
OREGON

FINAL GRADING ANALYSIS

OVERALL SCORE: **403.5/700 POINTS (57.6%)**
LETTER GRADE: **F**

I. OVERSIGHT BODY: **80/100 POINTS**

A. IS THERE A STATUTORILY CREATED OVERSIGHT BODY
THAT IS PUBLICLY ACCOUNTABLE?
50/60 POINTS

Element	Points Available	Type 1	Type 2	Points Awarded (Average)
1. Oversight body is a multi-member board, commission, or panel created by statute	10	10	10	10
2. Oversight body was statutorily created specifically to oversee private postsecondary institutions	10	0	0	0
3. Multi-member board, commission, or panel is the ultimate decision maker (as opposed to a single person, like the head of a department or director)	10	10	10	10
4. Oversight body can engage in rulemaking	10	10	10	10
5. Oversight body's meetings must be open to the public	5	5	5	5
6. Oversight body's meetings must allow public comment	5	5	5	5
7. Oversight body can initiate investigations	5	5	5	5
8. Oversight body can impose penalties for violations	5	5	5	5
Total Points	60	50	50	50

Explanation:

Oregon has created the Higher Education Coordinating Commission, which is responsible for oversight and regulation of postsecondary educational institutions in Oregon, including both private career schools (Type 1) (O.R.S. § 345.045 *et seq.*) and private postsecondary degree-granting schools (Type 2) (O.R.S. § 348 *et seq.*)

The Commission is responsible for rulemaking and has authority to initiate investigations and impose penalties. (O.R.S. § 350.075 (both); O.R.S. § 345.120 (Type 1); O.R.S. §§ 348.603, 348.609 (Type 2).)

The Commission's meetings must be open to the public, and it has several processes for public comment. (O.R.S. § 192.630.)

B. STATUTE-SPECIFIED MEMBERSHIP:

1. TO WHAT EXTENT ARE LIMITATIONS PLACED ON FOR-PROFIT MEMBERSHIP ON THE OVERSIGHT BODY?

25/25 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Explicit prohibition on for-profit majority, plus no possibility of a majority of the quorum	Explicit prohibition on for-profit majority	Discouraged	No prohibition specified, but not discouraged	For-profit majority mandated
Type 1	25 Points	20 Points	10 Points	0 Points	-5 Points
Type 2	25 Points	20 Points	10 Points	0 Points	-5 Points

Explanation:

Type 1 and Type 2: Private career schools and degree-granting schools. Members and employees of the Commission may not have financial interests in a career school and may not act as agents or employees of any career school. (O.R.S. § 345.020.)

2. IS THE OVERSIGHT BODY MANDATED TO INCLUDE AT LEAST ONE CONSUMER ADVOCATE?

0/10 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes	No
Type 1	10 Points	0 Points
Type 2	10 Points	0 Points

Explanation:

Type 1 and Type 2: Private career schools and degree-granting schools. Oregon law does not require the Commission to include a consumer advocate. Although the law requires student membership (O.R.S. § 350.050), and a student is a consumer that may be acting as an advocate for other student consumers, a student is not a consumer advocate for the purposes of this element. A state must require at least one member of the oversight body to be an individual with expertise and experience in the area of consumer advocacy.

3. ARE THE MEMBERS APPOINTED BY A PUBLICLY ACCOUNTABLE OFFICIAL OR ELECTED IN A GENERAL ELECTION?

5/5 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	All	Majority	Half	Minority	None
Type 1	5 Points	3 Points	2.5 Points	1 Point	0 Points
Type 2	5 Points	3 Points	2.5 Points	1 Point	0 Points

Explanation:

Type 1 and Type 2: Private career schools and degree-granting schools. The Governor appoints all members of the Commission, and voting members must be confirmed by the Senate. (O.R.S. § 350.050.) Of the 14 Commission members, nine members have voting power. To fill the voting positions, the Governor appoints one member from each of the five congressional districts, and 4 members are appointed from the general public. The Governor also appoints five nonvoting members to the Commission. The five nonvoting positions consist of the following: one student at a public university listed in ORS 352.002; one faculty member at a public university listed in ORS 352.002; one student at a community college; one faculty member at a community college; and one non-faculty member of the staff from either a public university listed in ORS 352.002 or a community college. (O.R.S. § 350.050.)

