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CHAPTER 589
HIGHER EDUCATION COORDINATING COMMISSION
OFFICE OF COMMUNITY COLLEGES AND WORKFORCE DEVELOPMENT

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RULES:

589-001-0300, 589-002-0110, 589-002-0120, 589-006-0050, 589-006-0100, 589-006-0150, 589-006-0200, 589-006-0300, 589-008-0100

AMEND: 589-001-0300

RULE TITLE: Definitions for OAR Chapter 589, Divisions 1 through 20

NOTICE FILED DATE: 03/25/2020

RULE SUMMARY: 589-001-0300 – Provides definitions for OAR Chapter 589, Div 001-0300

RULE TEXT:

For the purposes of OAR chapter 589, divisions 001 through 020, the following definitions apply:

- (1) "Executive Director" means the Executive Director appointed under ORS 351.735 by the Commission.
- (2) "Director" means the Director of the Office of Community Colleges and Workforce Development appointed under ORS 351.762;
- (3) "Board" means the board of education of a community college district;
- (4) "Commission" means the Higher Education Coordinating Commission;
- (5) "Office" means the Office of Community Colleges and Workforce Development;
- (6) (a) "Community College" means a public institution operated by a community college district for the purposes of providing courses of study generally limited to not more than two years' full-time attendance and designed to meet the needs of a geographical area by providing educational services, including but not limited to professional technical education programs or lower division collegiate programs.
(b) The two-year limitation described in paragraph (a) of this subsection does not apply to:
(A) Technical programs in which the curriculum may require more than two years of attendance but less than four years;
or
(B) Applied baccalaureate degree programs.
- (7) "Community College District" or "District" means a district formed under ORS Chapter 341 to operate one or more community colleges or to secure educational services available at a community college.
- (8) "Full-Time Equivalent (FTE) Student", for the purpose of receiving state reimbursement, represents one student who

carries 510 clock hours over three terms of instruction.

(9) "Reimbursable Full-Time Equivalent (RFTE) Student" means a student defined by section (8) of this rule whose earned hours qualify the district for cost reimbursement by the State of Oregon in accordance with OAR 589-002-0100, et seq.

(10) "Term Hour" means a 50-minute period of course work a week per student for approximately one-third of a school year.

STATUTORY/OTHER AUTHORITY: ORS 350.075, ORS 341.013

STATUTES/OTHER IMPLEMENTED: ORS 348.910

AMEND: 589-002-0110

RULE TITLE: Definitions

NOTICE FILED DATE: 03/25/2020

RULE SUMMARY: Provides definitions that apply to OAR 589-002-0100 through 589-002-0130

RULE TEXT:

The following definitions apply to OAR 589-002-0100 through 589-002-0130.

- (1) "Total Public Resources (TPR)" is what the Community College Support Fund formula considers 100% of the next year's imposed property tax revenue and the General Fund appropriation from the legislature. TPR does not include tuition and fees paid by students.
- (2) "Base Payment" is an allocation made from the Community College Support Fund which provides funding for basic community college district operations that are essential and do not vary in direct proportion to the districts' Full-Time Equivalent (FTE) student enrollment. The base allocation increases stability and predictability of funding for individual colleges.
- (3) "Equalization" means equal public resource support per funded FTE, regardless of community college district, and exclusive of the base. Equalization is measured by dividing Total Public Resources, exclusive of the base, by funded FTE.
- (4) "Property tax revenues" means the amount determined by the Department of Revenue to be imposed on local property following the application of limits imposed by sections 11(b)(1) through 11(b)(3), Article XI, of the Oregon Constitution, and those limits imposed by legislation implementing Ballot Measure 50. This amount becomes the basis for operation of the funding formula without regard to uncollectible taxes, or taxes collected from previous years. Taxes levied or imposed by a community college district to provide a public library system shall be excluded from the definition of property taxes in this rule. Property tax revenues raised through voter approval of any local option or capital construction levy are not to be included as a resource to be distributed through the funding formula.
- (5) "Community College Support Fund (CCSF)" is funding received through the state's General Fund appropriation and distributed to the community college districts for funding educational programs.
- (6) "Full-Time Equivalent (FTE) student" for the purpose of receiving state reimbursement, means a student who carries 510 clock hours over three terms of instruction for all terms including a fall 12-week term. All colleges with an 11-week fall term will have their fall term clock hours increased to the equivalent 12-week hours for the purpose of calculating reimbursable FTE.
- (7) "Total Reimbursable FTE" means full-time equivalent students that are eligible for state reimbursement. These students must receive instruction from community college districts through either a contracted out-of-district (COD) agreement described in OAR 589-002-0600, an agreement to provide services to state penitentiary or correctional institution inmates described in OAR 589-002-0700, or are CCSF reimbursable FTE, described in Sections (2) through (5) and Section (8) of this rule.
- (8) "CCSF Reimbursable FTE" means full-time equivalent students that are eligible, as described in OAR 589-002-0110 Sections (2) through (5) of this rule, for state funding through the CCSF Funding Distribution Formula, before the application of the Annual Growth Factor (AGF), and less any adjustments for FTE of upper division courses included in applied baccalaureate programs (defined in OAR 589-006-0050)
- (9) "Contracted Out-of-District (COD) Reimbursable FTE" means full-time equivalent students that are not residents in the community college district that they are attending and for which the community college district has a contract to provide educational services with an entity in the geographic area from which the student resides. COD reimbursable FTE must meet all other requirements of a CCSF reimbursable FTE. The community college district must have a contract in place with the Department of Community Colleges and Workforce Development in order to receive reimbursement.
- (10) "Fundable FTE" is the number of full-time equivalent students that are at or below each community college district's FTE Cap. Fundable FTE is the lesser of either the CCSF reimbursable FTE or the FTE cap. This number is used in the three-year weighted average calculation that determines a community college district's funded FTE as described

in Section 11 of this rule.

(11) "Funded FTE" is the community college district's number of full-time equivalent students used in the formula to distribute the CCSF funding for each community college district. This number is buffered to prevent significant changes in a community college district's funding due to variability in student enrollment. It is calculated using a three-year weighted average of fundable FTE with the first year prior to current fundable FTE weighted at 40%, second year prior to current fundable FTE weighted at 30%, and third year prior to current fundable FTE weighted at 30%.

