

Agency report to Legislative Assembly
regarding temporary rules:
ORS 183.403, 2022



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December 2022.

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EXECUTIVE SUMMARY

STATUTORY REQUIREMENT

ORS 183.403 (2) requires that:

No later than February 1 of each year, an agency that is subject to [ORS 183.335 \(Notice\)](#) shall provide a report to the Legislative Assembly, in the manner provided in [ORS 192.245 \(Form of report to legislature\)](#), regarding all rules that the agency adopted, amended, repealed or suspended during the preceding 12-month period. The report must include:

- (a) The number of rules adopted, amended or repealed in accordance with [ORS 183.335 \(Notice\)](#) (2) and (3); and
- (b) With respect to rules adopted, amended or suspended using the procedure described in [ORS 183.335 \(Notice\)](#) (5):
 - (A) The number of rules;
 - (B) A list of the rules;
 - (C) A statement of need for each rule and all of the agency's findings that a failure to act promptly would result in serious prejudice to the public interest or the interest of parties concerned; and
 - (D) For each rule, an explanation of why proceeding under [ORS 183.335 \(Notice\)](#) (5) was the most appropriate method for adopting, amending or suspending the rule and why it was not appropriate to proceed in accordance with [ORS 183.335 \(Notice\)](#) (2) and (3). [2016 c.44 §1]

2022 HECC AGENCY REPORT

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In 2022, the HECC processed permanent rulemaking actions that adopted, amended, or repealed 27 administrative rules, detailed by chapter in the following sections.

In 2022, the HECC processed temporary rulemaking actions that adopted, amended, or repealed 16 administrative rules, detailed by chapter in the following sections.

CHAPTER 575

**Higher Education Coordinating Commission,
Office of Student Access and Completion
Administrative Rules Annual Report
HB 4106 (2016 Session)**

Report contains rules filed during calendar year January 01, 2022 through December 31, 2022

Rules Adopted, Amended, or Repealed [ORS 183.335(2) and (3)]

Adopted	7
Amended	3
Repealed	0

Temporary Rules Adopted, Amended, or Suspended [ORS 183.335(5)]

Adopted	7
Amended	3
Repealed	0

OSAC 1-2022 Filed: 06/01/2022 11:11 AM

575-105-0001 Adopt
575-105-0005 Adopt
575-105-0010 Adopt
575-105-0015 Adopt
575-105-0020 Adopt
575-105-0025 Adopt
575-105-0030 Adopt

Statement of Need

The rules are required to implement the Oregon Tribal Student Grant program, a new financial aid program established by legislative appropriation in the 2022 legislative session.

Justification

Temporary rules are required to properly evaluate and determine awards for students pursuant to recent changes in law in advance of the upcoming academic year. Failure to adopt temporary rules will result in the inability to allocate awards to students as required to meet the academic calendar.

OSAC 2-2022 Filed: 08/02/2022 11:17 AM

575-039-0020 Amend
575-039-0060 Amend
575-039-0070 Amend

Statement of Need

The rules make changes in program eligibility for initial awards and renewal awards pursuant to legislative action taken in the 2022 legislative session.

Justification

The temporary rulemaking ensures the Commission can award students under new program criteria for the 2022-2023 academic year.

CHAPTER 583

**Higher Education Coordinating Commission,
Office of Degree Authorization
Administrative Rules Annual Report
HB 4106 (2016 Session)**

Report contains rules filed during calendar year January 01, 2022 through December 31, 2022

Rules Adopted, Amended, or Repealed [ORS 183.335(2) and (3)]

Adopted	1
Amended	4
Repealed	0

Temporary Rules Adopted, Amended, or Suspended [ORS 183.335(5)]

Adopted	0
Amended	0
Repealed	0

CHAPTER 589

**Higher Education Coordinating Commission,
Office of Community Colleges and Workforce Development
Administrative Rules Annual Report
HB 4106 (2016 Session)**

Report contains rules filed during calendar year January 01, 2022 through December 31, 2022

Rules Adopted, Amended, or Repealed [ORS 183.335(2) and (3)]

Adopted	0
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Amended	3
Repealed	0

Temporary Rules Adopted, Amended, or Suspended [ORS 183.335(5)]

Adopted	0
Amended	0
Repealed	0

CHAPTER 715

**Higher Education Coordinating Commission
Administrative Rules Annual Report
HB 4106 (2016 Session)**

Report contains rules filed during calendar year January 01, 2022 through December 31, 2022

Rules Adopted, Amended, or Repealed [ORS 183.335(2) and (3)]

Adopted	2
Amended	7
Repealed	0

Temporary Rules Adopted, Amended, or Suspended [ORS 183.335(5)]

Adopted	1
Amended	5
Repealed	0

HECC 3-2022 Filed: 06/17/2022 3:41 PM

715-013-0040 Amend

Statement of Need

The rule adjusts cost weights for certain programs offered by public universities.

Justification

Failure to adopt the rule results in payments from HECC to public universities made under the student success and completion model being incorrect due to a technical error.

HECC 4-2022 Filed: 08/12/2022 3:01 PM

715-045-0012 Amend

715-045-0029 Amend
715-045-0032 Amend

Statement of Need

Ballot measure 109 and subsequent rules promulgated by the Oregon Health Authority create a new private career school sector that, owing to several regulatory restrictions, may not be able to meet all existing licensure requirements as private career schools in Oregon.

Justification

Failure to adopt temporary rules would lead to a direct financial harm to aspiring psilocybin facilitator training providers that would be unable to offer instruction to students.

HECC 5-2022 Filed: 08/12/2022 3:10 PM

715-015-0010 Adopt

Statement of Need

Enrolled Senate Bill 564 (2021) directs the Higher Education Coordinating Commission, in consultation with public post-secondary institutions of education, to by rule design a question or questions that will (A) allow each student to identify whether the student is a parent, a person acting as a parent or a legal guardian and (B) be placed on one or more forms that are used on an annual basis by public post-secondary institutions of education in this state to collect demographic data from students.

Justification

Failure to file a temporary rule would result in a one year delay to the data collection required by ORS 350.203.

HECC 7-2022 Filed: 11/17/2022 8:58 AM

715-013-0040 Amend

Statement of Need

This rule is necessary to operationalize the SSCM and ensure its function consistent with established policy.

Justification

(1) This temporary rule amendment is needed to make sure this rule is consistent with policy and practices related to university support fund distributions. It is needed to ensure that distributions can be made regularly while the permanent rulemaking timeline runs its course.

(2) Should the rule fail to be adopted it could result in reduced allocations for some public universities against the policy adopted by the Commission.

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