

Chapter 345

1985 REPLACEMENT PART

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PRIVATE VOCATIONAL SCHOOLS**(Definitions)**

345.010 Definitions for ORS 345.010 to 345.470. As used in ORS 345 010 to 345 470, 345 990 (1) and 345 992 to 345.997

(1) "Agent" means any person employed by or for a vocational school to procure students, enrollees or subscribers by solicitation in any form, made at a place or places other than the school office or place of business of such school

(2) "Board" means the State Board of Education

(3) "Cosmetology" has the meaning given in ORS 690 005

(4) "Hair design" has the meaning given in ORS 690 005

(5) "Manicure" has the meaning given in ORS 690 005

(6) "Superintendent" means Superintendent of Public Instruction

(7) "Vocational school" means any private proprietary vocational, technical, home study, correspondence, business, professional or other school instruction, organization or person that offers any instruction or training for the purpose or purported purpose of instructing, training or preparing persons for any vocation or profession [Amended by 1957 c 279 §1, 1961 c 268 §1, 1965 c 529 §12, 1973 c 239 §1, 1975 c 478 §1, 1977 c 886 §27, 1979 c 387 §1]

(Licensing)

345.015 Application of ORS 345.010 to 345.470. ORS 345 010 to 345 470, 345 990 (1) and 345 992 to 345 997 do not apply to

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

(2) Any vocational school

(a) Otherwise regulated and licensed or certified by the Insurance Commissioner under any other law of this state, or

(b) A degree-granting institution that is a member in good standing of the Northwestern Association of Schools and Colleges

(3) Instruction or training sponsored or offered by a bona fide trade, business, professional or fraternal organization or by a business solely for the organization's membership, or the business' employes, or offered on a no-fee basis

(4) Instruction or training sponsored, offered or contracted by organizations, institutions or

agencies, which are nonprofit in nature, if the instruction or training is advertised or promoted to be in the nature of vocational or professional self-improvement but is not advertised or promoted as leading to or fulfilling the requirements for licensing, certification, accreditation or education credentials

(5) Any baccalaureate or higher degree-granting institution under ORS 348.835 (1), or exempted under the provisions of ORS 348 835 (2)

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

(7) Courses offered in hospitals which meet standards prescribed by the American Medical Association or national accrediting associations for nursing

(8) 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 a related profession or vocation

(9) Any parochial or denominational institution providing instruction or training relating solely to religion and for which degrees are not granted [Amended by 1961 c 268 §2, 1965 c 529 §13, 1975 c 478 §3, 1979 c 148 §1, 1979 c 387 §2]

345.020 Duty and powers of Superintendent of Public Instruction; interest in vocational schools prohibited. (1) The superintendent shall administer ORS 345 010 to 345 450, 345 990 (1) and 345 992 to 345.997 and shall enforce all laws and rules relating to the licensing of vocational schools and agents Subject to and under the provisions of ORS 345 010 to 345 450, 345 990 (1) and 345 992 to 345 997, shall have full power to regulate and control the issuance, denial, suspension and revocation of licenses issuable pursuant thereto and to perform all other acts and duties required by or provided in ORS 345 010 to 345 450, 345 990 (1) and 345 992 to 345 997 and necessary to their enforcement. The superintendent may enforce reasonable rules established by the board which are necessary for the proper administration and enforcement of ORS 345 010 to 345 450, 345 990 (1) and 345 992 to 345 997

(2) Neither the superintendent, nor any assistants, nor deputies or employes of the Department of Education shall have a financial interest in any vocational school, or act as an agent or employe thereof [Amended by 1955 c 527 §1, 1961 c 268 §3, 1975 c 478 §4]

345.030 Vocational schools, salesmen and agents to be licensed. (1) No person shall open, conduct or do business as a vocational school in this state without obtaining a license to do so under ORS 345 010 to 345.450, 345 990 (1) and 345 992 to 345 997

(2) No person shall act in this state as an agent for a vocational school domiciled within or outside this state, unless the person has obtained a license to do so under ORS 345 010 to 345 450, 345 990 (1) and 345 992 to 345 997.

