

HB 2701 A -A5, -A6, -A9 STAFF MEASURE SUMMARY

Senate Committee On Education

Prepared By: Lisa Gezelter, LPRO Analyst

Meeting Dates: 5/18, 5/23, 6/1

WHAT THE MEASURE DOES:

Eliminates probationary status designation for licensed private career schools and agents. Changes terminology in statute from 'place a licensee on probation' to 'issue a notice for corrective action.'

ISSUES DISCUSSED:

- Change would reduce confusion since license probation has different meanings for private career schools and degree-granting institutions
- 'Corrective action' appropriately reflects action being taken to demand school modify action or face risk of sanction
- Support for senate amendment that would add due process mechanism for career schools that disagree with notice of corrective action

EFFECT OF AMENDMENT:

-A5 Requires HECC to notify licensees and grant a contested case hearing under ORS 183.310(2) prior to any further action if HECC determines that a notice of corrective action should be issued. Declares emergency, effective on passage.

-A6 Adds requirement that the Higher Education Coordinating Commission (HECC) notify the career school that is the subject of the notification upon receiving a written complaint or deciding to proceed to an investigation. Requires HECC to engage with the school and students during the course of an investigation.

-A9 Requires HECC to notify career schools that are the subject of investigations and engage with career schools and affected students during the investigation. Prevents suspension or revocation of license until after a hearing officer determines that there is proper cause. Takes effect July 1, 2018.

BACKGROUND:

The Higher Education Coordinating Commission (HECC) is responsible for licensing private career schools and agents in Oregon. Under ORS 345.120, the HECC is required to investigate the actions of a career school or agent upon the written complaint of any person. Following an investigation, the HECC may place a licensee on probation, suspend or revoke a license. A licensee placed on probation must be formally notified by the HECC that it has deficiencies that must be corrected within a specified time. A licensee whose license is suspended must be formally notified by the HECC, and upon request by the licensee must be granted a contested case hearing. 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. A licensee whose license is revoked must be formally notified by the HECC, and upon request by the licensee must be granted a contested case hearing but is not authorized to continue operation on and after the effective date of the revocation.

To date one private career school has been placed on probation by the HECC and no schools have had their licenses suspended or revoked.