

House Bill 2186

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Education)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Clarifies terms of probation and suspension for licensee of career school.

A BILL FOR AN ACT

Relating to discipline of career school licensees; amending ORS 345.120.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 345.120 is amended to read:

345.120. (1) On the written complaint of any person, the Superintendent of Public Instruction shall, and on the superintendent's own motion may, investigate the actions of any career school or agent, or any person who assumes to act in either capacity within this state.

(2) As a result of the investigation, and in addition to any penalty that may be imposed under ORS 345.992, the superintendent may place a licensee on probation or may suspend or revoke any license issued under ORS 345.010 to 345.450 when the licensee has:

(a) Obtained a license by misrepresentation.

(b) Violated ORS 345.010 to 345.450 or any applicable rule.

(c) Ceased to engage in the business authorized by the license.

(d) Willfully used or employed any method, act or practice declared unlawful by ORS 646.608.

(3) When notice of suspension or revocation is issued, the licensee shall be notified and, upon request, shall be granted a contested case hearing under ORS 183.310 (2).

(4)(a) A licensee placed on probation may be subjected to conditions, which may include prohibitions on advertising, recruiting students or enrolling students. A licensee placed on probation may remain in operation to complete the training of students enrolled at the career school on the effective date of the probation.

(b) A licensee placed on probation must be formally notified by the superintendent *[that it has]* of the conditions of probation and of the deficiencies that must be corrected within a time specified in the notice.

[(5) A licensee whose license is suspended is prohibited from advertising, recruiting or enrolling students but may remain in operation to complete training of students enrolled on the effective date of the suspension.]

(5) A licensee whose license is suspended may not engage in any activities for which the license is required from the time the superintendent imposes the suspension until the time the suspension is removed.

(6) A licensee whose license has been revoked is not authorized to continue in operation on and after the effective date of the revocation.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **SECTION 2.** ORS 345.120, as amended by section 32, chapter 104, Oregon Laws 2012, is
2 amended to read:

3 345.120. (1) On the written complaint of any person, the Higher Education Coordinating Com-
4 mission shall, and on the commission's own motion may, investigate the actions of any career school
5 or agent, or any person who assumes to act in either capacity within this state.

6 (2) As a result of the investigation, and in addition to any penalty that may be imposed under
7 ORS 345.992, the commission may place a licensee on probation or may suspend or revoke any li-
8 cense issued under ORS 345.010 to 345.450 when the licensee has:

- 9 (a) Obtained a license by misrepresentation.
- 10 (b) Violated ORS 345.010 to 345.450 or any applicable rule.
- 11 (c) Ceased to engage in the business authorized by the license.
- 12 (d) Willfully used or employed any method, act or practice declared unlawful by ORS 646.608.

13 (3) When notice of suspension or revocation is issued, the licensee shall be notified and, upon
14 request, shall be granted a contested case hearing under ORS 183.310 (2).

15 **(4)(a) A licensee placed on probation may be subjected to conditions, which may include**
16 **prohibitions on advertising, recruiting students or enrolling students. A licensee placed on**
17 **probation may remain in operation to complete the training of students enrolled at the ca-**
18 **reer school on the effective date of the probation.**

19 **(b)** A licensee placed on probation must be formally notified by the commission [*that it has*] **of**
20 **the conditions of probation and of the** deficiencies that must be corrected within a time specified
21 in the notice.

22 [*(5) A licensee whose license is suspended is prohibited from advertising, recruiting or enrolling*
23 *students but may remain in operation to complete training of students enrolled on the effective date of*
24 *the suspension.*]

25 **(5) A licensee whose license is suspended may not engage in any activities for which the**
26 **license is required from the time the commission imposes the suspension until the time the**
27 **suspension is removed.**

28 (6) A licensee whose license has been revoked is not authorized to continue in operation on and
29 after the effective date of the revocation.

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