



# SHEEO

STATE HIGHER EDUCATION EXECUTIVE OFFICERS ASSOCIATION

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## Oregon DOE Private and Career Schools Office

### Vertical Tabs

1. Agency and Contact Information

**1A1. Agency Name:**

Oregon Private Career Schools Licensing Unit

**1A2. Agency Description - Please review the description below and revise as appropriate (e.g., state executive agency, agency with appointed board, department or division within agency, etc.):**

The Oregon Private Career Schools Licensing Unit licenses schools that offer non-degree programs in technical and vocational education.

**1A3. Agency Contact - Please review and correct as necessary the contact information below:**

Sean Pollack Program Administrator Private Postsecondary Education

Email: [sean.pollack@state.or.us](mailto:sean.pollack@state.or.us) [1]

Sean Pollack  
Program Administrator Private Postsecondary Education  
Oregon Higher Education Coordinating Commission  
255 Capitol St. St. NE, Salem, OR 97310  
Tel. (503) 947-5925

**1A4. Who should institutions contact if they have questions about your agency's authority, policies, or application process:**

Sean Pollack Program Administrator Private Postsecondary Education

Email: [sean.pollack@state.or.us](mailto:sean.pollack@state.or.us) [1]

Sean Pollack  
Program Administrator Private Postsecondary Education  
Oregon Higher Education Coordinating Commission

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Tel. (503) 947-5925

**1B. Links - Please provide web links to your agency home page, the regulations pertaining to authorization, and any other links important for understanding your agency's responsibility for authorization:**

[Home Page:](#) [2]

[Website](#) [3]

[Rules](#) [4]

**1C1. Other Agencies - According to our records, the following agencies also have responsibility for authorization in the state. Please correct, add to, or clarify this list of authorizing authorities as necessary. These agencies will also be requested to complete this survey:**

Oregon Office of Degree Authorization

**1C2. If the division of responsibility among these agencies is not clear, please explain:**

The Office of Degree Authorization regulates all degree-granting institutions both out-of-state and in-state. <https://www.oregon.gov/highered/institutions-programs/private/Pages/offi...> [5]

## 2. Types of Educational Providers Authorized

**2A1. Institution Types Authorized - Indicate the types of institutions that your agency authorizes. Feel free to provide a short explanation of any ambiguity:**

Non-degree, not-for-profit institutions

Non-degree, for-profit institutions

Religious Institutions

Tribally-controlled institutions

**2A2. Clarifying comments:**

The Oregon Private Career Schools Licensing Unit 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.

<https://www.oregonlaws.org/ors/345.015> [6]

**2B1. Multiple Agencies - Is an institution required to obtain approval from more than one agency to be authorized in your state (excluding purely programmatic approvals):**

Yes

**2B2. If so, please explain:**

See 1(d) above.

**2C1. Accreditation - Is accreditation required for an institution to be authorized in your state:**

No

**2D1. Does your agency authorize specific academic programs offered by institutions, only institutions themselves, or both:**

Both Institutions and Programs

**2D2. Clarifying comments:**

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.

**2E2a. Nursing:**

Yes

**2E2b. Name and Contact Information:**

**Oregon State Board of Nursing** (CNA, LPN, RN)

800 NE Oregon St, Suite 465

Portland, OR 97232

Tel. 971-673-0685

**2E2c. URL:**

[Website](#) [7]

**2E6a. Others (please list):**

Yes

**2E6b. Name and Contact Information:**

**Oregon State Health Licensing Office  
(HLO)**

Oregon Health Authority

1430 Tandem Ave., Suite 180

Salem, OR 97301

Tel. (503) 378-8667

**2E6c. URL:**

[Website](#) [8]

3. Exemptions

**3A1. General Exemptions - Are certain institutions or programs exempt by law or policy from your state authorization requirements:**

Yes

**3A2. If yes, to which institutions or programs does the exemption apply? How does it work (please describe)? 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 Program Administrator to verify they do indeed qualify for an exemption. Many times an institution believes they should be exempt, when in fact they are not.

