

## CHAPTER 395

AN ACT

HB 2262

Relating to the governance structure of public education; creating new provisions; amending ORS 326.425, 329.150, 329.165, 329.195, 350.075, 417.788, 417.793, 417.796, 417.827 and 417.847; and declaring an emergency.

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

**SECTION 1.** ORS 326.425 is amended to read:

326.425. (1) The Early Learning Council is established.

(2) The council is established to [oversee] **coordinate** a unified **and aligned** system of early learning services for the [purpose of ensuring that children enter school ready to learn.] **purposes of ensuring that:**

(a) **Children enter school ready to learn; and**

(b) **Families are healthy, stable and attached.**

(3) The Early Learning Council shall [ensure that children enter school ready to learn] **accomplish the purposes described in subsection (2) of this section** by:

(a) [Serving] **Designating a committee to serve** as the state advisory council for purposes of the federal Head Start Act, as provided by ORS 417.796].

(b) [Implementing and overseeing a] **Coordinating an integrated** system that [coordinates] **aligns** the delivery of early learning services.

(c) [Overseeing] **Coordinating** the Oregon Early Learning System created by ORS 417.727.

[3] (4) The council consists of members appointed as provided by subsections [(4) and] (5) **and (6)** of this section.

[(4)(a)] (5)(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 at least one member represents the tribes of this state;**

(C) **Ensure that at least one member represents the workforces for child care and early learning;**

[(B)] (D) 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 devel-

opment, early childhood care, early childhood education, family financial stability, populations disproportionately burdened by poor education outcomes and outcome-based best practices; and

[(C)] (E) 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)] (6) In addition to the members appointed under subsection [(4)] (5) of this section, the Governor shall appoint [voting] **nonvoting**, ex officio members who represent [the] **relevant** 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)] (7) The activities of the council shall be directed and supervised by the Early Learning System Director who is appointed by the Governor and serves at the pleasure of the Governor.

[(7)] (8) 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.

[(8)] (9) The council shall coordinate and collaborate with the Chief Education Office as provided by section 1, chapter 519, Oregon Laws 2011.

**SECTION 2.** ORS 326.425, as amended by section 44, chapter 774, Oregon Laws 2015, is amended to read:

326.425. (1) The Early Learning Council is established.

(2) The council is established to [oversee] **coordinate** a unified **and aligned** system of early learning services for the [purpose of ensuring that children enter school ready to learn.] **purposes of ensuring that:**

(a) **Children enter school ready to learn; and**

(b) **Families are healthy, stable and attached.**

(3) The Early Learning Council shall [ensure that children enter school ready to learn] **accomplish the purposes described in subsection (2) of this section** by:

(a) [Serving] **Designating a committee to serve** as the state advisory council for purposes of the federal Head Start Act, as provided by ORS 417.796.

(b) [Implementing and overseeing a] **Coordinating an integrated** system that [coordinates] **aligns** the delivery of early learning services.

(c) [Overseeing] **Coordinating** the Oregon Early Learning System created by ORS 417.727.

[3] (4) The council consists of members appointed as provided by subsections [(4) and] (5) **and (6)** of this section.

[(4)(a)] (5)(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 at least one member represents the tribes of this state;**

**(C) Ensure that at least one member represents the workforces for child care and early learning;**

[(B)] **(D)** 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)] **(E)** 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)] **(6)** In addition to the members appointed under subsection [(4)] **(5)** of this section, the Governor shall appoint [voting] **nonvoting**, ex officio members who represent [the] **relevant** 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)] **(7)** The activities of the council shall be directed and supervised by the Early Learning System Director who is appointed by the Governor and serves at the pleasure of the Governor.