(12) "Total Funded FTE" is the sum of all community college districts' funded FTE for a fiscal year.

(13) "FTE Cap" is the maximum number of CCSF reimbursable FTE per community college district, which may be included in the funding formula calculation. The FTE cap is determined by applying the annual growth factor and may be adjusted by the preliminary FTE cap as described in Section 14.

(14) "Preliminary FTE Cap" is a tool that allows a community college district to recover fundable FTE within one year, if the district's CCSF reimbursable FTE is less than the FTE cap. There are two preliminary FTE caps. The first is based on the FTE cap from one year prior and the second is based on the prior year's fundable FTE. The annual growth factor (as defined in Section 19 below) is applied to each. The current year's FTE cap is the greater of these two numbers.

(15) "Growth Management" means the application of the Growth Management Component in combination with each community college district's FTE cap.

(16) "Biennial Growth Management Component" is the percent change, from one biennium to the next, of the total number of FTE for all community college districts that could be included in the funding formula without reducing resources available per FTE. The biennial growth management component is determined by the amount of total public resources available for the current biennium compared to the prior biennium and the estimated increased cost of FTE.

(17) "Higher Education Coordinating Commission's Biennial Quality Growth Factor" is a policy lever that allows the number of FTE that will be counted for funding purposes to be above or below the Biennial Growth Management Component.

(18) "Total Biennial Growth Management Component" is the sum of the Biennial Growth Management Component and the Higher Education Coordinating Commission's Biennial Quality Growth Factor.

(19) "Annual Growth Factor (AGF)" is one-half of the Biennial Growth Management Component.

STATUTORY/OTHER AUTHORITY: ORS 350.075, ORS 341.015, ORS 341.022, ORS 341.317, ORS 341.440, ORS 341.525, ORS 341.626, ORS 341.665

STATUTES/OTHER IMPLEMENTED: ORS 341.626

AMEND: 589-002-0120

RULE TITLE: Community College Support Fund Distribution Methodology

NOTICE FILED DATE: 03/25/2020

RULE SUMMARY: Provides Community College Support Fund methodology

RULE TEXT:

(1) The Community College Support Fund (CCSF) shall be distributed in equal payments as follows:

(a) For the first year of the biennium, August 15, October 15, January 15, and April 15;

(b) For the second year of the biennium, August 15, October 15, and January 15;

(c) The final payment of each biennium is deferred until July 15 of the following biennium as directed by the legislature.

(d) Should any of the dates set forth above occur on a weekend, payment shall be made on the next business day.

(e) All payments, made before actual property taxes imposed by each district are certified by the Oregon Department of Revenue, shall be based on the department's best estimate of quarterly entitlement using property tax revenue projections. Payments shall be recalculated each year as actual property tax revenues become available from the Oregon Department of Revenue and any adjustments will be made in the final payment(s) of the fiscal year.

(2) Community college districts shall be required to submit enrollment reports in the format specified by the commissioner, including numbers of clock hours realized for all coursework, in a term-end enrollment report by the Friday of the sixth week following the close of each term. If reports are outstanding at the time of the quarterly payments, payment to the district(s) not reporting may be delayed at the discretion of the commissioner.

(a) All payments, made before actual Full-Time Equivalent (FTE) student enrollment data are available shall be based on the department's best estimate of quarterly entitlement using student enrollment data from previous years.

(b) Payments shall be recalculated each year as FTE student enrollment data become available and any adjustments will be made in the fiscal year.

(3) Reimbursement from the CCSF shall be made for career technical education, lower-division collegiate, developmental education and other courses approved by the Commission in accordance with OAR 589-006-0100 through 589-006-0400, but excluding upper division courses included in applied baccalaureate programs, defined in 589-006-0050 and described in 589-006-0100, Section (7). State reimbursement is not available for hobby and recreation courses as defined in 589-006-0400. (4) Residents of the State of Oregon and the states of Idaho, Washington, Nevada, and California shall be counted as part of each community college district's CCSF reimbursable FTE, but only for those students who take part in coursework offered within Oregon's boundaries.

(5) State funding for community college district. Operations is appropriated by the legislature on a biennial basis to the CCSF. The amount of state funds available for each biennium and for distribution through the funding formula shall be calculated based on the following:

(a) Funds to support services provided to inmates of state penitentiary and correctional institutions by community college districts shall be subtracted from the amount allocated to the CCSF before the formula is calculated. The amount available for services provided to inmates shall be equal to the funding amount in the preceding biennium, except as adjusted to reflect the same percentage increase or decrease realized in the overall CCSF appropriation. The distribution method of CCSF funding for individual state penitentiary and correction institution programs provided by community college districts will be determined in consultation between the agency and the Department of Corrections.

(b) Funds to support contracted out-of-district (COD) programs described in OAR 589-002-0600 shall be subtracted from the amount allocated to the CCSF before the formula is calculated.

(A) A community college district providing contracted out-of-district services will receive an allocation equal to the college's number of reimbursable COD FTE multiplied by the statewide average of non-base community college support funds per total funded FTE. The average funds per total funded FTE is based on the same year COD services are provided.

(B) The allocation is distributed after the reimbursable COD FTE has been reported to CCWD for the full academic year. An adjustment to the allocation may be made if the final audited FTE is significantly different than the COD FTE from

which the allocation was made.

(C) Beginning July 1, 2014, to be eligible for a COD allocation, each participating community college district must:

(i) Provide the department with a copy of the agreement between the community college district and the local participating entity by October 1 of each service year.

(ii) Enter into a contract with the department by January 1 of the service year for a COD allocation payment.

(iii) Follow all requirements found in OAR 589-002-0600.

(D) Section (5)(b)(A) and (B) of this rule applies to COD contracts that were in effect starting with the 2012–13 fiscal year.

(i) Funds to support targeted investments such as distributed learning shall be subtracted from the amount allocated to the CCSF before the formula is calculated. The amount available for these investments shall be equal to the funding amount in the preceding biennium, except as adjusted to reflect the same percentage change to the current biennium's total CCSF appropriation.

(ii) Funds remaining in the CCSF shall be distributed through the formula as described in section 6.

