
Docket Item:

Approve permanent rule amendments to OAR 583-030-0005, updating physical presence requirements for state authorization, and OAR 583-030-0035 amending admission requirements to allow dual credit. Approve adoption of OAR 583-030-0048, regulating dual credit offerings by authorized institutions. Amendments and proposed new rule pursuant to ORS 348.606.

- | | |
|---|---|
| <input checked="" type="checkbox"/> New Rule | <input type="checkbox"/> Temporary |
| <input checked="" type="checkbox"/> Amend Existing Rule | <input checked="" type="checkbox"/> Permanent |
| <input type="checkbox"/> Repeal Rule | |

Prompted by:

- State law changes
 Federal law changes
 Other

These changes go into effect on adoption.

Summary:

OAR 583-030-0005 establishes physical presence as criterion for authorization of degree programs in postsecondary institutions in Oregon.

Dual credit is not currently allowed through Commission-authorized institutions of postsecondary education. Commission-authorized institutions include private in state and all out of state postsecondary institutions that offer or confer academic degrees to Oregon residents. Commission-authorized institutions do not include community colleges, public universities, exempt institutions, and members of the Oregon Alliance of Independent Colleges and Universities. OAR 583-030-0035, modifies admission requirements at Commission-authorized institutions to allow postsecondary institutions to offer college credit (dual credit) to high school students by allowing an exemption of the high school diploma or equivalent requirement for admission. The proposed amendment would create more high school-based dual credit opportunities for high school students in Oregon.

OAR 583-030-0048, proposed new rule would allow Commission authorized postsecondary institutions to offer and award academic credits in partnership with a high school in Oregon to students who do not have a standard high school diploma, a comparable credential issued outside the United States, or a GED, if the student can demonstrate the ability to perform college level academic work. The Commission authorized institution must have current National Alliance of Concurrent Enrollment Partnerships (NACEP) accreditation.

Public comment submitted by the Oregon Department of Education regarding a potential issue with schools on the border of Oregon and neighboring states that have existing partnerships between out-of-state postsecondary institutions and high schools. The requirement NACEP accreditation (as proposed in OAR 583-030-0048) may be a potential barrier if postsecondary institutions do not already have such accreditation. Since the intent of the rule is not to disrupt existing partnerships and adversely impact students, OAR 583-030-0048 was revised to address this issue and a waiver process was included in rule.

Material:

Rules text.

Staff Recommendation: Staff recommends approving the permanent rules as drafted.

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DIVISION 30

STANDARDS AND PROCEDURES FOR SCHOOLS ^(SEP) REQUIRED TO OBTAIN AUTHORIZATION TO OFFER ACADEMIC DEGREES IN OREGON, OR REQUIRED TO ESTABLISH EXEMPTION

583-030-0005

Purpose and Scope

Effective September 10, 2015:

(1) These rules implement ORS 348.594 to 348.615 and 348.992 insofar as each section therein relates to ORS 348.606, which provides that a school must meet state standards and be approved by the Higher Education Coordinating Commission (Commission) before it may confer or offer to confer any academic degree, or provide services purporting to lead to a degree, by establishing the standards and the procedures to implement the standards or to verify any exemption or exclusion. ¶

(2) These rules apply to any school offering degrees and credits from within Oregon to recipients anywhere. The rules further apply to any school offering degrees and credits from outside of Oregon, in connection with learning or evaluation meant to occur within this state. ~~These rules further apply to anyone affiliated with a school in the following way~~ Institutions that establish a physical presence in Oregon are required to obtain direct authorization from the Commission. An institution establishes physical presence when it is: ¶

~~(a) Maintaining an office or mailing address in the; ¶~~

~~(b) Maintaining a mailing address; ¶~~

~~(c) Maintaining a phone exchange; ¶~~

~~(d) Maintaining a campus, administrative, or corporate address; ¶~~

~~(e) Maintaining any other physical address at a location in the state; ¶~~

~~(f) Conducting any part of the instruction program or support activities from or in the state.; ¶~~

~~(3g) Exclusions to the rule are described in OAR 583-030-0009, employing sales representatives, who solicit students or prospective students within the state; ¶~~

~~(h) Canvassing for prospective students within the state; ¶~~

~~(i) Operating career or information booths at fairs or other such public gatherings within the state; ¶~~

~~(4j) Complete and partial exemption~~ Presenting institution information at high school career days within the state; or ¶

~~(k) Advertising in local media and publications that originate in Oregon. ¶~~

~~(3) Exceptions shall be granted to out-of-state entities that employ faculty that reside in Oregon and that may provide online instruction only to non-resident Oregon students in other states so long as no students who are residents of Oregon are enrolled. ¶~~

~~(4) Exclusions to the rule are described in OAR 583-030-0009. ¶~~

~~(5) Complete and partial exemptions and modifications are described in OAR 583-030-0010 and 583-030-0011.~~

Statutory/Other Authority: ORS 348.594, ORS 348.606

Statutes/Other Implemented: ORS 348.594, ORS 348.6036, ORS 348.6063

583-030-0035

Standards for Schools Offering Degree Programs In or From Oregon

Effective September 10, 2015. In order to receive and hold authorization to offer in or from Oregon instruction or related services leading to one or more degrees, a school must remain open to inspection at all times and continuously satisfy each of the following standard requirements as written, except where the Commission approves modification under OAR 583-030-0036 ~~or substitution under 583-030-~~. Standards are applicable to all programs.

