

SHEEO State Authorization Inventory

Oregon

Please note: For purposes of this survey, the terms “authorize” and “authorization” are used generically to include approve, certify, license, regulate, recognize, empower, or similar actions relative to the operation, provision, or availability of postsecondary education in your state.

1. Agency and Contact Information

- a. Agency Name: **Department of Education
Private and Career Schools Office**
- Description:
The Department of Education (Private Career Schools Office) license schools that offer non-degree programs in technical and vocational education.
 - Contact Information:
Teresa Greene
Director
Department of Education - Private Career Schools Office
503-947-5915
teresa.greene@state.or.us
 - Please state who institutions should contact if they have questions about your agency’s authority, policies, or application process?
Same as above.
- b. Links:
<http://www.ode.state.or.us/search/results/?id=83>
- c. The following agency also has responsibility for authorization in the state and will also be requested to complete a survey.
Office of Degree Authorization
Construction Contractor’s Board
Oregon State Board of Nursing
- Please note: Construction Contractor’s Board & Oregon State Board of Nursing did not receive a survey.
- d. If the division of responsibility among these agencies is not clear, please explain.
Schools offering Certified Nursing Assistant or Medication Aide programs only may obtain an exemption from licensing as a private career school from the

Oregon Department of Education if they are approved by the Oregon State Board of Nursing. If a school offers these programs in addition to other programs, the exemption is not available regardless of regulation by the Oregon State Board of Nursing for the CNA and MA programs, and the school must obtain a license to operate under the regulation of the Oregon Department of Education.

Training programs in the construction trades are automatically exempt from licensing with the Oregon Department of Education under current interagency agreements. This is subject to change in the future.

2. Types of Educational Providers Authorized

- a. Please indicate the types of institutions that your agency authorizes, using the list below. Please answer “yes” or “no” to each item. Feel free to provide a short explanation of any ambiguity, including any necessary clarification of “in-state,” “out of state,” or other terminology.

No Public, in-state degree granting institutions
No Public, out-of-state degree granting institutions
No Private, in-state, not-for-profit degree granting institutions
No Private, out-of-state, not-for-profit degree granting institutions
No Private, in-state, for-profit degree granting institutions
No Private, out-of-state, for-profit degree granting institutions
No Public, in-state, non-degree granting institutions
No Public, out-of-state, non-degree granting institutions
Yes Non degree, not-for profit institutions
Yes Non degree, for-profit institutions
Yes Religious institutions
Yes Tribally-controlled institutions

Clarifying comments:

The Oregon Department of Education currently licenses vocational training only in private, non-degree granting institutions, regardless of non-profit or for profit status. A list of exemption scenarios are listed in the Oregon Revised Statutes chapter 345, specifically ORS 345.015.

- b. Is an institution required to obtain approval from more than one agency to be authorized in your state (excluding purely programmatic approvals)? If so, please explain.
See 1(d) above.
- c. Is accreditation required for an institution to be authorized in your state?
No.
- o If yes, please explain:

- If yes, what type of accreditation is required? Please, check all that apply as appropriate.

Regional
 National
 Programmatic/specialized

Clarifying comments:

- d. Does your agency authorize specific academic programs offered by institutions or only institutions themselves?

We license the institutions to offer approved programs. All programs offered by the institution must be reviewed and approved before enrollment of students can begin.

- e. Do programs in certain subject areas require the separate approval by another state entity; for example, a professional licensing agency?

Unsure of how to answer this question. These programs are primarily degree programs, and would fall under the jurisdiction of the Oregon University System for public institutions or the Office of Degree Authorization for the private institutions. Some programs, such as nursing programs, may require the approval of another agency, such as the Oregon State Board of Nursing.

3. Exemptions

- a. Are certain institutions or programs exempt by law or policy from your state authorization requirements?

- If yes, please describe which institutions or programs the exemption applies to and how it works? If available, please provide any pertinent web links.

Our exemptions are listed in ORS 345.015. If an institution believes they qualify for an exemption, they should call our office and discuss it with the Director to verify they do indeed qualify for an exemption. Many times an institution believes they should be exempt, when in fact they are not.

