

NOTICE OF PROPOSED RULEMAKING

CHAPTER 575

HIGHER EDUCATION COORDINATING COMMISSION, OFFICE OF STUDENT ACCESS AND COMPLETION

FILING CAPTION: Rule changes for Oregon Promise are necessary due to the passage of HB 2910 (2019).

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 10/25/2019 5:00 PM

HEARING(S):

DATE: 10/17/2019

TIME: 11:00 AM - 12:00 PM

OFFICER: Karen Lynne Howard

ADDRESS: Public Service Building,
HECC

255 Capitol St NE

Salem, OR 97310

NEED FOR THE RULE(S):

The 2019 Legislative Assembly passed House Bill 2910 which expands eligibility criteria for Oregon Promise for certain students. For students who complete their high school diploma or GED® test credential while in a correctional facility, they may be eligible for Oregon Promise if they attend an Oregon community college within 6 months of their first release date. Rule changes are necessary in order to clearly explain the adjusted eligibility criteria for these students. The HECC has worked closely with staff from Oregon Department of Corrections, Oregon Youth Authority, and Oregon Health Authority to clarify eligibility criteria and implementation considerations for HB 2910.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

HB 2910 (2019) - Oregon Legislative Information System
ORS 341.522

FISCAL AND ECONOMIC IMPACT:

As a result of rule adoption, the newly eligible class of students may receive up to \$200,000 in Oregon Promise grant funds in the 2019/2021 biennium.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

None; no cost of compliance.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Not applicable.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

CONTACT:

Karen Lynne Howard

503-947-2379

karen.lynne.howard@HECC.OREGON.GOV

255 Capitol St NE

Salem,OR 97310

RULES PROPOSED:

575-039-0010, 575-039-0020, 575-039-0030, 575-039-0040, 575-039-0050, 575-039-0060, 575-039-0070, 575-039-0080, 575-039-0090, 575-039-0110, 575-039-0120, 575-039-0140, 575-039-0150

AMEND: 575-039-0010

RULE TITLE: Definitions

RULE SUMMARY: Rule changes for the Oregon Promise Grant are necessary due to the pass of HB 2910 (2019). The changes pertain to students who complete their high school diploma or GED® test credential while in a correctional facility. These students may be eligible for Oregon Promise if they attend an Oregon community college within 6 months of their first release date.

RULE TEXT:

(1) "Concurrently Enrolled." A student who attends more than one eligible institution under a written consortium agreement or concurrent enrollment program. The student's "home" institution determines the student's eligibility for federal and state financial aid, disburses funds to the student, and is responsible for reporting enrollment and disbursement information to the Commission.

(2) "Correctional facility." Any place used for the confinement of young persons, youth or youth offenders or persons charged with or convicted of a crime or otherwise confined under a court order, including a:

(a) Youth correction facility;

(b) Detention facility;

(c) Department of Corrections institution;

(d) Local correctional facility; or

(e) State hospital or a secure intensive community inpatient facility, with respect to persons detained therein who are youth or youth offenders, who are charged with or convicted of a crime or who are

detained therein after having been found guilty except for insanity of a crime under ORS 161.290 to 161.370 or having been found responsible except for insanity under ORS 419C.411.

(3) "Date of First Release." Date when the person is released from a correctional facility, immediately following the period of custody or incarceration when the person completes the highest level of education as described in 575-039-0020, subsection (2), as determined by the agency responsible for the release from custody or incarceration.

(4) "Department of Corrections institution." Defined by ORS 421.005.

(5) "Dependent/Independent Student." The definition of dependent/independent student shall be the definition used for the student aid programs under Title IV of the Higher Education Act of 1965 as amended.

(6) "Detention facility," "young person," "youth" and "youth offender." Defined by ORS 419A.004.

(7) "Fees." Fees are the standard fees charged to all students.

(8) "Full-Time Enrollment." Registration and payment of required fees as a full-time student, at an eligible institution or combination of eligible institutions, based on a minimum of 12 credit-hours per academic term. Students attending more than one eligible institution must meet the definition of concurrently enrolled as defined in OAR 575-031-0005(7) to be considered enrolled full time.

(9) "Half-Time Enrollment." Registration and payment of required fees as a half-time student, at an eligible institution or combination of eligible institutions, based on 6 to 11 credit-hours per academic term.

(10) "Local correctional facility." Defined by ORS 169.005.