II. STATE OVERSIGHT—EFFICACY: 54.5/100 POINTS

A. DOES THE STATE REQUIRE ONSITE REVIEW OF PRIVATE POSTSECONDARY INSTITUTIONS?

6.5/10 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Mandatory onsite reviews			Discretionary	None
	Every 2 years or less	Every 3-5 years	Over 5 years	Discretion to conduct onsite reviews	No onsite review specified
Type 1	10 Points	8 Points	5 Points	3 4 Points	0 Points
Type 2	10 9 Points	8 Points	5 Points	3 Points	0 Points

Explanation:

Type 1: Private career schools. After an institution’s initial licensure, the Commission has discretion to perform annual onsite review; it not mandatory. (O.R.S. § 348.597; Or. Admin. R. 715-045-0006; Or. Admin. R. 715-045-0065; Or. Admin. R. 583-030-0035.) However, one additional point is awarded because the Commission must conduct an onsite inspection before an institution’s initial licensure.

Type 2: Private degree-granting schools. In the course of evaluation, the Commission’s staff will ordinarily inspect the facilities and records of a school and interview officials, employees, or students of the school as necessary to obtain sufficient information. The staff may also interview employers of school graduates and representatives of organizations that appear closely related to the school. (Or. Admin. R. 583-030-0032.) Authorization is given for a specific degree for a fixed period of not less than two or more than four calendar years. The executive director may vary the length of approval periods by up to one year subject to the four-year limit in order to consolidate applications or renewals for the convenience of the school or the Commission. (Or. Admin. R. 583-030-0020(5)(c).) Because the state gives authorizations for 2–4 years, it receives 9 points, rather than the full 10 points for this element.

B. DOES THE STATE REQUIRE UNANNOUNCED INSPECTIONS FOR ONSITE REVIEWS?

1.5/5 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Required unannounced visits	Discretion to do unannounced visits	No indication
Type 1	5 Points	3 Points	0 Points
Type 2	5 Points	3 Points	0 Points

Explanation:

Type 1: Private career schools. Oregon law does not require or authorize unannounced inspections for private career schools.

Type 2: Private degree-granting schools. Oregon law does not require unannounced inspections. However, institutions must remain open for inspection at all times. (Or. Admin. R. 583-030-0035.)

C. DOES THE STATE REQUIRE REGULAR REVIEWS OF PRIVATE POSTSECONDARY APPROVAL TO OPERATE?

18.75/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Mandatory			Discretionary	None
	Every 2 years or less	Every 3-5 years	Over 5 years	Discretion to conduct review	No review specified
Type 1	20 Points	15 Points	10 Points	5 Points	0 Points
Type 2	20 17.5 Points	15 Points	10 Points	5 Points	0 Points

Explanation:

Type 1: Private career schools. Oregon law requires private schools to renew their license annually. (Or. Admin. R. 715-045-0062(1).) When an institution renews its license, it is required to provide the same information it provided during its initial licensing. (Or. Admin. R. 715-045-0062(1).)

Type 2: Private degree-granting schools. Authorization is given for a specific degree for a fixed period of not less than two or more than four calendar years. The executive director may vary the length of approval periods by up to one year subject to the four-year limit in order to consolidate applications or renewals for the convenience of the school or the Commission. (Or. Admin. R. 583-030-0020(5)(c).)