**3A3. 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 Program Administrator it is determined the institution does in fact qualify for an exemption, the institution may request for exemption application form to complete and submit. A letter of exemption clarifying the terms of the exemption will be sent in response.

**3B. Other Requirements - 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.

**3C1. Religious Institutions - Does your state constitution or do your state laws provide any exemptions for religious institutions:**

Yes

**3C2. If yes, are all religious institutions exempt (please describe):**

Those exemptions are explained within the context of the statutes and rules for private career schools.

**3C3. If yes, are religious institutions that award only religious degrees or certificates exempt (please describe):**

Those exemptions are explained within the context of the statutes and rules for private career schools.

**3C4. If yes, are certain religious institutions exempt that meet other criteria (please describe):**

The criteria for exemptions are explained within the context of the statutes and rules for private career schools.

4. Authorization of Distance Education

**4A1. 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:**

Yes

**4A2. Clarifying Comments:**

The definition of physical presence may be different for degree-granting institutions than for non-degree granting institutions.

**4B1. If not, does your agency determine whether an institution must be authorized based on a physical presence (“operating”) standard:**

Yes

5. Physical Presence Policy – Common “Triggers”

**5A. 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 581-045-0006 (13)(b))

#### INSTRUCTIONAL ACTIVITIES

**5B1a. Hosting short term, face-to-face, seminars or conferences in the state where students meet in person:**

Yes

**5B1b. Clarifying Comments:**

Instructional programs of 16 hours or less are exempt. Anything more than that must be licensed.

**5B2a. Permitting a student to complete an internship, externship, field experience, or clinical practicum organized by the institution:**

Yes

**5B2c. Does this apply only to distance education students or more generally:**

More Generally

**5B3a. Permitting a student to complete an internship, externship, field experience, or clinical practicum found by the student acting independently:**

Yes

**5B3c. Does this apply only to distance education students or more generally:**

More Generally

#### PROPERTY IN THE STATE

**5B6b. Clarifying Comments:**

This is reviewed by the Program Administrator on a case-by-case basis.

#### RECRUITING ACTIVITIES

**5B8a. Organized, consistent, on - the - ground recruiting of students in the state by employees or agents of the institution:**

Yes

**5B8c. What if the agent is only recruiting students in the state on an occasional basis (i.e. at job fairs):**

Yes

#### THIRD PARTY AGREEMENTS/CONTRACTS

**5B9a. 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

**5B9b. Clarifying Comments:**

if all the in-state institution is providing is supplemental services and are not engaged in instruction.

**5B10a. Requiring a student to take a proctored exam at a location or with an entity in the state prescribed by the institution:**

No

**5B11a. Requiring a student to take a proctored exam with an entity in the state chosen by the student but approved by the institution:**

No

#### ADVERTISING

**5B12a. Advertising in local media sources that are largely viewed by residents of the state**

:

Yes

**5B13a. Advertising in national media sources that can be accessed by residents of the state:**

No

**5B13b. Clarifying Comments:**

If that is the sole extent of their advertising

EMPLOYMENT IN THE STATE

**5B14a. Employing full-time faculty in the state to provide instruction via distance education programs to students in the state:**

Yes

**5B14c. What about adjunct faculty:**

Yes

**5B15a. Employing full-time faculty in the state to provide instruction via distance education programs solely to students outside of the state:**

Yes

**5B15b. Clarifying Comments:**

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 Tuition Protection Fund.

**5B15c. What about adjunct faculty:**

Yes

**5B15d. Clarifying Comments?:**

Same provision as above.

**5B16a. Employing mentors, tutors, or preceptors in the state to aid students, who are residents of the state, on an individual basis:**

Yes

**5B16b. Clarifying Comments:**

If they are providing instruction, the institution must be licensed.

OTHER

**5C1. Combinations - 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:**

Yes

**5C2. Clarifying Comments:**

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

6. Application Process

**6A. Description - 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 contacts office for preliminary forms. Upon completion of the forms, a preliminary screening interview will be scheduled with the Program Administrator to gauge the readiness of the school to operate before any fees are paid. Upon approval to move forward, the applicant will submit the New School Application forms, along with the application 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.

