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D R A F T

SUMMARY

Identifies positions that will be under direction and control of Chief Education Officer for matters related to design and organization of state's education system.

Requires education entities to enter into achievement compact with Oregon Education Investment Board. Describes terms that must be included in achievement compact.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to education; creating new provisions; amending ORS 326.300,
3 326.375, 351.075 and 351.725 and sections 1, 2 and 4, chapter 519, Oregon
4 Laws 2011; and declaring an emergency.

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

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

8 **Sec. 2.** (1) The Oregon Education Investment Board established by section
9 1 [*of this 2011 Act*], **chapter 519, Oregon Laws 2011**, shall appoint a Chief
10 Education Officer who shall serve at the pleasure of the board.

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

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

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

16 **(3)(a) For the purpose of furthering the mission of the Oregon Ed-**
17 **ucation Investment Board to oversee a unified public education sys-**

NOTE: Matter in boldfaced type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in boldfaced type.

1 tem, the Chief Education Officer shall have direction and control over
2 the positions identified in paragraph (b) of this subsection for matters
3 related to the design and organization of the state's education system,
4 including early childhood services provided by the state.

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

7 (A) The Commissioner for Community College Services.

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

9 (C) The executive director of the Oregon Student Access Commis-
10 sion.

11 (D) The Early Childhood System Director.

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

14 (F) The Deputy Superintendent of Public Instruction.

15 (c) The authority of the Chief Education Officer granted under
16 paragraph (a) of this subsection does not include the authority to ap-
17 point or remove a person from a position identified in paragraph (b)
18 of this subsection.

19 (d) If a person in a position identified in paragraph (b) of this sub-
20 section is appointed by an entity other than the Governor, the Gover-
21 nor shall resolve any dispute between the Chief Education Officer and
22 the appointing authority of the person. The Governor's decision is
23 final.

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

28 **SECTION 3.** ORS 326.375 is amended to read:

29 326.375. (1) The State Board of Education shall appoint a Commissioner
30 for Community College Services who shall:

31 (a) Serve at the pleasure of the board.

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

5 (2) The commissioner shall be a person who by training and experience
6 is well qualified to perform the duties of the office and to assist in carrying
7 out the functions of the board under ORS 326.041, 326.051, 326.375, 341.005,
8 341.015, 341.440, 341.455, 341.626, 341.655 and 341.933.

9 (3) The commissioner shall:

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

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

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

18 (d) Be responsible directly to:

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

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

23 (4) The commissioner, with approval of the State Board of Education,
24 shall be responsible for the representation of community college interests to
25 the Governor, the Legislative Assembly, state agencies and others. The
26 commissioner, with the approval of the state board, shall be responsible for
27 submitting community college budget requests and budget reports for the
28 Department of Community Colleges and Workforce Development to the Leg-
29 islative Assembly. The state board shall [*insure*] ensure that the budget re-
30 quest for community colleges and for the Department of Community Colleges
31 and Workforce Development are separate and distinct from its other requests

1 to the Legislative Assembly.

2 **SECTION 4.** ORS 351.075 is amended to read:

3 351.075. (1) The State Board of Higher Education shall appoint a chief
4 executive officer who shall be known as the Chancellor of the Oregon Uni-
5 versity System [*and who*].

6 (2) **The chancellor shall:**

7 (a) Serve at the pleasure of the board.

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

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

14 **Sec. 4.** (1) The Early Learning Council is established. The council shall
15 function under the direction and control of the Oregon Education Investment
16 Board established by section 1 [*of this 2011 Act*], **chapter 519, Oregon Laws**
17 **2011.**

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

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

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

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

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

28 (C) For a member who is not an appointed member of the Oregon Edu-
29 cation Investment Board, ensure that the member meets the following quali-
30 fications:

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

1 (ii) To the greatest extent practicable, contributes to the council's repre-
2 sentation of the geographic, ethnic, gender, racial and economic diversity of
3 this state; and

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

8 (D) Solicit recommendations from the Speaker of the House of Represen-
9 tatives for at least two members and from the President of the Senate for
10 at least two members.

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

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

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

19 **SECTION 6.** ORS 351.725 is amended to read:

20 351.725. (1) The Higher Education Coordinating Commission shall appoint
21 an executive [*officer*] **director** to:

22 (a) **Serve** at the pleasure of the commission.

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

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

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

1 **SECTION 7.** ORS 326.300 is amended to read:

2 326.300. (1) As provided by section 1, Article VIII of the Oregon Consti-
3 tution, the Governor is the Superintendent of Public Instruction.