[(7)] **(8)** 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 3.** ORS 329.150 is amended to read:

329.150. A school district may provide services for children and families at the school site, which may include a community learning center. If the district chooses to provide services, the design of educational and other services to children and their families shall be the responsibility of the school district. School districts may coordinate services with programs provided through and [overseen] **coordinated** by the Early Learning Council for the purpose of providing services to families. To ensure that all educational and other services for young children and their families offer the maximum opportunity possible for the personal success of the child and family members, it is the policy of this state that the following principles for serving children should be observed to the maximum extent possible in all of its educational and other programs serving young chil-

dren and their families, including those programs delivered at community learning centers:

(1) Services for young children and their families should be located as close to the child and the family's community as possible, encouraging community support and ownership of such services;

(2) Services for young children and their families should reflect the importance of integration and diversity to the maximum extent possible in regard to characteristics such as race, economics, gender, creed, capability and cultural differences;

(3) Services should be designed to support and strengthen the welfare of the child and the family and be planned in consideration of the individual family's values;

(4) Services should be designed to ensure continuity of care among caregivers in a given day and among service plans from year to year;

(5) Service systems should address the most urgent needs in a timely manner including health, intervention and support services; and

(6) Service providers and sources of support should be coordinated and collaborative, to reflect the knowledge that no single system can serve all of the needs of the child and family.

**SECTION 4.** ORS 329.165 is amended to read:

329.165. (1) [In consultation with the advisory committee for the Oregon prekindergarten program, the Early Learning Council, acting as the state advisory council for purposes of the federal Head Start Act,] **The Early Learning Council** shall develop a long-range plan for serving eligible children and their families and shall report to each odd-numbered year regular session of the Legislative Assembly on the funds necessary to implement the long-range plan, including but not limited to regular programming costs, salary enhancements and program improvement grants. The council shall determine the rate of increase in funding for programs necessary each biennium to provide service to all children eligible for the **Oregon** prekindergarten program.

(2) Each biennial report shall include but not be limited to estimates of the number of eligible children and families to be served, projected cost of programs and evaluation of the programs.

**SECTION 5.** ORS 329.195 is amended to read:

329.195. (1)(a) The Early Learning Council, [acting as the state advisory council for purposes of the federal Head Start Act,] shall adopt rules for the establishment of the Oregon prekindergarten program.

(b) Rules adopted under this section specifically shall require:

(A) Performance standards and operating standards that are at a level no less than the level required under the federal Head Start program guidelines.

(B) Processes and procedures for recompetition that are substantially similar to the processes and procedures required under the rules and guidelines adopted under the federal Head Start Act.

(C) Implementation plans for any changes to the federal Head Start program rules or guidelines.

(c) Federal Head Start program guidelines shall be considered as guidelines for the Oregon prekindergarten program.

(d) Notwithstanding paragraph (b) of this subsection, the council may adopt rules that allow for the provision of a half-day program or a full-day program, or a combination thereof, to meet community needs, as determined by the council based on community assessments.

(2) In developing rules for the Oregon prekindergarten program, the council *[shall consult with the advisory committee established under ORS 329.190 and]* shall consider such factors as coordination with existing programs, the preparation necessary for instructors, qualifications of instructors, training of staff, adequate space and equipment and special transportation needs.

(3) The Early Learning Division shall review applications for the Oregon prekindergarten program received and designate those programs as eligible to commence operation by July 1 of each year. When approving grant applications, to the extent practicable, the council shall distribute funds regionally based on percentages of unmet needs for the county or region.

**SECTION 6.** ORS 417.788 is amended to read:

417.788. (1) The Early Learning Division shall support Relief Nursery programs statewide as funding becomes available. Funding to support Relief Nursery programs may include, but is not limited to:

- (a) Administrative costs;
- (b) Costs for direct service personnel, equipment, supplies and operating expenses;
- (c) Start-up costs;
- (d) Classroom furniture and materials;
- (e) Playground equipment;
- (f) Computers; and
- (g) Transportation vehicles.

(2) The division may encourage communities to establish Relief Nursery programs for young children who are at risk and their families. Communities may choose to establish regional Relief Nursery programs. The Relief Nursery programs shall be consistent with the voluntary early learning system *[overseen]* **coordinated** by the Early Learning Council.

