



Docket Item:

Annual House Bill 4106 Rules Report.

Summary:

House Bill 4106, passed during the 2016 legislative session, requires state agencies to submit an annual report to the legislature summarizing all rules adopted, amended, repealed, or suspended during the preceding 12-month period. For temporary rule actions, the report must include a statement of need and an explanation of why temporary rule action was the most appropriate method.

Docket Material:

House Bill 4106 2017 Administrative Rule Report attached in Appendix A.

Staff Recommendation:

Staff recommends approval of the 2017 Administrative Rule Report for submission to the Oregon Legislative Assembly.

Appendix A:

House Bill 4106 2017 Administrative Rule Report

HOUSE BILL 4106 (2016) 2017 Administrative Rule Report



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EXECUTIVE SUMMARY

House Bill 4106 (2016) requires state agencies to submit a report summarizing all rules adopted, amended, repealed, or suspended during the preceding 12-month period.

The Higher Education Coordinating Commission (HECC) administrative rules are included in the following chapters:

- Chapter 575: HECC Office of Student Access and Completion (OSAC)
- Chapter 583: HECC Office of Degree Authorization (ODA)
- Chapter 589: HECC Office of Community Colleges and Workforce Development (CCWD)
- Chapter 715: Higher Education Coordinating Commission

In 2017, the HECC processed two permanent rulemaking actions that adopted, amended, or repealed 22 administrative rules. The HECC processed two temporary rulemaking actions that amended two administrative rules.

Copies of this report may be obtained by contacting Kelly Zinck at kelly.d.zinck@oregon.gov.

INTRODUCTION

House Bill 4106 (2016) requires state agencies to submit a report summarizing all rules adopted, amended, repealed, or suspended during the preceding 12-month period.

The Higher Education Coordinating Commission (HECC) administrative rules are included in the following chapters:

- Chapter 575: HECC Office of Student Access and Completion (OSAC)
- Chapter 583: HECC Office of Degree Authorization (ODA)
- Chapter 589: HECC Office of Community Colleges and Workforce Development (CCWD)
- Chapter 715: Higher Education Coordinating Commission

In 2017, the HECC processed two permanent rulemaking actions that adopted, amended, or repealed 22 administrative rules. The HECC processed two temporary rulemaking actions that amended two administrative rules.

2017 ADMINISTRATIVE RULE CHANGES

CHAPTER 575 HECC OFFICE OF STUDENT ACCESS AND COMPLETION

Temporary Rule Actions

The rulemaking action in 2017 within Chapter 575 (Table 1) included a temporary administrative rule implementing cost controls for the Oregon Promise program. Adopted by the 2017 Oregon Legislative Assembly, Senate Bill 1032 permitted the HECC to limit, via administrative rule, the number of new students eligible for an Oregon Promise grant in order to operate the program within available moneys.

Statement of Need

The budget for the Oregon Promise grant program was not finalized until July 7, 2017 and signed by the Governor on August 8, 2017, already delaying the grant awarding process by several months. Temporary administrative rule action was necessary as the HECC needed to begin awarding Oregon Promise grants by August 2017 in order for students to have access to grant funds to attend an eligible community college beginning in the fall 2017.

Justification of Temporary Filing

Under the compressed time frame, it was not possible for the HECC to follow the permanent rules process and still make timely grant awards to students for fall 2017.

Permanent Rule Actions

There were no permanent rule actions within Chapter 575 in 2017.

Table 1

CHAPTER 575 HECC OFFICE OF STUDENT ACCESS AND COMPLETION¹		
Description of Rulemaking	Action Taken	Rule Number(s)
Implement cost controls for Oregon Promise program, as provided by SB 1032 (2017)	Amended	575-039-0080 (T)

¹ <https://secure.sos.state.or.us/oard/displayChapterRules.action?selectedChapter=156>

CHAPTER 583 HECC OFFICE OF DEGREE AUTHORIZATION

Temporary Rule Actions

There were no temporary rule actions within Chapter 583 in 2017.

