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Deputy Superintendent of Public Instruction

**Public Hearing on House Bill 2188
Relating to career school civil penalties
House Higher Education and Workforce Development Committee
February 11, 2013**

Chair Dembrow, members of the committee, I am Matthew Barber, a Compliance Specialist with, and lead worker of, the Private Career Schools Licensing Unit at the Oregon Department of Education. With me today is Cindy Hunt, the Department's Government and Legal Affairs Manager. We are here today to testify in support of HB 2188, which would allow the Department to retain from assessed civil penalties the reasonable costs of investigation and assessment.

Background & Issue

Pursuing licensees who violate Oregon's private career school laws can get expensive. In previous investigations, the licensing unit has incurred significant legal bills and even had to hire a forensic accountant. These costs come out of the licensing unit's limited budget. We can't recover those costs when a civil penalty is assessed and collected; that money goes into the General Fund.

Allowing the Department to retain reasonable costs arising from investigating violations of Oregon's private career school laws would allow the licensing unit to preserve its scarce resources for providing services to licensees, career schools, and students.

Legislation

HB 2188 amends ORS 345.995 to provide that the Deputy Superintendent of Public Instruction can retain reasonable costs related to the investigation and assessment of a civil penalty imposed for a violation of Oregon's private career school laws, ORS 345.010 to 345.450 and 3345.992 to 345.997, and OAR 581-045-0001 to 581-045-0210.

Reasonable costs related to investigation and assessment would include expenses such as attorney fees, conducting site visits, copying and reviewing documents, and hiring experts.

Support

The Private Career Schools State Advisory Committee has approved the amendments within HB 2188 and is supportive of them.