(3) No person shall act as an agent for a vocational school unless and until the vocational school has either obtained a license under ORS 345 010 to 345 450, 345 990 (1) and 345 992 to 345 997 to do business in this state if such is required by subsection (1) of this section or the agent has supplied information satisfactory to the superintendent that the school meets minimum standards established under ORS 345 325 [Amended by 1961 c 268 §4, paragraph (b) of subsection (2) and subsection (3) formerly 345 050, 1975 c 478 §5]

345.040 Requirements for issuance of licenses. (1) Licenses to conduct vocational schools shall be granted only after proof satisfactory to the superintendent or the representative thereof has been presented that the applicant complies with applicable standards adopted under ORS 345 325 ORS 670 280 applies to the licensing of vocational schools as to individuals who hold positions of authority or control in the operation of the school, and as to its faculty members and agents

(2) An agent's license shall be granted only to a person who has attained the age of 18 years, is of good moral character and is otherwise competent and qualified to act as such in such manner as to safeguard and protect the interests of the public

(3) The superintendent may license any vocational school licensed in any other state or accredited by a nationally recognized regional or professional accrediting agency listed by the U S Office of Education without requiring specific proof of compliance with standards adopted under ORS 345 325 if the superintendent makes a finding to be published in the minutes of the board that the standards for licensing or accreditation are substantially similar to those adopted for this state [Amended by 1961 c 268 §5, 1973 c 827 §34, 1975 c 478 §6, 1979 c 744 §16, 1981 c 527 §1]

345 050 [Amended by 1961 c 268 §6, renumbered as part of 345 030]

345.060 Appointment of superintendent as agent for service of process; service of process. (1) Every applicant for a license to

act as agent for a vocational school not domiciled in this state shall be held to have appointed the superintendent such applicant's agent to accept service of all summonses, pleadings, writs and processes in all actions or proceedings brought against such applicant in this state Such service upon the superintendent shall be taken and held in all courts to be as valid and binding as if personal service thereof had been made upon such applicant within this state Any application for an agent's license by a corporation shall be accompanied by a duly certified copy of the resolution of the board of directors or other managing board of such applicant authorizing such appointment

(2) When any summons, pleading, writ or process is served on the superintendent, service shall be by duplicate copies One of the duplicates shall be filed in the office of the superintendent and the other immediately forwarded by certified mail to the applicant thereby affected or therein named, at the applicant's last-known post-office address If service is of a summons, the plaintiff therein shall also cause the applicant to be served therewith in a manner provided by ORCP 7 [Amended by 1961 c 268 §7, 1975 c 478 §7, 1979 c 284 §138]

345.070 Annual issuance of license; carrying or displaying license. A license shall be issued annually to each licensee under ORS 345 010 to 345 450, 345 990 (1) and 345 992 to 345 997 in the form, size and appropriate context as shall be prescribed by the superintendent Each agent shall carry at all times while engaged as such, the license so issued, and each vocational school shall display its license in a prominent place [Amended by 1961 c 268 §8, 1975 c 478 §8]

345 080 License fees; disposition of fees. (1) Before issuing any licenses under ORS 345 010 to 345 450, 345 990 (1) and 345 992 to 345 997, the superintendent shall collect the following nonrefundable annual license fees

Purpose	Annual License Fee
Vocational School	\$ 100
Agent for vocational school	\$ 25

(2) All fees so collected shall be paid into the General Fund in the State Treasury [Amended by 1955 c 527 §2, 1961 c 268 §9, 1975 c 478 §9]

345 090 [Amended by 1961 c 268 §10, repealed by 1975 c 478 §29]

345.100 Bonds. (1) No vocational school shall be issued a license or have its license renewed until the applicant:

(a) Furnishes the office of the superintendent financial statements by a public accountant showing a capital structure that is adequate to fulfill the commitments of the school to students for instruction and training in the license year, and

(b) Files with the office of the superintendent a bond in the penal sum of \$2,500 and running to the State of Oregon. The bond shall be executed by two good and sufficient personal sureties to be approved by the superintendent, or by a surety company authorized to transact business in this state, approved as to form and substance by the superintendent, and conditioned that the applicant shall fulfill and perform all its contracts with its students, enrollees or subscribers and conduct its business in accordance with the requirements of ORS 345 010 to 345 450, 345 990 (1) and 345 992 to 345 997 and all rules promulgated thereunder.