(1) Name. The school shall use for doing business publicly a name that is consistent with its purpose and educational programs.

(2) Control.

(a) All persons responsible for upper management policy must be individually qualified by education, experience, and record of conduct to assure effective management, ethical practice, and the quality of degrees and services offered. Boards must collectively demonstrate financial, academic, managerial and any necessary specialized knowledge, but individual members need not have all of these characteristics. Any controlling organization or owner is subject to this standard.

(b) Administrators shall be paid by fixed salary and not by commission. Commission includes monetary and nonmonetary compensation. Any portion of payment that is based on enrollment of students recruited by the administrator or the administrator's staff is considered payment by commission.

(c) Teachers shall be paid by fixed salary and not by commission. Commission includes monetary and nonmonetary compensation. Any portion of payment that is based on enrollment of students recruited by the teacher is considered payment by commission.

(d) Nonprofit Schools:

(A) Persons who control a nonprofit school shall demonstrate a commitment to the school's best interest as a public trust.

(B) A nonprofit school shall have a published policy that is followed in practice against conflicts of interest at all organizational levels.

(e) For-profit Schools:

(A) A school operated for profit shall disclose fully to the Commission the specific financial interest of any involved organization or person, except that a large group of shareholders may be described generally. Any person or entity holding at least 5 percent of voting or common shares in a for-profit school must be named and the percentage of holdings disclosed. All business activities of interested organizations or persons are subject to disclosure.

(B) All board members, administrators, or owners of five percent or more of shares of an applicant school or parent corporation must disclose with explanation the following:

(i) Any prior felony convictions.

(ii) Any known violations of federal financial aid rules by a school of which the person was a board member or employee.

(iii) Any known violations of the policies of an accreditor by a school of which the person was a board member or employee.

(iv) Any previous or current ownership or administration of a school that closed or filed for bankruptcy.

(3) Organization.

(a) The school and any parent organization shall be organized so as to distribute responsibility clearly among positions in a logical structure that is consistent with services offered and qualifications needed to fulfill the duties of the positions. An individual may occupy more than one position.

(b) The school shall satisfy the Commission that all upper executive officers and other administrators are individually qualified by education, experience, and record of conduct to assure competent management, ethical practices, and effective educational service. Unless an exception is approved by the Commission's executive director because of sufficient compensatory qualification, administrators above the entry level shall have experience related to their present duties, and all administrators with authority over academic programs shall possess appropriate degrees earned from schools that are regionally accredited or otherwise determined by the Commission to be acceptable.

(c) The school shall make available to the Commission an administrator generally responsible for school operations within the state and transaction of business with the Office. Unless an exception is approved by

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the Commission's executive director because of sufficient compensatory qualification, that administrator shall possess a degree at least as high as any offered by the school in connection with operations in Oregon, together with appropriate administrative experience.

(d) There shall be an academic officer for the entire school responsible for faculty and academic programs offered in or from Oregon. Unless an exception is approved by the Commission's executive director because of sufficient compensatory qualification, that officer shall possess at least a master's degree and shall possess a doctor's degree if the school offers any graduate or non-baccalaureate professional degree. That officer shall have experience in teaching and academic administration, both experiences appropriate to the level, size, and complexity of the school.

(e) There shall be a business officer for the entire school responsible for accounting and managerial services. Unless an exception is approved by the Commission's executive director because of unusual compensatory qualification, that officer shall possess at least a bachelor's degree in a business-related field, together with appropriate administrative experience.

(4) Teachers.

(a) The school must obtain and keep official transcripts for all teaching faculty.

(b) The school shall satisfy the Commission that all teachers are individually qualified by education and experience to give expert instruction or evaluation in their specialties. Unless an exception is approved by the Commission's executive director because of sufficient compensatory qualification, teachers shall be qualified for the various levels of instruction or evaluation as described below, with degrees earned from schools that are accredited by a federally recognized accreditor or otherwise determined by the Commission to be acceptable.

(c) Standards applicable to specific degree levels. A person who does not hold the appropriate level and major degree as stated in subparagraphs (B) through (E) of this paragraph may demonstrate qualification by showing at least 12 semester or 18 quarter credits in the field at a level higher than the current teaching assignment combined with appropriate professional experience in the field. Teaching experience cannot be used to replace professional experience if this option is exercised, except for teacher education programs.

(A) Teachers in programs leading to degrees in the fine arts, including but not limited to art, music, dance, cooking, theater, photography, writing and other programs involving a significant creative element, may demonstrate qualifications with a documented combination of academic and creative work.

(B) Standards applicable to associate degree programs: A teacher on a faculty offering associate's degrees ordinarily shall possess a bachelor's degree appropriate to the subject taught or evaluated, except that compensatory nonacademic qualifications will be more readily accepted by the Office in programs leading to occupational degrees leading to professional licensure or the fine arts. Where the degree emphasizes transfer courses in the arts and sciences (primarily Associate of Arts degrees), the teacher ordinarily shall possess an appropriate master's degree.