- If yes, how does the institution or program claim an exemption? For example, is the exemption automatic as long as it meets specified criteria, does the institution or program notify the agency and the exemption is granted, is there an application process, etc.?

If after a consultation with the Director it is determined the institution does in fact qualify for an exemption, there is a request for exemption form available on our website (www.ode.state.or.us/go/PCS) that should be

filled out and sent in. A letter of exemption clarifying the terms of the exemption will be sent in response.

- b. If an institution or program is exempt from state authorization, are there any other state requirements that an institution would need to fulfill in order to operate in your state (e.g., providing contact information, list of programs, etc.)?

There are applicable laws and rules regarding operation of a business, employer responsibilities, fire codes, ADA considerations, etc. that should be taken into account.

- c. Does your state constitution or do your state laws provide any exemptions for religious institutions?

Yes, but those exemptions are explained within the context of the statutes and rules of ODE and ODA.

- Are all religious institutions exempt (please describe)?
- Are religious institutions that award only religious degrees or certificates exempt (please describe)?
- Are certain religious institutions exempt that meet other criteria (please describe)?

4. Authorization of Distance Education

- a. Does your agency require purely (100%) distance education programs, including online or correspondence study programs that enroll residents of your state, to be authorized without regard to physical presence?

If there is no physical presence established, then they do not have to license. However, the definition of physical presence may be different for degree-granting institutions than for non-degree granting institutions.

- b. If not, does your agency determine whether an institution must be authorized based on a physical presence or “operating” standard?

Yes.

5. Physical Presence Policy – Common “Triggers”

- a. If your agency uses a physical presence standard, how does your agency define physical presence? If available, please provide a link to that policy or a citation to the relevant regulation giving that standard.

For non-degree granting institutions, a physical presence is established when the institution maintains an office within the state, any instructional staff conduct instructional activities from within the state or any part of the instructional

program is conducted from or in the state, any agents operate within the state, or any Oregon specific advertising is done for or by the institution.
(OAR 581-045-006 (13)(b))

b. Please specify whether any of the following activities would constitute a physical presence or signify “operating” in your state, assuming that the named activity is the institution’s sole activity in your state. **Please answer “yes” or “no” to each question. In addition you may provide a short explanation of any ambiguity.**

- Permitting a student to complete an internship, externship, field experience, or clinical practicum organized by the institution?
Yes.
 - Does this apply only to distance education students or more generally?
In general.
- Permitting a student to complete an internship, externship, field experience, or clinical practicum found by the student acting independently?
Yes.
 - Does this apply only to distance education students or more generally?
In general.
- Employing full-time faculty in the state to provide instruction via distance education programs to students in the state?
Yes.
 - What about adjunct faculty?
Yes.
- Employing full-time faculty in the state to provide instruction via distance education programs solely to students outside of the state?
Yes, but only those students who reside in the state need be reported for the purposes of calculating tuition income as it relates to licensing renewal fees and contributions to the Tuitions Protection Fund.
 - What about adjunct faculty?
Yes, same provision as above.

- Having a contract/agreement between the institution and in-state institutions or in-state entities to provide services for students (i.e. library, gym, computer centers, etc.)?
No, if all the in-state institution is providing is supplemental services and are not engaged in instruction.
- Organized, consistent, on-the-ground recruiting of students in the state by employees or agents of the institution?
Yes.
 - What if the agent is only recruiting students in the state on an occasional basis (i.e. at job fairs)?
Yes.
- Advertising in local media sources that are largely viewed by residents of the state?
Yes.
- Advertising in national media sources that can be accessed by residents of the state?
No, if that is the sole extent of their advertising.
- Having computer servers or other equipment located in the state?
Jury is still out on this one. We deal with it on a case-by-case basis.
- Hosting short term, face-to-face, seminars or conferences in the state where students meet in person?
Instructional programs of 16 hours or less are exempt. Anything more than that must be licensed.
- Employing mentors, tutors, or preceptors in the state to aid students, who are residents of the state, on an individual basis?
If they are providing instruction, the institution must be licensed.
- Requiring a student to take a proctored exam at a location or with an entity in the state prescribed by the institution?
No.
- Requiring a student to take a proctored exam with an entity in the state chosen by the student but approved by the institution?
No.
- Other [please explain]

- c. Of the activities or conditions listed above that alone would not constitute a physical presence, are there any that if combined would create a physical presence?

