that an achievement compact is implemented.

(3) The governing body of a district shall appoint the members of an achievement compact advisory committee. The members shall consist of teachers, administrators and other appropriate education personnel who are employed by the district. When an employee organization represents educators of a district, the superintendent of the district, at the direction of the governing board of the district, shall collaborate with the local president of the employee organization to recommend the appointment of educators to the achievement compact advisory committee.

(4) An achievement compact advisory committee shall:

(a) Develop plans for achieving the district's outcomes, measures of progress, goals and targets expressed in an achievement compact, including methods of assessing and reporting progress toward the achievement of goals and targets; and

(b) Recommend outcomes, measures of progress, goals and targets to be contained in the district's achievement compact for the next fiscal year.

(5) Each achievement compact advisory committee shall present its recommendations in a report to the governing board of the district no later than February 1 of each year. An achievement compact advisory committee's report and recommendations shall be considered by the governing board of the district when entering into an achievement compact for the next fiscal year. The governing board shall file the achievement compact advisory committee's report with each achievement compact it adopts and forwards to the Oregon Education Investment Board.

SECTION 17. (1) The requirements of section 16 of this 2012 Act relating to the implementation of achievement compacts first apply to achievement compacts entered into for fiscal years beginning with the 2012-2013 fiscal year.

(2) The requirements of section 16 of this 2012 Act relating to the development of an achievement compact first apply to achievement compacts entered into for fiscal years beginning with the 2013-2014 fiscal year.

SECTION 18. (1) State associations representing educators, administrators and governing board members of school districts and education service districts may develop and recommend to the Oregon Education Investment Board collaborative models and resources, including professional development opportunities, that may be used by districts and achievement compact advisory committees for the achievement of student success.

(2) State associations, organizations and employee organizations representing educators, administrators, students and governing board members of community colleges and universities may develop and recommend to the Oregon Education Investment Board processes for collaboration in the development of achievement compacts for their institutions, including professional development opportunities, for the achievement of student success.

(3) The entities described in subsections (1) and (2) of this section must make any recommendations to the Oregon Education Investment Board no later than September 30, 2012.

SECTION 19. Sections 14 to 18 of this 2012 Act are repealed on July 1, 2015.

SECTION 20. Section 1, chapter 519, Oregon Laws 2011, as amended by section 8, chapter 519, Oregon Laws 2011, is amended to read:

Sec. 1. (1) The Oregon Education Investment Board is established for the purpose of ensuring that all public school students in this state reach the education outcomes established for the state. The board shall accomplish this goal by overseeing a unified public education system that begins with early childhood services and continues throughout public education from kindergarten to post-secondary education.

(2)(a) The board consists of 13 members as follows:

(A) The Governor, or the designee of the Governor; and

(B) Twelve members who are appointed by the Governor, subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565, and who serve at the pleasure of the Governor.

(b) When determining who to appoint to the board, the Governor shall:

(A) Ensure that each congressional district of this state is represented by at least one member of the board; and

(B) Solicit recommendations from the Speaker of the House of Representatives for at least two members and from the President of the Senate for at least two members.

(3) The Governor, or the Governor's designee, shall serve as chairperson of the Oregon Education Investment Board.

(4) The duties of the board include:

(a) Ensuring that early childhood services are streamlined and connected to public education from kindergarten through grade 12 and that public education from kindergarten through grade 12 is streamlined and connected to post-secondary education. To assist the board in fulfilling this duty, the board shall oversee:

(A) The Early Learning Council established by section 4 [of this 2011 Act], **chapter 519, Oregon Laws 2011.**

(B) The Higher Education Coordinating Commission established by [section 1, chapter 637, Oregon Laws 2011] **ORS 351.715.**

(b) Recommending strategic investments in order to ensure that the public education budget is integrated and is targeted to achieve the education outcomes established for the state.

(c) Providing an integrated, statewide, student-based data system that monitors expenditures and outcomes to determine the return on statewide education investments. The board shall provide the data system described in this paragraph by:

(A) Developing the data system or identifying or modifying an existing data system that accomplishes the goals of the data system; and

(B) Ensuring that the data system is maintained.

(d) Entering into achievement compacts and administering sections 14, 15 and 18 of this 2012 Act.

(e) Working with the Quality Education Commission to identify best practices for school districts and the costs and benefits of the adoption of those best practices by school districts.

(5) An appointed member of the board is entitled to compensation and expenses as provided in ORS 292.495.

(6) A majority of the members of the board constitutes a quorum for the transaction of business.