(3) Relief Nursery programs shall participate in a statewide independent evaluation conducted by the Oregon Association of Relief Nurseries to document improved child safety, reduction in foster care placements, progress in healthy child development and improvement in family functioning and support.

(4) Each Relief Nursery program that receives state funding shall have financial support from the community that, excluding any amounts distributed to the Relief Nursery program pursuant to ORS 131A.360 (4)(d) and 131A.365 (3)(d), is at least equal to 25 percent of any state allocation.

(5) The division shall adopt rules necessary for the administration of this section, including rules

requiring that any public funds received by Relief Nursery programs be used to achieve the outcomes identified in subsection (3) of this section.

**SECTION 7.** ORS 417.793 is amended to read:

417.793. The Early Learning Division shall support parents-as-teachers programs statewide as funding becomes available. If a program is offered, the program shall be part of a comprehensive, research-based approach to parent education and support. The program shall be consistent with the voluntary early learning system plan *[overseen]* **coordinated** by the Early Learning Council.

**SECTION 8.** ORS 417.796 is amended to read:

417.796. (1) *[As the state advisory council for purposes of the federal Head Start Act,]* The Early Learning Council shall:

(a) Conduct a periodic statewide needs assessment concerning the quality and availability of early childhood education and development programs and services for children from birth to school age, including an assessment of the availability of high-quality prekindergarten services for low-income children in this state.

(b) Identify opportunities for, and barriers to, collaboration and coordination among federally funded and state-funded child care and early childhood education and development programs and services, including collaboration and coordination among state agencies responsible for administering those programs and services.

(c) Develop recommendations for increasing the overall participation of children in existing federal, state and local early childhood education and development programs and services, including outreach to underrepresented and special populations.

(d) Develop recommendations for establishing a unified data collection system for public early childhood education and development programs and services throughout this state.

(e) Develop recommendations regarding statewide professional development and career advancement plans for providers of early childhood education and development programs and services in this state.

(f) Assess the capacity and effectiveness of two-year and four-year public and private institutions of higher education in this state in supporting the development of early childhood educators, including the extent to which the institutions have articulation agreements, professional development and career advancement plans, and internships or other training opportunities that allow students to spend time with children enrolled in the federal Head Start program or another prekindergarten program. The assessment conducted under this paragraph must be conducted in coordination with appropriate higher education governance bodies, as identified by the Chief Education Office.

(g) Make recommendations for improvements in state early learning standards and undertake efforts

to develop high-quality comprehensive early learning standards when appropriate.

(2) The council shall hold public hearings and provide an opportunity for public comment in relation to the actions described in subsection (1) of this section.

(3)(a) The council shall submit an annual statewide strategic report addressing the activities described in subsection (1) of this section to the State Director of Head Start Collaboration, the Chief Education Office, the Legislative Assembly and the Governor.

(b) Following submission of a statewide strategic report described in paragraph (a) of this subsection, the council may meet periodically to review the implementation of the recommendations in the report and to review any changes in state or local needs.

**SECTION 9.** ORS 417.796, as amended by section 62, chapter 774, Oregon Laws 2015, is amended to read:

417.796. (1) [As the state advisory council for purposes of the federal Head Start Act.] The Early Learning Council shall:

(a) Conduct a periodic statewide needs assessment concerning the quality and availability of early childhood education and development programs and services for children from birth to school age, including an assessment of the availability of high-quality prekindergarten services for low-income children in this state.

(b) Identify opportunities for, and barriers to, collaboration and coordination among federally funded and state-funded child care and early childhood education and development programs and services, including collaboration and coordination among state agencies responsible for administering those programs and services.

(c) Develop recommendations for increasing the overall participation of children in existing federal, state and local early childhood education and development programs and services, including outreach to underrepresented and special populations.

(d) Develop recommendations for establishing a unified data collection system for public early childhood education and development programs and services throughout this state.

(e) Develop recommendations regarding statewide professional development and career advancement plans for providers of early childhood education and development programs and services in this state.

