

**Enrolled**  
**Senate Bill 909**

Sponsored by COMMITTEE ON RULES (at the request of Governor John A. Kitzhaber)

CHAPTER .....

AN ACT

Relating to education; appropriating money; and declaring an emergency.

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

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

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

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

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

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

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

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

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

**(4) The duties of the board include:**

**(a) Ensuring that early childhood services are streamlined and connected to public education from kindergarten through grade 12 and that public education from kindergarten through grade 12 is streamlined and connected to post-secondary education. To assist the board in fulfilling this duty, the board shall oversee the Early Learning Council established by section 4 of this 2011 Act.**

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

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

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

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

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

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

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

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

**SECTION 2.** (1) The Oregon Education Investment Board established by section 1 of this 2011 Act shall appoint a Chief Education Officer who shall serve at the pleasure of the board.

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

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

(b) Assist in carrying out the functions of the board, as described in section 1 of this 2011 Act.

**SECTION 3.** (1) The Oregon Education Investment Fund is established in the State Treasury, separate and distinct from the General Fund. Moneys in the Oregon Education Investment Fund may be invested and reinvested. Interest earned by the Oregon Education Investment Fund shall be credited to the fund.

(2) Moneys in the Oregon Education Investment Fund are continuously appropriated to the Oregon Education Investment Board established by section 1 of this 2011 Act for the purpose of funding the duties of the board related to early childhood services and public education from kindergarten through post-secondary education.

**SECTION 4.** (1) The Early Learning Council is established. The council shall function under the direction and control of the Oregon Education Investment Board established by section 1 of this 2011 Act.

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

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

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

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

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

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

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

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

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

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

(4) The activities of the council shall be directed and supervised by the Early Childhood System Director, who is appointed by the Governor and serves at the pleasure of the Governor.

**SECTION 5.** (1) The Early Learning Council established by section 4 of this 2011 Act shall prepare and submit to the Oregon Education Investment Board the information described in this section for inclusion in the report required under section 6 of this 2011 Act.

(2) The council shall conduct an analysis of plans to merge, redesign or improve the coordination of early childhood services and to align early childhood services with child-centered outcomes. The early childhood services to be considered in the analysis include:

(a) Certain programs or services funded or administered by the State Commission on Children and Families, including:

(A) Healthy Start Family Support Services programs described in ORS 417.795.

(B) Relief nurseries described in ORS 417.788.

(C) Community schools described in ORS 336.505 to 336.525.

(D) Great Start.

(E) Family preservation programs.

(F) Any other services identified by the board that are funded by grants or other moneys awarded to the commission for the purpose of serving children, youth and families.

(b) Certain programs or services funded or administered by the Department of Education, including:

(A) Early intervention services.

(B) Early childhood special education.

(C) Head Start programs.

(D) Oregon prekindergarten programs, as defined in ORS 329.170.

(E) The federal Even Start Statewide Family Literacy Initiative.

(F) Special education and related services, to the extent that the special education and related services affect early learning goals.

(c) Certain programs funded or administered by the State Library, including Ready to Read.

(d) Certain programs or services funded or administered by the Oregon Health Authority, including:

(A) Maternal and child health services.

(B) The Women, Infants and Children Program established by ORS 409.600.

(e) Certain programs funded or administered by the Employment Department, including:

(A) The Child Care Division established under ORS 657A.010.

(B) The Commission for Child Care created by ORS 657A.600.

(f) Certain programs funded or administered by the Department of Human Services, including:

(A) The Employment Related Day Care program.

(B) The Wraparound initiative described in ORS 418.977.

(3) The council shall establish a plan to implement early childhood services that could be implemented by June 30, 2012, to accomplish the following goals:

(a) Ensure the early identification of children and families who are at risk based upon identified, critical indicators.

(b) Establish and maintain family support managers who:

(A) Coordinate support services provided to children and families;

(B) Act as an intermediary between providers of support services and children and families receiving support services; and

(C) Serve a geographic area that represents the service area of one or more elementary schools.

(c) Ensure that contracts with early childhood services providers require measured progress, establish goals and provide payment based on the success of the provider in achieving the goals.

(d) Establish kindergarten readiness assessments and early learning benchmarks.

(e) Collect and evaluate data related to early childhood services to ensure that stated goals are being achieved.