(11) "Resident of Oregon." For purposes of the Oregon Promise Grant, residency is established by virtue of the student (in the case of independent students) or the student's parent (in the case of dependent students) having been in continuous residency in this state for the 12 months preceding enrollment in an eligible program at a community college in Oregon.

(a) A dependent resident student whose Oregon domiciled parent(s) move out-of-state shall retain resident classification as long as the student is continuously enrolled at an Oregon high school or Oregon postsecondary institution. Continuous enrollment is defined as completion of an academic year within any 12-month period;

(b) An independent resident student shall retain resident classification as long as the student is continuously enrolled at an Oregon postsecondary institution. Continuous enrollment is defined as completion of an academic year within any 12-month period;

(c) A dependent student whose parent(s) are serving on active duty in the U. S. Armed Forces outside the State of Oregon shall have residency status determined by the parents' declared "home of record".

(d) A student from a state other than Oregon, or from the Federated States of Micronesia, who is receiving or is eligible to receive financial assistance through the government of that state or the Federated States, shall not be considered a resident of Oregon;

(e) Eligibility for certain scholarships administered by the Commission does not necessarily qualify a student as an Oregon resident for the purposes of the Oregon Promise grant.

(f) Students who are enrolled members of federally recognized tribes of Oregon or who are enrolled members of a federally recognized Native American tribe which had traditional and customary tribal boundaries that included parts of the state of Oregon or which had ceded or reserved lands within the state of Oregon may be deemed eligible for this program, regardless of state of residence, if they meet all other eligibility criteria. For this purpose, federally recognized tribes are those listed in OAR 575-030-0005.

(12) "Tuition." Tuition is the amount charged to a student for a course and is based upon the number of credit hours for which the course is offered.

(13) "Youth correction facility." Defined by ORS 420.005.

STATUTORY/OTHER AUTHORITY: ORS 341.522

STATUTES/OTHER IMPLEMENTED: ORS 341.522

AMEND: 575-039-0020

RULE TITLE: Student Eligibility for Oregon Promise Grant

RULE SUMMARY: Rule changes for the Oregon Promise Grant are necessary due to the pass of HB 2910 (2019). The changes pertain to students who complete their high school diploma or GED® test credential while in a correctional facility. These students may be eligible for Oregon Promise if they attend an Oregon community college within 6 months of their first release date.

RULE TEXT:

To be eligible for an Oregon Promise Grant a student must:

- (1) Be an Oregon resident for at least 12 months prior to enrolling in an Oregon community college;
- (2) Have attained the highest level of education in this state prior to receiving a high school diploma under ORS 329.451, or earned a General Educational Development (GED) certificate at an Oregon testing center under ORS 351.768, or completed grade 12 while home schooled in Oregon under ORS 339.035;
- (3)(a) Have earned a cumulative high school grade point average of 2.5 or its equivalent or better;
- (b) The Commission will determine if a student who does not earn a cumulative grade point average of 2.5 or better in high school may otherwise demonstrate an equivalent academic ability.
- (4) Meet one of the following two criteria:
 - (a) Within 6 months of high school (or equivalent GED or homeschool) completion date, enroll in approved courses at an Oregon community college; or
 - (b) If the student completes high school (or equivalent GED or homeschool) on or after January 1, 2020 while they are in custody or incarceration at a correctional facility, they must enroll in approved courses at an Oregon community college within 6 months of the date of first release from a correctional facility.
- (5) Have completed a Free Application for Federal Student Aid (FAFSA), if eligible to file the application, and accepted all state and federal grant aid offered; and
- (6) Have not completed more than 90 credit hours, or the equivalent, at a post-secondary institution of education or a curriculum, degree or program.

STATUTORY/OTHER AUTHORITY: ORS 183, ORS 341.522

STATUTES/OTHER IMPLEMENTED: ORS 341.522

AMEND: 575-039-0030

RULE TITLE: Institutional Eligibility

RULE SUMMARY: Rule changes for the Oregon Promise Grant are necessary due to the pass of HB 2910 (2019). The changes pertain to students who complete their high school diploma or GED® test credential while in a correctional facility. These students may be eligible for Oregon Promise if they attend an Oregon community college within 6 months of their first release date.

RULE TEXT:

Eligible institutions are any Oregon community college operated under ORS chapter 341.