(f) Assess the capacity and effectiveness of two-year and four-year public and private institutions of higher education in this state in supporting the development of early childhood educators, including the extent to which the institutions have articulation agreements, professional development and career advancement plans, and internships or other training opportunities that allow students to spend time with children enrolled in the federal Head Start program or another prekindergarten program. The assessment conducted under this paragraph must be

conducted in coordination with appropriate higher education governance bodies.

(g) Make recommendations for improvements in state early learning standards and undertake efforts to develop high-quality comprehensive early learning standards when appropriate.

(2) The council shall hold public hearings and provide an opportunity for public comment in relation to the actions described in subsection (1) of this section.

(3)(a) The council shall submit an annual statewide strategic report addressing the activities described in subsection (1) of this section to the State Director of Head Start Collaboration, the Legislative Assembly and the Governor.

(b) Following submission of a statewide strategic report described in paragraph (a) of this subsection, the council may meet periodically to review the implementation of the recommendations in the report and to review any changes in state or local needs.

**SECTION 10.** ORS 417.827 is amended to read: 417.827. (1) As used in this section and ORS 417.829:

(a) "Early Learning Hub" means any entity designated by regional partners to coordinate early learning services, as determined by rules adopted by the Early Learning Council.

(b) "Regional partners" includes counties, cities, school districts, education service districts, community colleges, public universities, private educational institutions, faith-based organizations, nonprofit service providers and tribes.

(2) The council shall implement and [oversee] **coordinate** a system that coordinates the delivery of early learning services to the communities of this state through the direction of Early Learning Hubs. The system may not include more than 16 Early Learning Hubs.

(3) The system implemented and [overseen] **coordinated** by the council must ensure that:

(a) Providers of early learning services are accountable for outcomes;

(b) Services are provided in a cost-efficient manner; and

(c) The services provided, and the means by which those services are provided, are focused on the outcomes of the services.

(4) The council shall develop and implement a process for requesting proposals from entities to become Early Learning Hubs. Proposals submitted under this subsection must comply with criteria and requirements adopted by the council by rule, including:

(a) The entity will be able to coordinate the provision of early learning services to the community that will be served by the entity. An entity may meet the requirement of this paragraph by submitting evidence that local stakeholders, including but not limited to service providers, parents, community members, county governments, local governments and school districts, have participated in the devel-

opment of the proposal and will maintain a meaningful role in the Early Learning Hub.

(b) The services coordinated by the entity will be in alignment with the services provided by the public schools of the community that will be served by the entity.

(c) The entity will be in alignment with, and make advantageous use of, the system of public health care and services available through local health departments and other publicly supported programs delivered through, or in partnership with, counties and coordinated care organizations.

(d) The entity will be able to integrate efforts among education providers, providers of health care, providers of human services and providers of other programs and services in the community.

(e) The entity will use coordinated and transparent budgeting.

(f) The entity will operate in a fiscally sound manner.

(g) The entity must have a governing body or community advisory body that:

(A) Has the authority to initiate audits, recommend the terms of a contract and provide reports to the public and to the council on the outcomes of the provision of early learning services to the community served by the entity.

(B) Has members selected through a transparent process and includes both public and private entities, locally based parents and service recipients, human social service providers, child care providers, health care providers and representatives of local governments from the service area.

(h) The entity will collaborate on documentation related to coordinated services with public and private entities that are identified by the council as providers of services that advance the early learning of children.

(i) The entity will serve a community that is based on the population and service needs of the community and will demonstrate the ability to improve results for at-risk children, including the ability to identify, evaluate and implement coordinated strategies to ensure that a child is ready to succeed in school.

(j) The entity will be able to raise and leverage significant funds from public and private sources and to secure in-kind support to support early learning services coordinated by the entity and operate in a fiscally sound manner.

(k) The entity meets any other qualifications established by the council.

(5) The council may adopt by rule requirements that are in addition to the requirements described in subsections (3) and (4) of this section that an entity must meet to qualify as an Early Learning Hub. When developing the additional requirements, the council must use a statewide public process of community engagement that is consistent with the requirements of the federal Head Start Act.