Any combination of activities that fit the definition of a physical presence would require the institution to be licensed.

6. Application Process

- a. Please provide a short description of the application process to obtain state authorization. If available, please provide web links to the specific references to all applicable state laws, regulations, manuals, forms, or other pertinent documents.

Applicant submits application form, licensing fee, and Tuition Protection Fund deposit. Our office reviews application materials and works with applicant to ensure all materials meet minimum standards. Once that is achieved, a site visit is conducted, as well as a meeting with the school owner. Then a license is issued and the institution is free to advertise, recruit, enroll students, and begin instruction.

- b. Generally, how long does it take to approve applications (assuming that the agency has received all required information from the institution)? Please provide a typical range if appropriate.

Impossible to estimate. Timing depends on how many applications are in process, the quality of those applications, and other agency factors that may require a diversion of staff time and attention. Typically, a school can become licensed within 9 months from time of application submission.

- c. What is the authorization duration?

1 year.

- d. What does an institution need to do to maintain authorization?

Maintain compliance with all applicable laws and statutes as evidenced by submission of a license renewal application that provides satisfactory information, and satisfactorily pass an annual site inspection.

- e. What kinds of information or data must an institution report to your agency as a condition for continued authorization? How frequently is this reported or updated? Is this information published or shared publicly?

Any changes in ownership, instructional staff, legal documents, school catalog, or curriculum must be reported. Completion, withdrawal, and placement statistics for each program must be reported and meet a minimum guideline. Financial statements must also be sent, and assurances that certain specific statutes are being followed.

Any changes in ownership, the enrollment agreement, student catalog, or curriculum should be reported and approved before implementation. All other information is reported annually.

- f. Can an institution lose its authorized status? If so, how?
Yes. Too complicated to answer. Usually financial problems are the cause of loss of licensure. Most schools close voluntarily. We have had a few schools that have lost their license simply because they did not send in their renewal information. We then verify that the school is closed and proceed accordingly.
- g. Can a multi-institutional system or college corporation apply to your agency for authorization on behalf of all of its component institutions? If so, please describe the process.
Each separate site of an institution must be licensed.
- h. Would multi-institution public systems be treated the same as multi-location for-profit institutions?
We do not license public institutions.
- i. What distinctive features in your authorization process would be useful for applicants to know (e.g., certain times during the year that you process applications for authorization, sharing of applications or information about proposed programs with institutions or other stakeholders in your state for comment)?
We advise people who inquire about the licensing process to meet with us before beginning the application process. We require a very specific curriculum model and are available for technical assistance as an applicant works to produce a curriculum that conforms to that model. Those applicants who work with us all throughout their preparation of their application obtain their license much faster than those who do not.
- j. Is your agency currently planning to amend its application process by the end of 2011?
No. We released a new version of our new school application in May. I do not believe we have any additional revisions planned at this time.
- If yes, please provide a brief description of the anticipated change.
 - If yes, when does the agency expect the change to be fully implemented?

7. Fees Associated with Authorization

- a. Is there an application fee to initiate the authorization process? If so, what is the fee or fee schedule? Please provide a web link if available.
The initial licensing fee is \$1050.00. Additionally, a deposit to the Tuition Protection Fund must be made, which is based on the projected amount of annual gross tuition. The minimum deposit is \$250.00. The TPF schedule is included in our rules, which are posted on our website.
- b. Are there any other costs associated with the state authorization process (e.g. site visits, hiring a reviewer, surety bond, tuition recovery fund, agent licensing, etc.)?
Cosmetology schools pay a \$100.00 inspection fee to have the Oregon Health Licensing Agency do a safety and sanitation inspection.

If a school enrolls minors, all owners, directors, and instructional staff must be fingerprinted and have a background check conducted by the Oregon Department of Education. The fee for this is \$62.00.
- c. What are the costs, if any, to renew authorization?
The annual renewal fee is based on the amount of gross tuition reported by the school. All TPF payments must be up to date. The schedules for renewal fees and TPF payments are in our rules, which are posted on our website.
- d. What costs are associated with receiving a waiver or exemption to authorization?
None.

