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RULES:

715-045-0001, 715-045-0023, 715-045-0062, 715-045-0064, 715-045-0065, 715-045-0066

AMEND: 715-045-0001

RULE TITLE: Definitions

NOTICE FILED DATE: 12/28/2018

RULE SUMMARY: This rule change is required by the passage of HB 2701, which removes "probation" as a regulatory action from statute. The amendment replaces the word "probation" with "notice for corrective action." The regulatory action is the same, but is no longer called "probation."

The amendments also make necessary changes for consistency of terminology and replaces instances of "Superintendent" with "Executive Director."

RULE TEXT:

The following definitions apply to OAR 715-045-0001 through 715-045-0210, unless otherwise indicated by the context:

- (1) "Ability to benefit" is a term used in reference to federal Title IV federal student aid regulations and the methods of determining whether a student has the requisite academic skills necessary to successfully complete a program of study, to be used only for the purposes of establishing eligibility for Title IV funding.
- (2) "Addendum" used in reference to a school's catalog means a separate document that contains revisions of policies or other information appearing in the school catalog. Information listed in an addendum to a catalog should be incorporated into the catalog at the next printing of the catalog. An addendum does not include errata, but errata can appear on the same page as addendum information, if properly labeled.
- (3) "Advertising" means any form of public notice used in recruiting and promoting activities, however disseminated, including but not limited to print media, catalogs, and other school publications, signs, mailing pieces, radio or television ads, audiovisual material, and the internet on behalf of a licensed school.
- (4) "Agent" has the meaning given in ORS 345.010(1).
- (5) "Application for admission" or "admission application" means a form, separate from the enrollment agreement,

which is submitted by an applicant prior to the signing of the enrollment agreement and evaluated by the school for admission purposes. Schools may charge a non-refundable application fee; however, the fee must be clearly identified on the application.

(6) "Application fee," when used in reference to a school's admissions process, or "admission fee" means the initial fee charged by a school to cover those expenses incurred by the school in establishing an admissions file for a prospective student. The application or admission fee is not inclusive of and does not preclude other fees necessary to assess the suitability of a student for the intended program, or that student's appropriate level of placement in the program based on prior training, education, or experience. At the school's option, the application fee may be non-refundable. The school shall not charge an application fee of more than \$50.00.

(7) "Approved" means accepted by the Higher Education Coordinating Commission or by the commission's executive director in matters relating to school licensing requirements.

(8) "Assessment" or "Performance Assessment" when used in reference to the instructional program, as outlined in OAR 715-045-0009, means a performance-based evaluation of an applicant's progress towards mastery of the stated competencies of the instructional program.

(9) "At-risk" means the school demonstrates a pattern or history of one or more of the following conditions that the executive director determines may cause potential serious problems for the continued successful and profitable operation of the organization:

(a) Failure to meet the standards of financial responsibility or reporting;

(b) Misrepresentation;

(c) Frequent substantiated complaints filed with the Higher Education Coordinating Commission;

(d) A decrease in enrollment from the previous reporting period of 50 percent or more or 25 students, whichever is greater;

(e) Staff turnover from the previous reporting period of 50 percent or more or three staff, whichever is greater; and

(f) If conditions listed in paragraphs (d) and (e) of this subsection can be shown to be caused by unusual circumstance or reason the school may request an exemption from an "at-risk" designation. Exemption requests will be evaluated by the executive director.

(10) "Auxiliary facility" means a facility that does not use or list its address as a school location and:

(a) Absorbs a temporary overload that the principal facility cannot accommodate; or

(b) Provides a specialized training facility away from the principal school location; or

(c) Provides training under contract that is not open to general enrollment; or

(d) Is a site approved by the Higher Education Coordinating Commission for teaching a short-term course that is taught by registered teachers from the principal facility.

(11) "Barbering" has the meaning given in ORS 690.005.

(12) "Bona fide organization or group" means any body or entity that is nationally chartered or recognized by a national or state educational/occupational policy board that has operated or functioned in good faith without fraud or deceit for at least 25 years.