(6) When determining whether to designate an entity as an Early Learning Hub, the council shall balance the following factors:

(a) The entity's ability to engage the community and be involved in the community.

(b) The entity's ability to produce outcomes that benefit children.

(c) The entity's resourcefulness.

(d) The entity's use, or proposed use, of evidence-based practices.

(7) The council shall develop metrics for the purpose of providing funding to Early Learning Hubs designated under this section. The metrics must:

(a) Focus on community readiness, high capacity development and progress toward tracking child outcomes;

(b) Establish a baseline of information for the area to be served by the Early Learning Hub, including information about the inclusion of community partners in the governance structure of the Early Learning Hub, the availability of data on local programs and outcomes and the success in leveraging private, nonprofit and other governmental resources for early learning; and

(c) Include child performance metrics.

(8) The council may require that, as a condition of receiving funding as a designated Early Learning Hub under this section, the Early Learning Hub provide matching funding. The percentage of matching funding shall be determined by the council and may vary for each fiscal year. Any moneys received by an Early Learning Hub are subject to the restrictions of this section.

(9) For any community in this state that is not served by an Early Learning Hub, the council shall *[oversee]* **coordinate** and administer the delivery of early learning services for that community and, to the extent practicable, shall regionalize service administration.

(10) The council may alter the lines of the territory served by an Early Learning Hub only to ensure that all children of this state are served by an Early Learning Hub.

(11) An entity designated as part of an Early Learning Hub may not use more than 15 percent of the moneys received by the entity from the council to pay administrative costs of the entity.

(12) The Department of Human Services or the Oregon Health Authority may not transfer any authority for determining eligibility for a state or federal program to an Early Learning Hub.

**SECTION 11. The amendments to ORS 326.425, 329.150, 329.165, 329.195, 417.788, 417.793, 417.796 and 417.827 by sections 1 to 10 of this 2019 Act become operative on September 1, 2019.**

**SECTION 12.** ORS 417.847 is amended to read: 417.847. (1) The Youth Development Council is established.

(2) The council is established for the purpose of *[overseeing]* **coordinating** a unified **and aligned** system that provides services to school-age children through youth 24 years of age in a manner that supports educational success, focuses on crime prevention, reduces high risk behaviors and is inte-

grated, measurable and accountable. The council shall provide direction to the Youth Development Division.

(3) The council consists of no fewer than 15 members who are appointed by the Governor. The Governor shall ensure that membership of the council satisfies any federal requirements for membership of a state advisory committee on juvenile justice, and shall include tribal representation in the membership of the council.

(4) The council shall:

(a) Determine the availability of funding to support community-based youth development programs, services and initiatives with demonstrated outcomes and strategic objectives established by the council by rule.

(b) Prioritize funding for services related to:

(A) The prevention of and intervention in the risk factors that lead to juvenile delinquency and the promotion of protective factors that improve the health and well-being of children and youth, as supported by evidence-based program models and other research-based models; and

(B) The prevention of and intervention in gang violence and gang involvement.

(5) The council may:

*[(a) Enter into performance-based intergovernmental agreements with regional and county entities, and tribal governments, to contract for the provision of youth development programs, services and initiatives that will achieve demonstrated outcomes and strategic objectives established by the council by rule.]*

**(a) Enter into intergovernmental agreements with county and municipal governments, tribal governments, educational institutions and other governmental entities identified by rule of the council for the provision of youth development programs, services and initiatives.**

**(b) Enter into grant agreements and contracts with community-based organizations, educational institutions, regional entities and other entities identified by rule of the council for the provision of youth development programs, services and initiatives.**

*[(b)] (c) Determine the means by which services to children and youth may be provided effectively and efficiently across multiple programs to improve the academic and social outcomes of children and youth.*

*[(c)] (d) Assess state programs and services related to youth development and training, and identify methods by which programs and services may be coordinated or consolidated.*

*[(d)] (e) Establish common academic and social indicators to support attainment of goals established by the council.*

*[(e)] (f) Establish common program outcome measurements and coordinate data collection across multiple programs and services.*

*[(f)] (g) Ensure implementation of best practices that:*

(A) Are evidence based;

(B) Are culturally, gender and age appropriate;

(C) Address individual risk factors;

(D) Build upon factors that improve the health and well-being of children and youth; and

(E) Include tribal best practices.

