



NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 274
DEPARTMENT OF VETERANS' AFFAIRS

FILED
10/22/2020 11:13 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Veterans' Educational Bridge Grant Program

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/22/2020 10:00 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.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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Filed By:
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NEED FOR THE RULE(S):

Administration of the Veterans' Educational Bridge Grant

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

HB 2201 (2019). Available on OLIS

FISCAL AND ECONOMIC IMPACT:

These rules do not have a negative fiscal or economic impact on small business. These rules establish a grant program for veterans to encourage them to continue and finish their college education. This program will have a positive fiscal and economic impact short and long term.

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).

Only the Department of Veterans Affairs will incur an administrative need from these rules. These rules will not affect other entities economically. Small business will not be impacted by these rules except the possible positive effect of grant funds being expended on their services. Only ODVA will incur any cost of administration of the program to which these rules apply.

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

These rules will not affect small businesses. They were not formally consulted.

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

A formal committee was not convened, but outreach for input was made to college and university advisors, campus veterans resource centers and other parties who would be affected by these rules.

RULES PROPOSED:

274-036-0200, 274-036-0210, 274-036-0220, 274-036-0230, 274-036-0240, 274-036-0250, 274-036-0260, 274-036-0270

ADOPT: 274-036-0200

RULE SUMMARY: Provides purpose for the creation of the Veterans' Bridge Grant Program.

CHANGES TO RULE:

274-036-0200

Veterans Educational Bridge Grant Program - Purpose ¶

The 2019 Oregon State Legislature passed House Bill 2201 (Chapter 527, Oregon Laws 2019), establishing a \$447,719 Veteran Educational Bridge Grant Program (Grant Program) for the purpose of providing financial assistance to veterans who are unable to complete a degree program within the expected completion period due to the timing of course offerings. The maximum grant award is \$5,000 to veterans who are eligible to receive federal financial assistance based on prior service in the U.S. Armed Forces. Recipients must be pursuing and enrolled in an approved course of study qualifying for U.S. Department of Veterans' Affairs educational benefits. The legislation directs the Oregon Department of Veterans' Affairs (Department) to develop and implement the grant program and award grants based on eligibility.

Statutory/Other Authority: ORS 406.005(4), Ch. 527, OL 2019 (HB 2201)

Statutes/Other Implemented: Ch. 527, OL 2019 (HB 2201)

ADOPT: 274-036-0210

RULE SUMMARY: Provides definitions for the rules for Veterans' Educational Bridge Grant Program

CHANGES TO RULE:

274-036-0210

Definitions

These definitions apply to OAR 274-036-0200 through 274-036-0270¶

(1) "Applicant" means the person who applies to the Department for a grant under the Grant Program.¶

(2) "Approved Program" means an academic program approved to receive G.I. Bill benefits under U.S. Code Title 38, Chapter 30, 32, or 33.¶

(3) "Department" or "ODVA" means the Oregon Department of Veterans' Affairs.¶

(4) "Grant Program" means the Veteran Educational Bridge Grant Program.¶

(5) "Oregon based program" means an educational institution that is both located and headquartered in Oregon.¶

(6) "Resident" means a resident as defined in OAR 575-030-0005.¶

(7) "Veteran" means a veteran as defined in ORS 408.225.

Statutory/Other Authority: ORS 406.005(4), Ch. 527, OL 2019 (HB 2201)

Statutes/Other Implemented: Ch. 527, OL 2019 (HB 2201)

ADOPT: 274-036-0220

RULE SUMMARY: Provides eligibility requirements for program.

CHANGES TO RULE:

274-036-0220

Eligibility Requirements

Eligible applicants must be:

(1) A veteran;

(2) An Oregon resident;

(3) Enrolled as a student in an approved program which is also an Oregon based program;

(4) Eligible to receive G.I. Bill benefits; and

(5) Unable to complete their academic program within the expected completion period due to the unavailability of one or more required courses.

