

Private Career Schools Licensing Exemption-Related Checklist / Guidance

per ORS 345.015

Below is a checklist that offers some general guidance regarding how the HECC interprets each of the exemptions listed. Any “**yes**” checked means the exemption ***might*** apply. Please review the Exemption information posted on HECC’s website. Click on the link: [EXEMPTION](#)

345.015 Application of ORS 345.010 to 345.340. ORS 345.010 to 345.340 do not apply to:

(1) Instruction or training solely avocational or recreational in nature or to institutions offering such education exclusively.

This exemption covers training that is not job-related in nature (for example, classes teaching how to play bridge, recreational dance instruction, or music lessons for non-professionals). The exemption also covers institutions that offer only this type of education. Generally speaking, if someone might list a course on a resume when job hunting, it may not qualify as “solely avocational or recreational” in nature.

Are ***all*** of your educational programs avocational or recreational in nature?

☐ **Yes** ☐ **No**

(2) Instruction or training sponsored or offered by a bona fide trade, business, professional or fraternal organization or by a business primarily for the organization’s membership or the business’s employees.

This exemption covers specific instances of training. Generally, such training includes training provided by a business primarily for its own employees, or training provided by a “bona fide” trade or professional organization primarily to its membership. The HECC interprets “sponsored or offered” literally, meaning that the business or organization either provides training itself or sponsors (pays for) it by contracting with a provider. “Primarily” means the students are employees or members with exceptions few enough in number not to change the intended purpose of the training.

Are you a bona fide trade, business, professional or fraternal organization offering or sponsoring instruction or training primarily for your membership?

☐ **Yes** ☐ **No**

OR

Are you a business offering or sponsoring instruction or training primarily for your own employees?

☐ **Yes** ☐ **No**

- (3) Instruction or training sponsored, offered or contracted by organizations, institutions or agencies, if the instruction or training is advertised or promoted to be in the nature of professional self-improvement or personal self-improvement and the instruction or training is not:**
- (a) Advertised or promoted as leading to or fulfilling the requirements for licensing, certification, accreditation or education credentials; or**
 - (b) Leading to an occupation, employment or other activity for which a person may reasonably expect financial compensation.**

☐ **Q1:** Check if you are an organization, institution or agency.

☐ **Q2:** Check if you sponsor, offer or contract instructional programs that are marketed as professional or personal self improvement.

☐ **Q3:** Check if these programs are **never** advertised as leading to or fulfilling requirements for licensing, certification, accreditation or education credentials.

☐ **Q4:** Check if these programs do not lead to specific occupations, employment, or other activities for which a person might reasonably expect financial compensation.

If **BOTH Q1 and Q2** above are checked, and **EITHER (or both)** of Q3 or Q4 are also checked, then check "Yes" below to indicate possible exemption.

☐ **Yes** ☐ **No**

- (4) Courses offered in hospitals that meet standards prescribed by the American Medical Association or national accrediting associations for nursing.**

Please consult the AMA website for more information (<https://www.ama-assn.org/>). Note that courses offered outside a hospital or that are not aligned with AMA standards would not be within the scope of this exemption.

Are you offering **only** courses that meet AMA or standards set by national accrediting associations for nursing?

☐ **Yes** ☐ **No**

- (5) Courses, instruction or training offered for a limited number of hours, as defined by rule of the Higher Education Coordinating Commission.**

The HECC limits this exemption to courses or combinations of courses meeting the definition of "short term course" in OAR 715-045-0001. This means courses of no more than 16 clock hours in duration. Programs that combine courses together such that they exceed the 16-hour threshold are

not considered exempt. Scheduled class time always counts toward the 16 hours. Other required student time also counts toward clock hours if students are effectively required to complete additional clock hours in order to complete the program. Examples include testing time outside of scheduled class hours and external requirements that students obligate themselves to complete as part of enrolling in a program.

Are **all** of your programs and courses 16 clock hours or less?

☐ Yes ☐ No

(6) Schools offering only courses of an advanced training or continuing educational nature when offered solely to licensed practitioners and people previously qualified or employed in the profession for which a course is being offered.

To qualify for exemption from licensing, a school must 1) offer training that is demonstrably “advanced” (not entry level training, for example) or meets actual CE requirements for particular licenses; 2) clearly identify the licenses or qualifications that students are required to have in order to enroll; 3) enforce that requirement, excluding students who do not meet requirements; 4) ensure that continuing education (CE) requirements that are met by the courses. Note that schools must offer “only” this type of training to qualify for the exemption. If students are permitted to enroll without these licenses or qualifications, or if the training offered does not qualify as CE or is entry-level training, the HECC will not consider the school to be exempt.

Do **all** of your programs provide advanced or CE training only to already licensed or qualified professionals as described here?

☐ Yes ☐ No

(7) Courses, instruction or training offered to prepare a student to become certified as a nursing assistant or a medication aide in compliance with standards prescribed by the Oregon State Board of Nursing.

Please consult the Oregon State Board of Nursing website for more information (<https://www.oregon.gov/OSBN/pages/index.aspx>). Note that there are other nursing-related fields and programs besides “nursing assistant” or “medication aide” that would not be within the scope of this exemption.

Do you offer **only** programs providing nursing assistant or medication aide training in compliance with OSBN standards as described here?

☐ Yes ☐ No

(8) Schools that the Higher Education Coordinating Commission:

- (a) determines are adequately regulated by other means that guarantee the school meets the standards described in ORS 345.325; and***
(b) as a result of the determination described in paragraph (a) of this subsection, grants an exemption from the licensure requirements of ORS 345.010 to 345.340.

Note that this exemption requires the HECC to make a determination regarding your school and other regulatory requirements that apply to your school. Therefore, you need to apply for (and the HECC must grant) this exemption in order for it to apply.

Have you ***already*** applied to the HECC and received an exemption for your school on the basis of ORS 345.015(8)?

☐ **Yes** ☐ **No**

(9) Schools offering only review instruction to prepare a student to take an examination to enter a profession, where the student has completed prior training related to the profession.

This exemption applies to a whole school. To qualify for exemption from licensing, for each course, a school must identify the prior training that a student must have completed, and the examination for which the school is offering review instruction.

Does your school offer ***only*** examination review instruction for students who have already completed prior training related to a profession as described here?

☐ **Yes** ☐ **No**

(10) Schools described in ORS 348.597 and, except as provided in ORS 345.017, schools approved by the Higher Education Coordinating Commission to confer or offer to confer academic degrees under ORS 348.606.

Generally speaking, this means that private schools offering traditional academic degrees (associates, bachelors, masters and above) are exempt from PCS licensing requirements. Note that they generally will instead be required to apply for authorization from the HECCs Office of Degree Authorization (ODA) in lieu of obtaining a Private Career School license.

Does your school offer traditional academic degrees?

☐ **Yes** ☐ **No**

NOTE: An exemption from PCS Licensing requirements does not mean that the school is exempt from Office of Degree Authorization (ODA) requirements. Please contact the ODA at 503-947-5716 or by email at info.pps@HECC.Oregon.gov directly to determine if authorization by that office is required.

(11) Any parochial or denominational institution providing instruction or training relating solely to religion and that does not grant degrees.

Note that “instruction or training relating solely to religion” means that an institution exempt under ORS 345.015(11) training program provided under this exemption could not provide religious training that simultaneously qualifies students for a secular professional license. Such a program would be required to obtain a Private Career School license because of the secular license component.

Does your school offer ***only*** instruction or training relating solely to religion as described here?

☐ Yes

☐ No