D. DO THE CRITERIA FOR RENEWAL OF AUTHORIZATION MANDATE A REVIEW OF FACTORS ESSENTIAL TO ACADEMIC AND ETHICAL INTEGRITY?

15.25/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	8 of 8	7 of 8	6 of 8	5 of 8	4 of 8	3 of 8	2 of 8	1 of 8	0 of 8
Type 1	20 Points	17.5 Points	15 Points	12.5 13.5 Points	10 Points	7.5 Points	5 Points	2.5 Points	0 Points
Type 2	20 Points	17.5 Points	15 17 Points	12.5 Points	10 Points	7.5 Points	5 Points	2.5 Points	0 Points

Element	Type 1	Type 2
Admission requirements	M	M
Graduation requirements	M	M
Placement rate	M	M
Completion rate (or graduation rate)	M	D
Advertising practices	M	M
Cohort default rate		D
Accreditation status	D	M
Financial aid policies		M

M=Mandatory; D=Discretionary

Explanation:

Type 1: Private career schools. Institutions must disclose their students’ placement rates, completion rates, and advertising practices during the review process. Institutions must submit the most recent version of their catalog for review; because the catalog includes detailed information about admission requirements and graduation requirements, Oregon receives credit for requiring both of those elements as well. (OR Admin. R. 715-045-0062.) The Commission may review other facts, such as accreditation status, and Oregon receives one additional point for this discretionary element. (O.R.S. § 345.030.) There is no indication that Oregon requires review of institutional cohort default rates or financial aid policies for authorization or renewal.

Type 2: Private degree-granting schools. In order to receive and hold authorization to offer in or from Oregon instruction or related services leading to one or more degrees, a school must remain open to inspection at all times and continuously satisfy standards articulated in Or. Admin. R. 583-030-0035. Review of an application to offer instruction or related services leading to a degree or certificate includes evaluation of the school and its proposed programs in relation to the state academic standards set forth in Or. Admin. R. 583-030-0035. The standards include each of the above listed elements as either mandatory or discretionary.

While there is no explicit language requiring the Commission is to review placement rates, schools are required to provide placement rates on a disclosure fact sheet provided to students and the Commission requires the fact sheet as a condition of authorization. (Or. Admin. R. 583-030-0035(12)(c).) Further, schools are required to conduct an evaluation of present curriculum and instruction, of attrition and reasons for student withdrawal, and of performance by students after their graduation. (Or. Admin. R. 583-030-0035(19).) Also, the Commission requires that where a degree or certificate implies preparation for a specific occupation, the school explain clearly the true relationship between its curriculum and subsequent student qualification for occupational practice. Including employment rates in the field and the graduates’ success rates in passing licensing exams. (Or. Admin. R. 583-030-0035(8)(d).)

Similarly, there is no indication that the Commission is required to review graduation rates or cohort default rates; however, schools are required to provide this information on a disclosure fact sheet provided to students and the Commission requires the fact sheet as a condition of authorization. (Or. Admin. R. 583-030-0035 (12)(c).)

E. DOES THE STATE’S OVERSIGHT DISTINGUISH BETWEEN FOR-PROFIT AND NONPROFIT POSTSECONDARY INSTITUTIONS?

7.5/15 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes, strongly distinguished	Yes, moderately distinguished	Yes, slightly distinguished	Not distinguished
Type 1	15 Points	10 Points	5 Points	0 Points
Type 2	15 Points	10 Points	5 Points	0 Points

Explanation:

Type 1: Private career schools. Oregon law does not distinguish between for-profit and nonprofit career schools.

Type 2: Private degree-granting schools. Oregon law distinguishes between for-profit and nonprofit degree granting schools. Nonprofit schools are exempt from evaluation so long as they continue to continue to meet the requirements set forth for exemption (remain a nonprofit school that is exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code). (O.R.S. § 348.597.) For-profit institutions are subject to more requirements for disclosing information related to financial interests and ownership composition. (Or. Admin. R. 583-030-0035.)

F. DOES THE STATE REQUIRE INCREASED OVERSIGHT/SCRUTINY OF PRIVATE POSTSECONDARY INSTITUTIONS BASED ON POOR PERFORMANCE?

5/10 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes, mandatory	Yes, mandatory but limited	Yes, discretionary	Yes, discretionary but limited	No
Type 1	10 Points	7.5 Points	5 Points	2.5 Points	0 Points
Type 2	10 Points	7.5 Points	5 Points	2.5 Points	0 Points

Explanation:

Type 1: Private career schools. If a career institution performs poorly, the Commission may place it on probation, and/or it may withdraw approval based on consecutive poor performance reviews. (Or. Admin. R. 715-045-0064.)

