



Date: February 11, 2026

To: House Committee on Rules

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Subject: House Bill 4073 - Letter of Concern from K-12 Education Organizations

Dear Chair Bowman, Vice Chair Elmer, Vice Chair Pham, and Members of the House Committee on Rules:

On behalf of the Oregon Association of Education Service Districts, Coalition of Oregon School Administrators, Oregon School Boards Association, and Oregon Association of School Business Officials, we submit this letter to share our concerns regarding House Bill 4073.

Each of our organizations participates actively in the rulemaking process at the Oregon Department of Education (ODE) whenever administrative rules are being developed and amended.

In our read of the bill, we believe that this bill is largely duplicative, especially given the already extensive and transparent rulemaking and engagement processes organized by ODE. Furthermore, if the changes being proposed in the bill were to move forward, we believe that the bill would create unintended consequences in rulemaking by:

- Adding more overly bureaucratic processes which may cause more inefficiencies in rulemaking at the Department of Education; and
- Increasing the workload among education partners who participate in the rulemaking process by creating more burdensome and siloed workstreams for rulemaking.

For context and background, ODE's current process for rulemaking is transparent and extensive already. The process includes:

- Early partner engagement ahead of rulemaking
- Ongoing Rules Community Advisory meetings (monthly)
- Rule Advisory Committees, when appropriate (cadence and length vary depending on complexity of the law and ruleset)
- A 51-day comment period
- Multiple State Board reads, where members of the public can comment (monthly)
- Public hearings (monthly)
- Posting on multiple platforms
- Detailed fiscal analysis
- Ongoing communication with districts and partners

Increased Volume of Rulemaking with Limited Capacity – A Major Concern

ODE completed **186 rulemakings in 2024** and **126 in 2025**. Requiring a Rules Advisory Committee for every rule that “changes compliance” or “increases costs” would overwhelm education partners and ODE.

Additionally, many education partners like us operate on a school-year calendar, making the bill’s timelines misaligned with real-world capacity.

ODE also conducts extensive partner engagement that goes well beyond the use of Rules Advisory Committees (RACs).

While RACs are optional under current law, we believe that ODE utilizes them, when appropriate. In addition, ODE engages with districts, education service districts (ESDs), charter schools, tribes, early learning providers, youth corrections, and advocacy organizations.

As education partners, we already participate in long, iterative engagement processes that often exceed the scope and depth of a traditional RAC.

HB 4073 would require RACs even when ODE’s existing engagement is more robust and better suited to the education context. We believe that the requirements surrounding RACs – in the context of ODE – would add more administrative burden without improving rule quality.

	Current Law and What HB 4073 Proposes	Current Practice at ODE Oregon Department of Education
Public Comment Period	Under current law, agencies must provide a 28-day public comment period .	ODE already provides a 51-day comment period , nearly double the statutory requirement, and offers multiple opportunities for public input through the State Board’s “first read/second read” process.
Rule Notices	The bill requires agencies to post rule notices 21 days before a hearing.	ODE already posts notices on its website and the Oregon Transparency site and provides more time than required.
Summary of Public Comment	The bill requires agencies to summarize public comment.	ODE already does this as part of its State Board process.

	Current Law and What HB 4073 Proposes	Current Practice at ODE Oregon Department of Education
Regulated Entities	<p>Agencies must include representatives of regulated entities of the agency and the program within the agency undertaking the rulemaking.</p> <p>The advisory committee may also include representatives from unregulated entities but the number of representatives of unregulated entities may not exceed the number of representatives of regulated entities.</p>	<p>In education, “regulated entities” means the groups directly affected by ODE’s rules — school districts, charter schools, ESDs, and education partners. ODE already includes these stakeholders in its rulemaking processes and often goes further by involving:</p> <ul style="list-style-type: none"> • District and ESD leaders • School business officials • Teachers and central office / building administrators • Tribal representatives • Community partners • Youth corrections and alternative education providers

In short, ODE’s existing rulemaking process is already **more transparent, more participatory, and more rigorous** than what HB 4073 mandates.

Given that the current process at ODE is already working, we urge you to consider changes that would ensure that we do not unintentionally add layers of process that would slow down rulemaking, strain education partners and our participation in the rulemaking process, and duplicate work that ODE already performs at a higher standard.

Thank you for the opportunity to share our concerns.