

# Enrolled House Bill 2189

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

CHAPTER .....

AN ACT

Relating to career schools; amending ORS 345.020, 345.330 and 345.400; and declaring an emergency.

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

**SECTION 1.** ORS 345.020 is amended to read:

345.020. (1) **The State Board of Education may adopt rules pursuant to ORS chapter 183 for the general governance and operation of career schools. Rules adopted by the board may be specific to the individual professions for which career schools provide instruction or training.**

[(1)] (2) The Superintendent of Public Instruction shall administer ORS 345.010 to 345.450 and 345.992 to 345.997 and shall enforce all laws and rules relating to the licensing of career schools and agents.

[(2)] (3) The superintendent may establish procedures whereby schools become eligible to participate in federal student assistance programs if approved by the United States Department of Education.

[(3)] (4) The superintendent and the employees of the Department of Education [shall] **may** not have financial interests in any career school and [shall] **may** not act as agents or employees [thereof] **of any career school.**

**SECTION 2.** ORS 345.020, as amended by section 23, chapter 104, Oregon Laws 2012, is amended to read:

345.020. (1) **The Higher Education Coordinating Commission may adopt rules pursuant to ORS chapter 183 for the general governance and operation of career schools. Rules adopted by the commission may be specific to the individual professions for which career schools provide instruction or training.**

[(1)] (2) The [Higher Education Coordinating] commission shall administer ORS 345.010 to 345.450 and 345.992 to 345.997 and shall enforce all laws and rules relating to the licensing of career schools and agents.

[(2)] (3) The commission may establish procedures whereby schools become eligible to participate in federal student assistance programs if approved by the United States Department of Education.

[(3)] (4) Members and employees of the commission may not have financial interests in any career school and may not act as agents or employees [thereof] **of any career school.**

**SECTION 3.** ORS 345.330 is amended to read:

345.330. (1) The Superintendent of Public Instruction shall appoint a representative advisory committee consisting of 11 members who shall serve for terms of three years ending June 30. Of the membership of the committee:

(a) Seven members shall be persons affiliated with career schools as owners, directors, administrators, instructors or representatives, but not more than one member shall represent an out-of-state career school.

(b) Four members shall be persons who are not eligible under paragraph (a) of this subsection. At least one of these members shall have graduated from a career school.

(2) The advisory committee appointed under subsection (1) of this section shall:

(a) Make recommendations to the superintendent and State Board of Education concerning the need for professional and technical instructional and training facilities, the types of instruction and training needed and by whom these can best be provided.

(b) Recommend standards for career schools as provided in ORS 345.325 which are consistent with the purposes of such schools.

(c) Investigate and present findings to the State Board of Education on the administration and operation of laws relating to career schools. However, the investigations and findings of the advisory committee do not affect the authority of the superintendent to issue, deny, suspend or revoke the license of any career school.

(d) Consult with the superintendent in determining the refund schedule under ORS 345.115.

(e) Make recommendations to the superintendent concerning [*rule development*] **rules to be adopted by the State Board of Education** for ORS 345.010 to 345.450 and 345.992 to 345.997.

(3) Members of the advisory committee are entitled to compensation and expenses as provided in ORS 292.495 from funds appropriated to the Department of Education for purposes of administering ORS 345.010 to 345.450.

**SECTION 4.** ORS 345.330, as amended by section 34, chapter 104, Oregon Laws 2012, is amended to read:

345.330. (1) The Higher Education Coordinating Commission shall appoint a representative advisory committee consisting of 11 members who shall serve for terms of three years ending June 30. Of the membership of the committee:

(a) Seven members shall be persons affiliated with career schools as owners, directors, administrators, instructors or representatives, but not more than one member shall represent an out-of-state career school.

(b) Four members shall be persons who are not eligible under paragraph (a) of this subsection. At least one of these members shall have graduated from a career school.

(2) The advisory committee appointed under subsection (1) of this section shall:

(a) Make recommendations to the commission concerning the need for professional and technical instructional and training facilities, the types of instruction and training needed and by whom these can best be provided.

(b) Recommend standards for career schools as provided in ORS 345.325 which are consistent with the purposes of such schools.

(c) Investigate and present findings to the commission on the administration and operation of laws relating to career schools. However, the investigations and findings of the advisory committee do not affect the authority of the commission to issue, deny, suspend or revoke the license of any career school.

(d) Consult with the commission in determining the refund schedule under ORS 345.115.

(e) Make recommendations to the commission concerning [*rule development*] **rules to be adopted by the commission** for ORS 345.010 to 345.450 and 345.992 to 345.997.

(3) Members of the advisory committee are entitled to compensation and expenses as provided in ORS 292.495 from funds appropriated to the commission for purposes of administering ORS 345.010 to 345.450.

**SECTION 5.** ORS 345.400 is amended to read:

345.400. In addition to the other requirements of ORS 345.010 to 345.450, the rules adopted by the State Board of Education to regulate schools teaching hair design, barbering, esthetics or nail technology:

(1) May include rules the board considers necessary to protect the economic or physical health and safety of the public and of the students attending the school including compliance with ORS 345.110.

(2) Shall include rules that set standards for teachers teaching in schools licensed to teach hair design, barbering, esthetics or nail technology pursuant to ORS 345.010 to 345.450.

(3) Shall require the schools to teach, and require for graduation from the school, courses that meet the following minimum standards:

(a)(A) A minimum hourly training requirement for:

(i) Hair design, 1,450 hours;

(ii) Barbering, 1,100 hours;

(iii) Esthetics, 250 hours; and

(iv) Nail technology, 350 hours; and

(B) In addition to the programs listed in this subsection, a student is also required to successfully complete the following requirements once:

(i) Safety and sanitation, 150 hours; and

(ii) Career development, 100 hours.

(b) A student [*competency-based*] **proficiency-based** training requirement for hair design, barbering, esthetics or nail technology, if the school has developed written requirements for graduation that are approved by the Superintendent of Public Instruction.

**SECTION 6.** ORS 345.400, as amended by section 36, chapter 104, Oregon Laws 2012, is amended to read:

345.400. In addition to the other requirements of ORS 345.010 to 345.450, the rules adopted by the Higher Education Coordinating Commission to regulate schools teaching hair design, barbering, esthetics or nail technology:

(1) May include rules the commission considers necessary to protect the economic or physical health and safety of the public and of the students attending the school including compliance with ORS 345.110.

(2) Shall include rules that set standards for teachers teaching in schools licensed to teach hair design, barbering, esthetics or nail technology pursuant to ORS 345.010 to 345.450.

(3) Shall require the schools to teach, and require for graduation from the school, courses that meet the following minimum standards:

(a)(A) A minimum hourly training requirement for:

(i) Hair design, 1,450 hours;

(ii) Barbering, 1,100 hours;

(iii) Esthetics, 250 hours; and

(iv) Nail technology, 350 hours; and

(B) In addition to the programs listed in this subsection, a student is also required to successfully complete the following requirements once:

(i) Safety and sanitation, 150 hours; and

(ii) Career development, 100 hours.

(b) A student [*competency-based*] **proficiency-based** training requirement for hair design, barbering, esthetics or nail technology, if the school has developed written requirements for graduation that are approved by the commission.

**SECTION 7. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect July 1, 2013.**

**Passed by House March 5, 2013**

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

**Passed by Senate April 24, 2013**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2013

**Approved:**

.....M,....., 2013

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John Kitzhaber, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2013

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Kate Brown, Secretary of State