STATUTORY/OTHER AUTHORITY: ORS 341.522

STATUTES/OTHER IMPLEMENTED: ORS 341.522

AMEND: 575-039-0040

RULE TITLE: Eligible Courses and Programs

RULE SUMMARY: Rule changes for the Oregon Promise Grant are necessary due to the pass of HB 2910 (2019). The changes pertain to students who complete their high school diploma or GED® test credential while in a correctional facility. These students may be eligible for Oregon Promise if they attend an Oregon community college within 6 months of their first release date.

RULE TEXT:

(1) Oregon Promise Grants may be awarded to students who are enrolled in courses at an Oregon community college that are required for completion of:

(a) An associate degree; or

(b) A program in career and technical education.

(2) Eligible courses include those developmental education courses that are required for an eligible certificate or degree program or that are prerequisites to required courses in an eligible program.

(3) To receive an Oregon Promise Grant, a student must be enrolled in an eligible program as identified by the Commission and determined by the institution the student attends.

STATUTORY/OTHER AUTHORITY: ORS 341.522

STATUTES/OTHER IMPLEMENTED: ORS 341.522

AMEND: 575-039-0050

RULE TITLE: Enrollment

RULE SUMMARY: Rule changes for the Oregon Promise Grant are necessary due to the pass of HB 2910 (2019). The changes pertain to students who complete their high school diploma or GED® test credential while in a correctional facility. These students may be eligible for Oregon Promise if they attend an Oregon community college within 6 months of their first release date.

RULE TEXT:

A student must be enrolled or accepted for enrollment as at least a half-time undergraduate student at an eligible institution to receive Oregon Promise grant funds.

STATUTORY/OTHER AUTHORITY: ORS 341.522

STATUTES/OTHER IMPLEMENTED: ORS 341.522

AMEND: 575-039-0060

RULE TITLE: Oregon Promise Grant Amount

RULE SUMMARY: Rule changes for the Oregon Promise Grant are necessary due to the pass of HB 2910 (2019). The changes pertain to students who complete their high school diploma or GED® test credential while in a correctional facility. These students may be eligible for Oregon Promise if they attend an Oregon community college within 6 months of their first release date.

RULE TEXT:

- (1) The total amount of an Oregon Promise Grant award will be based on the number of credit hours in approved courses that the student attempts each term. For each academic term, the student's grant award will be reduced by a copayment of \$50 and any amounts received in state and federal grants.
- (2) The maximum grant award available to an eligible a student for a full academic year will be an amount that equals:
 - (a) No less than \$1,000 or the actual cost of tuition, whichever is less; and
 - (b) No more than the average cost of tuition at a community college in this state, as determined by the office, or the actual cost of tuition, whichever is less.
- (3) Grant award amounts will be prorated for a student who is enrolled in approved courses for a sufficient number of credit hours to be considered enrolled at least a half-time but less than full time.
- (4) Cost calculations each academic term shall include only the amount of tuition charged to the student for credits attempted. Fees will not be included.

STATUTORY/OTHER AUTHORITY: ORS 341.522

STATUTES/OTHER IMPLEMENTED: ORS 341.522

AMEND: 575-039-0070

RULE TITLE: Conditions of Award

RULE SUMMARY: Rule changes for the Oregon Promise Grant are necessary due to the pass of HB 2910 (2019). The changes pertain to students who complete their high school diploma or GED® test credential while in a correctional facility. These students may be eligible for Oregon Promise if they attend an Oregon community college within 6 months of their first release date.

RULE TEXT:

- (1) In order to remain eligible for an Oregon Promise award, continuing students must:
 - (a) Maintain a cumulative grade point average of 2.5 or better each term for which the student receives the grant.
 - (b) Make satisfactory academic progress in an approved program, as defined by the institution in accordance with federal Title IV regulations and guidelines.
 - (c) Enroll for a sufficient number of credits to be considered at least a half-time student.
- (2) A student continues to remain eligible to receive an Oregon Promise Grant until the student has completed more than 90 credit hours attempted at an eligible Oregon community college, or the equivalent at a postsecondary institution of education, including those postsecondary credit hours attempted while the student is enrolled in high school.
- (3) The Commission may deny renewal of an award to any student failing to make satisfactory academic progress as defined by the institution.
- (4) No Oregon Promise Grant shall be made to any student enrolled in a course of study required for and leading to a degree in theology, divinity, or religious education.
- (5) An Oregon Promise Grant recipient shall sign a statement of Selective Service Registration Compliance in conformity with the requirements of Title IV student aid programs, if applicable.
- (6) An Oregon Promise Grant recipient must be enrolled in an eligible program as defined by the Commission.
- (7) A student who fails to maintain a cumulative grade point average of 2.5 or better during each term for which the student has received a grant may request that the requirement be waived by the office according to rules adopted by the Commission.