8. Interstate Reciprocity

- a. Do your state regulations explicitly allow or prohibit interstate reciprocal agreements about authorization? If so, please describe.
We do not have anything explicit regarding reciprocity, although for out of state schools, we are moving towards a new application process that will rely on their licensure application in their home state. Currently we require not only the license from their home state, but most of the regular in state application as well. Out of state schools should contact the office for consultation.
- b. What is the process, if any, to obtain a reciprocal agreement with your state?
- c. Are there any reciprocal agreements currently in place or under consideration? If so, please list those agreements.
- d. If interstate reciprocal agreements are not addressed in your regulations, would your agency consider establishing such agreements? Please elaborate.

9. Consumer Protection and Student Complaints

- a. Does your agency have a process for handling complaints about postsecondary institutions or programs?

Yes, although discrimination complaints are handled by the Commissioner of the Bureau of Labor and Industries.

- If yes, please describe the process or provide a web link to the material that describes the complaint process.

We advise students and parents to follow the grievance policy outlined in their institution's catalog. All schools are required to have a grievance policy which includes an appeals process. If no resolution can be found, a written complaint can be filed. We ask the complainant to identify the specific rules and laws that are alleged to have been violated and submit all supporting documentation they have. We then notify the school of the complaint and request a response and supporting documentation. Once received we make a determination. There is no appeal of our determination. If the complaint results in a sanction against the school, the school can request a hearing. The determination of the hearing is final, but can be appealed in circuit court.

- If yes, does this complaint process extend to institutions not authorized by the agency that may enroll residents of the state (such as explicitly distance education programs with no physical presence or exempt institutions)?

No.

- If available, please provide a web link to the complaint form.

The complaint form is available on our website at:

www.ode.state.or.us/go/PCS .

- Who is the contact person for receiving complaints? Please include name, title, address, phone, and email if available.

Complaints should be sent to:

Oregon Department of Education
Private Career School Licensing
255 Capitol St. NE
Salem, OR 97310

The complaint will be routed to the appropriate person.

- b. If your agency has no formal process for handling complaints related to postsecondary institutions, what state agency would handle a complaint?

10. Enforcement

- a. If your agency finds that an institution or program is operating in your state without authorization, what is the resulting warning or enforcement action?
We send a “cease and desist” letter that requires the institution to immediately cease operation and contact our office for licensing. Failure to do so may result in civil and criminal penalties.
- b. Can an institution or program appeal a warning or enforcement action? If yes, please describe the process or provide web links to the regulations/policies.
Yes. An institution is entitled to a hearing of the matter before an administrative hearings officer. The determination of the hearings officer is final, but may be appealed to the circuit court.

11. Legislative or Regulatory Changes

- a. Is your agency or state legislature planning to amend its regulations or alter its physical presence policy by the end of 2011?
No.
 - If yes, please provide a brief description of the anticipated change.
 - If yes, when does the agency expect the change to be fully implemented?
- b. Is your agency or state legislature making changes in your state regulations or statutes so that institutions with locations in your state would be considered legally authorized in accordance with the federal institutional eligibility regulations?
Not for non-degree granting institutions. Unknown for degree-granting institutions.
 - If yes, please provide a brief description of the anticipated change.
 - If yes, when does the agency expect the change to be fully implemented?
- c. Is your agency or state legislature making any other changes in your state regulations or statutes with regard to state authorization?
We have been in the process over the last three years of reviewing and revising our statutes and rules. We have numerous legislative bills going forward for our next session, most notably a bill to increase licensing fees. We are currently vetting rule changes for cosmetology schools, and introducing a new rule to clarify how to handle transfer students.
 - If yes, please provide a brief description of the anticipated change.

- If yes, when does the agency expect the change to be fully implemented?
January 1, 2012

12. Is there anything else about the authorization process in your state that we and others ought to know about?

Before a potential applicant requests a meeting with us, we would like for them to read our rules and statutes, review the application, and come prepared with their questions in order to make the best use of our time together. Our activity around rule revisions is aimed primarily at clarifying processes and requirements so the rules are less ambiguous and give more direction. There are things in the rules that schools are required to do that are not reflected in the new school application, so one cannot rely on the application as a sole source of information about what is required to successfully operate a career school in the state of Oregon.