(2) Every application for an agent's license shall be accompanied by a bond running to the State of Oregon. It shall be executed by two good and sufficient personal sureties to be approved by the superintendent, or by a surety company authorized to transact business in this state, approved as to form and substance by the superintendent, and conditioned that the applicant shall perform duties and conduct business in accordance with the requirements of ORS 345 010 to 345 450, 345 990 (1) and ORS 345 992 to 345 997 and all rules promulgated thereunder, and further, that any person, including the employer of the applicant, may sue and recover on such bond of such agent for any loss or damage sustained, resulting from any defalcation or fraud of such agent.

(a) For an agent representing a vocational school domiciled in Oregon, the bond shall be in the amount of \$1,000.

(b) For an agent representing a vocational school domiciled outside the State of Oregon, the bond shall be in the amount of \$2,500. [Amended by 1961 c 268 §11, 1975 c 478 §10]

345.110 Filing bond; suing on bond; attorney fee. Every bond given under ORS 345.100, after approval thereof, shall be filed and held in the office of the superintendent. Any person injured in or by any of the manners, means or respects referred to in ORS 345 100, by any vocational school or agent thereof, shall have the right in the name of the person to commence action against the vocational school or agent, or

both, and such sureties, for the recovery of any damages sustained by the person by reason of any such injury. In any such action, the court shall, upon entering judgment for the plaintiff, allow such additional sum as it may adjudge reasonable as attorney fees at trial and on appeal therein. [Amended by 1975 c 478 §11, 1981 c 897 §49]

345.113 Contract for student loan generally not negotiable. (1) In any contract for the provision of instruction or training or other services by a vocational school on credit entered into between a vocational school and a student, or between a lending institution which regularly loans money to students of a particular vocational school and a prospective student of that vocational school, such contract, note or any instrument or evidence of indebtedness of the student shall have printed on the face thereof the words "Student Loan." Such contract, note, instrument or evidence of indebtedness with the words "Student Loan" printed thereon shall not be a negotiable instrument within the meaning of ORS chapter 73. However, this section shall have no force or effect on the negotiability of any contract, promissory note, instrument or other evidence of indebtedness owned or guaranteed or insured by any state or federal governmental agency even though the contract, note, instrument or other evidence of indebtedness contains the wording required by this subsection.

(2) Notwithstanding the absence of such notice on a contract, note, instrument or evidence of indebtedness arising out of a contract for the provision of training or instruction or other services by a vocational school, an assignee of the rights of the vocational school or lending institution as described in subsection (1) of this section is subject to all claims and defenses of the student against the vocational school or lending institution arising out of the contract for provision of vocational instruction or training or other services. Any agreement to the contrary shall be of no force or effect in limiting the rights of a student under this section. The assignee's liability under this section shall not exceed the amount owing to the assignee at the time the claim or defense is asserted against the assignee. The restrictions imposed by this subsection shall not apply with respect to any promissory note, contract, instrument or other evidence of indebtedness owned or guaranteed or insured by any state or federal governmental agency even though said note, contract, instrument or other evidence of indebtedness shall contain the words required by subsection (1) of this section.

(3) An assignee of a student loan who in good faith enforces a security interest in property held

by the student shall not be liable to such student for punitive damages in an action for wrongful repossession. The fact that a vocational school misrepresented the nature of the training or instruction or other services shall not, of itself, make an assignee's repossession wrongful [1975 c 478 §28]

345.115 Refund schedule as part of tuition contract; effect of failure to comply.

(1) The tuition contract entered into between a person and a vocational school for the purpose of obtaining instruction or training shall contain a schedule for the refund of tuition, deposits and fees when the person does not complete the course or program of instruction or training which was the subject of the contract. No action or suit may be brought by a vocational school or its assigns on a contract that does not contain this refund schedule, but this provision shall not limit the vocational school's right to defend any action or suit brought by any person on a contract which does not contain such a schedule.