<https://www.oregon.gov/highered/institutions-programs/private/Pages/PCS-...> [9]

**6B. Processing Time - 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:**

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.

**6C. Duration - What is the authorization duration:**

1 year.

**6D. Maintenance - 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, satisfactorily pass an annual site inspection, and submit semi-annual payments to the Tuition Protection Fund.

**6E. Reporting - 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. Annual student enrollment and completion, and fall student enrollment data must be reported online. Student withdrawal and placement statistics for each program must be reported and meet a minimum guideline. Financial statements must also be submitted, 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.

**6F. Loss of Status - 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.

**6Ga. Multi-Institutional Systems - 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.

**6Gb. Would multi-institution public systems be treated the same as multi-location for-profit institutions:**

We do not license public institutions.

**6H. Distinctive Features - 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.

**6I1. Amendments - Is your agency currently planning to amend its application process by the end of 2013:**

No

7. Fees Associated with Authorization

**7A. Application Fee - 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.

**7B. Other Costs - 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 Office conduct 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. Schools must pay an initial deposit based on projected tuition income plus semi-annual payments based on actual gross tuition income into the Tuition Protection Fund to pay student tuition refund claims in the event of abrupt school closure.

**7C. Renewal Costs - 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.

**7D. Exemption Costs - What costs are associated with receiving a waiver or exemption to authorization:**

A fee of \$1,000 to request an exemption may be imposed by the director

8. Interstate Reciprocity

**8A. 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.

9. Consumer Protection and Student Complaints

**9A1. Does your agency have a process for handling complaints about postsecondary institutions or programs::**

Yes

**9A2. If yes, please describe the process or provide a web link to the material that describes the complaint process:**

<https://www.oregon.gov/highered/institutions-programs/private/pages/priv...> [10]

**9A3a. 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

**9A3b. Clarifying comments:**

Likely will fall to Oregon Office of Degree Authorization. Please contact the Program Administrator Sean Pollack

**9B. Who is the contact person for receiving complaints? Please include name, title, address, phone, and email if available:**

Tabatha Heater Compliance Specialist HECC Private Career Schools  
255 Capitol St. NE  
Salem, OR 97310  
Tel (503) 934-3480  
Email: [tabatha.heater@state.or.us](mailto:tabatha.heater@state.or.us) [11]

10. Enforcement

**10A. 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.

**10B. 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

**11A1. Amendments - Is your agency or state legislature currently planning to amend its regulations or alter its physical presence policy:**

No

**11B1. Federal Regulations - 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:**

No

**11C2. If yes, please provide a brief description of the anticipated change:**

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.

**11C3. If yes, when does the agency expect the change to be fully implemented:**

January 1, 2020

**11C1. Other Changes - Is your agency or state legislature making any other changes in your state regulations or statutes with regard to state authorization:**

Yes

12. Other

**12A. 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.

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**Links**

[1] <mailto:sean.pollack@state.or.us>

[2] <https://www.oregon.gov/highered/Pages/index.aspx>

[3] <https://www.oregon.gov/highered/institutions-programs/private/Pages/private-career-school-licensing.aspx>

[4] <https://www.oregon.gov/highered/about/Pages/rules-statutes.aspx>

[5] <https://www.oregon.gov/highered/institutions-programs/private/Pages/office-degree-authorization.aspx>

[6] <https://www.oregonlaws.org/ors/345.015>

[7] <http://www.oregon.gov/OSBN/pages/index.aspx>

[8] <http://www.oregon.gov/oha/hlo/Pages/index.aspx>

[9] <https://www.oregon.gov/highered/institutions-programs/private/Pages/PCS-forms-procedures.aspx>

[10] <https://www.oregon.gov/highered/institutions-programs/private/pages/private-postsecondary-complaints.aspx>

[11] <mailto:tabatha.heater@state.or.us>