

Staff Recommendation:

Staff recommends approval of the temporary suspension of administrative rule 715-011-0070 and temporary suspension of subsection 4(b) of Administrative Rule 715-045-0023 effective through June 30, 2018.

Appendix A:

Temporary Rule Text

[Brackets] indicate deletions. **Bold** indicates new language

[715-011-0070

Investigation of Career Schools

- (1) Upon the written complaint of any person or pursuant to the Commission's own motion, the Commission or its delegate may investigate the actions of any career school or agent or any person who assumes to act in either capacity within this state.*
- (2) Upon receipt of any written complaint filed under this rule or ORS 345.120(1), the commission shall notify the career school that it is the subject of an investigation.*
- (a) When conducting an investigation, the Commission shall engage with both the career school under investigation and any affected students.*
- (b) The Commission may impose penalties as defined in OAR 715-045-0190 if the school is found to be in violation of any standard or applicable rule. A school may also request a contested case hearing under ORS 183.310(2) upon receipt of the results of an investigation made under this rule.*
- (c) In addition to any penalties, the Commission may also issue a notice for corrective action. If a school has been issued a notice of corrective action, that notice must include specified deficiencies that must be corrected within a specific time frame.*
- (d) A school may request a contested case hearing under 183.310(2) upon the notice of a suspension or revocation of its license based upon an investigation conducted by the Commission finding the school has engaged in conduct described in ORS 345.120(3)(a) through (d).*
- (e) If a school requests a contested case hearing under 183.310(2), the school may not have its license suspended or revoked unless or until a public hearings officer determines there is proper cause.*
- (f) Sections (a) and (b) of this rule do not limit the statutory authority of the commission to investigate schools regardless of receiving allegations from the public.*
- (g) If the complaint alleges a violation of Oregon Revised statutes 345.010 to 345.070 or standards of OAR 715-045-0006 through 715-045-0220, the complainant may complain directly to the Commission or its delegate under OAR 715-011-0075.]*

715-045-0023

Complaints against Private Career Schools

(1) Each school shall implement a process for the prompt resolution of a written complaint by a student of the school. Unless specifically provided by state or federal law or administrative rule, the decision of the school shall be final.

(2) Complaints filed on behalf of or by a student against a school must be postmarked within one year of the student's last date of attendance.

(3) If the complaint alleges a violation of Oregon Revised Statutes, ORS 345-010 to 345-070 or standards of OAR 715-045-0006 through 715-045-0220, the complainant may submit a written complaint to the Higher Education Coordinating Commission, after exhausting the school's procedures or after 45 days from filing a written complaint with the school, whichever occurs first. The complaint shall be in writing and shall contain:

(a) The complainant's name, address, phone number, and signature;

(b) School name, address, and phone number;

(c) A brief statement indicating which statute or rule the school is alleged to have violated and how the school is alleged to have violated it, e.g., failure to refund tuition, failure to provide a portion of the program described in the enrollment agreement;

(d) Facts detailing dates of attendance, termination date, date of occurrence, names, addresses and positions of school officials contacted, financial loss, if any, and any other pertinent information;

(e) An explanation of what efforts have been taken to resolve the problem with the school, if any; and

(f) Copies of pertinent documents, such as the enrollment agreement, catalog and advertisements.

(4)(a) After receipt of a complaint or other allegation that a school has failed or is failing to comply with the provisions of any laws or rules, the commission's executive director or designee shall investigate the facts surrounding the allegations.

[(b) The investigation conducted by the commission shall be conducted in the manner prescribed by OAR 715-011-0070]

(5) The executive director or designee shall notify the complainant and the school of the findings resulting from the investigation.

(6) The Commission may impose penalties as defined in OAR 581-045-0190 if the school is found to be in violation of any standard or rules.

(7) Sections (1) and (2) of this rule do not limit the statutory authority of the commission to investigate schools regardless of receiving allegations from the public.

(8) At the request of the executive director, complaints may be resolved with the assistance of such other parties as the Oregon Department of Justice, U.S. Department of Education, and other appropriate organizations and/or individuals.