(6) The Governor may designate one member of the council to serve as the chairperson or, if the Governor chooses not to designate a chairperson, the council may elect one of its members to serve as chairperson.

(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.

(8) The council shall coordinate and collaborate with the Chief Education Office as provided by section 1, chapter 519, Oregon Laws 2011.

**SECTION 13.** ORS 417.847, as amended by section 63, chapter 774, Oregon Laws 2015, and section 36, chapter 17, Oregon Laws 2017, is amended to read:

417.847. (1) The Youth Development Council is established.

(2) The council is established for the purpose of *[overseeing]* **coordinating** a unified **and aligned** system that provides services to school-age children through youth 24 years of age in a manner that supports educational success, focuses on crime prevention, reduces high risk behaviors and is integrated, measurable and accountable. The council shall provide direction to the Youth Development Division.

(3) The council consists of no fewer than 15 members who are appointed by the Governor. The Governor shall ensure that membership of the council satisfies any federal requirements for membership of a state advisory committee on juvenile justice, and shall include tribal representation in the membership of the council.

(4) The council shall:

(a) Determine the availability of funding to support community-based youth development programs, services and initiatives with demonstrated outcomes and strategic objectives established by the council by rule.

(b) Prioritize funding for services related to:

(A) The prevention of and intervention in the risk factors that lead to juvenile delinquency and the promotion of protective factors that improve the health and well-being of children and youth, as supported by evidence-based program models and other research-based models; and

(B) The prevention of and intervention in gang violence and gang involvement.

(5) The council may:

*[(a) Enter into performance-based intergovernmental agreements with regional and county entities, and tribal governments, to contract for the provision of youth development programs, services and initiatives that will achieve demonstrated outcomes and strategic objectives established by the council by rule.]*

**(a) Enter into intergovernmental agreements with county and municipal governments, tribal governments, educational institutions and other governmental entities identified by rule of the council for the provision of youth development programs, services and initiatives.**

**(b) Enter into grant agreements and contracts with community-based organizations, educational institutions, regional entities and other entities identified by rule of the council for the provision of youth development programs, services and initiatives.**

*[(c)]* **(c)** Determine the means by which services to children and youth may be provided effectively and efficiently across multiple programs to improve the academic and social outcomes of children and youth.

*[(c)]* **(d)** Assess state programs and services related to youth development and training, and identify methods by which programs and services may be coordinated or consolidated.

*[(d)]* **(e)** Establish common academic and social indicators to support attainment of goals established by the council.

*[(e)]* **(f)** Establish common program outcome measurements and coordinate data collection across multiple programs and services.

*[(f)]* **(g)** Ensure implementation of best practices that:

- (A) Are evidence based;
  - (B) Are culturally, gender and age appropriate;
  - (C) Address individual risk factors;
  - (D) Build upon factors that improve the health and well-being of children and youth; and
  - (E) Include tribal best practices.
- (6) The Governor may designate one member of the council to serve as the chairperson or, if the Governor chooses not to designate a chairperson, the council may elect one of its members to serve as chairperson.

(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 14.** ORS 350.075 is amended to read:

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

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

(3) The Higher Education Coordinating Commission shall:

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

(b) Determine strategic investments in the state’s community colleges, public universities and

student access programs necessary to achieve state post-secondary education goals.

(c) Coordinate the post-secondary elements of data collection and structure, with the advice and recommendation of the state’s independent institutions, community colleges and public universities, as appropriate, in order to construct a state longitudinal data system.

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

(A) Increasing the educational attainment of the population;

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

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

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

(E) Tracking progress toward meeting the state’s post-secondary education goals established in the strategic plan described in this paragraph.