(13) "Capacity to complete" means that a student has the cognitive or physical capacity to complete a program of study, with or without reasonable accommodations, and become employment eligible in the specific field of training for which they are enrolling. A school has an obligation to determine whether applicants have capacity to complete during the admissions process, and to assess this capacity when information is obtained or received by the school through any means which suggests the student may not have capacity to complete the program. Any information obtained shall be treated as confidential and kept in a secure manner. Capacity to complete must be assessed before enrollment is completed; however, if information is received by the school after instruction has commenced that cognitive or physical circumstances exist that may impede a student's satisfactory progress through their program of study, capacity to complete must be assessed immediately after receipt of such information, and appropriate adjustments, accommodations, or tuition refunds made.

(14) "Class" means a scheduled meeting of persons for instructional purposes.

- (15) "Clinic lab" or "clinic floor" means a place where students perform assigned instructional tasks identified in the approved curriculum on models or the general public.
- (16) "Completion" means the student has satisfactorily finished all the requirements of the program in which he or she is enrolled, has fulfilled the terms of the enrollment agreement, and has been awarded an appropriate certificate, diploma, or completion document.
- (17) "Continuing education" means the enrollment in and completion of ongoing instruction outside the normal teaching schedule, which upgrades a teacher's skills and knowledge with the intent of making the teacher more proficient and current in subject matter taught, instructional methodology, or other skills and knowledge relevant to the teaching of adult learners.
- (18) "Course" means an aggregation of classes to achieve a completed set of competencies.
- (19) "Discount" means a specified amount of money to be deducted at the time of enrollment from the costs associated with an instructional program, according to a specified set of criteria. The criteria and details of any discounts offered by a school will be given to all persons eligible to receive the discount, and documented and maintained as part of a school's approved advertising. A discount that is granted must be listed as a discount on the enrollment agreement, and is not revocable.
- (20) "Discrimination" means any act that unreasonably differentiates treatment, intended or unintended, or any act that is fair in form but discriminatory in operation, either of which is based on age, disability, national origin, race, color, marital status, religion, sex or sexual orientation, or any other protected class.
- (21) "Distance learning instruction" means education provided by written correspondence or any electronic medium for students enrolled in a private career school in pursuit of an identified occupational objective, but not attending classes at an approved school site or training establishment.
- (22) "Enrollment" means a student has agreed to the purchase of a course or program of instruction offered by a school and has signed an enrollment agreement, however named, that commits both the student and the school to a legal and binding obligation. Instruction in a program or course may not begin without a signed enrollment agreement in place.
- (23) "Enrollment fee" means the fee a school charges that covers those expenses incurred by a school in processing the student enrollment agreement and establishing a student records system. The enrollment fee is limited to a maximum amount of \$250, and is identified as an enrollment fee on the student enrollment agreement.
- (24) "Errata" in reference to a school's catalog means a listing of errors appearing in a school's published catalog and the corrections of those errors. Errors do not include revisions to policies or other information in the catalog. Errata may be published only via electronic means, at the discretion of the school, in which case a reference in the school catalog must be included that specifies the URL or website where errata may be found. Errors included on the errata list should be corrected in the next printing of the school's catalog.
- (25) "Esthetics" has the meaning given in ORS 690.005.
- (26) "Evaluation fee" means any fee, however named, covering those expenses incurred by a school in evaluating a prospective student's prior training, education, experience, or other indicators of beginning level of mastery in technical program competencies before enrolling in a program of instruction at the school, or for other uses of an assessment for competency evaluation (e.g., licensing reciprocity) approved by the executive director. The evaluation fee shall not exceed the reasonable costs incurred by the school in administering and scoring the assessment, preparing official documentation, providing appropriate feedback to the applicant, and designing a program of study based on the assessment results (if applicable).
- (27) "Executive director" means the executive director of the Higher Education Coordinating Commission, or the executive director's designee.
- (28) "Fiscal reporting period" means the period of time for which the school provides financial information required by the Higher Education Coordinating Commission. The fiscal reporting period is identified by the school owner in the initial license application and must remain consistent unless a written request for a change is approved by the executive director. The fiscal reporting period may be the calendar year or another 12-month time period.
- (29) "Fund" means the private career school Tuition Protection Fund (TPF).

