



**Testimony on House Bill 2701**  
House Higher Education and Workforce Development Committee  
March 16, 2017

Chair Reardon, Vice-Chairs Whisnant and Alonso León, and members of the Committee. My name is Kyle Thomas and I am the Director of Legislative and Policy Affairs for the Higher Education Coordinating Commission. Thank you for the opportunity to provide comment on House Bill 2701.

“Probation,” as used for private career schools is a status that does not carry with it any tangible legal or administrative penalty. Rather, it is a notification to a career school that action *may* be pursued if the institution does not attempt to remedy a condition within the school that could result in harm to students or the state if the school does not correct the condition. Probation is an opportunity for the school to correct, within a specified time, certain noticed deficiencies.

This notification does not in any manner result in any restriction being placed on the operations of the school. If the school corrects the deficiency that has been identified by the Commission, the matter is considered resolved and no further action is pursued.

By requiring the Commission to seek the ruling of a hearing officer prior to notifying an institution of a deficiency, this bill may make it more difficult for the Commission to identify and work to correct licensure issues before those issues become serious or incurable. Additionally, the hearing requirement would impose on both the HECC and regulated schools the cost of preparing for and attending a hearing where one was previously not required.

HECC administrative rules currently allow a school to request a hearing if a school faces any monetary civil penalty, suspension of a license, or revocation of the license. Again, by requiring hearings in all cases, even uncontested cases or cases imposing minor penalties, a significant cost could be imposed on schools and the Commission in handling relatively minor or egregiously clear cases of misconduct where the school itself does not object to the penalty.

We look forward to the opportunity to further discuss this legislation and I thank you for considering these comments.