

Docket Item: 12.1 - Major Transfer Map Administrative Rules Process and Timeline

SB 233 (2021) grants the Commission authority to make rules regarding statewide transfer and articulation, informed by recommendations from the Transfer Council. Since April 2022, HECC staff have facilitated an exhaustive number of meetings and communications with the Transfer Council and its cross-sector subcommittee that have identified, attempted to resolve, or provide recommendations for three key contested areas for policy implementation. On May 11th, 2023, the HECC staff presentation to the Commission identified relevant statutes that will determine interpretation and guidance for rulemaking for the challenging questions generated under each of these areas:

State authority to bind institutional action—

How are Major Transfer Maps (MTMs) approved? If approval authority is delegated to the Transfer Council, and the Transfer Council cannot reach consensus, what occurs? What requirements should be in place to monitor and reevaluate MTMs and institutional offerings to prevent drift or future misalignment?

Institutional obligation to implement MTMs (Major Transfer Maps)—

Under what circumstance, if any, could an institution opt out or be exempt from requirements and guarantees of an MTM (other than that it does not offer a relevant major)? What process should be put in place to ensure the alignment of new program offerings with existing MTMs?

Variance in MTMs—

What constitutes acceptable institutional variance within a single MTM? When are majors with similar titles different enough to merit lower division variance or treatment as a separate major? Is it necessary to look at greater general education alignment to reduce variance?

Delay in Rulemaking

At the May 11 HECC meeting, staff announced their intent to recommend temporary rules in June that would establish an MTM approval and maintenance process. An MTM subcommittee, established by the Transfer Council for the purpose of drafting recommendations on these rules, has met on nine occasions. When HECC staff presented to the Commission on May 11, it appeared as though the subcommittee and the Council would fail to bring forward a recommendation providing guidance on the key questions identified above. Within the last two weeks, however, negotiations progressed. Owing to this progression, staff delayed work on the development of temporary rules in order to allow the Council to complete its work, and this delay

means no rules are available for Commission consideration in June.

With the shift in timeline, there is no longer a need for temporary rulemaking, and staff will begin the permanent rulemaking process, leading to a presentation of rules for Commission consideration at the August meeting. To meet the requirements of this process, draft rules will be posted for the public no later than June 16, and a public hearing will be held in July.

There is no practical impact to the development or adoption of MTMs due to the delay in rulemaking.

Transfer Council Recommendations

On May 30, the Transfer Council approved an MTM administrative rule recommendation in lay person language on a vote of 9-0 with one abstention. As the recommendations have been recently approved by the Council, they are currently under review by HECC staff. These recommendations will be considered by staff in the development of draft rules to be presented to the commission in August, and are not being presented at this time pending a more thorough review and analysis. At the August meeting, the Commission will have the opportunity to review the plain text recommendations and examine any differences between the recommendations and draft rule text. The Commission will also have the opportunity to hear comments submitted as part of the permanent rulemaking public hearing and written comment period.

Recommendation key areas include:

- Participation in MTMs
- Development of MTMs
- Meaningful variance in MTMs
- Approval of MTMs

Updated Timeline

Due Date	Commission MTM Timeline
6/8/2023	Commission Meeting: Update on MTM OAR
6/16/2023	Proposed MTM OAR permanent rules are viewable to the public
6/16/2023	Public may submit written comments to: Guthrie.stafford@hecc.oregon.gov
7/17/2023	Public Hearing: Any member of the public may attend and comment on proposed MTM OAR rules (1:30-2:00)

HIGHER EDUCATION COORDINATING COMMISSION

June 8, 2023

Docket Item#: 12.1

8/3/2023	Final rule text sent to Commissioners as part of meeting materials and posted to HECC meeting materials on website
8/10/2023	MTM OAR to Commission for approval
10/12/2023	Commission discussion or approval of sociology MTM
11/9/2023	Commission discussion or approval of sociology MTMs and psychology MTM
12/14/2023	Commission approval sociology and psychology MTM

Staff Recommendation:

No Commission action is required. This is an informational item.