(30) "Grant," as used in reference to tuition assistance, means actual funds made available through any source to prospective or enrolled students through an application process whereby applicants must meet predetermined criteria and may or may not be required to maintain a certain status or performance criteria in order to retain the award. For in-house grants, funds in the amount of the full amount of the award for grants awarded on an annual basis will be deposited by the school in an account separate from the school's operating funds at the time of the award, or at the beginning of each new year of an on-going award, and drawn out by the school as the tuition is earned. For third party grants, all monies received by the school on behalf of the student will be deposited into an account separate from the school's operating funds and drawn out as the tuition is earned. In-house grants are revocable only in the amount that has not been earned by the student, according to the terms of the grant award, which are to be articulated to the recipient of the award and agreed upon by signature through an official award letter. The signed award letter will be kept in the student's file, and a copy given to the student. Any grant awarded a student from any source will be documented on the enrollment agreement as a grant at the time of the award. If the award is made after the initial enrollment agreement has been signed, a rider to that agreement must be executed and attached.

(31) "Gross tuition income" means all direct tuition charges from programs for which the school is licensed under OAR chapter 715, division 45, including any laboratory fee. Total gross tuition income does not include:

(a) Tuition refund;

(b) Enrollment and application fees; or

(c) Costs for books, supplies, tools, and equipment purchased by students.

(32) "Hair design" has the meaning given in ORS 690.005.

(33) "In default" is defined in ORS 345.115(5) as "when a course or program is discontinued or canceled or the school closes prior to completion of contracted services."

(34) "Incentive," as used in reference to tuition assistance, means a monetary reward or inducement offered by a school for the purpose of encouraging or motivating a student to perform a specific action, such as completing or course or instructional program within a certain period of time. Any terms or conditions that apply to an incentive must be published by the school, and maintained as part of the school's approved advertising. Students who are working towards an incentive award will have in their file a copy of the terms and conditions of the incentive along with a record of the date each condition is satisfied. Once all conditions have been satisfied the incentive is considered earned and cannot be cancelled or revoked. A rider to the enrollment agreement must be prepared at the time of award detailing the application of the incentive to the student's outstanding financial obligation.

(35) "License" means a license to operate a private career school.

(36) "Nail technology" has the meaning given in ORS 690.005.

(37) "Notice for Corrective Action" means that a school has been officially notified by the executive director that it has deficiencies that must be corrected within a specified time.

(38) "On-site review" means a visit to the school by authorized staff from the Higher Education Coordinating Commission who may review the facilities, classrooms, and school records; talk with students, staff, and administrators; and determine whether the school is in compliance with Oregon law.

(39) "Operating" or "operation" means any form of marketing, advertising, instruction, recruitment, or any other activity regulated under ORS Chapter 345 and OAR chapter 715, division 45.

(40) "Placement" means the student has been employed in the occupation for which trained.

(41) "Post-secondary" for the purposes of recognizing private career schools in Oregon as institutions of post-secondary study means any school licensed under ORS Chapter 345 that:

(a) Admits as regular students, or maintains as a majority of its enrollment, those students who have earned a recognized high school diploma, the equivalent of a recognized high school diploma, or a GED certificate, or who are beyond the age of compulsory education in the State of Oregon, and

(b) Is authorized by the Higher Education Coordinating Commission to offer one or more educational programs beyond secondary education.

(42) "Program" means an aggregation of courses to meet an identified occupational objective.