STATUTORY/OTHER AUTHORITY: ORS 341.522

STATUTES/OTHER IMPLEMENTED: ORS 341.522

AMEND: 575-039-0080

RULE TITLE: Prioritization of Grant Recipients

RULE SUMMARY: Rule changes for the Oregon Promise Grant are necessary due to the pass of HB 2910 (2019). The changes pertain to students who complete their high school diploma or GED® test credential while in a correctional facility. These students may be eligible for Oregon Promise if they attend an Oregon community college within 6 months of their first release date.

RULE TEXT:

(1) The Commission may prescribe the priority by which grants are awarded, which allows for preference to be given to persons enrolled in school districts or high schools that meet specified criteria as determined by the Commission.

(2) Prior to the start of the fall term of each academic year, the Commission shall determine whether there are sufficient moneys to award a grant to each person who meets the eligibility criteria described in OAR 575-039-0020. On the basis of this determination, the Commission may limit eligibility to receive a grant to a person whose family contribution, is at or below the level the Commission determines is necessary to allow the Commission to operate the Oregon Promise program with available moneys. In setting a limitation on eligibility and setting eligibility limits, the Commission shall consider:

(a) The amount of funds allocated to the Oregon Promise program for the biennium;

(b) The estimated costs of awarding eligible students in prior-year cohorts who have not yet exceeded the program's 90-credit limit;

(c) The estimated costs of awarding new eligible applicants during both years of the biennium each academic year, assuming a liability of up to 90 credits, which may extend beyond two years;

(d) The anticipated tuition changes at the Oregon Community Colleges; and

(e) The sustainability of the program to accommodate current and future cohorts within the biennium.

(3) The Commission may reduce or eliminate any limitation on eligibility previously imposed by the Commission under (2) of this subsection.

(4) For purposes of this section, "family contribution" is the same as a student's Expected Family Contribution.

STATUTORY/OTHER AUTHORITY: ORS 341.522

STATUTES/OTHER IMPLEMENTED: ORS 341.522

AMEND: 575-039-0090

RULE TITLE: Disbursement of Grant Funds to Students

RULE SUMMARY: Rule changes for the Oregon Promise Grant are necessary due to the pass of HB 2910 (2019). The changes pertain to students who complete their high school diploma or GED® test credential while in a correctional facility. These students may be eligible for Oregon Promise if they attend an Oregon community college within 6 months of their first release date.

RULE TEXT:

- (1) Institutions shall disburse grants to students identified by the Commission from funds provided by the Commission each academic term.
- (2) Institutions shall not disburse grants to students who cease to meet conditions of award identified by the Commission.
- (3) If, as a result of an institutional error, grants are disbursed to ineligible students, to students in ineligible programs, or to students for an inappropriate number of terms, the institution shall reimburse the State of Oregon the full amount of monies erroneously disbursed.
- (4) Institutions shall disburse grants to eligible students within a time schedule established annually by the Commission.
- (5) Institutions shall submit regular reports to the Commission regarding disbursements made to eligible students on a schedule determined by the Commission.
- (6) Institutions shall refund unused grant funds to the Commission within a time schedule established annually by the Commission.
- (7) A person who fails to maintain the cumulative grade point average of 2.5 becomes ineligible to receive a grant for the term after which the person fails to maintain the cumulative grade point average, unless the eligibility requirement is waived by the Office of Student Access and Completion according to rules established by the Commission. The institution the student attends will determine the student's eligibility for a waiver and will submit a waiver request to the Office for consideration and approval according to a process established by the Office. 8) Generally, a disbursement may not be made to a student who is no longer eligible. An otherwise eligible student becomes ineligible for an Oregon Promise Grant on the date that the student is no longer enrolled at the institution for the award year. With Commission approval, institutions may make late disbursements of retroactive awards for prior academic terms up to 60 days after the close of the year-end account reconciliation process or up to 60 days after the end of the student's period of enrollment, whichever is earlier.