(7) The board shall meet at such times and places specified by the call of the chairperson or of a majority of the members of the board.

(8) In accordance with applicable provisions of ORS chapter 183, the board may adopt rules necessary for the administration of the laws that the board is charged with administering, including any rules necessary for the oversight of the direction and control of the Higher Education Coordinating Commission.

SECTION 21. Section 1, chapter 519, Oregon Laws 2011, as amended by section 8, chapter 519, Oregon Laws 2011, and section 20 of this 2012 Act, is amended to read:

Sec. 1. (1) The Oregon Education Investment Board is established for the purpose of ensuring that all public school students in this state reach the education outcomes established for the state. The board shall accomplish this goal by overseeing a unified public education system that begins with early childhood services and continues throughout public education from kindergarten to post-secondary education.

(2)(a) The board consists of 13 members as follows:

(A) The Governor, or the designee of the Governor; and

(B) Twelve members who are appointed by the Governor, subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565, and who serve at the pleasure of the Governor.

(b) When determining who to appoint to the board, the Governor shall:

(A) Ensure that each congressional district of this state is represented by at least one member of the board; and

(B) Solicit recommendations from the Speaker of the House of Representatives for at least two members and from the President of the Senate for at least two members.

(3) The Governor, or the Governor's designee, shall serve as chairperson of the Oregon Education Investment Board.

(4) The duties of the board include:

(a) Ensuring that early childhood services are streamlined and connected to public education from kindergarten through grade 12 and that public education from kindergarten through grade 12 is streamlined and connected to post-secondary education. To assist the board in fulfilling this duty, the board shall oversee:

(A) The Early Learning Council established by section 4, chapter 519, Oregon Laws 2011.

(B) The Higher Education Coordinating Commission established by ORS 351.715.

(b) Recommending strategic investments in order to ensure that the public education budget is integrated and is targeted to achieve the education outcomes established for the state.

(c) Providing an integrated, statewide, student-based data system that monitors expenditures and outcomes to determine the return on statewide education investments. The board shall provide the data system described in this paragraph by:

(A) Developing the data system or identifying or modifying an existing data system that accomplishes the goals of the data system; and

(B) Ensuring that the data system is maintained.

[(d) *Entering into achievement compacts and administering sections 14, 15 and 18 of this 2012 Act.*]

[(e)] (d) Working with the Quality Education Commission to identify best practices for school districts and the costs and benefits of the adoption of those best practices by school districts.

(5) An appointed member of the board is entitled to compensation and expenses as provided in ORS 292.495.

(6) A majority of the members of the board constitutes a quorum for the transaction of business.

(7) The board shall meet at such times and places specified by the call of the chairperson or of a majority of the members of the board.

(8) In accordance with applicable provisions of ORS chapter 183, the board may adopt rules necessary for the administration of the laws that the board is charged with administering, including any rules necessary for the oversight of the direction and control of the Higher Education Coordinating Commission.

SECTION 22. The amendments to section 1, chapter 519, Oregon Laws 2011, by section 21 of this 2012 Act become operative on July 1, 2015.

SECTION 22a. If House Bill 4165 becomes law, section 5 of this 2012 Act (amending section 4, chapter 519, Oregon Laws 2011) is repealed and section 4, chapter 519, Oregon Laws 2011, as amended by section 3, chapter 37, Oregon Laws 2012 (Enrolled House Bill 4165), is amended to read:

Sec. 4. (1) The Early Learning Council is established. The council shall function under the direction and control of the Oregon Education Investment Board established by section 1, chapter 519, Oregon Laws 2011.

(2) The council is established to assist the board in overseeing a unified system of early learning services for the purpose of ensuring that children enter school ready to learn. The Early Learning Council shall ensure that children enter school ready to learn by:

(a) Serving as the state advisory council for purposes of the federal Head Start Act, as provided

by section 7, **chapter 37, Oregon Laws 2012 (Enrolled House Bill 4165)** [of this 2012 Act].

(b) Implementing and overseeing a system that coordinates the delivery of early learning services.

(c) Overseeing the Oregon Early Learning System created by ORS 417.727.

(3) The council consists of members appointed as provided by subsections (4) and (5) of this section.

(4)(a) The Governor shall appoint nine voting members who are appointed for a term of four years and serve at the pleasure of the Governor. A person appointed under this subsection may not be appointed to serve more than two consecutive full terms as a council member.