- (43) "Program advisory committee" means a representative group appointed by the school, which advises the school ownership and administration.
- (44) "Program improvement plan" or "school improvement plan" means a written plan that describes how the school will resolve or comply with violations of state rule or regulation assessed, or correct any deficiencies identified by the executive director, and usually includes interim outcome measures to track progress towards the overall improvement goals.
- (45) "Pro rata" means in accordance with a fixed proportion.
- (46) "Published Class Schedule" (for the purpose of calculating tuition charges) means the period of time between the commencement of classes and the student's last date of attendance as offered by the school and scheduled by the student.
- (47) "Recruiting" means personally soliciting or attracting a person or persons by a school or its agent(s) with the intention of actively pursuing enrollment in the school. Recruiting does not include leaving materials at or near an office or other site for a person to pick up of his or her own accord or handing a brochure or other materials to a person.
- (48) "Registration" means the process by which directors, agents, or teachers either request registration by the executive director to teach at the school or notify the executive director of their appointment of an agent to represent the school.
- (49) "Reporting period" means the period of time that corresponds with the school's fiscal year on which the school bases all individual program student completion and placement reporting that must be submitted to the Higher Education Coordinating Commission. The school's fiscal year may be the calendar year or another 12-month time period.
- (50) "Resident instruction" means education provided at an approved school site or training establishment for students enrolled in and attending classes at the school facility in pursuit of an identified occupational objective.
- (51) "Revocation" as referenced in OAR 715-045-0012 means that the executive director, has notified an employee of a licensed private career school that because of violations of 715-045-0012(9)(a)–(c) the commission's approval of the employee's registration is permanently withdrawn. When notice of revocation is issued, the employee shall be notified and upon written request, shall be granted a contested case hearing under the Administrative Procedures Act, ORS Chapter 183.
- (52) "Revoke" means the Higher Education Coordinating Commission terminates the school license. When the license is revoked, the school is not authorized to continue operating. Issuance of a notice for corrective action or suspension may, but is not required to, precede revocation.
- (53) "Rider" means an attachment, schedule, amendment, or other writing that is added to the enrollment agreement that alters the terms, conditions, or financial obligation of the original instrument without altering the instrument in its entirety. The contents of a rider to the enrollment agreement are understood to be incorporated into the enrollment agreement.
- (54) "Scholarship" means actual funds, from any source, made available to prospective or enrolled students through an application process whereby applicants must meet predetermined criteria and may or may not be required to maintain a certain status in order to retain the award. For in-house scholarships, funds in the amount of the full amount of the award for scholarships awarded on an annual basis will be deposited by the school in an account separate from the school's operating funds at the time of the award, or at the beginning of each new year of an on-going award, and drawn out by the school as the tuition is earned. For third party scholarships, all monies received by the school on behalf of the student will be deposited into an account separate from the school's operating funds and drawn out as the tuition is earned. In-house scholarships are revocable according to the terms of the scholarship award, which are to be articulated to the recipient of the award and agreed upon by signature through an official award letter. The signed award letter will be kept in the student's file, and a copy given to the student. Any scholarship awarded a student from any source will be documented on the enrollment agreement as a scholarship at the time of the award. If the award is made after the initial enrollment agreement has been signed, a rider to that agreement must be executed and attached.
- (55) "Self-directed instruction" means a course of instruction or an instructional program in which the instructional

materials and curriculum are sufficient in design and scope to prepare a student for the program's occupational objectives without the provision of direct instruction. These objectives can be achieved without regular or scheduled interaction either by mail, telephone, or in person between the student and faculty employed by the school and do not require the school to measure attendance or lesson completion for satisfactory progress.

(56) "School" or "career school" or "private career school" has the meaning given in ORS 345.010(4).

(57) "Short term course" means a course no longer than 16 clock hours in duration.

(58) "State advisory committee" means a representative, statutory advisory committee appointed by the executive director, consisting of members who shall serve for terms of three years ending June 30.

(59) "Structured work experience" or "externship" means a worksite educational activity that correlates the value of classroom training and on-site job performance, is an integral part of the student's training plan, and is supervised/evaluated by appropriate school personnel.

(60) "Supplement" in reference to a school's catalog means a document that is separate from the catalog and which contains new information not appearing in the catalog, or information that is related, but in addition, to information already appearing in the catalog. Information contained in a catalog supplement may or may not need to be incorporated into the catalog at the next regular revision and printing of the catalog.

(61) "Suspension" as referenced in OAR 715-045-0012 means that the executive director has notified an employee of a licensed private career school that because of violations of 715-045-0012(9)(a)–(c) the commission's approval of the employee's registration is temporarily withdrawn. When notice of suspension is issued, the employee shall be notified and upon written request, shall be granted a contested case hearing under the Administrative Procedures Act, ORS Chapter 183.

(62) "Suspend" means the executive director has notified a school that because of deficiencies, it may not advertise, recruit, enroll students, or begin instruction of new students, but may remain open to complete training of currently enrolled students. Issuance of a notice for corrective action may, but is not required to precede suspension.