Statutory/Other Authority: ORS 341.522

STATUTORY/OTHER AUTHORITY: ORS 341.522

STATUTES/OTHER IMPLEMENTED: ORS 341.522

AMEND: 575-039-0110

RULE TITLE: Record Keeping

RULE SUMMARY: Rule changes for the Oregon Promise Grant are necessary due to the pass of HB 2910 (2019). The changes pertain to students who complete their high school diploma or GED® test credential while in a correctional facility. These students may be eligible for Oregon Promise if they attend an Oregon community college within 6 months of their first release date.

RULE TEXT:

(1) Each institution shall maintain sufficient records to document its activities relating to the program.

(2) Each institution shall make its academic and financial records available to the Commission at reasonable times for the purpose of assuring that the institution is complying with the rules relating to the administration of the program.

(3) Institutions shall retain the academic and financial records relevant to a disbursement of state grant funds for not less than three years following the end of the fiscal year in which that disbursement occurs.

STATUTORY/OTHER AUTHORITY: ORS 341.522

STATUTES/OTHER IMPLEMENTED: ORS 341.522

AMEND: 575-039-0120

RULE TITLE: Rights of Appeal

RULE SUMMARY: Rule changes for the Oregon Promise Grant are necessary due to the pass of HB 2910 (2019). The changes pertain to students who complete their high school diploma or GED® test credential while in a correctional facility. These students may be eligible for Oregon Promise if they attend an Oregon community college within 6 months of their first release date.

RULE TEXT:

(1) An institution shall have the right to appeal to the Commission in the instance of a disagreement with a policy or procedure of the Commission or its staff. In such case, the decision of the Commission is final unless a court of competent jurisdiction orders to the contrary.

(2) A student who is denied participation in the Oregon Promise program may appeal the denial to the Commission. The appeal shall be submitted in writing a minimum of ten days before the meeting at which the appeal is to be considered.

STATUTORY/OTHER AUTHORITY: ORS 341.522

STATUTES/OTHER IMPLEMENTED: ORS 341.522

AMEND: 575-039-0140

RULE TITLE: Application Process

RULE SUMMARY: Rule changes for the Oregon Promise Grant are necessary due to the pass of HB 2910 (2019). The changes pertain to students who complete their high school diploma or GED® test credential while in a correctional facility. These students may be eligible for Oregon Promise if they attend an Oregon community college within 6 months of their first release date.

RULE TEXT:

(1) Applicants must complete and submit the Free Application for Federal Student Aid, if eligible for federal student aid programs. Applicants who are not eligible for federal financial aid because of their citizenship status must complete the Oregon Student Aid Application, which is the alternate need analysis form that has been approved by the Commission.

(2) Applicants must submit the Oregon Promise application, which has been designated for this purpose by the Commission, and grade transcripts as specified in the Oregon Promise application.

(3) Applications must be filed during the timeframe established by the Commission.

STATUTORY/OTHER AUTHORITY: ORS 341.522

STATUTES/OTHER IMPLEMENTED: ORS 341.522

AMEND: 575-039-0150

RULE TITLE: Requirements for Dually Enrolled Students

RULE SUMMARY: Rule changes for the Oregon Promise Grant are necessary due to the pass of HB 2910 (2019). The changes pertain to students who complete their high school diploma or GED® test credential while in a correctional facility. These students may be eligible for Oregon Promise if they attend an Oregon community college within 6 months of their first release date.

RULE TEXT:

The Commission will prescribe eligibility requirements and grant calculations for students dually enrolled in a community college and a public university.

(1) For the Oregon Promise Grant, a dually enrolled, or co-enrolled, student is a student who attends more than one eligible institution during the same academic term or year under a written consortium agreement or concurrent enrollment program. The student's "home" institution is the institution that grants a certificate or degree upon the student's completion of an eligible program of student. It is the institution that determines the student's eligibility for federal and state financial aid, disburses funds to the student, and is responsible for reporting enrollment and disbursement information to the Commission.

(2) For students who are dually enrolled in two or more community colleges, the Oregon Promise grant award will be based on the tuition charged by the student's "home" institution or the average tuition charged by all community colleges, whichever is lower.

(3) For students who are dually enrolled in a pathways program between an Oregon community college and an Oregon public university, the Oregon Promise grant award will be based on the enrollment status and tuition charged only for courses taken at the community college.

STATUTORY/OTHER AUTHORITY: ORS 341.522

STATUTES/OTHER IMPLEMENTED: ORS 341.522