Type 2: Private degree-granting schools. There is no indication that increased oversight is required if a degree-granting institutions performs poorly in terms of low graduation rates, high cohort default rates, low placement rates and other measures related to outcomes. However, in Oregon, a school is defined as “at risk” if it demonstrates one or more of the following conditions that the Commission determines may cause potential serious problems for the continued successful operation of the organization: failure to meet the standards of financial responsibility; misrepresentation; frequent substantiated complaints filed with the Commission; significant decrease in enrollment from the previous reporting year; or significant staff turnover from the previous reporting year. (Or. Admin R. 583-030-0015.) Schools deemed to be “at risk” are subject to increased oversight and scrutiny. (Or. Admin R. 583-030-0045.)

G. DOES STATE LAW INCLUDE ANY SPECIAL PROTECTIONS FOR VETERANS WHO ATTEND PRIVATE POSTSECONDARY INSTITUTIONS?

0/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes	No
Type 1	20 Points	0 Points
Type 2	20 Points	0 Points

Explanation:

Type 1 and Type 2: Private career schools and degree-granting schools. Oregon law does not include special protections for veterans, but there is a state-run website for the Oregon State Approving Agency for Veterans Education that provides veterans with helpful information:

<http://www.oregon.gov/highered/institutions-programs/private/Pages/state-approving-agency-veterans.aspx>.

III. STATE OVERSIGHT—SCOPE AND INCLUSION:

50/100 POINTS

A. ARE EXEMPTIONS TO STATE OVERSIGHT COVERAGE LIMITED?

50/100 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	No exemptions	Few exemptions	Moderate exemptions	Broad exemptions
Type 1	100 Points	75 Points	50 Points	0 Points
Type 2	100 Points	75 Points	50 Points	0 Points

Explanation:

Type 1: Private career schools. Oregon law provides moderate exemptions from the Commission’s oversight. Most exemptions apply to programs for professional or personal development courses where the enrollee will likely be a practicing or previously trained professional. The Commission also has discretion to exempt schools it determines are adequately regulated by other means that guarantee the school meets the standards specified in statute. (O.R.S. § 345.015.)

Type 2: Private degree-granting schools. As previously noted, 501(c)(3) non-profit, accredited institutions are exempt from the Commission’s oversight. State-run universities and colleges are exempt from the commission’s oversight. (O.R.S. § 348.597.) In addition, a regionally-accredited nonprofit school or separately regionally accredited campus of a nonprofit school that has operated at least one program approved by the Commission, or its predecessor agencies, in Oregon for at least five consecutive years is exempt unless otherwise noted. (Or. Admin. R. 583-030-0010; Or. Rev. Stat. Ann. § 348.597.) For purposes of this report, the substitution of regional accrediting association standards would generally be considered weak oversight. The element is graded as moderate exemptions here because the rules maintain some discretion for the Commission to retain control of the standards in Oregon.

IV. DISCLOSURE REQUIREMENTS: **58.75/100 POINTS**

A. ARE INSTITUTIONS REQUIRED TO DISCLOSE INSTITUTIONAL PERFORMANCE MEASURES TO POTENTIAL STUDENTS?

10/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes, mandatory	Yes, discretionary	None
	Fact sheet or equivalent required to be given to students	Fact sheet or equivalent given to students upon request	No fact sheet required
Type 1	20 Points	10 Points	0 Points
Type 2	20 Points	10 Points	0 Points

Explanation:

Type 1: Private career schools. Career institutions are required to disclose their catalogs, which are likely to be on their website. In addition, Oregon law allows institutions to disclose other media that publish relevant academic information. However, Oregon law does not require performance measures to be disclosed—only information related to academic programs, costs, and fees (O.R.S. § 345.325), as well as any career-related services offered by the institution. (Or. Admin. R. 715-045-0019.)