(2) The refund schedule required by subsection (1) of this section shall be established by the superintendent in consultation with the advisory committee appointed under ORS 345 330. In establishing the refund schedule, the superintendent shall consider

(a) The reasonable, obligated and fixed costs of the vocational school, including but not limited to rent, personnel and nonreturnable supplies

(b) The method of instruction

(c) The reasonable value of services performed prior to cancellation of the course or program

(3) The superintendent may establish refund schedules for vocational school courses or programs requiring attendance of students, enrollees or subscribers which are different from those established for vocational school courses or programs in which instruction is offered by correspondence, when the difference in services performed necessitates separate schedules.

(4) Nothing in this section is intended to prevent a vocational school from requiring an advance deposit of tuition on behalf of the person intending to enroll in a course or program offered by or through the vocational school [1965 c 409 §2, 1967 c 67 §16, 1975 c 478 §12]

345.117 Address of state department as part of contract. A contract entered into between a vocational school domiciled in this state and a resident of this state shall have printed or stamped upon it "Any inquiry a student may have regarding this contract may be

made in writing to the school (name and address), or to the Superintendent of Public Instruction, Department of Education, 942 Lancaster Drive N. E., Salem, Oregon 97310, (or its subsequent address)" [1975 c 478 §22]

345.120 Investigations; suspension or revocation of licenses.

(1) The superintendent may, on the superintendent's own motion, for cause, and shall, on the verified complaint in writing of any person, which alone, or together with evidence presented in connection therewith, in the judgment of the superintendent makes out a prima facie case, investigate the actions of any vocational school or agent, or any person who assumes to act in either such capacity within this state.

(2) The superintendent may suspend or revoke any license issued under ORS 345 010 to 345 450, 345 990 (1) and 345 992 to 345 997 when the licensee has obtained a license by misrepresentation, or when the licensee, in having done, or having attempted or purported to have done, any of the business licensed, was found after a contested case hearing under ORS 183 310 to 183 550 to have

(a) Violated ORS 345 010 to 345 450, 345 990 (1) and 345 992 to 345 997 or any rule adopted pursuant thereto

(b) Entered into a contract which violates ORS 345 115

(c) Ceased to engage in the business authorized by the license.

(d) Wilfully used or employed any method, act or practice declared unlawful by ORS 646 608 [Amended by 1965 c 409 §3, 1975 c 478 §13]

345 130 [Repealed by 1975 c 478 §29]

345 140 [Repealed by 1975 c 478 §29]

345 150 [Amended by 1971 c 734 §39, repealed by 1975 c 478 §29]

345 160 [Repealed by 1975 c 478 §29]

345 170 [Repealed by 1975 c 478 §29]

345 180 [Repealed by 1975 c 478 §29]

345.190 [Repealed by 1975 c 478 §29 and by 1975 c 759 §17]

345 200 [Repealed by 1975 c 478 §29 and by 1975 c 759 §17]

345.210 Suit by vocational school; allegation and proof of license.

(1) No vocational school shall bring or maintain any suit or action in any court in or of this state for a cause of suit or action arising out of the doing of business by it as such in this state, without alleging and proving that it had complied with the applicable licensing provisions of ORS 345 010 to 345 450,

345 990 (1) and 345 992 to 345 997 at the time such cause of suit or action arose

(2) A vocational school bringing or maintaining suit or action under subsection (1) of this section must allege and prove that the business out of which the cause of suit or action arises was done through a licensed agent if the school's agents are required to be licensed under ORS 345 010 to 345 450, 345 990 (1) and 345 992 to 345 997 [Amended by 1975 c 478 §14]

345 220 [Amended by 1961 c 268 §12, 1965 c 529 §14, repealed by 1975 c 478 §29]

345.230 Jurisdiction of courts; remedies are additional. The remedies provided in ORS 345 010 to 345 450, 345 990 (1) and 345 992 to 345 997 are in addition to, and not exclusive of, any other remedies provided by law [Amended by 1975 c 478 §15, 1975 c 759 §17a]

