

# HOUSE BILL 4106 (2016) 2016 Administrative Rule Report



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## EXECUTIVE SUMMARY

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House Bill 4106 (2016) requires state agencies to submit a report summarizing all rules adopted, amended, repealed or suspended during the preceding 12-month period.

The Higher Education Coordinating Commission administrative rules are included in the following chapters:

- Chapter 575: HECC Office of Student Access and Completion (OSAC)
- Chapter 583: HECC Office of Degree Authorization (ODA)
- Chapter 589: HECC Office of Community Colleges and Workforce Development (CCWD)
- Chapter 715: Higher Education Coordinating Commission

In 2016, the HECC processed nine permanent rulemaking actions that adopted, amended, or repealed 102 administrative rules.

There were no temporary rule actions filed during 2016.

## INTRODUCTION

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House Bill 4106 (2016) requires state agencies to submit a report summarizing all rules adopted, amended, repealed or suspended during the preceding 12-month period.

The Higher Education Coordinating Commission administrative rules are included in the following chapters:

- Chapter 575: HECC Office of Student Access and Completion (OSAC)
- Chapter 583: HECC Office of Degree Authorization (ODA)
- Chapter 589: HECC Office of Community Colleges and Workforce Development (CCWD)
- Chapter 715: Higher Education Coordinating Commission

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## 2016 ADMINISTRATIVE RULE CHANGES

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### CHAPTER 575 HECC OFFICE OF STUDENT ACCESS AND COMPLETION

The two permanent rulemaking actions in 2016 within Chapter 575, detailed in Table 1, included administrative rule changes to the Oregon Opportunity Grant awarding process and the creation and implementation of the Oregon Promise Grant program.

Legislation adopted by the 2015 Oregon Legislative Assembly required the HECC Office of Student Access and Completion (OSAC) to implement a number of changes to the Oregon Opportunity Grant (OOG) through rulemaking. House Bill 2407 established changes to the structure of the OOG that focused on improving access and completion for students with the greatest financial need and stimulating achievement of Oregon's 40-40-20 goals; and Senate Bill 932 expanded OOG eligibility to students exempt from paying non-resident tuition under ORS 351.641. The adopted rules pertaining to the OOG:

- Changed the residency definition to include students exempted from paying nonresident tuition under ORS 351.641;
- Changed the application requirements to include an alternative need analysis process for students who legally cannot file a FAFSA;
- Guaranteed awards for a second year of aid if students met academic progress and other benchmarks;
- Aligned OOG eligibility more closely with Federal Pell Grant eligibility;

- Prioritized awards to students based on highest financial need or whose circumstances enhance promotion of the HECC's Equity Lens<sup>1</sup>; and;
- Expanded the Student Information section to require OSAC to collect information from schools in order to comply with legislative reporting requirements.

The 2015 Oregon Legislative Assembly adopted Senate Bill 81, which created the Oregon Promise Grant program and directed the HECC to adopt administrative rules necessary for creation and implementation of the program. The adopted rules set forth program definitions, eligibility, residency requirements, institutional eligibility, course eligibility, enrollment requirements, award amounts and co-pays, awarding conditions, fund disbursement, collection of student information and record keeping, appeal rights, the application process, and dual enrollment requirements.

**Table 1**

<b>CHAPTER 575 HECC OFFICE OF STUDENT ACCESS AND COMPLETION<sup>2</sup></b>		
<b>Description of Rulemaking</b>	<b>Action Taken</b>	<b>Rule Number(s)</b>
Changes to Oregon Opportunity Grant Awarding Process	Amended	575-030-0005 575-031-0005 575-031-0010 575-031-0015 575-031-0022 575-031-0023 575-031-0025 575-031-0030 575-031-0046
	Adopted	575-031-0060
Creation and implementation of the Oregon Promise Grant program	Adopted	575-039-0010 575-039-0020 575-039-0030 575-039-0040 575-039-0050 575-039-0060 575-039-0070 575-039-0080

<sup>1</sup> [https://www.oregon.gov/HigherEd/Documents/HECC/Reports-and-Presentations/Presidents\\_letter\\_Equity\\_Lens.pdf](https://www.oregon.gov/HigherEd/Documents/HECC/Reports-and-Presentations/Presidents_letter_Equity_Lens.pdf)

<sup>2</sup> [http://arcweb.sos.state.or.us/pages/rules/oars\\_500/oar\\_575/575\\_tofc.html](http://arcweb.sos.state.or.us/pages/rules/oars_500/oar_575/575_tofc.html)

		575-039-0090
		575-039-0100
		575-039-0110
		575-039-0120
		575-039-0140
		575-039-0150

## CHAPTER 583 HECC OFFICE OF DEGREE AUTHORIZATION

The permanent rulemaking action in 2016 within Chapter 583, detailed in Table 2, included administrative rule changes that:

- Removed references to the exclusionary rule, as required by Senate Bill 218 (2015);
- Clarified language and further defined monetary compensation when referencing how teachers and administrators are paid at Office of Degree Authorization (ODA) schools, defined the extent to which schools can contract with third party entities, included a requirement that the school catalog include an average student loan debt total that students leave the school with, and included a requirement that ODA schools submit a fact sheet for review by Commission staff and be made available for students;
- Defined annual reporting in rule and information the Commission will request from schools on an annual basis;
- Clarified the definition and conditions under which ODA schools are placed at risk, on probation, or on suspension status, the requirements placed on schools in such status, the regulatory steps for schools under probation, and HECC authority to extend the probation, suspension, or revocation;
- Established administrative procedures, pursuant to House Bill 3526 (2015) to require surety bonds and letters of credit;
- Clarified HECC authority over invalid degrees to issue cease and desist letters, along with penalties and administrative hearings; and
- Repealed rule to reflect changes in state legislation (pursuant to House Bill 2870 (2015)) and federal guidelines referencing state authorization (34 Code of Federal Regulations 600.9).