Type 2: Private degree-granting schools. “A school authorized to offer instruction or related services leading to one or more degrees under the standards in OAR 583-030-0035 shall provide students, prior to enrollment, a copy of a basic program and school fact page for each program for which a certificate or degree is offered.” (Or. Admin. R. 583-030-0035(12)(c).)

B. WHICH INSTITUTIONAL PERFORMANCE DISCLOSURES ARE REQUIRED TO BE GIVEN TO STUDENTS PRIOR TO ENROLLMENT?

30/60 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

Type 1: Private career schools

Disclosures	Mandatory	Discretionary	Not specified
Cohort default rate (CDR)	10 Points	5 Points	0 Points
Graduation / completion rates	10 Points	5 Points	0 Points
Placement rates	10 Points	5 Points	0 Points
Wage information	10 Points	5 Points	0 Points
License exam passage rates	10 Points	5 Points	0 Points
Methods & sources used to calculate	10 Points	5 Points	0 Points

Explanation:

Oregon law does not require any of the above information to be disclosed to students prior to their enrollment. (O.R.S. § 345.325; Or. Admin. R. 715-045-0019.) Institutions must submit accurate data identifying completion and placement rates to the Commission, but they are not required to disclose this data to potential students. (Or. Admin. R. 715-045-0064.)

Type 2: Private degree-granting schools

Disclosures	Mandatory	Discretionary	Not specified
Cohort default rate (CDR)	10 Points	5 Points	0 Points
Graduation / completion rates	10 Points	5 Points	0 Points
Placement rates	10 Points	5 Points	0 Points
Wage information	10 Points	5 Points	0 Points
License exam passage rates	10 Points	5 Points	0 Points
Methods & sources used to calculate	10 Points	5 Points	0 Points

Explanation:

All of the above disclosures are required. Although the applicable regulation does not explicitly require schools to disclose methods and sources, it defines precisely what the information is and the source from which the schools must obtain the data. Disclosure related to license exam passage rates is required where applicable pursuant to Or. Admin. R. 583-030-0035(8)(d).

C. DOES THE STATE REQUIRE SCHOOLS TO INCLUDE ELEMENTS ESSENTIAL TO STUDENT PROTECTION IN THE ENROLLMENT CONTRACT?

18.75/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

Type 1: Private career schools

Element description	Mandatory	Discretionary	Not specified
Total cost of program	5 Points	2.5 Points	0 Points
Refund information	5 Points	2.5 Points	0 Points
Transferability of credits	5 Points	2.5 Points	0 Points
Length of program	5 Points	2.5 Points	0 Points

Explanation:

Career institutions are required to disclose the total cost of the program, refund information, and the amount of time required to complete the program. Oregon law is unclear regarding transferability of credits. Institutions must disclose any articulation agreements with other institutions, but if an institution has no articulation agreement with any other institutions, then the institution would not have to disclose that its credits may not be transferrable to any institution whatsoever. This could surprise and mislead students into believing that the credits earned at the institution would be transferrable when they in fact are not. (Or. Admin. R. 715-045-0019.)

Type 2: Private degree-granting schools

Element Description	Mandatory	Discretionary	Not specified
Total cost of program	5 Points	2.5 Points	0 Points
Refund information	5 Points	2.5 Points	0 Points
Transferability of credits	5 Points	2.5 Points	0 Points
Length of program	5 Points	2.5 Points	0 Points

Explanation:

Degree-granting institutions are required to disclose all elements outlined above. (Or. Admin. R. 583-030-0035.)

