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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 583
HIGHER EDUCATION COORDINATING COMMISSION
OFFICE OF DEGREE AUTHORIZATION

FILED

09/24/2020 2:49 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Providing for limited, temporary authorization to provide instruction to Oregon resident students.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 10/28/2020 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:
Karen Howard
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 10/19/2020

TIME: 3:00 PM - 4:00 PM

OFFICER: Karen Lynne Howard

ADDRESS:

Teleconference

N/A, OR 0

SPECIAL INSTRUCTIONS:

This public rules hearing will be conducted by teleconference only. The meeting is open to the public: Please dial 888-363-4735 and enter the access code 5789157 followed by the # sign. As the presiding officer of the hearing, I will ask for each public participant to state their name, address, and affiliation. Please email me at

karen.lynne.howard@hecc.oregon.gov
scanned copies any written materials you would like to submit related to the rules for the meeting and for record. Please also send hardcopy written materials to: Higher Education Coordinating Commission, 3225 25th St SE, Salem, OR 97302.

NEED FOR THE RULE(S):

The rules are required to provide flexibility to institutions whose operations are significantly but temporarily impacted by Coronavirus.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

The existing rules, and the guidance issued to COVID affected schools by our agency (<https://www.oregon.gov/highered/Pages/index.aspx>)

FISCAL AND ECONOMIC IMPACT:

Minimal or no fiscal or economic impact on the agency.

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).

Minimal.

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

Does not impact small businesses.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

We rely upon the public comment process.

ADOPT: 583-030-0064

RULE SUMMARY: Establishes a mechanism for non-Oregon, non-authorized schools to seek temporary authorization to continue teaching Oregon resident students online for the duration of a declared emergency that requires that school to close its campus.

CHANGES TO RULE:

583-030-0064

Emergency State Authorization for Non-Oregon, Non-Authorized Schools

(1) In the event the Governor of a non-Oregon school's home state issues a declaration of emergency or executive orders that directly lead to the temporary cessation of on-campus educational activity, and as a result, one or more currently enrolled Oregon resident students return to Oregon, the Commission may provide for state authorization that is temporary and limited for such schools to allow continuation of education solely for such students through online or other remote instruction as determined by the Commission. The school must make the request for such authorization to the Commission in writing, citing any declarations or orders that exist in their home state that affect the school. The school must provide all information and documentation requested by the Commission. The Commission must respond in writing regarding approval within ten calendar days after the school has provided all information requested by the Commission.

(2) Such school shall notify the Commission in writing within ten calendar days of the release or cancellation of the declaration of emergency or executive order or the return to normal on-campus residential instruction. The temporary state authorization shall expire thirty days following the release, cancellation, or return to on-campus instruction, and the school shall cease all remote instruction to Oregon resident students upon expiration of the

authorization.¶

(3) The recruitment or enrollment of new students within the state of Oregon by a school receiving temporary authorization pursuant to this rule is prohibited.¶

(4) Nothing in this rule shall apply to non-Oregon schools that are members of an interstate agreement as defined in ORS 350.075.

Statutory/Other Authority: ORS 348.606, 350.075

Statutes/Other Implemented: ORS 348.606, 350.075, 348.597, 348.603