**Table 2**

<b>CHAPTER 583 HECC OFFICE OF DEGREE AUTHORIZATION<sup>3</sup></b>		
<b>Description of Rulemaking</b>	<b>Action Taken</b>	<b>Rule Number(s)</b>
Update rules to reflect 2015 legislation that amended duties and responsibilities	Amended	583-001-0000 583-001-0005 583-001-0015 583-030-0005 583-030-0009 583-030-0010 583-030-0016 583-030-0020 583-030-0025 583-030-0030 583-030-0032 583-030-0035 583-030-0036 583-030-0041 583-030-0042 583-030-0043 583-030-0045 583-030-0046 583-030-0049 583-050-0006 583-050-0011 583-050-0014 583-050-0016 583-050-0026 583-050-0027 583-050-0028 583-050-0036 583-050-0040
	Adopted	583-030-0051 583-030-0052 583-030-0053 583-030-0054 583-030-0056

<sup>3</sup> [http://arcweb.sos.state.or.us/pages/rules/oars\\_500/oar\\_583/583\\_tofc.html](http://arcweb.sos.state.or.us/pages/rules/oars_500/oar_583/583_tofc.html)

	Repealed	583-030-0011 583-030-0051 (T) 583-030-0052 (T) 583-030-0053 (T) 583-030-0054 (T) 583-030-0056 (T) 583-001-0000 (T) 583-001-0005 (T) 583-001-0015 (T) 583-030-0005 (T) 583-030-0009 (T) 583-030-0010 (T) 583-030-0015 (T) 583-030-0016 (T) 583-030-0020 (T) 583-030-0025 (T) 583-030-0030 (T) 583-030-0032 (T) 583-030-0035 (T) 583-030-0036 (T) 583-030-0042 (T) 583-030-0043 (T) 583-030-0045 (T) 583-030-0046 (T) 583-030-0049 (T) 583-050-0006 (T) 583-050-0011 (T) 583-050-0014 (T) 583-050-0016 (T) 583-050-0027 (T) 583-050-0028 (T) 583-050-0036 (T) 583-050-0040 (T) 583-030-0041 (T) 583-050-0026 (T)
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## CHAPTER 589 HECC OFFICE OF COMMUNITY COLLEGES AND WORKFORCE DEVELOPMENT

The permanent rulemaking action within Chapter 589, detailed in Table 3, was filed in 2016 to correct a previous filing error.

**Table 3**

<b><u>CHAPTER 589 HECC OFFICE OF COMMUNITY COLLEGES AND WORKFORCE DEVELOPMENT<sup>4</sup></u></b>		
<b>Description of Rulemaking</b>	<b>Action Taken</b>	<b>Rule Number(s)</b>
Non-substantive office and title name changes reflecting recent legislation; general administrative and housekeeping updates	Amended	589-002-0120

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<sup>4</sup> [http://arcweb.sos.state.or.us/pages/rules/oars\\_500/oar\\_589/589\\_tofc.html](http://arcweb.sos.state.or.us/pages/rules/oars_500/oar_589/589_tofc.html)

## CHAPTER 715 HIGHER EDUCATION COORDINATING COMMISSION

The five permanent rulemaking actions within Chapter 715, detailed in Table 4, included administrative rule changes pertaining to HECC allotment authority, private career schools, and the collection, reporting, and retention of sexual orientation data at Oregon's public universities.

The allotment authority administrative rule change clarified the delegation authority to the HECC executive director, or designee, to distribute all relevant funds to public universities and Oregon Health Sciences Universities in the amounts and for the purposes specified by the Oregon Legislature. The rule amendment did not include substantive changes to any allocation formulas by which the funds are distributed and did not affect the net amount any institution receives for any program in any way.

The administrative rule changes pertaining to private career schools:

- Adopted private career school fees in rule;
- Granted more flexibility for schools and teachers by allowing a combination of two years of work experience (within the last five years), two years of education, or any combination of both in the subject that they instruct and allows the HECC executive director to grant a waiver if the teacher does not meet the requirement;
- Removed the restriction on product representatives, allowed more flexibility in enrichment, and required career schools to indicate the start and end dates of substitute teachers; and
- Increased the maximum student enrollment fee, established a fact page disclosure requirement, and increased school license fees.

The administrative rule change related sexual orientation data at Oregon's public universities established the format and timeframe that public universities listed in ORS 352.002 must follow in order to collect, report, and retain voluntarily submitted data on sexual orientation, gender and gender identity, and legal sex of students, faculty, and staff.

**Table 4**

<b>CHAPTER 715 HIGHER EDUCATION COORDINATING COMMISSION<sup>5</sup></b>		
<b>Description of Rulemaking</b>	<b>Action Taken</b>	<b>Rule Number(s)</b>
Clarifying HECC's Allotment Authority for Public University and OHSU Funds	Amended	715-013-0005

<sup>5</sup> [http://arcweb.sos.state.or.us/pages/rules/oars\\_700/oar\\_715/715\\_tofc.html](http://arcweb.sos.state.or.us/pages/rules/oars_700/oar_715/715_tofc.html)

	Repealed	715-013-0005 (T)
Amending the rule to adopt the new school applicant fee schedule	Amended	715-045-0007
Amending the PCS Personnel Rules to grant more flexibility for schools and teachers	Amended	715-045-0001 715-045-0012
Collection, reporting, and retention of sexual orientation data at Oregon's public universities	Adopted	715-015-0005
Increases maximum student enrollment fee, establishes fact page disclosure requirement, and increases school license fees	Amended	715-045-0001 715-045-0007 715-045-0033

