



TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION
ODA 1-2025
CHAPTER 583
HIGHER EDUCATION COORDINATING COMMISSION
OFFICE OF DEGREE AUTHORIZATION

FILED

07/22/2025 11:01 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Updating Office of Degree Authorization Rule Allowing Provisional Authorization for Consistency with Federal Regulation

EFFECTIVE DATE: 07/22/2025 THROUGH 01/17/2026

AGENCY APPROVED DATE: 07/21/2025

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NEED FOR THE RULE(S):

It has come to the attention of the ODA that a federal regulation, 34 CFR § 602.28 (a), prohibits institutional accreditors from bestowing accreditation or pre-candidacy of accreditation on postsecondary schools that do not already have State authorization to legally operate. This conflicts with the current requirement in OAR 583-030-0020 (2) which requires accreditation or pre-candidacy of accreditation prior to an institution's application for authorization by the HECC. These conflicting federal and Oregon rules effectively prohibit any new, unaccredited postsecondary institution obtaining either accreditation or applying for Oregon authorization.

JUSTIFICATION OF TEMPORARY FILING:

- (1) Currently OAR 583-030-0020 and 34 CFR § 602.28 (a) conflict with one other, requiring both the ODA and accreditors, alternatively, to wait for the other to approve a school first.
- (2) Any unapproved (in Oregon), unaccredited school.
- (3) The proposed rule change is the only way the Commission has within its sole authority to address this situation.
- (4) The proposed change would allow for provisional approval by the state of Oregon, so that a school qualifies for institutionally accreditation, or pre-candidacy of accreditation, by an institutional accrediting body.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Code of Federal Regulations - 34 CFR § 602.28(a) - <https://www.ecfr.gov/current/title-34/subtitle-B/chapter-VI/part-602/subpart-B/subject-group-ECFRa817aaaccb517f1/section-602.28>

AMEND: 583-030-0020

RULE SUMMARY: The rule describes the Office of Degree Authorization (ODA) and its authority to approve degree-granting schools within the state. The rule permits the ODA to grant provisional authorization under specified circumstances.

CHANGES TO RULE:

(1) A school that intends to offer to anyone from within Oregon or offer to Oregon residents from outside the state any form of instruction, lecture, training, tutoring, seminar, workshop, examination, evaluation, or other service represented as contributing credit or otherwise leading toward a specified or unspecified degree or certificate that will or might be conferred anywhere shall notify the Commission at least 6 months in advance and then promptly supply all information the Commission requests. Failure to notify the Commission in advance, or to provide information as directed, may result in the permanent denial of approval for the school to offer any services in or from Oregon, as well as administrative action, up to and including assessment of civil penalties.

~~Other than provisional authorizations as described in Section (2) below, no school shall be eligible to apply for authorization to offer in or from Oregon any instruction, academic credit, or other services leading to a degree before it has obtained accreditation or pre-accreditation candidacy at or above the associate degree level from an accrediting body recognized by the U.S. Department of Education (USDE).~~¶¶

(2) Schools that are ~~currently authorized, and not accredited;~~ may be granted provisional authorization ~~until the school has applied for pending either accreditation or pre-accreditation candidacy at or above the associate degree level from an accrediting body recognized by the USDE.~~ S. Department of Education (USDE). Provisional authorization for this purpose may be approved for a period of not less than two years nor more than four years and may be extended at the discretion of the Commission. ~~Provisional authorization and~~ shall be contingent upon the school continuously seeking and making satisfactory progress toward accreditation, as evidenced by submission to the Commission of a letter of intent and subsequent documentation from the accrediting ~~agency~~ body.¶¶

(3) Provisional authorization may also be approved for applications pending the following conditions for a period of not less than two years nor more than four years:¶¶

(a) Establishment of federal Financial Responsibility Composite Score (FRCS) or submission of the most recent independently audited financial statement, current same day balance sheets, and self-calculations of the composite score;¶¶

(b) Receipt or notification of investigations or adverse actions from state, federal, or accrediting agencies; or¶¶

(c) Change of ownership before documentation of sales transaction is completed; ~~or~~¶¶

~~(d) Pending approval of accrediting agency recognized by the USDE.~~¶¶

(4) Schools that offer no degrees in Oregon but want to offer a certificate are subject to the requirements of ORS chapter 345 and OAR chapter 715, division 45.¶¶

(5) Schools intending to apply for authorization or exemption from the Commission shall provide the Commission with information about the school's ownership and structure, proposed programs, relationships to other schools, partnership agreements, or online program management agreements, if any. The Commission will determine whether the school:¶¶

(a) Must apply for state authorization to offer instruction or related services leading to one or more degrees under the standards of OAR 583-030-0035;¶¶

(b) Is exempt for other than religious reasons under ORS 348.597;¶¶

(c) Is eligible for exemption under ORS 348.604 and therefore has a choice of standard state approval or religious exemption.¶¶

(6) A school that applies for degree authorization or exemption shall use forms and follow procedures determined by the Commission. Failure to comply constitutes good reason to reject an application. Such school shall be open to inspection and may be inspected at any time to verify its statements and to examine facilities. Inspection of a school and evaluation of its application will be performed by state officials or consultants at the Commission's discretion, and results will be utilized as the Commission considers appropriate. Information from other examiners, such as accreditors, the US Department of Education, and professional licensing agencies, shall accompany materials submitted by the school and may be used by the Commission at its discretion.¶¶

(7) Authorization to offer instruction or related services leading to a degree applies to specific curricula and services for specific periods:¶¶

(a) Authorization is normally given for the state as a whole, but may be limited by the Commission in order to ensure program quality or operational stability.¶¶

(b) The Commission, on the basis of judgment about the relationship between a curriculum and a degree title, may require revision of title. Degree titles may not contain the name of organizations, companies or products.¶¶

(c) Authorization is given for a specific degree for a fixed period of two years and may be extended for another two years upon a request submitted in writing to the Commission due to extenuating or emergency situations including, but not limited to, natural disasters, catastrophic events, a governor-declared emergency, or inability of the owner or administrator to perform their duties as determined by the Commission.¶¶

(8) Authorization to offer instruction or related services leading to a degree expires at the end of the period for

which it is given, without right or presumption of renewal, except that an authorized school having submitted to a complete and timely application for renewal continues to be authorized until such time as a review or revocation procedure may determine otherwise. After discontinuing its offer of an authorized degree before the end of the period of authorization, a school shall not reinstate the degree without permission from the Commission. A program shall be deemed discontinued if a period of two academic years passes without any students being enrolled in the program.¶

(9) Authorization to offer instruction or related services leading to a degree is subject at all times to supplemental review if the school appears to be at risk or approaching probation, suspension, or revocation for proper cause according to procedures described in OAR 583-030-0045.¶

(10) Approval of a degree by the Commission does not constitute approval of the program as training for professional practice when the state licenses or otherwise regulates professional practice. Applicants must also seek approval from the appropriate state licensing entity.¶

(11) The Commission or its designee may enter into agreements and assess fees to cover costs of any proceeding relating to complaints as allowed by statute, including conducting an investigation pursuant to OAR 715-011-0080, contracting with outside entity to conduct an investigation, or holding an administrative hearing, brought pursuant to OAR 715-011-0090.

Statutory/Other Authority: ORS 348.606, ORS 350.075

Statutes/Other Implemented: ORS 348.606, ORS 348.597, ORS 348.603, ORS 350.075, ~~ORS 648.606~~