(iii) State general fund and local property taxes for territories annexed or formed effective June 1, 1996 or later shall not be included in the funding formula for the first three years of service. Additionally, the FTE generated in newly annexed territories shall not impact the funding formula during the first three years of service. Beginning in the fourth year, funding will be distributed through the formula as outlined in this rule.

(6) Distribution of funds to community college districts from the CCSF shall be accomplished through a formula, based on the following factors:

(a) Base Payment: Effective for the 2015-16 fiscal year, each community college district shall receive a base payment of \$819 for each Weighted Reimbursable FTE up to 1,100 and \$409.50 per FTE for unrealized enrollments between actual Weighted Reimbursable FTE and 1,100 FTE. Each year thereafter, the base payment will be adjusted by the amount of the annual seasonally unadjusted Portland CPI-U of the prior year. The base payment for each community college district will be adjusted according to the size of the district. Community college district size for purposes of this adjustment will be determined each year by the FTE set forth in section (8)(b) of this rule. The base payment adjustments shall be:

(A) 0–750 FTE 1.3513;

(B) 751–1,250 FTE 1.2784;

(C) 1,251–1,750 FTE 1.2062;

(D) 1,751–2,250 FTE 1.1347;

(E) 2,251–2,750 FTE 1.0641;

(F) 2,751–3,250 FTE 1.0108;

(G) 3,251–3,750 FTE 1.0081;

(H) 3,751–4,250 FTE 1.0054;

(I) 4,251–4,999 FTE 1.0027;

(J) 5,000 or more FTE 1.000.

(b) Student-Centered Funding: The formula is designed to distribute the CCSF is based on each community college district's FTE.

(A) The equalized amount per FTE is determined by dividing Total Public Resources (TPR) — excluding base payments, contracted out-of-district payments, and any other payments directed by the Commission or the legislature — by funded FTE. The department shall make the calculation based on submission of FTE reports by community college districts and in accordance with established FTE principles.

(B) To determine the number of funded FTE for each community college district, a three-year weighted average of fundable FTE for each community college district will be used with the first year prior to current fundable FTE weighted at 40%, second year prior to current fundable FTE weighted at 30%, and third year prior to current fundable FTE weighted at 30%.

(c) Beginning with the 2011–13 biennium, a Biennial Growth Management Component is added to the calculation of

each community college district's funded FTE. The purpose of the Biennial Growth Management Component is to manage the level of total public resource available per FTE within the total public resources available. Beginning with the 2017-19 biennium, the Growth Management Component shall only apply to reimbursable FTE at or above 1101. (A) The methodology for calculating the base year and subsequent biennial growth management component is displayed in Table 1 "Community College Support Fund Growth Management Calculation Tables" and is available through the following hyperlink. [Table not included. See ED. NOTE.]

(B) The calculations that will implement the Growth Management Component in the CCSF Distribution Formula Model are available in Table 2. Formula Calculation of Fundable FTE by Community College District." [Table not included. See ED. NOTE.]

(C) The Commission has authority, on a biennial basis to, set the "quality growth factor" that may increase or decrease the number of FTE that will be counted for funding purposes above or below the Biennial Growth Management Component. The Commission will consider the following principles as guidelines for setting the "quality growth factor":

- (i) Balance the desire to support growth beyond that which is funded through the funding formula distribution model with the desire to enhance quality by increasing the level of funding provided on a per-student FTE basis.
- (ii) The TPR per FTE should not erode by more than 5% on an annual basis.
- (iii) Where current TPR per FTE is determined to be insufficient to support the "quality of education" desired, a growth factor could be established that would increase the TPR per FTE.
- (iv) If revenue is significantly reduced during a biennium, the Board may reduce the "quality growth factor".

[ED.NOTE: Tables referenced are available from the agency.]

STATUTORY/OTHER AUTHORITY: ORS 341.022, ORS 341.317, ORS 341.015, ORS 341.440, ORS 341.525, ORS 341.528, ORS 341.626, ORS 341.665, ORS 350.075

STATUTES/OTHER IMPLEMENTED: ORS 341.626

AMEND: 589-006-0050

RULE TITLE: Definitions

NOTICE FILED DATE: 03/25/2020

RULE SUMMARY: This Rule provides definitions relevant to Division 006

RULE TEXT:

For the purposes of division 6 of chapter 589, the following definitions apply:

- (1) "Academic standard of achievement" means demonstrated achievement, proficiency, or measured learning acknowledged as meeting a predetermined academic standard, which is normally noted through an academic transcript record maintained by the college.
- (2) "Applied baccalaureate degree" refers broadly to an applied bachelor's degree designed to incorporate Associate of Applied Science or Associate of Science courses or degrees with an appropriate complement of additional upper-division academic and technical coursework. Upon satisfactory completion, students are awarded a Bachelor of Applied Science which indicates completion of a course of study approved by the community college board and the Commission or its designee.
- (3) "Associate degree" is a state-approved lower division undergraduate award issued by a community college that indicates satisfactory completion of a course of study approved by the community college board.
- (4) "Associate of Applied Science (AAS)" is a state-approved associate degree that prepares graduates for direct entry into the workforce, career advancement, occupational licensure, or further study at the baccalaureate level. New and amended AAS programs are approved by the community college board and the Commission or its designee.
- (5) "Associate of Applied Science degree option" is a transcribed specialization within a state-approved AAS degree that is intended to prepare graduates for direct entry into the workforce. New and amended AAS option programs are approved by the community college board and the Commission or its designee.
- (6) "Associate of Arts Oregon Transfer (AAOT) degree" is a state-authorized associate degree that prepares students to transfer into upper division courses within a baccalaureate degree program.
- (7) "Associate of Arts Transfer degree" is a lower division major specific undergraduate award issued by a community college that indicates satisfactory completion of a course of study that is intended to prepare students for transfer to a public university in Oregon and have junior standing in a specific Bachelor of Arts degree program. The classes, outcomes and completion standards for the major specific Associate Transfer degrees are defined by a statewide memorandum of understanding between participating community colleges and public universities. In majors where junior standing within 90 credits is not possible, students who complete an Associate of Arts Transfer degree will have equivalent status to students who started at a public university in the same major. Memoranda of understanding are approved by the Commission and will be published on the HECC website.
- (8) "Associate of General Studies" is an associate degree that meets individual students' needs using a variety of lower-division collegiate-level courses to meet degree requirements.
- (9) "Associate of Science" is a state-authorized associate degree that is intended to prepare students to transfer into a baccalaureate degree program in areas such as Business, Science, Mathematics or Engineering. The Associate of Science degree is often designed to meet the requirements of a specific receiving institution's program.
- (10) "Associate of Science Transfer Degree" is a lower division major specific undergraduate award issued by a community college that indicates satisfactory completion of a course of study that is intended to prepare students for transfer to a public university in Oregon and have junior standing in a specific Bachelor of Science degree program. The classes, outcomes and completion standards for the major specific Associate Transfer degrees are defined by a statewide memorandum of understanding between participating community colleges and public universities. In majors where junior standing within 90 credits is not possible, students who complete an Associate of Science Transfer degree will have equivalent status to students who started at a public university in the same major. Memoranda of understanding are approved by the Commission and will be published on the HECC website.
- (11) "Bachelor of Applied Science" is a state-approved baccalaureate degree designed to incorporate applied associate