(63) "Teachout" means a defaulting school or the Higher Education Coordinating Commission makes provisions for students enrolled at the time of the default to complete a comparable program at no additional cost beyond the original enrollment agreement with the defaulting school. Teachout arrangements, if made by the defaulting school, shall be approved in advance by the commission's executive director and, if ongoing, approved annually by the executive director.

(64) "Transcript" means a written record that shall include, but is not limited to, name and address of student, first and last date of attendance, all programs or courses undertaken, grades achieved, whether the courses or programs were successfully completed, and signature of a school official.

(65) "Tuition" means money or other compensation paid or credited to a school by a student or on behalf of a student that is applied to the costs of instruction and training actually received or to be received by the student.

(66) "Tuition aid" or "Tuition assistance" means any award of monetary value, including, but not limited, to scholarships, grants, discounts, or incentives offered by a career school or by a third party, that is received by a student who will enroll in, or is enrolled in, a specific program of instruction, and is:

(a) Provided directly to the student for the purposes of covering, in full or in part, the costs of tuition or other allowed educational expenses incurred by the student, or

(b) Paid or credited to a career school on behalf of the student by the school or a third party for the purpose of covering, in full or in part, the costs of tuition or other allowed educational expenses incurred by the student.

(67) "Withdrawal fee" means any fee, however named, covering those expenses incurred by a school in processing student paperwork relating to program changes (i.e., course additions/drops or transfers) or withdrawal from school and so identified on the student enrollment agreement.

STATUTORY/OTHER AUTHORITY: ORS 345.020

STATUTES/OTHER IMPLEMENTED: ORS 345.030, ORS 345.325, 2017 Oregon Laws Chapter 422

AMEND: 715-045-0023

RULE TITLE: Complaints against Private Career Schools

NOTICE FILED DATE: 12/28/2018

RULE SUMMARY: This rule change is required by the passage of HB 2701, which removes "probation" as a regulatory action from statute. The amendment replaces the word "probation" with "notice for corrective action." The regulatory action is the same, but is no longer called "probation."

The amendments also make necessary changes for consistency of terminology and replaces instances of "Superintendent" with "Executive Director."

RULE TEXT:

- (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 or received electronically 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;
 - (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 conduct an investigation.
- (b) The investigation conducted by the commission shall be conducted in the manner prescribed by OAR 715-011-0070.
- (5) The executive director shall notify the complainant and the school of the findings resulting from the investigation.
- (6) 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 rules.
- (7) Sections (1) and (2) of this rule do not limit the statutory authority of the commission to investigate a school on the commission's own motion.
- (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.

STATUTORY/OTHER AUTHORITY: ORS 345.120

STATUTES/OTHER IMPLEMENTED: ORS 345.120, 2017 Oregon Laws Chapter 422

AMEND: 715-045-0062

RULE TITLE: Application for Private Career School License Renewal

NOTICE FILED DATE: 12/28/2018

RULE SUMMARY: This rule change is required by the passage of HB 2701, which removes "probation" as a regulatory action from statute. The amendment replaces the word "probation" with "notice for corrective action." The regulatory action is the same, but is no longer called "probation."

The amendments also make necessary changes for consistency of terminology and replaces instances of "Superintendent" with "Executive Director."

RULE TEXT:

(1) Each school shall annually renew its license. At least 60 calendar days prior to the anniversary date of its license, the school must file with the Higher Education Coordinating Commission a completed application for license renewal, including:

- (a) Current financial reports as required by OAR 715-045-0032;
- (b) Financial report certification form signed by the school's owner or chief administrative officer;
- (c) A current and accurate enrollment agreement or contract;
- (d) A copy of the catalog that will be in effect for the instructional year that commences during the reporting period for which the license is being renewed. The catalog submission must include an indication of changes that have been made to the structure or wording of the catalog contents;
- (e) A copy of any student handbook, addendums, or supplements to the school catalog, and any additional policies and requirements provided to the student that will be in effect for the instructional year that commences during the reporting period for which the license is being renewed. Submission of these materials must include an indication of changes that have been made to the structure or wording of these materials as previously approved by the Department;
- (f) Copies of any advertising materials used to recruit new students;
- (g) Affidavit of ownership form, signed by all owners holding more than 10% ownership in the school, or by the chief corporate officer (other than the campus president) for publicly held companies;
- (h) Affidavit of non-delinquency for student refunds, signed by the school owner or chief administrative officer, as described by OAR 715-045-0032(1)(f);
- (i) Student enrollment, completion, and placement information as described in subsection (3) of this rule;
- (j) Roster of all instructional staff utilized during the reporting period with dates of service and gross earnings paid;
- (k) Information regarding changes to the instructional design as described in subsection (4) of this rule;
- (l) License renewal fee and any outstanding penalties, late fees, or other charges owing to the commission.