345.240 Discrimination prohibited.

(1) No vocational, professional or trade school licensed under the provisions of any law of the State of Oregon shall refuse admission to or discriminate in admission against or discriminate in giving instruction to any person otherwise qualified, on the ground of such person's race, color, sex, marital status, religion or national origin

(2) As used in this section and ORS 345 250, "license" includes a permit, certification of registration or any other form of approval required in order for a vocational, professional or trade school to operate [Amended by 1957 c 724 §11, 1973 c 714 §4]

345.250 Action upon violation of ORS 345.240. The appropriate state agency charged with the licensing of any vocational, professional or trade school may suspend or revoke the license of the school upon submission to it of proof that the school has violated ORS 345 240. A certified copy of a finding by the Commissioner of the Bureau of Labor and Industries under ORS 659 060 that the school has violated ORS 345 240 may be deemed adequate proof of a violation of ORS 345 240. Before an order of suspension or revocation is made, notice of complaint shall be given and a hearing held in substantially the same manner as the manner of suspension or revocation of the license for any other reason. An appeal may be taken from the order of suspension or revocation in substantially the same manner as an appeal from any other order of suspension or revocation of the license by the agency [Amended by 1957 c 724 §12]

(Standards)

345 310 [1965 c 529 §2, repealed by 1975 c 478 §29]

345.320 Purpose. (1) The Legislative Assembly finds that vocational schools are capable of increasing the educational opportunities available in this state or to residents of this state and of making a contribution to the social and economic progress of the people of this state. Vocational schools offer different approaches to education than do public schools and are often able to provide vocational and placement assistance not otherwise available

(2) It is the purpose of ORS 341 455, 345 010 to 345 230, 345 320 to 345 370 and 345 990 to 345 997 to provide for the protection, education and welfare of the citizens of this state, its vocational schools and its students, by establishing minimum standards concerning quality of education, ethical and business practices, health and safety and fiscal responsibility, and protecting against substandard, transient, unethical, deceptive or fraudulent practices [1965 c 529 §3, 1975 c 478 §2]

345.325 Minimum standards required; content. (1) The board shall adopt by rule minimum standards for the licensing of vocational schools under ORS 345 010 to 345 450, 345 990 (1) and 345 992 to 345 997

(2) In establishing the standards required by subsection (1) of this section, the board shall adopt rules reasonably calculated to assure:

(a) That the quality and content of each course or program of instruction, training or study are such as may reasonably and adequately achieve the stated objective for which the course or program is offered

(b) That the vocational school has adequate space, equipment, instructional materials and personnel to provide instruction and training of good quality

(c) That the education and experience of directors, administrators, supervisors and instructors are such as may reasonably insure that the students will receive instruction and training consistent with the objectives of the course or program of study

(d) That the vocational school provides students and other interested persons with a catalog or brochure containing information describing the courses and programs offered, course and program objectives, length of courses and programs, schedule of tuition, fees and all other charges and expenses necessary for completion of the course or program, cancellation and refund policies, and such other material facts concerning the vocational school and the course or program

of instruction and training as are reasonably likely to affect the decision of the student to enroll therein, together with any other disclosures specified by the superintendent or defined in the rules, and that such information is provided to prospective students prior to enrollment

(e) That upon satisfactory completion of instruction and training, the student is given appropriate educational credentials by the vocational school, indicating that the course or program or courses or programs of instruction and training have been satisfactorily completed by the student

(f) That adequate records are maintained by the vocational school to show attendance, progress or grades, that copies of these records are available to the student upon the request of the student, that satisfactory standards are enforced relating to attendance, progress and performance and that adequate provision is made for the continuing maintenance of records if the school were to cease operation

(g) That the vocational school is maintained and operated in compliance with all pertinent ordinances and laws, including rules adopted pursuant thereto, relative to the safety and health of all persons upon the premises

(h) That the vocational school is financially sound and capable of fulfilling its commitments to students, as provided in ORS 345 100.