(C) Standards applicable to bachelor's degree programs: A teacher on a faculty offering bachelor's degrees ordinarily shall possess an appropriate graduate degree in the field currently taught.

(D) Standards applicable to master's degree programs: A teacher on faculty offering master's degrees ordinarily shall possess an appropriate doctor's degree and some teaching experience, except that up to half of the teachers in an occupational or professional degree program may substitute for the doctorate a master's degree together with occupational or professional licensure or equivalent certification and related work experience. More substitutions may be permitted where the terminal degree for teachers in an occupational or professional field is not generally considered to be a doctorate.

(E) Standards applicable to doctoral degree programs: A teacher on a faculty offering doctor's degrees ordinarily shall possess an appropriate doctor's degree and substantial graduate or first-professional teaching experience, including experience overseeing advanced independent study or student practice, except that the doctor's degree alone may suffice for teaching courses at the master's level generally or at any level in the teacher's particular subspecialty.

(d) There shall be sufficient numbers of teachers and so distributed so as to give effective instructional and advisory attention to students in all programs offered by the school.

(e) A school having an undergraduate FTE student-faculty ratio of greater than 30:1 or a graduate FTE student-faculty ratio of greater than 20:1 for students taught in or from Oregon must demonstrate that students and faculty have adequate opportunities for one-to-one interaction.

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(f) A school that does not have at least one full-time teacher resident in Oregon or directly teaching Oregon students in each specialty must demonstrate with specific examples the adequacy of faculty contribution to organizational integrity and continuity, to academic planning, and to resident student development.

(g) The school shall have a faculty development policy that continuously improves their knowledge and performance.

(h) The school must provide the Commission with annual data regarding turnover of full-time teachers. The Commission may limit use of part-time teachers upon finding that such turnover or use results in substandard education of students.

(i) The school shall demonstrate an effort when hiring teachers to avoid dependence on its own most recent graduates. No more than 20 percent of all applicant school teachers can hold their highest degree from the applicant school unless fewer than 10 schools in the United States offer the highest degree available in the field. Schools offering solely religious degrees are exempt from this requirement.

(j) A teacher of an academic or scientific discipline within an occupational or professional degree program (e.g., economics within a business program, psychology within education, anatomy within nursing) ordinarily shall possess the appropriate degree in the discipline rather than a non-disciplinary occupational or professional degree. Lower-division undergraduate courses may be taught by those with non-disciplinary degrees who have demonstrable and extensive acquaintance with the discipline.

(5) Credit. The school shall award credit toward degrees proportionate to work done by students and consequent upon the judgment of qualified teachers and examiners. Credits are generally expressed as either semester (SCH) or quarter credit hours (QCH). One semester credit represents approximately 45 hours of on-task student work in a semester (usually two study hours per faculty contact hour). A quarter credit hour represents approximately 30 hours of student work in a quarter. Credit hours earned through nontraditional learning schedules shall have proportionate value to credit hours based on customary term lengths.

(a) Instructional methods:

(A) Credit awarded by the school shall be based solely upon the judgment of teachers who have had extensive direct contact with the students who receive it, with the exception of methods listed in these rules if approved in advance by Commission's executive director.

(B) At least one academic year of credit toward any degree, most of it near the end, shall represent teaching or direct evaluation by faculty members employed by the school, except that the Commission may approve a lesser amount for an associate's degree.

(C) Credit may be awarded for distance learning if the school demonstrates that it has adequate methods in place to ensure that student work is sufficient both in quality and quantity to meet the Commission's requirements, courses are developed and taught by qualified faculty and there will be sufficient interaction between students and faculty and, if possible, among students. The Commission may limit or disallow credit awarded for any type of distance learning if the school cannot demonstrate adequate oversight and quality control measures.

(D) Transfer credit integral to the school's approved degree curriculum may be awarded at the corresponding degree level for academic work documented by other schools that are accredited, authorized to confer degrees in or from Oregon, or otherwise individually or categorically approved by the Commission. Such credit must be at a "C" grade or above, and converted as needed from semester, quarter or nontraditional calendar systems.

(b) Non-instructional Methods. No more than one year of an academic program can be completed using any combination of the non-instructional methods set forth in subparagraphs (A), (B), and (C) of this paragraph:

(A) Advanced Placement credit integral to the approved degree curriculum may be awarded in the lower-division up to a limit of one academic year for passing examinations constructed by testing organizations satisfactory to the Commission.

(B) Challenge examination credit as an actual component of the approved degree curriculum may be awarded only for successful performance on a final course examination, or on a similar test covering all course content, given by the school in lieu of requiring class attendance. No more than 25 percent of a program may be earned through challenge examinations.

(C) Noncollegiate learning integral to the approved degree curriculum may be awarded credit only at the undergraduate level for learning validated by a student portfolio, a credit evaluation guide issued by the

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American Council on Education, or a similar criterion. Such learning must be formulated through sufficient contact between teacher and student, communicated competently in terms of ideas (e.g., concept, generalization, analysis, synthesis, proof) rather than mere description, and judged by faculty members or contracted experts demonstrably qualified to evaluate it. Upper-division credit of this type may be awarded only in academic fields in which the school employs its own faculty. No more than 25 percent of an undergraduate degree program may be earned through award of credit for noncollegiate work.