Permanent Rule Actions

The rulemaking action in 2017 within Chapter 583 (Table 2) included permanent administrative rule changes that detailed the HECC's role in receiving, processing, and acting on student complaints against post-secondary institutions in Oregon. As related to the Office of Degree Authorization, the amendment specified authorization for the HECC to enter into agreements and assess fees to cover costs of student complaint proceedings, including conducting an investigation, contracting with an outside entity to conduct an investigation, or holding an administrative hearing.

Table 2

CHAPTER 583 HECC OFFICE OF DEGREE AUTHORIZATION²		
Description of Rulemaking	Action Taken	Rule Number(s)
Student complaints against public universities, community colleges, private non-profit institutions, and private career schools	Amended	583-030-0020

² <https://secure.sos.state.or.us/oard/displayChapterRules.action?selectedChapter=157>

CHAPTER 589 HECC OFFICE OF COMMUNITY COLLEGES AND WORKFORCE DEVELOPMENT

Temporary Rule Actions

There were no temporary rule actions within Chapter 589 in 2017.

Permanent Rule Actions

One permanent rule within Chapter 589 (Table 3), related to student complaints against community colleges, was repealed in 2017. Permanent administrative rules relating to student complaints against public universities and community colleges were consolidated into Chapter 715, necessitating this repeal.

An additional permanent administrative rule action changed the application of the Growth Management Component of the Community College Support Fund in order to allow small community college districts to grow to meet the needs of their communities.

Table 3

<u>CHAPTER 589 HECC OFFICE OF COMMUNITY COLLEGES AND WORKFORCE DEVELOPMENT³</u>		
Description of Rulemaking	Action Taken	Rule Number(s)
Student complaints against public universities, community colleges, private non-profit institutions, and private career schools	Repealed	589-010-0100
Changes to when Growth Management Component of Community College Support Fund Distribution Methodology is applied	Amended	589-002-0120

³ <https://secure.sos.state.or.us/oard/displayChapterRules.action?selectedChapter=67>

CHAPTER 715 HIGHER EDUCATION COORDINATING COMMISSION

Temporary Rule Actions

The temporary rulemaking action in 2017 within Chapter 715 (Table 4) included an amendment specifying the allocation and distribution of legislatively appropriated Engineering Technology Sustaining Funds (ETSF) to Oregon public universities.

Statement of Need

An immediate allocation formula was needed for funds to be distributed. Without an allocation formula specified in temporary rule, ETSF fund distribution would be significantly delayed, imperiling programs at public universities that rely on these funds.

Justification of Temporary Filing

The temporary rule was necessary in order for legislatively appropriated funds to be distributed to public universities to support engineering technology programs while a workgroup developed a new allocation formula for future fund distribution.

Permanent Rule Actions

The permanent rulemaking actions within Chapter 715 related to the HECC's role in receiving, processing, and acting on student complaints against post-secondary institutions in Oregon. Specifically, the administrative rule changes prohibit against discrimination with regards to providing courses and financial assistance; admissions; housing; health insurance benefits and insurance; recruitment; employment; and providing education programs, services, or activities. Additionally, the permanent rules:

- Emphasize academic freedom of faculty with textbooks and course materials;
- Prohibit retaliation;
- Require post-secondary education programs and careers schools to adopt, publicize, and maintain written procedures for resolution of complaints of discrimination or retaliation;
- Outline the HECC's investigation process upon receiving written complaints of career schools;
- Specify the types of complaints;
- Require students to exhaust all available institutional processes and remedies for complaints and describe when HECC can receive complaints; and,
- Outline the HECC's process for receiving complaints, making determinations, and holding hearings.

Table 4

CHAPTER 715 HIGHER EDUCATION COORDINATING COMMISSION⁴		
Description of Rulemaking	Action Taken	Rule Number(s)
Distribution of Engineering Technology Sustaining Funds to Oregon public universities	Amended	715-013-0062 (T)
Student complaints against public universities, community colleges, private non-profit institutions, and private career schools	Adopted	715-011-0050 715-011-0010 715-011-0015 715-011-0020 715-011-0025 715-011-0030 715-011-0035 715-011-0040 715-011-0045 715-011-0050 715-011-0055 715-011-0060 715-011-0065 715-011-0070 715-011-0075 715-011-0080 715-011-0085 715-011-0090
	Amended	715-045-0023

⁴ <https://secure.sos.state.or.us/oard/displayChapterRules.action?selectedChapter=193>