courses and degrees with additional upper-division coursework emphasizing higher-order thinking skills and advanced technical knowledge and skills.

(12) "Board" refers to the board of education of a community college district.

(13) "Business and Industry Based program" is an Associate of Applied Science degree or certificate of completion designed for an employer to meet specific occupational and educational needs of their current employees.

(14) "Career Pathways Certificate of Completion" is a certificate awarded by a community college for meeting specific technical skill proficiency requirements that meet an employment need. Career Pathways Certificates are a collection of 12 to 44 credits that are wholly contained in an approved Associate of Applied Science (AAS) degree option, or an Independent Certificate of Completion (with at least 45 credits). A Career Pathways Certificate also has a defined job entry point, represents collegiate-level work, and meets Commission standards and criteria.

(15) "Career Technical Education courses" refers to the collegiate-level courses that are designed to prepare persons for entrance into employment, stability, or advancement in specific occupations or clusters of closely related occupations. Career Technical Education courses may be categorized as occupational preparatory or occupational supplementary courses.

(16) "Career Technical Education program" refers to collegiate-level coursework that is designed to prepare persons for employment, stability, and advancement in specific occupations or clusters of closely related occupations. Career Technical Education programs result in the achievement of a certificate of completion, associate of applied science degree or option, or a bachelor of applied science which have been approved by the community college board and the Commission or its designee.

(17) "Certificate of Completion" refers to a form of recognition awarded by a community college for meeting minimum occupational course, curriculum or proficiency requirements. Certificates of Completion must have a defined job entry point, represent collegiate-level work, be credit bearing, meet Commission standards and criteria and be approved by the community college board and the Commission or its designee.

(18) "Clock or contact hours" means one clock (or contact) hour that is 60 minutes long. No more than 10 minutes of each hour can be used for a regularly-scheduled break or passing period.

(19) "Collegiate-level work" means course and program content that provides skills and knowledge beyond that which is normally gained before or during the secondary level. It is characterized by analysis, synthesis and application by which students demonstrate an integration of skills and critical thinking. It is a term that denotes more than college or university transfer courses. It also includes Career Technical Education and other courses that exceed fundamental basic skills and workplace readiness. Courses must be collegiate-level if used to fulfill a requirement in a bachelor of applied science degree associate degree or option, or certificate of completion program.

(20) "Commission" means the Higher Education Coordinating Commission

(21) "Complementary courses in general education" are courses that are designed to serve as supportive parts of Career Technical Education. They are designed to aid students in attaining a higher degree of self-development and to assist the student to make a maximum contribution as a citizen in a democratic society.

(22) "Continuing education units (CEUs)" refers to a form of recognition given for completion of a unit of training for selected occupational supplementary courses. CEUs are based on time attended and not on the assessment of learning.

(23) "Credit" is the means by which a school indicates or certifies that a student has completed a unit of study, demonstrated achievement or proficiency, or manifested measured learning outside of school, so as to have satisfied a portion of the requirements for a degree or for any other academic recognition offered for credit by the school.

(24) "Credit course" means courses offered by the college for which successful completion applies toward requirements of transfer degrees, associate degrees, bachelor degrees or other Career and Technical Education programs.

(25) "Degree" means any academic or honorary title, rank or status that may be used for any purpose whatsoever, which is designated by a symbol or series of letters or words such as, but not limited to associate, bachelor, master, or doctorate and forms or abbreviations thereof that may generally be taken to signify:

(a) Completion of a program of instruction at the college or university level; or

(b) Demonstration of achievement or proficiency comparable to such completion; or

- (c) Recognition for nonacademic learning, public service or any other reason of distinction comparable to such completion.
- (26) "Deleted program" refers to the permanent elimination of a program previously approved by a community college board and the Commission or its designee.
- (27) "Detrimental duplication" means a situation that occurs when recruitment of students for a new program or location could redirect prospects from a fixed pool concomitant with the application of publicly funded educational cost subsidies, thereby significantly reducing enrollment in existing similar programs for which student financial aid is available but the number of prospective enrollees is limited by non-financial factors such as interest, qualifications needed for admission, internship openings for students, and job openings for graduates.
- (28) "Direct control" means the community college maintains direct and sole responsibility for the academic quality of all aspects of all programs and courses through management and supervision by faculty and institutional administrators.
- (29) "General education" refers to an essential collegiate-level component of associate and baccalaureate degree programs which is designed to foster independent lifelong learning by introducing students to the content and methodology of the major domains of knowledge.
- (30) "Hobby course" means any directed activity engaged in by individuals as an avocation resulting in a collection of objects or in the production of works.
- (31) "Intersegmental" means across segments of education. See "Segment of education."
- (32) "Laboratory or lab" means an instructional setting in which students work independently with the instructor available in the instructional area for assistance and supervision.
- (33) "Lecture" means an instructional setting in which the instructor presents academic subject information.
- (34) "Lecture and laboratory" is an instructional setting in which the instructor gives short presentations and supervises student application of content. Instructional methods are integrated, and lecture and lab are dependent upon each other for the student's educational success.
- (35) "Local community college program approval" means the approval by the local community college board of education or its designee, indicating that a program has met or exceeded local community college program standards and processes prior to being submitted to the Commission or its designee for review.
- (36) "Lower Division Collegiate (LDC)" means collegiate-level work in areas of instruction that parallel the offerings of the first two years of Oregon's four-year institutions, and are generally accepted for transfer by Oregon's public higher education institutions.
- (37) "New location of an approved program" means a facility where students collectively may receive instruction in the program face-to-face or through technology, in a community not previously so served, including a non-Oregon location within 50 miles of where a comparable program is located in Oregon.
- (38) "New program" means any program not previously approved by the Commission or by their predecessor review authorities, regardless of whether it comprises new instructional components or the reassembled components of existing programs.
- (39) "Non-credit course" means a course that does not offer college credit for completion and generally cannot be used as part of a credit-based degree or certificate program.
- (40) "Non-credit Training Certificate" (NCTC) is a certificate that is made up of either a single noncredit course or a group of noncredit courses. The NCTC must be between 18 and 210 hours in length and requires at least one assessment of measurable outcomes or mastery of learning or knowledge. The NCTC must also be transcribed.
- (41) "Occupational preparatory program" means a state-approved Career Technical Education program which is designed to prepare persons for employment in a specified occupation or cluster of closely related occupations. The program is approved by the community college board and the Commission or its designee. In contrast, "stand-alone occupational preparatory courses" refers to courses not included in one or more of a community college's existing approved programs.
- (42) "Occupational supplementary program" refers to a Career Technical Education program designed for individuals who have already entered an occupation, to improve their occupational skills and knowledge occupational skills and