(6) Curriculum. The school shall assure the quality of all attendant teaching, learning, and faculty-student interaction. The curriculum shall have a structure that reflects faculty responsibility for what is to be learned overall, as well as in each course, and thus for the logical sequence and increasing difficulty of subjects and instructional levels. While requirements are sometimes listed in both semester and quarter credit hours, the Commission usually states credit hours as semester credit hours. If quarter credits are not listed, colleges using the quarter system should multiply the stated credits by 1.5 to obtain the correct requirement in quarter credit hours (QCH) under quarter systems. These are the basic requirements for different kinds of degrees available in Oregon. The Commission's executive director may approve minor variations from these curriculum standards in order to allow programs to operate efficiently.

(a) Undergraduate Programs. All associate and bachelor's degrees require one year (at least 6 semester (SCH) or 9 quarter credit hours (QCH) or equivalent alternate term credit hours) of English composition or equivalent Commission-approved writing courses. Students may meet this requirement by achieving a score on a nationally normed test that would permit a waiver of English composition requirements or the award of academic credit in English composition at an accredited college or university.

(b) Associate's Degrees. An associate's degree requires at least two academic years (60 semester credit hours or 90 quarter credit hours) in FTE postsecondary study. The degree requires at least 15 SCH or 22 QCH in general education courses, including the undergraduate English composition requirement.

(A) Associate of Arts. A full-transfer degree, the A.A. requires two academic years applicable to B.A. or B.S. study fulfilling baccalaureate liberal arts requirements. A major is optional. Thus, the A.A. requires 24 SCH (36 QCH) in the liberal arts and sciences, with at least 6 hours (9 QCH) each in the humanities, sciences, and social sciences.

(B) Associate of Science. A limited-transfer degree, the A.S. requires a major and two academic years applicable to professional or technical baccalaureate study. The A.S. degree requires 24 SCH (36 QCH) in the humanities, sciences and social sciences, or in non-vocational courses closely related to them.

(C) Associate, Professional or Technical. A terminal degree, the professional or technical associate's degree requires a major (Degree title examples: Associate of Applied Arts, Associate of Applied Science, Associate of Technology, Associate of Occupational Studies, Associate of Business, Associate of Religion). In addition to the major requirements, this degree requires the basic 15 SCH or 22 QCH in general education courses, including the English composition requirement.

(c) Bachelor's Degrees. A bachelor's degree, or baccalaureate, requires at least four academic years (120 SCH or 180 QCH) in FTE postsecondary study. At least 40 semester credit hours (60 QCH) shall be in upper-division courses, and no more than two academic years of instruction (no more than 50 percent of credit hours used for the degree) shall be from schools that do not offer baccalaureate degrees.

(A) General Education: The degree requires one academic year (at least 30 SCH or 45 QCH) of general education, which includes the one-year undergraduate English composition requirement.

(B) Major Field: The degree requires distinct specialization, i.e., a "major," which entails approximately one academic year of work (30 SCH or 45 QCH) in the main subject, with 20 SCH (30 QCH) in the upper division and 15 SCH (22 or 23 QCH) of upper-division hours taught by the resident faculty. A dual major simply doubles these numbers.

(C) An interdisciplinary major is also permitted. It requires two academic years (60 SCH) in either three or four disciplines, with at least 15 hours in each discipline and at least 9 upper-division hours in each. A school may offer a major or an interdisciplinary option in any field in which it has more than one fully qualified teacher if at least one teaches full time.

(D) Degrees. The following bachelor's degree names, levels and types are available in Oregon:

(i) Bachelor of Arts. An arts degree, the B.A. requires competency in a foreign language and one academic year in the humanities, i.e., 30 SCH, of which 12 can be in foreign languages. The language competency requirement is equivalent to the 12 hours, the second-year level, and ESL students can satisfy it with 12 hours of English language and literature. As general education outside the major, the B.A. requires 24

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SCH in the liberal arts and sciences, with at least 6 hours in each of the three areas: humanities, social sciences, and natural sciences.

(ii) Bachelor of Science. A science degree, the B.S. requires one academic year in the social or natural sciences, i.e., 30 SCH, of which 12 can be in mathematics and state-approved computer courses. As general education outside the major, the B.S. requires 24 SCH in the liberal arts and sciences, with at least 6 hours in each of the three areas: humanities, social sciences, and natural sciences.

(iii) Bachelor, Professional. As general education outside the major, the professional bachelor's degree requires 24 SCH hours in the liberal arts and sciences, with at least 6 hours in each of the three liberal arts and sciences areas: humanities, social sciences, and natural sciences.

(iv) Bachelor, Technical. As general education outside the major, the technical bachelor's degree requires 24 SCH in the liberal arts and sciences, or in non-vocational courses closely related to them, with at least 3 semester hours in each of the three areas: humanities, social studies, and natural sciences, and a total of at least 9 in the two areas most unrelated to the major.

(d) Graduate Degrees. A graduate curriculum shall reflect a concept of the graduate school as a group of scholars, the faculty members of which have had extensive collegiate teaching experience and are engaged in the advancement of knowledge. A graduate degree must involve teaching by such qualified faculty and cannot be earned solely by testing and/or portfolio review.