V. REGULATION OF RECRUITING PRACTICES:
87.5/100 POINTS

A. HAS THE STATE PUT INTO LAW A LIST OF PROHIBITED ACTS REGARDING ADVERTISING AND RECRUITING?

87.5/100 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes, strong regulation	Yes, moderate regulation	Yes, weak regulation	No list of prohibited acts
Type 1	100 Points	75 Points	50 Points	0 Points
Type 2	100 Points	75 Points	50 Points	0 Points

PROHIBITED ACTS

Included in list of prohibited acts	Type 1	Type 2
Misleading representations using the word “college” or “university”	X	X
Misleading institution affiliations (e.g., military, public institution, business)	/	/
Promise of employment		X
Compensation for enrollment	X	X
Compensation or “bounty” to recruiters		X
Deception (broad prohibition)	X	X
Misrepresentation (broad prohibition)	X	X
Misleading representations re: accreditation	/	X

1-3=Weak; 3.5-6=Moderate; 6.5-8=Strong

Explanation:

Type 1: Private career schools. Oregon law lacks an explicit prohibition on employment promises, and compensation or bounties for recruiters are not prohibited. (O.R.S. § 345.325; Or. Admin. R. 715-045-0034, 715-045-0060, 583-030-0035.) Oregon receives partial credit for two of the elements that relate to deceptive or misleading representations regarding the affiliations and accreditation of the institution, because there is a blanket prohibition on deceptive or misleading advertisements.

Type 2: Private degree-granting schools. Oregon has in place strict guidance for recruiters and recruiting practices related to degree-granting schools. (Or. Admin. R. 583-030-0035.) Though the state does not explicitly prohibit misleading students as to institutional affiliations, there is a provision in place that requires schools to use a name that is consistent with its purpose and educational programs. The state receives partial credit for this element because the provision will have a substantially similar effect to prohibiting misleading students regarding institutional affiliations. (Or. Admin. R. 583-030-0035(1).)

VI. COMPLAINT PROCESS & RELIEF FOR STUDENTS:
52.75/100 POINTS

A. DOES THE STATE REQUIRE A BOND OR FUND AS A CONDITION OF AUTHORIZATION?

15/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes	No
Type 1	20 Points	0 10 Points
Type 2	20 Points	0 Points

Explanation:

Type 1: Private career schools. Oregon law does not require a bond or fund as a condition of authorization. However, Oregon receives partial credit here for requiring a “capitalization deposit” from career schools as a condition of authorization. (Or. Admin. R. 715-045-0029.)

Type 2: Private degree-granting schools. Degree-granting schools must provide a bond or a letter of credit as a condition of authorization. (Or. Rev. Stat. Ann. § 348.613.)

B. DOES THE STATE REQUIRE A REFUND OF TUITION IF A STUDENT ENROLLS AS THE RESULT OF MISREPRESENTATION?

0/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes, full refund	Yes, partial refund	No refund required
Type 1	20 Points	10 Points	0 Points
Type 2	20 Points	10 Points	0 Points

Explanation:

Type 1: Private career schools. Oregon law does not specify that private career schools must refund tuition payments if the student enrolled because of a misrepresentation. Misrepresentations are prohibited by law and as such, institutions would likely be subject to penalties. There are no indications, however, that the institutions would be required to provide a refund. (O.R.S. § 345.325. Or. Admin. R. 715-045-0034.)

Type 2: Private degree-granting schools. Oregon law does not specify that degree-granting schools must refund tuition payments if the student enrolled because of a misrepresentation.

C. DOES THE STATE REQUIRE INSTITUTIONS TO REFUND TUITION IN THE EVENT OF CLOSURE?

15/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes, full refund	Yes, partial refund	Yes, refund in limited circumstances	No refund required
Type 1	20 Points	15 Points	10 Points	0 Points
Type 2	20 Points	15 Points	10 Points	0 Points

Explanation:

Type 1: Private career schools. Oregon law instituted the Tuition Protection Fund to protect student from insolvent institutions. However, Oregon law does not specify that the Fund will always fully reimburse a student. (O.R.S. 345.110.) An institution’s income also sets a ceiling on the student’s recovery from the Fund, and other limitations on recovery also exist by law. (Or. Admin. R. 715-045-0029.)