(2) If a school has been licensed for three years or more and there are no changes in the school's structure, the commission's executive director may allow the school to submit an abbreviated renewal application that confirms the school's compliance with applicable Oregon Revised Statutes and Oregon Administrative Rules. Such abbreviated renewal application shall include the required renewal fee.

(3) The school must provide the following information on the forms provided by the commission for the reporting period:

- (a) Names and enrollment information for all students continuing from the prior enrollment period;
- (b) Names and enrollment information for all students who enrolled in the program during the reporting period;
- (c) Names and enrollment information for all students who left the program without completing it during the reporting period;
- (d) Names and enrollment information for all students who transferred between programs during the reporting period;
- (e) Names and enrollment information for all students who were graduated from the program during the reporting period; and

- (f) Names of those who graduated and were placed or are working in directly related occupations during the reporting period, along with employer information.
- (4) If any changes have occurred in the instructional design for any course or program during the previous reporting period or changes are anticipated during the new reporting period, these changes will be submitted to the commission for review and approval.
- (5) If the applicant school accepts enrollment of minors, or employs agents who have contact with persons under the age of 18 on behalf of the applicant school, the provisions of OAR 715-045-0003 will apply to any subject individuals the school currently employs or proposes to hire.
- (6) An application for renewal of license shall be considered late if not postmarked (or date stamped if hand delivered to the commission) before or on the due date. The executive director, as allowed under ORS 345.995 and OAR 715-045-0190, may impose a late fee for each calendar day the renewal application is late. Such fees, where applicable, shall be included with the renewal application.
- (7) The commission may invoke license suspension as defined in OAR 715-045-0001 and begin license revocation procedures when:
- (a) A school fails to submit the application for license renewal by the due date as described in subsection (1) of this rule;
 - (b) The application does not include accurate or adequate, or complete materials necessary for license renewal; or
 - (c) The school has been issued a notice for corrective action and is not making satisfactory progress to comply with all provisions of the program improvement plan.
- (8) License renewal may be denied when a renewal application is incomplete or received by the commission less than 30 days before the license expiration date. Pursuant to ORS 183.484, denial of license renewal on these grounds is an order in other than a contested case. Appeal of the decision to deny may be made by written request to the Circuit Court within 60 days of the issuance of the denial order.
- (9) The executive director may conditionally approve a license renewal providing a school agrees to a program improvement plan acceptable to the executive director. Conditional license approval shall be subject to the provisions of ORS 345.030(8). The conditional license issued by the commission shall include the period and dates of effectiveness of the license.

STATUTORY/OTHER AUTHORITY: ORS 345.030

STATUTES/OTHER IMPLEMENTED: ORS 345.030, 2017 Oregon Laws Chapter 422

AMEND: 715-045-0064

RULE TITLE: Student Completion and Placement

NOTICE FILED DATE: 12/28/2018

RULE SUMMARY: This rule change is required by the passage of HB 2701, which removes "probation" as a regulatory action from statute. The amendment replaces the word "probation" with "notice for corrective action." The regulatory action is the same, but is no longer called "probation."

The amendments also make necessary changes for consistency of terminology and replaces instances of "Superintendent" with "Executive Director."