knowledge in order to achieve employment stability or advancement. The program is approved by the community college board and the Commission or its designee.

(43) "Office" means the Office of Community Colleges and Workforce Development;

(44) "Other education courses" refers to general self-improvement courses intended primarily for adults. These courses include but are not limited to adult basic education (ABE), general educational development (GED), adult high school completion (AHS), English as a second language (ESL), and self-improvement courses not fitting into previously listed categories. These course are independent of Career Technical Education or lower division curricula and are not intended for programs that may lead toward a baccalaureate degree. However, these courses may be used as prerequisite and elective courses in Career Technical Education degree and certificate programs.

(45) "Program" means any organized teaching and learning activity in which successful completion qualifies a student for a degree, a certificate of substantial academic or vocational learning short of a degree, a certificate of preparation related to new or modified occupational licensure, or another academic or vocational certificate that represents a shorter period of activity but has value as a public credential.

(46) "Program amendment" means a change in a state-approved program submitted to the Commission or its designee by a college to receive approval to revise the program. Revisions include minor changes in curriculum content, courses, program outcomes or titles.

(47) "Program approval" means the process by which the local community college Board of Education and the Commission determine that a program has met the applicable program standards and requirements of the board and Commission or its designee.

(48) "Publicly funded" means controlled by an agency of government or by a public corporation as occurs in Oregon community colleges, institutions of higher education, and the Oregon Health & Science University, regardless of specific sources and applications of funds, or controlled by a private entity but subsidized with appropriated public funds received directly for program operation rather than indirectly in the form of student financial aid.

(49) "Recognition award" means an award given to a student by a community college for completion of a state-approved course or courses or for attendance and participation in workshops or seminars. Recognition awards may not be called "certificates of completion" or "certificates" and may not be included on the official student transcript.

(50) "Recreational course" means any directed activity in which individuals participate with the purpose of engaging in physical activity, except those activities which focus on physical fitness or which directly relate to the initial skill development of physical activities in which individuals could reasonably be expected to participate during most of their adult lives.

(51) "Related instruction" is relevant to programs of study for which applied or specialized associate degrees are granted, or programs of an academic year or more in length for which certificates are granted. Related instruction refers to a recognizable body of instruction in program-related areas of communication, computation and human relations. Additional topics which should be covered as appropriate include safety, industrial safety, and environmental awareness. Related instruction areas are either embedded within the program curriculum or taught in blocks of specialized instruction.

(52) "Segment of education" refers to any one of the following:

(a) Oregon community colleges, community college districts, or service districts, together with every other postsecondary program or location ultimately sponsored by the Commission;

(b) Oregon institutions of higher education and related organizational units, together with every other postsecondary program or location ultimately sponsored by the Commission;

(c) The Oregon Health & Science University, any hereafter created public corporations for higher education, and any organizational units of such public corporations, together with every postsecondary program or location under their ultimate sponsorship;

(d) Private Oregon degree-granting institutions and organizations and all non-Oregon entities offering residential instruction in Oregon for credit toward full degrees approved by the Office of Degree Authorization, together with every postsecondary program or location they sponsor; and

(e) Private non-degree career schools offering instruction in Oregon and licensed under ORS 345, together with every postsecondary program or location they sponsor.

(53) "Statewide or regional consortium program" means an associate of applied science or certificate of completion program which is developed, applied for and continuously monitored by a partnership of colleges to address a specific program need through a cohesive and transferable curriculum among participating colleges.

(54) "State-approved program" means a community college certificate of completion, or associate degree program that has met and continues to meet the standards and criteria of the Commission.

(55) "Suspended program" means the temporary removal of a state-approved program from the overall curriculum of a community college by the local community college board of education or their designee.

(56) "Upper Division" courses refer to collegiate-level work usually taken in the third and fourth year of a four-year undergraduate program. These upper division courses build upon the lower division framework to build a deeper level of knowledge and understanding.

STATUTORY/OTHER AUTHORITY: ORS 350.075, ORS 350.150 [2019]

STATUTES/OTHER IMPLEMENTED: ORS 348.910, ORS 341.013, ORS 341.465

AMEND: 589-006-0100

RULE TITLE: General Community College Program Approval Requirements

NOTICE FILED DATE: 03/25/2020

RULE SUMMARY: Provides program approval requirements for community college programs.