(A) A master's degree shall require at least one full academic year in FTE post-baccalaureate study, except that a first-professional master's degree may be authorized for study beyond fulfillment of undergraduate requirements approved by the Commission if the total period of study is at least five academic years. The curriculum shall specialize in a single discipline or single occupational or professional area and culminate in a demonstration of mastery such as a research thesis, a work of art, or the solution of a practical professional problem.

(B) A doctor's degree shall require at least three academic years in specialized post-baccalaureate FTE study, except that a first-professional doctor's degree may be authorized for four academic years of study beyond fulfillment of undergraduate requirements approved by the Commission. Study for a closely related master's degree may be counted toward doctoral requirements. The doctor's degree shall represent a student's ability to perform independently basic or applied research at the level of the professional scholar or to perform independently the work of a profession that involves the highest levels of knowledge and expertise. Requirements for the degree shall include demonstration of mastery of a significant body of knowledge through comprehensive examination, unless a graduate must pass a similar examination in order to be admitted to professional practice in Oregon. The curricular program of a research degree shall be appropriately broad and shall manifest full understanding of the level and range of doctoral scholarship, the function of a dissertation and its defense, the nature of comprehensive examination, and the distinction between matriculation and degree candidacy.

(7) Learning. The school shall require each student to complete academic assignments and demonstrate learning appropriate to the curriculum undertaken.

(a) Teachers or evaluators shall inform students clearly using a syllabus or similar instrument of what should be learned in each course and how it will be measured.

(b)(A) Expectations of student performance shall be increased with each ascending step in degree level. Higher degrees must represent an increase in the difficulty of work and expectations of students, not simply an accumulation or increase in quantity of student work.

(B) Evidence of expectation (e.g., syllabi and sample exams) and performance (e.g., student grades) shall be retained for all academic courses for at least one year.

(c) The school shall require students to make continuous progress toward a degree while they are enrolled and liable for tuition and shall suspend or dismiss those who do not make such progress, except that a period of probation with guidance may be instituted in order to obviate separation of a student who can be expected to improve immediately. Continuous progress for students receiving Title IV federal student aid shall be defined according to federal Title IV standards. Students not receiving Title IV federal student aid shall meet the school's own published standards for satisfactory progress.

(d) Grading and appeal procedures shall be fair and administered equitably, and criteria of student progress shall be validated by research if not obviously valid.

(8) Recruitment:

(a) The school is responsible for ensuring that its recruitment agents are knowledgeable about the school's:

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- (A) History and accreditation;
 - (B) Programs of study;
 - (C) Admission and assessment requirements;
 - (D) Ability to assist in providing housing and/or job placement;
 - (E) Financial policies and procedures, including the point at which students can expect to receive financial aid disbursements;
 - (F) Refund policy;
 - (G) Graduation requirements and rates;
 - (H) Rules and regulations; and
 - (I) Placement rates if they are used in recruiting.
- (b) The school is responsible for insuring that its recruitment agents are providing accurate, realistic information about the school, its policies and achievements, and its ability to assist students.
- (c) A prospective student shall receive a complete description of the school and its policies, including an estimate of annual or program costs, before being enrolled. This estimate is not binding on the institution but must give prospective students a reasonable idea of their financial commitment.
- (d) Where a degree or certificate implies preparation for a specific occupation, the school shall explain clearly the true relationship between its curriculum and subsequent student qualification for occupational practice, including employment rates in the field and graduates' success rates in passing licensure examinations if applicable. Employment rates in the field claimed by a particular program shall treat graduates as employed in the field only if the position in which the graduate is employed meets the following conditions.
- (A) is at least half-time.
 - (B) is usually filled by a person with a credential of the kind offered by the program or is one in which holders of such a credential have a competitive advantage in the workplace because of training of the kind provided by the program.
 - (C) employs the graduate within six months of program completion in a position that is intended to be permanent, i.e. not for a defined period of time. The school has the burden of showing that the position is intended to be permanent.
- (e) The school shall take precautions to avoid unrealistic expectation of housing availability and cost when the school does not provide housing and job placement, including part-time employment and practica during the student's enrollment.
- (f) A claim made to attract students shall be documented by evidence available to any person on request. The school shall make no attempt to attract anyone who does not appear likely to benefit from enrollment, and no attempt to attract students on any basis other than instruction and campus life appropriate to an educational institution.
- (g) Outside the regular student financial aid process, there shall be no discounting of tuition as an incentive to enroll.
- (h) The school shall not contract with a third-party entity, independent contractor or corporation for the recruitment or enrollment of students where payment to the third-party is based wholly or in part on a commission basis. Commission includes monetary and nonmonetary compensation.
- (9) Admission. The school shall offer admission only on receipt of evidence that the applying student can reasonably expect to complete a degree and/or to benefit from the education obtained.
- (a) A student admitted to undergraduate degree study for the first time shall have either a standard high school diploma, a comparable credential issued outside the United States or a GED. Home-schooled students without a standard diploma or GED may only be admitted if they can demonstrate the ability to perform college-level academic work through use of an ability-to-benefit test. Modified diplomas, extended diplomas and other kinds of K-12 leaver certificates are not considered diplomas for purposes of college admissions. Students holding such nonstandard certificates can be admitted only through use of an ability-to-benefit test.
 - (b) A high school student enrolled in courses for academic credit through a non-degree partnership program offered by an authorized institution, who does not have a standard high school diploma, a comparable credential issued outside the United States, or GED may enroll for academic credit only if they can demonstrate the ability to perform college level academic work. The Commission authorized institution must have current National Alliance of Concurrent Enrollment Partnership (NACEP) accreditation.