Statutory/Other Authority: ORS 406.005(4), Ch. 527, OL 2019 (HB 2201)

Statutes/Other Implemented: Ch. 527, OL 2019 (HB 2201)

ADOPT: 274-036-0230

RULE SUMMARY: Provides application requirements.

CHANGES TO RULE:

274-036-0230

Application

(1) The Department will develop an application form.¶

(2) The following documentation shall be submitted by the applicant with the application:¶

(a) Evidence of service and separation must be documented on DD Form 214, a DD Form 215 Correction to DD Form 214, or other evidence of service provided by the Department of Defense or Department of Veterans' that is satisfactory to the Department.¶

(b) Proof of current Oregon residence, proof of enrollment as a student in an Oregon based program, and proof of enrollment in a program approved to receive G.I. Bill[®] benefits.¶

(c) Proof of veteran eligibility to receive G.I. Bill[®] benefits.¶

(d) An academic plan created and executed by an academic advisor and the applicant.¶

(e) The Department may, in addition to the information and evidence specified in the application, instructions, or rules and regulations, require such additional information and evidence as the Department deems necessary to establish the applicant's eligibility.

Statutory/Other Authority: ORS 406.005(4), Ch. 527, OL 2019 (HB 2201)

Statutes/Other Implemented: Ch. 527, OL 2019 (HB 2201)

ADOPT: 274-036-0240

RULE SUMMARY: Provides criteria for determination of grant award.

CHANGES TO RULE:

274-036-0240

Criteria for Determination of Bridge Grant Award

(1) Applications generally will be prioritized by the Department for consideration based on the date of receipt of the completed application and documented financial need of the veteran. The Department may consider applications in such other order and at such other times as it deems appropriate.¶

(2) When determining to whom and in what amount Program funds will be made available to applicants, the Department may take into consideration various factors, including but not limited to:¶

(a) The amount of available funds in the Program account;¶

(b) The anticipated future deposits into the Program account;¶

(c) The amount of present commitments from the Program account;¶

(d) The anticipated future commitments from the Program account;¶

(e) The eligibility of the applicant.¶

(3) The payment of the grant is subject to the discretion of the Department in consideration of factors described above in Paragraph (2), together with any other factors, as deemed relevant by the Department.

Statutory/Other Authority: ORS 406.005(4), Ch. 527, OL 2019 (HB 2201)

Statutes/Other Implemented: Ch. 527, OL 2019 (HB 2201)

ADOPT: 274-036-0250

RULE SUMMARY: Provides information for determination of grant awards.

CHANGES TO RULE:

274-036-0250

Grant Amount

(1) Veteran Educational Bridge Grant total disbursement amounts will not exceed \$5,000 per veteran.¶

(2) Grant award amounts will be dependent upon financial need as documented by the veteran in the application provided by the Department.

Statutory/Other Authority: ORS 406.005(4), Ch. 527, OL 2019 (HB 2201)

Statutes/Other Implemented: Ch. 527, OL 2019 (HB 2201)

ADOPT: 274-036-0260

RULE SUMMARY: Provides procedures for the disbursement of grant funds.

CHANGES TO RULE:

274-036-0260

Procedures for the Disbursement of Grant Funds

(1) The Department will review applications as they are received and determine which eligible applicants will receive Grant awards based upon stated need and availability of grant funds.¶

(2) The Applicant will provide all necessary information to the Department for the Grant award to be processed in the State's accounting system.

Statutory/Other Authority: ORS 406.005(4), Ch. 527, OL 2019 (HB 2201)

Statutes/Other Implemented: Ch. 527, OL 2019 (HB 2201)

ADOPT: 274-036-0270

RULE SUMMARY: Provides that the Director of the Department of Veterans' Affairs has the discretion to waive some or all of the rules subject to legal limitations.

CHANGES TO RULE:

274-036-0270

Waiver of Rules

Subject to the limitations of the law, and at its sole discretion, the Director of the Department of Veterans' Affairs may waive all or part of these administrative rules.

Statutory/Other Authority: ORS 406.005(4), Ch. 527, OL 2019 (HB 2201)

Statutes/Other Implemented: Ch. 527, OL 2019 (HB 2201)