RULE TEXT:

- (1) The Commission has responsibility for approval of community college educational programs and locations.
- (2) The Commission shall provide community college district boards of education with the standards, criteria, and procedures the Commission will utilize to approve certificate of completion, associate degree, and applied baccalaureate degree programs and new locations for previously approved programs. Such standards, criteria and, procedures shall be included in the Approval Procedures identified by the Office.
- (3) Requests for approval of new applied baccalaureate, associate degree, associate degree option and certificate of completion program must be submitted by the community college board of education to the Commission and be approved prior to commencement of the program.
- (4) Applied baccalaureate programs offered by community colleges culminate in the award of the Bachelor of Applied Science degree. Each applied baccalaureate degree program shall conform to the specific degree requirements as identified in the Approval Procedures.
- (5) Associate degree programs offered by community colleges may include Associate of Arts Oregon Transfer degree, Associate of Science, Associate of Applied Science and Associate of General Studies. Each associate degree program shall conform to the specific degree requirements as identified in the Approval Procedures.
- (6) Certificate of completion programs offered by community colleges shall include less than one-year, one-year, greater than one-year, and two-year certificates of completion. Each certificate of completion shall conform to the specific certificate of completion requirements identified in the Approval Procedures.
- (7) Each request for approval to offer an applied baccalaureate program shall be made according to the process, timeline and criteria outlined in the Approval Procedures and as specified by Oregon Revised Statutes.
 - (a) To meet the criteria of ORS 350.075(3)(g), the commission shall ensure that approved programs:
 - (A) Are consistent with the mission statement of the community college;
 - (B) Do not unnecessarily duplicate academic programs offered by Oregon's other community colleges or public universities;
 - (C) Are not located in a geographic area that will cause undue hardship to Oregon's other community colleges or public universities; and
 - (D) Are allocated among Oregon's community colleges and public universities to maximize the achievement of statewide needs and requirements.
 - (b) To meet the criteria of ORS 341.013, the Commission shall ensure that approved programs:
 - (A) Describe the program to be offered;
 - (B) Describe the method by which the program will be created, including any necessary accreditation by the relevant accrediting agency or agencies;
 - (C) Document local unmet workforce needs that will be addressed by offering the program; and
 - (D) Document that the community college has the expertise, resources and student interest necessary to make the program successful.
- (8) A proposed applied baccalaureate degree program must be approved by the Commission. The Commission shall approve a proposed applied baccalaureate degree program if:
 - (a) the community college submits all of the information and documentation required under subsections 7(a) and 7(b) above; and
 - (b) Meets or exceeds the local community college board of education program approval standards; and
 - (c) Meets or exceeds the Commission's program approval standards and criteria.
- (9) To meet the approval standards of the Commission, applied baccalaureate programs must:

- (a) Require no more than 180 total credits for degree completion.
 - (b) Have a program design that accommodates first-time students who may start by seeking an Associate of Applied Science (AAS), as well as students returning to school who may already possess a relevant AAS or have made significant progress toward a relevant AAS or Associate of Science degree.
 - (c) Demonstrate occupational focus and be designed to help fill specific labor market needs within targeted professional and technical fields, with professionals that participate that assist in program design.
 - (d) Have a recognizable core of general education or related instruction with identified outcomes in the areas of communication, computation, and human relations that align with and support program goals or intended outcomes. Related instruction components may be embedded within program curricula or taught in blocks of specialized instruction, but each approach must have clearly identified content and means to assess learning.
 - (e) Have an established standard of academic achievement; and
 - (f) Meet or exceed the local community college board of education program approval standards; and
 - (g) Meet or exceed the Commission's program approval standards.
- (10) To meet the approval standards of the Commission, associate degree and associate degree option programs must:
- (a) Include at least 90 total credits; and
 - (b) Be no more than 108 credits; and
 - (c) Have a recognizable core of general education or related instruction courses; and
 - (d) Have an established standard of academic achievement; and
 - (e) Meet or exceed the local community college board of education program approval standards; and
 - (f) Meet or exceed the Higher Education Coordinating Commission program approval standards and criteria.
- (11) To meet the approval standards by the Higher Education Coordinating Commission, certificate of completion programs must:
- (a) Include at least 12 credits; and
 - (b) Be no more than 108 credits; and
 - (c) Have a recognizable core of general education or related instruction courses for programs one-year or more in length; and
 - (d) Have an established standard of academic achievement; and
 - (e) Demonstrate occupational content leading to employment; and
 - (f) Meet or exceed the local community college board of education program approval standards; and
 - (g) Meet or exceed the Commission program approval standards and criteria.
- (12) Certificate of completion and associate of applied science degree programs shall include a designation of the particular occupation, career or career area as a component of the award title.
- (13) Options to constitute a variation in the state-approved degree are allowable only for associate of applied science degree programs. Associate of applied science degree options may be added to new or existing associate of applied science degree programs following the procedures in the Approval Procedures identified by the department.

STATUTORY/OTHER AUTHORITY: ORS 350.075

STATUTES/OTHER IMPLEMENTED: ORS 341.465, ORS 341.013

AMEND: 589-006-0150

RULE TITLE: Local Community College Responsibilities for Program Approval

NOTICE FILED DATE: 03/25/2020

RULE SUMMARY: Local community college responsibilities for program approval

RULE TEXT:

- (1) Community college boards will have local processes in place to ensure that local and state program approval standards and criteria are implemented and maintained.
- (2) Community college boards are responsible for approving the requirements for all of their college's certificate and degree programs. Additionally, these requirements must be included in the institution's catalog as of the term any new program begins.
- (3) The community college board of education has the responsibility to assure that approval standards are achieved for all programs offered by the local community college.
- (4) Community colleges must follow the program approval process as outlined in the Oregon Community Colleges Handbook & Planning Guide.
- (5) Community colleges shall use the term "Certificate" or "Certificate of Completion" in college catalogs and college promotional documents and on transcripts only as an indication of an award by the college that has met the local and state program approval standards and criteria and have been approved by the Commission.
- (6) Community college boards of education will submit program information using the Approval Procedures identified by the Office.
- (7) The board of education of a community college district is responsible for obtaining and maintaining the course approval requirements set by the Commission.
- (8) Community colleges may provide recognition awards to students for the completion of a state-approved course or courses. Recognition awards may not be called "certificates of completion" or "certificates" and may not be included on the official student transcript. Recognition awards may not be provided for coursework meeting the definition of "program" without state approval.
- (9) Upon approval by the Commission, the Commission authorizes the community college board, established under ORS 341.005 to 341.950, to issue certificates of completion, associate degrees, and applied baccalaureate degrees as an indication of satisfactory completion of state approved programs offered by the community college.
- (10) The type and name of bachelor degree, associate degree, associate degree option or certificate of completion to be awarded for completion of a program shall be clearly stated in the community college's catalog or supplement thereto.
- (11) Only educational programs that have received program approval from the community college board and the Commission shall be included in a community college catalog or other materials.
- (12) Prerequisites for applied baccalaureate, associate degree, associate degree option, and certificate of completion programs and courses within the programs shall be clearly stated in the community college's catalog or supplement thereto.