(i) That neither the vocational school nor its agents engage in advertising, sales, collection, credit or other practices of any type which are declared unlawful by ORS 646.608.

(j) That the directors, administrators, supervisors and instructors are of good reputation and character, except that a license shall not be denied, suspended or revoked because a faculty member has been convicted of a crime other than a felony or misdemeanor involving the illegal use, sale, or possession of controlled substances, or involving any sexual offense

(k) That the student housing owned, maintained or approved by the vocational school, if any, is appropriate, safe and adequate [1975 c 478 §21, 1979 c 744 §17]

345.330 Advisory committee; function.

(1) The superintendent shall appoint a representative advisory committee consisting of 11 members who shall serve for a term of four years ending June 30 Of the membership of the committee

(a) Seven members shall be persons affiliated with vocational schools as owners, directors, administrators, instructors or representatives

thereof, but not more than one member shall be representative of an out-of-state vocational school

(b) Four members shall be persons who are not eligible under paragraph (a) of this subsection. At least two of these members shall be persons who either are enrolled or have been enrolled within the preceding three years in a vocational school domiciled in this state

(2) The advisory committee appointed under subsection (1) of this section shall

(a) Make recommendations to the superintendent and board concerning the need for vocational and technical instructional and training facilities, the types of instruction and training needed and by whom these can best be provided

(b) Recommend standards for vocational schools as provided in ORS 345 325 which are consistent with the purposes of such schools

(c) Investigate and present findings to the board on the administration and operation of laws relating to vocational schools. However, the investigations and findings of the advisory committee do not affect the authority of the superintendent to issue, deny, suspend or revoke the license of any vocational school

(d) Consult with the superintendent in determining the refund schedule under ORS 345 115

(3) Members of the advisory committee are entitled to compensation and expenses as provided in ORS 292.495 from funds appropriated to the board for purposes of ORS 345 010 to 345 450, 345 990 (1) and 345 992 to 345 997 [1965 c 529 §4, 1967 c 67 §17, 1975 c 478 §16]

345.340 Recommended minimum standards. Consistent with the requirements of ORS 345 325, the advisory committee shall recommend to the board minimum standards for the operation of vocational schools. In making its recommendations, the committee shall consider changes in technological, economic and social conditions which affect employment needs, opportunities and skills [1965 c 529 §5, 1975 c 478 §18]

345 350 [1965 c 529 §6, 10, repealed by 1975 c 478 §29]

345 360 [1965 c 529 §7, repealed by 1975 c 478 §29]

345.370 Recommendations on standards for courses to be given credit at community colleges. The advisory committee appointed under ORS 345 330 may recommend to the board and the superintendent standards for vocational school courses which may be recognized for credit by community colleges The recommendation may be revised periodically [1965 c 529 §8, 1975 c 478 §19]

345 380 [1965 c 529 §11, repealed by 1975 c 478 §29]

(Hair Design, Cosmetology and Manicure Schools)

345.400 Regulation of schools teaching hair design, cosmetology or manicure; rules. In addition to the other requirements of this chapter, rules adopted by the board to regulate schools teaching hair design, cosmetology or manicure

(1) Shall be set out separately from other rules adopted by the board

(2) Shall, if the rules concern cleanliness, sanitary practices or use of instruments in the school, be adopted only after the board consults with the Health Division to assure that such rules are consistent with the requirements of the Health Division

(3) May include any rule the board considers necessary to protect the economic or physical health and safety of the public or of the students attending the school

(4) Shall include rules that set standards for teachers teaching in schools licensed to teach hair design, cosmetology or manicure pursuant to this chapter [1977 c 886 §29]

345.410 Minimum degree requirements. In addition to the requirements for issuance of a license under ORS 345 040, for schools seeking a license to teach hair design, cosmetology or manicure, the board shall, by rule, require the schools to teach, and require for graduation from the school, courses that meet minimum standards set by the board on sanitary practices and safety for all procedures permitted and in the use of all instruments, equipment or chemicals permitted within the respective field of practice [1977 c 886 §30]