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(~~b~~c) A student admitted to undergraduate degree study with undergraduate experience shall have a record of successful performance therein or else a record of responsibility and achievement following unsuccessful collegiate performance.

(~~e~~d) A student admitted to graduate degree study shall have a baccalaureate degree from a school that is accredited, authorized to confer degrees in Oregon, or otherwise approved by the Commission either individually or by category.

(~~e~~e) A student admitted to first-professional degree study shall have at least three academic years of accredited or Commission-approved undergraduate credit, graded average or better, including pre-professional courses specified by the school and approved by the commission.

(10) Guidance. The school shall help students to understand the curriculum and to make the best use of it.

(a) There shall be a program of general orientation for new students.

(b) Each student shall be assigned a qualified academic advisor to assist individually in planning, course selection, learning methods, and general adjustment.

(c) The school shall provide career guidance to the extent that curriculum is related to a specific prospective occupation or profession.

(11) Student Affairs. Through both services and supervision the school shall demonstrate commitment to the success of individual students and to maintenance of an atmosphere conducive to learning.

(a) Rules of student conduct shall be reasonable, sufficiently specific, fully communicated, systematically and equitably enforced, and accompanied by policy and practice of disciplinary due process, including notice and hearing and related rights.

(b) Health, counseling or psychological services provided to students must meet requirements for professional practice in Oregon.

(c) Housing where provided or endorsed by the school shall be conducive to study and adequately supervised.

(d) Financial aid services shall be provided by qualified administrators.

(e) Placement services where provided shall be described clearly to students, and the school shall take precautions to avoid unrealistic expectation of placement.

(f) Records documenting relationships between the school and a student shall be open to that student, who may request changes or enter dissenting comments, and the content of records shall be objective and fair. Records that originate with a third-party regarding a complaint against a student shall be open to the student so long as all identifying information such as names and addresses shall be redacted prior to producing the records to the student. The private notes of a counselor are not to be considered educational records and shall not be transmitted as such, either inside or outside the school. All medical records are confidential, subject to state and federal laws and shall not be released without permission of the patient.

(g) There shall be available to undergraduate students and responsible for student affairs an official who possesses knowledge, skill, and managerial experience particularly appropriate to the function, unless the Commission waives this requirement. In general, waivers are granted only for small startup schools in their first approval cycle and for schools that mainly teach people who are of nontraditional age (23 or older) or already in the workforce.

(h) Every school shall distribute a student handbook or similar publication describing services and regulations, unless such descriptions are complete in the school's main catalog.

(12) Information. The school shall be scrupulously ethical in all communication with the public and with prospective students. School publications, advertisements, and statements shall be wholly accurate and in no way misleading. Reference to state approval shall be limited to that described in OAR 583-030-0041. Reference to accreditation shall be limited to that defined in OAR 583-030-0000.

(a) The school shall publish at least every two years a catalog or general bulletin. The catalog shall contain a table of contents and adequate information concerning period covered, school name and address, telephone numbers, state approval, purpose, relationship to occupational qualification, faculty and administrators (listing position or teaching specialization together with all earned degrees and their sources, omitting unearned degrees and not confusing professional licenses with degrees), degree requirements and curricula, academic calendar, credit policy in accordance with subsection (5) of this rule, transferability of credit to other schools, admission requirements and procedures, academic advising and career planning, academic policies and grading, rules of conduct and disciplinary procedure, student services (e.g., counseling, health, placement, housing, food, bookstore, activities, organizations), student

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records, library, facilities, fees and refunds, estimated total expenses, financial aid and job opportunities for current students. Electronic publication meets this standard provided that the electronic catalog is provided to the Commission, is available to students upon request, and is maintained securely with the school as the official version in order to avoid confusion if electronic versions are changed. Paper copies of the school catalog shall be maintained by the school and made available to the Commission and students upon request.

(b) A school without regional accreditation shall print in a separate section of its catalog titled "transfer of credit to other schools" a statement warning students verbatim that "transfer of credit is always at the discretion of the receiving school, generally depends on comparability of curricula, and may depend on comparability of accreditation." Other comments may follow concerning the school's documented experience in credit transferability, but it must be clear that a student should make no assumptions about credit transfer.

(c) A school authorized to offer instruction or related services leading to one or more degrees under the standards in OAR 583-030-0035 shall provide students, prior to enrollment, a copy of a basic program and school fact page for each program for which a certificate or degree is offered. The fact page shall include information regarding:

(A) The total cost of the program;

(B) Programmatic and institutional accrediting bodies;

(C) Transfer of credit to other accredited institutions, listing of any transfer articulation agreements with other institutions and in an attached document make available to students the related transfer articulation pre-requisite information;

(D) Program length, and the average time students take to graduate by program, and at whole school level;

(E) Graduation rate;

(F) Median borrowing (federal and private loans) amount, and median annual loan payments of students;

(G) Loan default rate;

(H) Job placement success which is defined as a percent of students who are employed in the field of study (by program);

(I) Median starting salary for graduates;

(J) Gainful employment results as outlined under U.S. Department of Education accountability metrics; and

(i) The Commission, at its discretion, may waive the requirement above for non-career/non-vocational academic programs offered by regulated Oregon non-profits.