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

- (i) Student access programs;
- (ii) Public universities listed in ORS 352.002, including but not limited to education and general operations, statewide public services and state-funded debt service;
- (iii) Community colleges, including but not limited to education and general operations and state-funded debt service;
- (iv) New facilities or programs;
- (v) Capital improvements and deferred maintenance;
- (vi) Special initiatives and investments; and
- (vii) Any other program, duty or function a public university listed in ORS 352.002 is authorized to undertake.

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

- (i) Determine the costs necessary to provide quality post-secondary education;
- (ii) Solicit input from educators, education policy experts, appropriate legislative committees, students and other persons interested in the development of the funding model; and
- (iii) Solicit public input regarding educational priorities.

(f) Adopt rules governing the distribution of appropriations from the Legislative Assembly to community colleges, public universities listed in ORS 352.002 and student access programs. These rules

must be based on allocation formulas developed in consultation with the state's community colleges and public universities, as appropriate.

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

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

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

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

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

(h) For public universities listed in ORS 352.002:

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

(B) Review and determine whether a proposed annual increase of resident undergraduate enrollment fees of greater than five percent is appropriate.

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

(D) Approve and authorize degrees.

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

(i) Authorize degrees to be offered by independent post-secondary institutions in this state under ORS 348.594 to 348.615.

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

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

**(L) Administer a statewide longitudinal data system.**

**(m) In coordination with the Department of Education, the Employment Department and other state agencies, conduct statewide longitudinal studies and reporting of early learning, kindergarten through grade 12 education, higher**

**education and workforce programs. For the purposes of this paragraph:**

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

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

**[(L)] (n) Coordinate and collaborate with the Chief Education Office as provided by section 1, chapter 519, Oregon Laws 2011.**

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

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

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

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

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

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

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

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

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

(B) A school's accrediting association if the complaint relates to the school's authorization to offer academic degree programs or to the quality of the school's academic degree programs; or

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

(c) As used in this subsection:

(A)(i) "School" means an independent institution of higher education that meets the requirements of ORS 348.597 (2)(a).

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

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

(5) A student complaint that is received by the Higher Education Coordinating Commission, includ-



ing but not limited to a student complaint filed under subsection (4) of this section, is not subject to disclosure under ORS 192.311 to 192.478.

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

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

(b) Encourage student success and completion initiatives.

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

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

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

(C) Applied baccalaureate and other transfer degrees;

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

(E) Reciprocity agreements with other states.

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

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

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

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

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

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

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

**SECTION 15.** ORS 350.075, as amended by section 61, chapter 774, Oregon Laws 2015, section 6, chapter 30, Oregon Laws 2016, section 56, chapter 117, Oregon Laws 2016, section 8, chapter 66, Oregon Laws 2017, section 2, chapter 98, Oregon Laws 2017, section 6, chapter 185, Oregon Laws 2017, section 22, chapter 297, Oregon Laws 2017, and section 2b, chapter 440, Oregon Laws 2017, is amended to read:

350.075. (1) As used in this section, "student access programs" means scholarship, loan, grant and access programs described in ORS chapter 348.

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

(3) The Higher Education Coordinating Commission shall:

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

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

(c) Coordinate the post-secondary elements of data collection and structure, with the advice and recommendation of the state's independent institutions, community colleges and public universities, as appropriate, in order to construct a state longitudinal data system.

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

(A) Increasing the educational attainment of the population;

(B) Increasing this state's global economic competitiveness and the quality of life of its residents;

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

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

(E) Tracking progress toward meeting the state's post-secondary education goals established in the strategic plan described in this paragraph.

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

(i) Student access programs;

(ii) Public universities listed in ORS 352.002, including but not limited to education and general op-

erations, statewide public services and state-funded debt service;

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

(iv) New facilities or programs;

(v) Capital improvements and deferred maintenance;

(vi) Special initiatives and investments; and

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

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

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

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

(iii) Solicit public input regarding educational priorities.