345.420 Advisory committee for hair design schools; members; compensation.

(1) For the purposes set forth in ORS 345 330 (2), the superintendent shall appoint an advisory committee for vocational schools teaching hair design

(2) The membership of the advisory committee shall be so constituted that

(a) Four members shall be owners of schools licensed under this chapter to teach skills required for hair design

(b) Two members shall be practitioners, certified under ORS chapter 690, who are graduates of schools licensed under this chapter to teach hair design and who have graduated within one year of the time appointed

(c) Two members shall be practitioners licensed under ORS chapter 690 who have practiced for more than one year preceding appointment

(d) Two members shall be owners of shops licensed under ORS chapter 690

(e) One member shall be from the general public

(3) Each member of the advisory committee shall serve for a term of four years ending June 30

(4) The members of the advisory committee shall be entitled to compensation as provided in ORS 345 330 (3) [1977 c 886 §31, 1983 c 151 §23]

345.430 Determination of minimum requirements. In addition to the other duties of the Superintendent of Public Instruction prescribed by law, the superintendent shall, at the request of the State Board of Barbers and Hairdressers, determine whether a school teaching hair design, cosmetology or manicure that is not licensed under the provisions of this chapter meets the minimum requirements set by the board for licensing of a similar school under this chapter [1977 c 886 §33]

345.440 Sanitary and safety inspections by Department of Commerce. Sanitary and safety inspections performed in schools licensed under this chapter to teach hair design, cosmetology or manicure shall be conducted by the Department of Commerce [1977 c 886 §34]

345.450 Annual inspection fee; transfer. (1) In addition to the fees required by ORS 345 080, before issuing any license under this chapter to a school teaching hair design, cosmetology or manicure, the superintendent shall collect a nonrefundable annual inspection fee of \$100.

(2) The inspection fee collected under subsection (1) of this section shall be transferred to the Department of Commerce for inspections performed under ORS 345 440 [1977 c 886 §35]

345.460 Regulation of barber school; fee for renewal of teacher license. (1) Notwithstanding any other provision of ORS chapters 345 and 690, any school licensed to teach barbering in this state and regulated under ORS 345 470, may continue, at the election of the school, to operate under ORS 345 470. If a school is subject to ORS 345 470, the Superintendent of Public Instruction by rule shall regulate all aspects of the operation of the school including, but not limited to, the course of study, admission requirements, teacher requirements and qualifications, teacher licensing and license renewal, requisites for graduation, work station require-

ments, curriculum and all other requirements for the school

(2) If a school is regulated under ORS 345 470, it is not subject to regulation pursuant to any other provision of ORS chapter 345 or 690

(3) No school shall be regulated under ORS 345 470 unless the school is currently so regulated Any school electing to operate under ORS 345 470 may elect to withdraw from the provisions of ORS 345 470 and become regulated as otherwise provided by ORS chapter 345

(4) Any license to teach barbering issued by the Board of Barber Examiners before July 27, 1977, shall remain valid and may be renewed for an annual fee of \$15 paid to the Superintendent of Public Instruction, so long as the holder teaches at a school regulated according to this section [Formerly 690 275]

345.470 Barber school license renewal requirements; fee. No barber school shall have its license renewed by the Superintendent of Public Instruction unless

(1) It requires, as a prerequisite to admission, graduation from the eighth grade of a grammar school or its equivalent as determined by an examination conducted by the superintendent, and a certificate from a physician that the applicant for admission is free from contagious or infectious disease A barber school shall furnish proof of a student's compliance with the educational requirement of this subsection not later than the 61st day after the day the student is admitted to the barber school.