(ii) A school authorized to offer instruction shall submit to the Commission a copy of the program fact page for each program on or before September 1 of each year commencing 2016; however, for the school year 2015-2016 the fact page documents shall be provided within 90 days of the date of the promulgation of the rules.

(13) Credentials. The school shall provide accurate and appropriate credit transcripts for students who enroll and diplomas for students who graduate.

(a) The school shall maintain for every past and present student, and shall issue at the request of any student who is not delinquent in fee payment, a current transcript of credits and degrees earned. The transcript shall identify the school fully and explain the academic calendar, length of term, credit structure, and grading system. It shall identify the student and show all prior degrees earned, details of any credit transferred or otherwise awarded at entry, and periods of enrollment. It shall include for each period of enrollment every completed course or module with an understandable title, number of credits earned, and grade received. The transcript shall note with or without explanation if the student is not immediately eligible to continue enrollment, e.g., for reasons of academic probation or suspension.

(b) Upon satisfaction of degree requirements and payment of all fees owed, the school shall provide the graduating student with a diploma in a form approved by the Commission, appropriately documenting conferral of the degree.

(14) Records. The school shall keep accurate and secure records affecting students. There shall be at all times complete duplicate transcript information kept in a location away from the original transcripts, such that duplicates and originals are not exposed to risk of simultaneous damage. In addition to transcripts, which may never be destroyed, the school shall maintain detailed records documenting the significant parts of its formal relationship with each student including: financial transactions and

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accounts, admission qualifications, validation of advanced standing, instructor course records as posted to transcripts, and status changes due to unsatisfactory performance or conduct. Such supporting records shall be kept in a secure location for a period of at least three years after a student has discontinued enrollment. Instructor course records other than those posted to transcripts shall be kept for at least one year.

(15) Library. The school shall provide or arrange for its faculty and students direct or electronic access to verbal and sensory materials sufficient in all subjects of the curriculum to support instruction and to stimulate research or independent study.

(a) The school may arrange for comprehensive privileges from libraries of other organizations, provided it can prove convenient access and extensive use, but the school shall retain full responsibility for adequacy of resources available to students.

(b) Library services shall be under the direction of a person educated professionally in library and information studies, except that the Commission may waive this requirement where the range of academic fields represented is narrow.

(c) Library resources shall be current, well distributed among fields in which the institution offers instruction, cataloged, logically organized, and readily located.

(d) The school should conform to the following guidelines for library services unless it can justify a deviation on the basis of unusual educational requirements.

(A) With the exception of those in specialized associate's degree programs, students should receive direct, contracted or electronic access to a minimal basic collection equivalent to that held by accredited schools offering similar programs. The applicant school must demonstrate this capability by submitting to the Commission copies of contractual arrangements with resource providers and related resource references that will be available to students.

(B) Staff should include a professional librarian for each 1,000 students, with clerical support adequate to relieve librarians of all non-professional duties.

(C) Students should have full access to all resources for at least 40 hours per week, and all services should be available for 20 hours per week. The facility, whether provided by the college directly or by contract, should seat no less than 10 percent of the students enrolled unless the program is primarily intended to train practitioners in technical or fine arts fields, in which case a lower percentage may be requested. If the school meets the library standard largely by electronic means, electronic services must be available to a comparable portion of the student body for a comparable period.

(16) Facilities. The school shall have buildings and equipment sufficient for the achievement of all educational objectives.

(a) Buildings in general, including student or faculty housing units, shall be uncrowded, safe, clean, well furnished, and in good repair; and they shall be well lighted, heated, ventilated, and protected from noise. School grounds, where provided, shall be appropriately used and adequately maintained.

(b) Instructional facilities shall be adequate and conducive to learning. There shall be no less than 15 square feet per student station in classrooms, with at least one station for every two FTE students enrolled. Total classroom and study area, including library space for reading, shall be no less than 10 square feet per FTE student.

(c) Laboratory space and instructional equipment shall be inventoried, its use explained on the resulting report, and its adequacy defended on criteria obtained from experts and documented by the school. A laboratory ordinarily shall have no less than 30 square feet per student station.

(d) Clinical facilities and other public service areas shall be appropriate for instruction of students as well as for service to patients or clients.

(e) Faculty offices shall be sufficient to prevent crowding and to allow private conversations with students.

(17) Finance. The school shall have financial resources sufficient to ensure successful continuing operation and to guarantee full refund of any unearned tuition. There shall be competent financial planning using complete and accurate records. The school shall demonstrate satisfaction of this standard upon application, and thereafter annually, by submitting independently audited financial statements with opinion by a certified public accountant.

(a) Financial reports shall be prepared in a format acceptable to the Commission, clearly delineating assets and liabilities and informatively classifying revenues by source and expenditures by function. In some cases, the Commission at its discretion may accept an audited balance sheet with opinion, together with annual operating statements that have been reviewed by the auditor. A school that is a subsidiary

shall submit financial statements of the parent corporation on request. The Commission's Executive Director may require a special investigative audit and report.