Type 2: Private degree-granting schools. Oregon law requires schools to have financial resources sufficient to ensure successful continuing operation and to guarantee full refund of any unearned tuition. The law ensures continued compliance by requiring schools to submit an independently audited financial statements with opinion by a certified public accountant. A school that is unable to demonstrate financial strength may be required, at the discretion of the Commission’s Executive Director, to increase the amount of its surety bond or letter of credit. (Or. Admin. R. 715-045-0035 (17).) In addition, Oregon requires that schools maintain fee and refund policies that are fair, uniformly administered, and clearly explained in the school catalog as well as in any contract made with students. (Or. Admin. R. 715-045-0035(18).) Therefore, refunds are available to students upon school closure, however, there is no language that would mandate a full refund, merely a refund of unearned tuition.

**D. DOES THE STATE ALLOW STUDENTS AMPLE TIME TO MAKE A COMPLAINT?
5.5/10 POINTS***

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	2 years or more (or no deadline)	1-2 years	0 – 1 Year	Not applicable
Type 1	10 Points	5 Points	1 Point	0 Points
Type 2	10 Points	5 Points	1 Point	0 Points

Explanation:

Type 1: Private career schools. Students must file a complaint within one year of their last date of attendance. Students who have discontinued their enrollment are more limited in their ability to make a complaint than an enrolled student. (Or. Admin. R. 715-045-0023.)

Type 2: Private degree-granting schools. There is no deadline specified for students to file a complaint against a private degree-granting school.

**E. DOES THE STATE REQUIRE INSTITUTIONS TO DISCLOSE INFORMATION
ABOUT FILING A COMPLAINT WITH THE STATE OVERSIGHT BODY?
11.25/20 POINTS***

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

Type 1: Private career schools

Medium	Yes	Discretionary	Not specified
Catalog	10 Points	5 Points	0 Points
Website	5 Points	2.5 Points	0 Points

Enrollment contract	5 Points	2.5 Points	0 Points
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Explanation:

Institutions must disclose the student’s ability to file a complaint in the catalog and on the enrollment contract. Given that many institutions post their catalog or information therein on their website, this information is also likely to appear on the institution’s website, though not required. (O.R.S. § 345.117; Or. Admin. R 715-045-0019.)

Type 2: Private degree-granting schools

Medium	Yes	Discretionary	Not specified
Catalog	10 Points	5 Points	0 Points
Website	5 Points	2.5 Points	0 Points
Enrollment contract	5 Points	2.5 Points	0 Points

Explanation:

Oregon law does not require schools to disclose complaint procedures in their catalog, on their website, or in their enrollment contract. However, Oregon law does require schools to disclose various policies in their catalogs and it is reasonable to assume that some of these policies may include the complaint process. (Or. Admin. R 583-030-0035 (12).)

F. IS THE COMPLAINT PROCESS READILY ACCESSIBLE AND AVAILABLE ON THE STATE OVERSIGHT BODY’S WEBSITE?

6/10 POINTS

Yes, with address	Yes, with phone #	Yes, with email address	Yes, with electronic form	No
2 Points	2 Points	3 Points	3 2 Points	0 Points

Explanation:

Type 1 and Type 2: Private career schools and degree-granting schools. The complaint process is described in documents available on the Commission website. The documents offer electronic forms which must be completed and mailed to a specified address. Forms for complaints related to private career schools, private degree-granting schools, and SARA complaints (students enrolled in online programs from an Oregon-based school) are available at <http://www.oregon.gov/highered/institutions-programs/private/Pages/private-postsecondary-complaints.aspx>. Oregon loses one point because the forms cannot be submitted online; a student must print the form and mail it.

VII. ENFORCEMENT: 20/100 POINTS

A. IS THERE LOSS OF STATE AID FOR SCHOOLS THAT REPEATEDLY PRODUCE SUBSTANDARD GRADUATION RATES, JOB PLACEMENT RATES, AND/OR COHORT DEFAULT RATES?

5/30 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes, required	Yes, required but limited	Yes, discretionary	Yes, discretionary but limited	No
Type 1	30 Points	20 Points	15 Points	5 Points	0 Points
Type 2	30 Points	20 Points	15 Points	5 Points	0 Points

Explanation:

Type 1: Private career schools. Oregon law does not explicitly specify that institutions will lose state aid for repeated poor performance. However, institutions could lose aid by failing to maintain their license to operate; this could happen by consistently performing poorly. (See Or. Admin. R. 715-045-006; 715-045-0062.) The Commission may also place an institution on probation for poor performance. (Or. Admin. R. 715-045-0064.)