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

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

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

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

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

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

(h) For public universities listed in ORS 352.002:

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

(B) Review and determine whether a proposed annual increase of resident undergraduate enrollment fees of greater than five percent is appropriate.

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

(D) Approve and authorize degrees.

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

(i) Authorize degrees to be offered by independent post-secondary institutions in this state under ORS 348.594 to 348.615.

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

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

**(L) Administer a statewide longitudinal data system.**

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

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

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

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

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

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

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

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

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

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

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

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

(B) A school's accrediting association if the complaint relates to the school's authorization to offer academic degree programs or to the quality of the school's academic degree programs; or

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

(c) As used in this subsection:

(A)(i) "School" means an independent institution of higher education that meets the requirements of ORS 348.597 (2)(a).

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

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

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

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

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

(b) Encourage student success and completion initiatives.

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

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

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

(C) Applied baccalaureate and other transfer degrees;

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

(E) Reciprocity agreements with other states.

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

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

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

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

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

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

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

**SECTION 16.** ORS 350.075, as amended by section 61, chapter 774, Oregon Laws 2015, section 6, chapter 30, Oregon Laws 2016, section 56, chapter 117, Oregon Laws 2016, section 8, chapter 66, Oregon Laws 2017, sections 2 and 3, chapter 98, Oregon Laws 2017, section 6, chapter 185, Oregon Laws 2017, section 22, chapter 297, Oregon Laws 2017, and section 2b, chapter 440, Oregon Laws 2017, is amended to read:

350.075. (1) As used in this section, "student access programs" means scholarship, loan, grant and access programs described in ORS chapter 348.

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

(3) The Higher Education Coordinating Commission shall:

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

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

(c) Coordinate the post-secondary elements of data collection and structure, with the advice and recommendation of the state's independent institutions, community colleges and public universities, as appropriate, in order to construct a state longitudinal data system.

(d) Adopt a strategic plan for achieving state post-secondary education goals, taking into consideration the contributions of this state's independent institutions, philanthropic organizations and other

organizations dedicated to helping Oregonians reach state goals. State post-secondary education goals as described in this section should include, but need not be limited to:

(A) Increasing the educational attainment of the population;

(B) Increasing this state's global economic competitiveness and the quality of life of its residents;

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

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

(E) Tracking progress toward meeting the state's post-secondary education goals established in the strategic plan described in this paragraph.

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

(i) Student access programs;

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

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

(iv) New facilities or programs;

(v) Capital improvements and deferred maintenance;

(vi) Special initiatives and investments; and

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

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

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

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

(iii) Solicit public input regarding educational priorities.

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

(g) Approve or disapprove any significant change to the academic program of a community college or a public university listed in ORS 352.002. In reaching a decision under this paragraph, the commission shall consider the recommendation from the community college or public university seeking to make the change to an academic program that is issued pursuant to the obligation of the governing board of a community college or public university to review

and approve academic programs. The commission shall ensure that approved programs:

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

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

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

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

(h) For public universities listed in ORS 352.002:

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

(B) Review and determine whether a proposed annual increase of resident undergraduate enrollment fees of greater than five percent is appropriate.

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

(D) Approve and authorize degrees.

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

(i) Authorize degrees to be offered by independent post-secondary institutions in this state under ORS 348.594 to 348.615.

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

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

**(L) Administer a statewide longitudinal data system.**

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

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

**(B) The commission is considered an authorized representative of state educational agencies under applicable state and federal law for purposes of accessing, compiling and storing**

**student data for research, audit and evaluation purposes.**

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

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

(b) Encourage student success and completion initiatives.

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

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

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

(C) Applied baccalaureate and other transfer degrees;

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

(E) Reciprocity agreements with other states.

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

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

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

(5) The Higher Education Coordinating Commission, in a manner consistent with ORS chapter 183, may adopt administrative rules.

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

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

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

**SECTION 17. This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect July 1, 2019.**

Approved by the Governor June 17, 2019

Filed in the office of Secretary of State June 18, 2019

Effective date July 1, 2019