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

10 (b) The deputy superintendent shall:

11 (A) Perform any act or duty of the office of Superintendent of Public In-
12 struction that is designated by the Governor, and the Governor is responsible
13 for any acts of the deputy superintendent.

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

18 (3) The deputy superintendent may be removed from office by the Gover-
19 nor following consultation with the State Board of Education.

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

23 **SECTION 8.** **The amendments to ORS 326.300 by section 7 of this**
24 **2012 Act do not apply to any Deputy Superintendent of Public In-**
25 **struction appointed by the Superintendent of Public Instruction who**
26 **was holding office on August 5, 2011.**

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

29 326.375. (1) The State Board of Education shall appoint a Commissioner
30 for Community College Services who shall[:]

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

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

4 (2) The commissioner shall be a person who by training and experience
5 is well qualified to perform the duties of the office and to assist in carrying
6 out the functions of the board under ORS 326.041, 326.051, 326.375, 341.005,
7 341.015, 341.440, 341.455, 341.626, 341.655 and 341.933.

8 (3) The commissioner shall:

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

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

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

17 (d) Be responsible directly to[:]

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

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

22 (4) The commissioner, with approval of the State Board of Education,
23 shall be responsible for the representation of community college interests to
24 the Governor, the Legislative Assembly, state agencies and others. The
25 commissioner, with the approval of the state board, shall be responsible for
26 submitting community college budget requests and budget reports for the
27 Department of Community Colleges and Workforce Development to the Leg-
28 islative Assembly. The state board shall ensure that the budget request for
29 community colleges and for the Department of Community Colleges and
30 Workforce Development are separate and distinct from its other requests to
31 the Legislative Assembly.

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

3 351.075. (1) The State Board of Higher Education shall appoint a chief
4 executive officer who shall be known as the Chancellor of the Oregon Uni-
5 versity System.

6 (2) The chancellor shall[:]

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

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

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

13 351.725. (1) The Higher Education Coordinating Commission shall appoint
14 an executive director to[:]

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

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

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

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

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

26 326.300. (1) As provided by section 1, Article VIII of the Oregon Consti-
27 tution, the Governor is the Superintendent of Public Instruction.

28 (2)(a) The Governor, acting as Superintendent of Public Instruction, shall
29 appoint a Deputy Superintendent of Public Instruction. The deputy super-
30 intendent must have at least five years of experience in the administration
31 of an elementary school or a secondary school. The appointment of the dep-

1 uty superintendent shall be subject to confirmation by the Senate as provided
2 by ORS 171.562 and 171.565.

3 (b) The deputy superintendent shall[:]

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

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

10 (3) The deputy superintendent may be removed from office by the Gover-
11 nor following consultation with the State Board of Education.

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

15 **SECTION 13.** The amendments to ORS 326.300, 326.375, 351.075 and
16 351.725 by sections 9 to 12 of this 2012 Act become operative on March
17 15, 2016.

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

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

22 (b) "Education entity" means:

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

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

25 (C) A community college district or community college service dis-
26 trict operated under ORS chapter 341;

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

28 (E) The health professions and graduate science programs of the
29 Oregon Health and Science University operated under ORS chapter
30 353.

31 (2)(a) Prior to the beginning of each fiscal year, each education

1 entity must enter into an achievement compact with the Oregon Ed-
2 ucation Investment Board for the fiscal year.

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

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

10 (3) The board shall establish the terms for achievement compacts,
11 which may include:

12 (a) A description of goals for performance outcomes that are con-
13 sistent with the educational goals identified in ORS 329.015, the
14 findings described in ORS 351.003 and the mission of education pro-
15 vided in ORS 351.009

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

18 (A) Completion rates for critical stages of learning and programs
19 of study and for the attainment of diplomas, certificates and degrees
20 by the students of the education entity;

21 (B) Validations of the quality of knowledge and skills acquired by
22 students of the education entity; and

23 (C) The relevance of the knowledge and skills acquired by the stu-
24 dents of the education entity and the means by which those skills and
25 knowledge will contribute to the workforce, the economy and society
26 as described in state policy.

27 (c) Other information suggested by an education entity and ap-
28 proved by the board.

29 (4) Each education entity shall identify a target number and per-
30 centage of students for achievement of the outcomes, measures of
31 progress and goals specified in the achievement compact for the fiscal

1 year.