Type 2: Private degree-granting schools. Oregon law does not explicitly specify that institutions will lose state aid for repeated poor performance. Institutions could lose aid by failing to maintain their authorization. There is a process in place for Oregon to revoke or suspend the authorization of “at risk” schools. This could happen if a school is consistently performing poorly. Again, poor performance as defined by graduation rates, cohort default rates, and other outcome measures is not specifically considered, but other relevant factors are considered in the Commission’s process. (Or. Admin. R. 583-030-0045.)

B. DOES STATE LAW EXPLICITLY AUTHORIZE A PRIVATE RIGHT OF ACTION FOR STUDENTS AGAINST INSTITUTIONS THAT HAVE VIOLATED THE LAWS AND REGULATIONS IN PLACE TO GOVERN THEM?

0/30 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes	Limited circumstances	No
Type 1	30 Points	15 Points	0 Points
Type 2	30 Points	15 Points	0 Points

Explanation:

Type 1: Private career schools. Oregon law does not authorize a private right of action against institutions that have violated the law. However, the Commission may assess \$500 in civil penalties against institutions for each violation of O.R.S. §§ 345.010-345.450. (Or. Admin. R. 715-045-0190.)

Type 2: Private degree-granting schools. Oregon law does not authorize a private right of action against institutions that have violated the law.

C. DOES STATE LAW EXPLICITLY ALLOW ATTORNEY FEE AWARDS FOR STUDENTS WHO PREVAIL IN LITIGATION AGAINST PRIVATE,

FOR-PROFIT POSTSECONDARY INSTITUTIONS?

0/20 POINTS*

*points for Type 1 and Type 2 schools have been averaged to calculate the above score

	Yes	Limited	No
Type 1	20 Points	15 Points	0 Points
Type 2	20 Points	15 Points	0 Points

Explanation:

Type 1: Private career schools. Oregon law does not specify that attorney fees are available for students.

Type 2: Private degree-granting schools. Oregon law does not specify that attorney fees are available for students.

D. DOES STATE LAW EXPLICITLY AUTHORIZE ATTORNEY GENERAL INVOLVEMENT?

15/20 POINTS*

*points for Type 1 and Type 2 schools have been averaged to calculate the above score

	Yes	Limited circumstances	No
Type 1	20 Points	10 Points	0 Points
Type 2	20 Points	10 Points	0 Points

Explanation:

Type 1: Private career schools. Oregon law does not expressly specify whether the attorney general is involved when institutions violate the law. Violations of O.R.S. §§ 345.020, 345.030, 345.070, or 345.325 qualify as misdemeanors; these are general provisions relating to the duties of the Commission and the obligations of institutions under the Commission’s authority. (O.R.S. § 345.990.) State or local prosecutors would likely be handling these cases as they arise.

Type 2: Private degree-granting schools. Or. Admin. R 583-030-0049 specifies that complaints may be brought to a prosecutor against any person acting individually or on behalf of an organization or group. It further states that complaints may be brought to the Oregon Department of Justice against any person acting individually or in concert with others. The Attorney General heads the Oregon Department of Justice.

BONUS POINTS:

Oregon receives no bonus points.



ILLUMINATING INFORMATION



RECIPROCITY AGREEMENTS

Oregon is a member of the State Authorization Reciprocity Agreements (SARA).

LITIGATION, INVESTIGATIONS, AND ACTIONS INVOLVING PRIVATE FOR-PROFIT EDUCATIONAL INSTITUTIONS IN OREGON

For more information about pending and recent federal and state government investigations and actions regarding for-profit colleges see David Halperin's compilation at <http://www.republicreport.org/2014/law-enforcement-for-profit-colleges/#sthash.1vc4HmPw.dpuf>.