(b) When determining whom to appoint to the council under this subsection, the Governor shall:

(A) Ensure that at least one of the members is an appointed member of the Oregon Education Investment Board;

(B) Ensure that each congressional district of this state is represented;

(C) For a member who is not an appointed member of the Oregon Education Investment Board, ensure that the member meets the following qualifications:

(i) Demonstrates leadership skills in civics or the member's profession;

(ii) To the greatest extent practicable, contributes to the council's representation of the geographic, ethnic, gender, racial and economic diversity of this state; and

(iii) Contributes to the council's expertise, knowledge and experience in early childhood development, early childhood care, early childhood education, family financial stability, populations disproportionately burdened by poor education outcomes and outcome-based best practices; and

(D) Solicit recommendations from the Speaker of the House of Representatives for at least two members and from the President of the Senate for at least two members.

(5) In addition to the members appointed under subsection (4) of this section, the Governor shall appoint voting, ex officio members who represent the state agencies and other entities that are required to be represented on a state advisory council for purposes of the federal Head Start Act and who represent the tribes of this state.

(6) The activities of the council shall be directed and supervised by the Early Learning System Director[, *who is*]. **The director shall:**

(a) **Be** appointed by the Governor and [*serves*] **serve** at the pleasure of the Governor.

(b) **Serve under the direction and control of the Chief Education Officer appointed under section 2, chapter 519, Oregon Laws 2011, for matters related to the design and organization of the state's education system.**

(7) In accordance with applicable provisions of ORS chapter 183, the council may adopt rules necessary for the administration of the laws that the council is charged with administering.

SECTION 22b. If House Bill 4165 becomes law, sections 5 (amending section 4, chapter 519, Oregon Laws 2011) and 6, chapter 37, Oregon Laws 2012 (Enrolled House Bill 4165), are repealed and section 4, chapter 519, Oregon Laws 2011, as amended by section 3, chapter 37, Oregon Laws 2012 (Enrolled House Bill 4165), and section 22a of this 2012 Act, is amended to read:

Sec. 4. (1) The Early Learning Council is established.

(2) The council is established to oversee a unified system of early learning services for the purpose of ensuring that children enter school ready to learn. The Early Learning Council shall ensure that children enter school ready to learn by:

(a) Serving as the state advisory council for purposes of the federal Head Start Act, as provided by section 7, chapter 37, Oregon Laws 2012 (Enrolled House Bill 4165).

(b) Implementing and overseeing a system that coordinates the delivery of early learning services.

(c) Overseeing the Oregon Early Learning System created by ORS 417.727.

(3) The council consists of members appointed as provided by subsections (4) and (5) of this section.

(4)(a) The Governor shall appoint nine voting members who are appointed for a term of four years and serve at the pleasure of the Governor. A person appointed under this subsection may not be appointed to serve more than two consecutive full terms as a council member.

(b) When determining whom to appoint to the council under this subsection, the Governor shall:

(A) Ensure that each congressional district of this state is represented;

(B) Ensure that each member meets the following qualifications:

(i) Demonstrates leadership skills in civics or the member's profession;

(ii) To the greatest extent practicable, contributes to the council's representation of the geographic, ethnic, gender, racial and economic diversity of this state; and

(iii) Contributes to the council's expertise, knowledge and experience in early childhood development, early childhood care, early childhood education, family financial stability, populations disproportionately burdened by poor education outcomes and outcome-based best practices; and

(C) Solicit recommendations from the Speaker of the House of Representatives for at least two members and from the President of the Senate for at least two members.

(5) In addition to the members appointed under subsection (4) of this section, the Governor shall appoint voting, ex officio members who represent the state agencies and other entities that are required to be represented on a state advisory council for purposes of the federal Head Start Act and who represent the tribes of this state.

(6) The activities of the council shall be directed and supervised by the Early Learning System Director[. *The director shall:*]

[(a) Be] who is appointed by the Governor and *[serve] serves* at the pleasure of the Governor.

[(b) Serve under the direction and control of the Chief Education Officer appointed under section 2, chapter 519, Oregon Laws 2011, for matters related to the design and organization of the state's education system.]

(7) In accordance with applicable provisions of ORS chapter 183, the council may adopt rules necessary for the administration of the laws that the council is charged with administering.

SECTION 22c. The amendments to section 4, chapter 519, Oregon Laws 2011, by section 22b of this 2012 Act become operative on March 15, 2016.

SECTION 23. This 2012 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect on its passage.

Approved by the Governor March 6, 2012

Filed in the office of Secretary of State March 6, 2012

Effective date March 6, 2012