RULE TEXT:

- (1) Schools shall submit true and correct data annually to the Higher Education Coordinating Commission which identifies completion and placement rates for each approved program. These rates shall be computed by individual programs and substantiated by worksheets and records.
- (2) Any school failing to maintain completion and placement rates for each approved program of at least 50 percent may be issued a notice for corrective action.
- (3) The commission's executive director may withdraw approval of any program that fails to maintain completion and placement rates of at least 50 percent for two consecutive reporting periods. Unusual cause or circumstance will be considered by the commission and exceptions may be granted.
- (4) The executive director may require the name, address, and telephone number of any or all graduates and employers accounted for in subsection (1) of this rule for verification and reporting purposes.
- (5) The executive director, upon written request from a school, may waive or modify all or part of the requirements of the annual submission of student placement data

STATUTORY/OTHER AUTHORITY: ORS 345.080

STATUTES/OTHER IMPLEMENTED: ORS 345.080, 2017 Oregon Laws Chapter 422

AMEND: 715-045-0065

RULE TITLE: Inspection and Periodic Review

NOTICE FILED DATE: 12/28/2018

RULE SUMMARY: This rule change is required by the passage of HB 2701, which removes "probation" as a regulatory action from statute. The amendment replaces the word "probation" with "notice for corrective action." The regulatory action is the same, but is no longer called "probation."

The amendments also make necessary changes for consistency of terminology and replaces instances of "Superintendent" with "Executive Director."

RULE TEXT:

- (1) A school shall provide the Higher Education Coordinating Commission access to all information, records, physical facilities, school employees, and other parties (including advisory groups, administrators, students and graduates) as may be necessary to verify compliance with Oregon Revised Statutes, ORS 345.010 to 345.450, or standards of OAR 715-045-0001 through 715-045-0210.
- (2) A school shall permit the commission's executive director to conduct an investigation or on-site review of the school with or without notice. When requested, the school must provide the executive director with true and accurate information including but not limited to records and documents.
- (3) A school located in Oregon may be inspected on an annual basis or as the executive director determines necessary.
- (4) A school may be reviewed to determine whether the school has and is adhering to policies and procedures in such areas as its programs, services and staff conduct.
- (5) Whenever an inspection or other investigation reveals lack of compliance with Oregon Revised Statutes, ORS 345.010 to 345.450 or standards of OAR 715-045-0001 through 715-045-0210, the executive director may issue a notice for corrective action by certified mail. When deemed appropriate the executive director may initiate immediate license suspension or revocation proceedings and schools will be provided due process through the provisions allowed in subsection (5)(c) of this rule. If the executive director elects to issue a notice for corrective action, the school shall have 20 calendar days after date of notification to report on actions that have been taken to correct these deficiencies:
 - (a) The school's response shall indicate corrective action taken and/or a program improvement plan for correcting any remaining deficiencies;
 - (b) If violations cited are not corrected, or if a program improvement plan submitted to correct the violations is not acceptable to the executive director, the executive director may review and determine if further action may be warranted.
 - (c) The school may request a hearing within 21 calendar days of receipt of the commission's notice to revoke or suspend the school's license; and
 - (d) A school whose license has been placed on suspension shall not be permitted to engage in any advertising, recruitment or student enrollment activities, or begin the instruction of any new students during the period of suspension.

STATUTORY/OTHER AUTHORITY: ORS 345.080

STATUTES/OTHER IMPLEMENTED: ORS 345.080, 2017 Oregon Laws Chapter 422

AMEND: 715-045-0066

RULE TITLE: At-Risk School

NOTICE FILED DATE: 12/28/2018

RULE SUMMARY: This rule change is required by the passage of HB 2701, which removes "probation" as a regulatory action from statute. The amendment replaces the word "probation" with "notice for corrective action." The regulatory action is the same, but is no longer called "probation."

The amendments also make necessary changes for consistency of terminology and replaces instances of "Superintendent" with "Executive Director."

RULE TEXT:

- (1) The Higher Education Coordinating Commission may determine a school is "at-risk" if a pattern or history of one or more of the conditions cited in the definition for "at-risk" exist.
- (2) The school owner and/or director shall be required to meet with the commission's executive director to discuss the conditions.
- (3) A school determined to be "at-risk" at any time, will be required to provide:
 - (a) A school improvement plan acceptable to the executive director within 30 days after meeting with commission staff;
 - (b) A letter of credit if appropriate; and
 - (c) A monthly report for up to 12 months. During that time the school shall demonstrate improvement or the executive director may review and determine if further action may be warranted.

STATUTORY/OTHER AUTHORITY: ORS 345.120

STATUTES/OTHER IMPLEMENTED: ORS 345.120, 2017 Oregon Laws Chapter 422, SB 326.051