2 (5) As part of the process of entering into an achievement compact,
3 an education entity shall ensure that open communications are pro-
4 vided to parents, students, teachers or faculty, employees, exclusive
5 bargaining representatives and community representatives for the
6 purposes of explaining and discussing the target outcomes, measures
7 of progress and goals specified in the achievement compact for the
8 fiscal year.

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

11 (7) The board may adopt a timeline and method for education enti-
12 ties to provide the board with a report at the end of a fiscal year that
13 describes the achievements made by the education entities during the
14 fiscal year. The achievements may be reported in numbers and per-
15 centages and in relation to the outcomes, measures of progress and
16 goals specified in the achievement compact for the fiscal year.

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

21 (a) May direct the State Board of Education, the State Board of
22 Higher Education and any other state agency, and the executive di-
23 rectors or officers executing the policies of state agencies, to waive
24 state laws or compliance reporting requirements as specified by the
25 Oregon Education Investment Board and as permitted by federal or
26 state law.

27 (b) Shall direct the State Board of Education to waive for the
28 2012-2013 fiscal year compliance reporting requirements that are
29 adopted by the State Board of Education pursuant to rules adopted
30 under ORS 327.103 and that are related to standards that school dis-
31 tricts are required to meet.

1 **(2) If the Oregon Education Investment Board directs that a state**
2 **law or a compliance reporting requirement be waived as provided by**
3 **subsection (1) of this section, the state agency and any executive di-**
4 **rectors or officers executing the policies of the state agency may not**
5 **find an education entity, as defined in section 14 of this 2012 Act, de-**
6 **ficient or nonstandard or otherwise penalize the education entity for**
7 **failure to comply with the waived state law or compliance reporting**
8 **requirement.**

9 **SECTION 16.** **Sections 14 and 15 this 2012 Act are repealed on July**
10 **1, 2015.**

11 **SECTION 17.** **Section 1, chapter 519, Oregon Laws 2011, as amended by**
12 **section 8, chapter 519, Oregon Laws 2011, is amended to read:**

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

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

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

21 **(B) Twelve members who are appointed by the Governor, subject to con-**
22 **firmation by the Senate in the manner provided in ORS 171.562 and 171.565,**
23 **and who serve at the pleasure of the Governor.**

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

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

27 **(B) Solicit recommendations from the Speaker of the House of Represen-**
28 **tatives for at least two members and from the President of the Senate for**
29 **at least two members.**

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

1 (4) The duties of the board include:

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

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

9 (B) The Higher Education Coordinating Commission established by [*sec-*
10 *tion 1, chapter 637, Oregon Laws 2011*] **ORS 351.715.**

11 (b) Recommending strategic investments in order to ensure that the public
12 education budget is integrated and is targeted to achieve the education out-
13 comes established for the state.

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

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

20 (B) Ensuring that the data system is maintained.

21 **(d) Entering into achievement compacts and administering sections**
22 **14 and 15 of this 2012 Act.**

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

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

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

29 (8) In accordance with applicable provisions of ORS chapter 183, the
30 board may adopt rules necessary for the administration of the laws that the
31 board is charged with administering, including any rules necessary for the

1 oversight of the direction and control of the Higher Education Coordinating
2 Commission.

3 **SECTION 18.** Section 1, chapter 519, Oregon Laws 2011, as amended by
4 section 8, chapter 519, Oregon Laws 2011, and section 17 of this 2012 Act, is
5 amended to read:

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

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

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

14 (B) Twelve members who are appointed by the Governor, subject to con-
15 firmation by the Senate in the manner provided in ORS 171.562 and 171.565,
16 and who serve at the pleasure of the Governor.

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

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

20 (B) Solicit recommendations from the Speaker of the House of Represen-
21 tatives for at least two members and from the President of the Senate for
22 at least two members.

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

25 (4) The duties of the board include:

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

31 (A) The Early Learning Council established by section 4, chapter 519,

1 Oregon Laws 2011.

2 (B) The Higher Education Coordinating Commission established by ORS
3 351.715.

4 (b) Recommending strategic investments in order to ensure that the public
5 education budget is integrated and is targeted to achieve the education out-
6 comes established for the state.

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

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

13 (B) Ensuring that the data system is maintained.

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

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

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

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

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

27 **SECTION 19.** The amendments to section 1, chapter 519, Oregon
28 Laws 2011, by section 18 of this 2012 Act become operative on July 1,
29 2015.

30 **SECTION 20.** This 2012 Act being necessary for the immediate
31 preservation of the public peace, health and safety, an emergency is

1 **declared to exist, and this 2012 Act takes effect on its passage.**

2 _____