(b) Current assets shall be entirely tangible and such that the school is not dependent for solvency on substantial increases in receivables collection rate, gifts, tuition rates, or enrollment. Prospective tuition for which a student is not legally liable is not an asset and shall not be shown as a receivable or other balance sheet asset. Tuition collected but still subject to refund shall be shown as a "prepaid" or "unearned" tuition liability.

(c) A school unable to demonstrate financial strength may be required at the discretion of the Commission's Executive Director to increase the amount of its surety bond or letter of credit in an amount equal to the largest amount of prepaid tuition held at any time. The bond or letter of credit would be subject to claims for tuition refund only.

(d) The school shall carry casualty and general liability insurance sufficient to guarantee continuity in case of accident or negligence, and it shall provide or else require by policy professional liability insurance for all of its officers and employees.

(18) Fees and Refunds. The school shall maintain fee and refund policies that are fair, uniformly administered, and clearly explained in the school catalog as well as in any contract made with students. A student shall not be enrolled without having received the explanatory material. The school shall not change its tuition or fees more than once during a calendar year.

(a) Tuition shall be charged by the credit hour or by fixed rate for instruction during an academic semester, quarter, or shorter term. No student is obligated for tuition charged for a term that had not commenced when the student withdrew or a term that was truncated by cessation of school services. The student may make a claim on a surety bond or letter of credit under OAR 583-030-0051 and OAR 583-030-0052.

(b) Except as noted below in this section, fees not included in tuition shall not exceed five percent of full-time tuition for any term in which separate fees are charged. One-time application or admission fees may exceed 5 percent of first-term tuition but shall not exceed \$200. Lab or equipment fees related to the actual necessary operational costs of specific courses may exceed 5 percent of tuition provided that the fees are made known to students prior to enrollment in the course. Nominal fees for late payments, course withdrawals and the like are acceptable.

(c) After classes begin for a term, a student who withdraws from a course is eligible for a partial refund through the middle week of the term. Refunds shall be based on unused instructional time and shall be prorated on a weekly basis for schools using a semester, quarter, or nontraditional calendar. Refund rates shall not be differentiated on the criteria of a student's source of income or loan repayment obligations except as otherwise required by law without specific Commission approval.

(d) Any fees for credit transferred, for credit attempted or earned by examination or portfolio must be based on the actual cost of service to administer such credits. This is ordinarily less than the cost of regular instruction. The mere award of credit does not justify a fee.

(e) Academic policies shall not artificially prolong the enrollment of a failing student with the effect of increasing financial obligation.

(f) Separation from the school for reason of discipline or other administrative action shall not cause forfeiture of ordinary refund amounts.

(19) Evaluation. The school shall, in order to improve programs, evaluate its own educational effectiveness continually in relation to purpose and planning, including in all aspects the opinions of students. There shall be evaluation of present curriculum and instruction, of attrition and reasons for student withdrawal, and of performance by students after their graduation. In addition to the comments of graduates, employer opinions and licensing examination records should be used in the post-graduation study.

(20) Fair Practice. Notwithstanding the absence of a specific standard or prohibition in this rule, no school authorized to offer degrees or seeking to qualify for such authorization shall engage in any practice that is fraudulent, dishonest, unethical, unsafe, exploitive, irresponsible, deceptive, or inequitable and thus harmful or unfair to persons with whom it deals.

Statutory/Other Authority: ORS 348.606

Statutes/Other Implemented: ORS 348.603 & 348.606

583-030-0048 (NEW)

Application Procedure for Dual Credit

(1) Dual credit courses, as defined in OAR 715-017-0005, are courses for which the high school teacher is qualified to act as a proxy faculty member for a postsecondary institution when teaching the course. These courses are sufficiently similar to enable the student to be described as “taking a course” from a postsecondary institution.

(2) A postsecondary institution that has established a physical presence in Oregon as outlined in OAR 583-030-0005, and intends to offer dual credit courses with an Oregon high school, shall submit an application on forms provided by the Commission and meet the following conditions:

(a) The institution shall be authorized to offer academic credit by the Commission;

(b) The institution shall establish and maintain a dual credit partnership with a high school in Oregon and provide a copy of the Memorandum of Understanding or partnership agreement approved by the school district;

(c) The institution’s dual credit program shall be accredited by the National Alliance of Concurrent Enrollment Partnerships (NACEP); and

(d) The institution shall submit the program change fee imposed by the Commission for reviewing dual credit application to confer or offer to confer academic credit based on the schedule in ORS 348.606.

(3) Authorization for the offering of dual credit courses is given for two years from the date of authorization approval.

(4) Upon submission of an Application for State Authorization of High School-Based College Credit by Postsecondary Education Institution, a waiver of specific criteria (c or d above only) may be considered by the Commission for teaching Tribal or Native American languages; or, existing partnerships whose disruption through the requirement in (c) above would create adverse impact on students. A waiver shall be requested on the application form and granted with the approval of the Commission.

Statutory/Other Authority: ORS 348.606

Statutes/Other Implemented: ORS 348.603 & 348.606