(4) The council shall submit the information described in this section to the board by a date identified by the board. The board shall determine what information to present in the report described in section 6 of this 2011 Act and how the information shall be presented.

**SECTION 6.** (1) The Oregon Education Investment Board established by section 1 of this 2011 Act shall submit a report to the interim legislative committees on education on or before December 15, 2011, and may file proposed legislative measures with the Legislative Counsel in the manner allowed by both houses of the Legislative Assembly.

(2) The report required by this section shall describe the proposed legislative measures, which may provide for any of the following:

(a) Allowing the Oregon Education Investment Board to carry out the duties of the board described in section 1 of this 2011 Act.

(b) Merging, redesigning or improving the coordination of early childhood services and aligning early childhood services with child-centered outcomes, as described in section 5 (2) of this 2011 Act.

(c) Implementing early childhood services that meet the goals described in section 5 (3) of this 2011 Act.

(d) Merging the State Board of Education and the State Board of Higher Education and transferring the duties of those boards and the State Commission on Children and Families to the Oregon Education Investment Board by June 30, 2012.

(e) Requiring the Commissioner for Community College Services, the Chancellor of the Oregon University System and the executive director of the Oregon Student Assistance Commission to function under the direction and control of the Chief Education Officer of the Oregon Education Investment Board by June 30, 2012.

(f) Consolidating, aligning and coordinating governance, programs and funding for youth development and training, including the Oregon Youth Investment Foundation, juvenile crime prevention programs and services, the Oregon Youth Conservation Corps and the Youth Standing Committee of the Oregon Workforce Investment Board.

**SECTION 7.** The Oregon Education Investment Board established by section 1 of this 2011 Act shall ensure that the statewide data system described in section 1 (4)(c) of this 2011 Act is operating on or before June 30, 2012.

**SECTION 8.** If Senate Bill 242 becomes law, section 1 of this 2011 Act is amended to read:

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

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

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

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

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

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

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

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

(4) The duties of the board include:

(a) Ensuring that early childhood services are streamlined and connected to public education from kindergarten through grade 12 and that public education from kindergarten through grade 12

is streamlined and connected to post-secondary education. To assist the board in fulfilling this duty, the board shall oversee:

(A) The Early Learning Council established by section 4 of this 2011 Act.

**(B) The Higher Education Coordinating Commission established by section 1, chapter \_\_\_, Oregon Laws 2011 (Enrolled Senate Bill 242).**

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

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

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

(B) Ensuring that the data system is maintained.

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

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

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

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

**SECTION 9. The amendments to section 1 of this 2011 Act by section 8 of this 2011 Act become operative on January 1, 2012.**

**SECTION 10. Sections 1 to 7 of this 2011 Act are repealed on March 15, 2016.**

**SECTION 11. (1) On March 15, 2016, the Chief Education Officer of the Oregon Education Investment Board shall deliver to the Chancellor of the Oregon University System all records and property within the jurisdiction of the Chief Education Officer that relate to the duties, functions and powers of the Oregon Education Investment Board. The Chancellor of the Oregon University System shall take possession of the records and property.**

**(2) On March 15, 2016, the Early Childhood System Director shall deliver to the Superintendent of Public Instruction all records and property within the jurisdiction of the Early Childhood System Director that relate to the duties, functions and powers of the Early Learning Council. The Superintendent of Public Instruction shall take possession of the records and property.**

**(3) The Governor shall resolve any dispute between the Chief Education Officer and the Chancellor of the Oregon University System, or the Early Childhood System Director and the Superintendent of Public Instruction, relating to transfers of records and property under this section, and the Governor's decision is final.**

**SECTION 12. On March 15, 2016, the unexpended balances of amounts authorized to be expended by the Oregon Education Investment Board for the biennium beginning July 1, 2015, from revenues dedicated, continuously appropriated, appropriated or otherwise made available to the board for the purpose of administering and enforcing the duties, functions and powers of the board under sections 1 to 7 of this 2011 Act are transferred to the General Fund to be available for general governmental expenses.**

**SECTION 13. This 2011 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect on its passage.**

**Passed by Senate June 20, 2011**

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House June 21, 2011**

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

**Received by Governor:**

.....M,....., 2011

**Approved:**

.....M,....., 2011

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John Kitzhaber, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2011

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Kate Brown, Secretary of State