STATUTORY/OTHER AUTHORITY: ORS 341.290

STATUTES/OTHER IMPLEMENTED: ORS 341.465

AMEND: 589-006-0200

RULE TITLE: Approval of Collegiate Courses

NOTICE FILED DATE: 03/25/2020

RULE SUMMARY: Rule provides authority for authorizing courses and process for course approval for community colleges that are not accredited.

RULE TEXT:

- (1) The Commission delegates to the Office the authority to approve upper and lower division collegiate courses.
- (2) A community college that is institutionally accredited, shall follow the Office's collegiate course approval procedure to request new courses.
- (3) A community college that is not institutionally accredited shall apply for approval through their contracting college.

STATUTORY/OTHER AUTHORITY: ORS 350.075

STATUTES/OTHER IMPLEMENTED: ORS 350.075

AMEND: 589-006-0300

RULE TITLE: Approval of Career Technical Education Courses, Certificate of Completion, Associate of Applied Science, and Applied Baccalaureate Programs

NOTICE FILED DATE: 03/25/2020

RULE SUMMARY: Rule defines and describes Agency's authority to approve Career and Technical Education (CTE) programs and courses as well as community colleges' responsibility to meet designated requirements.

RULE TEXT:

- (1) The Commission delegates to the Office the authority to approve Career Technical Education (CTE) courses.
- (2) Career Technical Education courses are defined as either occupational preparatory courses or occupational supplementary courses.
- (3) The Office will use the appropriate CTE Approval Procedures to approve Career Technical Education courses and programs.
- (4) Career Technical Education (CTE) courses are approved by the Commission or its designee, either as a component of the curriculum for a state-approved certificate of completion, associate of applied science, associate of applied science degree option, and an applied baccalaureate program or through an individual course approval process as identified in the CTE Approval Procedures.
- (5) Commission standards for approval of occupational preparatory courses are included in the CTE Course Approval Procedures and include but are not limited to:
 - (a) Courses are delivered under the direct control of the college and are either:
 - (A) Approved as part of a community college certificate of completion, associate of applied science program, associate of applied science program option or applied baccalaureate program.
 - (B) Approved as a stand-alone occupational preparatory course.
 - (b) Courses are collegiate-level and provide education and training directed to the development of abilities, skills, understanding, and attitudes needed to enter into an occupation.
 - (c) Courses are designed for occupational employment and are not necessarily directed toward completion of baccalaureate degree requirements.
 - (d) Courses are developed and operated with the advice and counsel of employers, industry members, or other persons knowledgeable about the requirements of the occupations involved.
 - (e) Courses will not unnecessarily duplicate similar intersegmental courses offered locally.
- (6) Occupational preparatory courses may not be offered by the local community college prior to the approval of the Higher Education Coordinating Commission or its designee.
- (7) Commission standards for approval of occupational supplementary courses are included in the CTE Course Approval Procedure and include but are not limited to:
 - (a) Courses are delivered under the direct control of the college and may or may not be components of a certificate of completion or degree program.
 - (b) Courses are not necessarily directed toward the completion of requirements for a baccalaureate degree.
 - (c) Courses are collegiate-level and provide education and training designed to develop or enhance abilities, skills, understandings and attitudes needed to improve occupational skills in order to achieve employment stability or advancement.
 - (d) Courses are developed and operated with the advice and counsel of employers, industry members, and other persons knowledgeable of the requirements of the occupation involved.
- (8) Occupational supplementary courses may be offered by the local community college prior to final approval by the Office as identified in the CTE Course Approval Procedures under conditions that include the following:
 - (a) The local community college has a local course approval process in place and assures that the occupational supplementary standards have been met.
 - (b) The community college is willing to take the risk that the course may not be approved and may be non-reimbursable.

(9) Career Technical Education courses will be numbered using course numbering conventions as approved by the Office.

(10) Career Technical Education programs will be approved by the Commission based on meeting the general and specific community college program requirements for certificates of completion, associate of applied science programs, associate of applied science options or applied baccalaureate programs as identified in 589-006-0100.

(11) Commission standards and criteria for approval of Career Technical Education are included in the Approval Procedures and include but are not limited to:

(a) The program is developed and will be implemented, operated and evaluated as a joint venture with business, industry and labor; and

(b) The college demonstrates capacity to offer the program and will provide the necessary resources and services to assure that students can attain the skills and knowledge necessary to fulfill the stated objectives of the program, and

(c) The curriculum for the program demonstrates a cohesive instructional system that will lead to the attainment of the academic and Career Technical Education exit proficiencies needed for success in the occupational field; and

(d) The instructional design for the program provides the appropriate access, flexibility and evaluation components to provide appropriate instruction for students within the program; and

(e) The program provides access to all students and provides the necessary additional and supplemental services for special populations and protected classes; and

(f) Program need is based on local, regional, state, and national statistics and forecasts documenting that an employment demand for family wage occupations is not or cannot be met through existing programs; and

(g) The program provides direct connections to appropriate certificates of advanced mastery as well as other programs in the college, other institutions of postsecondary education, or future training opportunities; and

(h) The program has continuous improvement systems in place that provide for program input through evaluation based on instructor, employer and student follow-up data.

(12) Career Technical Education programs will include the sequence of courses for the program including but not limited to the areas of general education or related instruction, Career Technical Education requirements, elective and specialization courses. Program approval materials will also include course numbers, credit/non-credit designations and clock/contact hours for the courses.

(13) Provisions will be made within the Approval Procedures to allow for the development, approval, implementation and evaluation of certificates of completion, associate of applied science programs, associate of applied science degree options, and applied baccalaureate programs for statewide or regional consortium of community colleges. Statewide and regional consortia certificates and degrees will address a specific program need through a cohesive and transferable curriculum among and between participating colleges.

(14) Provisions will be made within the Approval Procedures to allow for the development, approval, implementation, and evaluation of Business and Industry programs that are designed for employers to meet specific occupational and educational needs of their current employees.

(15) New Career Technical Education programs will be submitted for approval following the processes outlined in the Oregon Community Colleges Handbook and Planning Guide.

STATUTORY/OTHER AUTHORITY: ORS 350.075

STATUTES/OTHER IMPLEMENTED: ORS 350.075

AMEND: 589-008-0100

RULE TITLE: Guidelines for Formation of Community College Personnel Policies

NOTICE FILED DATE: 03/25/2020

RULE SUMMARY: Rule provides requirements of personnel policy specific to instructors, standards for instructor education and qualifications, and documentation requirements for waivers related to faculty education.

RULE TEXT:

(1) Each community college board of education shall establish a personnel policy statement, including a policy on instructor selection and development that must include, but need not be limited to, the following:

(a) Definitions of the main terms used in the policy;

(b) Institutional standards for instructor qualifications. (Standards for teachers of lower division collegiate courses must include a master's degree in a subject area closely related to that in which the instructor will be teaching; however in subject areas in which individuals have demonstrated their competencies and served in professional fields and in cases in which documentation to support the individual's proficiency and high level of competency can be assembled, the master's degree requirement may be waived by the college president or substituted according to the community college's personnel policy.);

(c) Position descriptions;

(d) Procedures for instructor approval, including period of instructor approval;

(e) Procedures for providing individual, written notice of reasonable assurance of continued employment to all employees who are to perform services in the same or a similar capacity during a subsequent academic year or term or in the period immediately following a recess period. Such notice shall be given by May 30 of each year for employees employed as of that date and as of the date of hire for employees employed subsequent to May 30. Pursuant to ORS 341.547, faculty members on annual or indefinite tenure, classified staff members on regular status and management service employees are considered to have been given notice for the purposes of this section;

(f) A statement regarding academic freedom and responsibility;

(g) Procedures for faculty development for full-time and part-time instructors, that provides opportunities to continuously improve their knowledge and performance and is consistent with the standards and requirements published by the college's institutional accrediting agency. .

(h) Procedures for staff evaluation;

(i) Grievance and appeals procedures;

(j) Affirmative action and nondiscrimination practices;

(k) College organization; and

(l) Methods of policy development and review.

(2) Personnel policies adopted by community college boards shall be filed with the Director within one year following establishment of the community college district. Thereafter, each college shall file annually, between December 1 and January 1, any policy revisions. Policies posted on the community college's publicly accessible website, Human Resources section, are considered to have met the filing requirement if the appropriate 'effective date' of the policy is also noted. In the event the governing board of the community college fails to enact the personnel policies as required by subsection (1) of this rule, the Director may withhold the next scheduled Community College Support Fund payment until such personnel policies are enacted.

(3) Each community college board shall develop a policy outlining the procedure for faculty selection. The policy shall include procedures by which the college will maintain records documenting the faculty member's credentials, professional development activities and other information supporting the faculty member's instructional assignment.

(a) This includes documentation and rationale for any waiver of required education, relative to the faculty member's instructional assignment, as described (1) above.

(b) In no case shall the process for faculty selection fall below those standards and requirements set forth in the most recent guidance from the college's accrediting agency.

(4) Faculty for upper division courses within applied baccalaureate programs:

(a) The school must obtain and keep official transcripts and resumes for all teaching faculty within any applied baccalaureate program.

(b) The school shall ensure 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 college's President 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 accrediting agency.

(c) A person who does not hold the appropriate level and major degree as stated in subsection (A) through (C) of this paragraph may demonstrate qualification by showing at least 12 semester or 15 quarter credits in the field at a level higher than the current teaching assignment combined with an appropriate depth of relevant professional experience in the field, as evidenced on a resume. 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 bachelor's degree programs: A teacher within a program offering bachelor's degrees ordinarily shall possess a graduate degree appropriate to the subject taught or evaluated except that compensatory nonacademic qualifications such as an appropriate depth of relevant professional experience in the field, will be more readily accepted by the President in programs leading to occupational degrees, professional licensure, or within the fine arts.

(C) A teacher of an academic or scientific discipline within an occupational or professional degree program ordinarily shall possess the appropriate degree in the discipline rather than a non-disciplinary occupational or professional degree. However, lower-division undergraduate courses may be taught by those with non-disciplinary degrees who have demonstrable and extensive acquaintance with the discipline.

STATUTORY/OTHER AUTHORITY: ORS 341.015, ORS 341.290

STATUTES/OTHER IMPLEMENTED: ORS 341.015, ORS 341.535, ORS 341.547

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CHAPTER 589
HIGHER EDUCATION COORDINATING COMMISSION
OFFICE OF COMMUNITY COLLEGES AND WORKFORCE DEVELOPMENT

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AMEND: 589-006-0350

RULE TITLE: Maintaining Approval of Certificate of Completion and Associate of Applied Science Degree Programs

NOTICE FILED DATE: 03/25/2020

RULE SUMMARY: Provides information relevant to maintaining approval of Career Technical Education programs.

RULE TEXT:

(1) The Commission's approval of a community college Career Technical Education program will continue to be in effect until the program is amended, suspended or deleted from the college's program offerings. The Commission or its designee may disqualify a previously approved Career Technical Education program if it no longer meets Commission program approval standards and criteria.

(2) Once a program has been approved by the Commission, course additions, deletions, or changes within these programs must be approved by the Commission or its designee prior to implementation of the revised program.

(3) Bachelor of Applied Science, Associate of Applied Science degree, Associate of Applied Science degree options and Certificate of Completion programs offered by community colleges shall be considered to be active:

(a) as long as the Annual Program Review Procedure has been followed for the program, and

(b) the college has not provided notification of program suspension or program deletion to the Commission or its designee.

(4) Community colleges may request that a program be suspended for a period of three years. The program suspension period will begin on the date the college notifies the Commission of its intent to suspend a program. The Commission will notify colleges prior to the deletion of suspended programs. After three years suspended programs will require re-approval utilizing the approval procedure identified by the Commission or its designee.

[Publications: Publications referenced are available from the agency.]

STATUTORY/OTHER AUTHORITY: ORS 350.075

STATUTES/OTHER IMPLEMENTED: ORS 350.075