(2) It requires as a prerequisite to graduation a course of instruction of not less than 1,350 hours in courses specified in subsection (3) of this section, to be completed within 12 consecutive months, of not more than 48 hours in any one working week

(3) Its course of study includes theory and practical application of fundamental skills and elementary sciences related to barbering, including barbering hygiene, bacteriology, histology of the hair, skin, muscles and nerves of the scalp, face and neck, elementary chemistry relating to sterilization, antiseptics and sanitation, common diseases of the hair, scalp, glands, face and neck, haircutting, shaving, shampooing, and the application of hair tonics, dressings and rinses, massaging of the scalp, face and neck, and facial and scalp treatments with creams, lotions, oils and other cosmetic preparations either by hand or mechanical appliances, but such appliances shall not be galvanic or faradic; demonstration of coloring, bleaching, tinting and waving of the

hair, salesmanship, shop management and implements, the history of barbering and the ethics, laws and rules governing the practice of barbering

(4) It has filed with the superintendent on forms furnished by the superintendent the names and addresses of the owner of the school, the name and address of each teacher, with the subjects taught by each and proof that each is a licensed barber teacher, the hours for lectures and instruction in theory and in practical application

(5) It is located and arranged to be entirely apart from any living quarters, barber shop or other place of business

(6) It does not display or sell merchandise except merchandise related to barbering

(7) It has at least one work station available eight hours a day for each student attending class, and it has no fewer than 20 work stations complete with adequate facilities for individualized training A work station shall contain a barber chair and dustproof cabinet and a basin with hot and cold running water for every three barber chairs

(8) It furnishes to each enrolling student a financial schedule showing the total cost of tuition and of all charges involved in the course of study, including all tools, books and equipment necessary for graduation

(9) It is to be operated by a licensed barber teacher who has demonstrated to the satisfaction of the superintendent qualifications to educate and instruct students in all subjects necessary to qualify them as competent barbers

(10) It employs one full-time licensed barber teacher for each 15 students, or fraction thereof However, a school must employ at least two full-time licensed barber teachers As used in this subsection, "students" means the average number of students in daily attendance at the barber school during the preceding calendar quarter The size of the teaching staff shall be modified, if necessary, at the beginning of each calendar quarter

(11) It has filed with the superintendent a bond, with sufficient individual or corporate surety, in the sum of \$5,000 for the benefit of any pupil concerned, conditioned that tuition paid will be refunded upon the failure of the school to operate, upon which bond any pupil may maintain an action for recovery of tuition, costs and reasonable attorney fees at trial and on appeal

(12) It keeps a daily record of the attendance of each student and the number of hours of instruction given by the school in required sub-

jects The school shall establish a grading system and administer examinations

(13) The owner or manager of the school files a monthly student class attendance and subjects taught record with the superintendent This record shall be certified to by the owner or manager of the school and shall include a list of all students, the number of days and hours each student attended class, each student's total cumulative number of hours, and the theoretical subjects taught by the school during the reporting period

(14) The head instructor was actively engaged in barber teaching at a licensed barber school in this state during the three years immediately preceding the day the application for the license was filed

(15) It pays the annual license fee of \$200.
[Formerly 690 087]

PRIVATE ELEMENTARY AND SECONDARY SCHOOLS

(Definitions)

345.505 Definitions for ORS 345.505 to 345.585. As used in ORS 336 215, 345 505 to 345 585 and 345 990 (2) unless the context requires otherwise

(1) "Educational services" means instructional programs but does not include programs limited solely to dancing, drama, music, religious or athletic instruction

(2) "Private school" means a private elementary or secondary school operated by a person or by a private agency except as provided in ORS 339 030 (5), offering education in prekindergarten, kindergarten, or grades 1 through 12 or any part thereof [1975 c 557 §1, 1979 c 271 §1, 1985 c 579 §4]

(Registration)

345.515 Registration with department.

A school may be registered as a private school with the Department of Education in the manner provided in ORS 336 215, 345 505 to 345 585 [1975 c 557 §2]

345.525 Application for registration; qualifications. (1) The owner or operator of a private school, or the superintendent or principal thereof may apply to the Department of Education for registration of the school by submitting an application therefor on a form provided by the department

(2) In order to become registered, the applicant must demonstrate to the satisfaction of the State Board of Education that

(a) The teachers in the applicant schools are possessed of those qualifications necessary to establish the applicant's fitness as a teacher, but such qualifications shall not include the requirement that teachers be certificated

(b) The applicant and the school employes are qualified by education and experience to provide instruction at the grade level or in the program to which they are assigned

(c) The facility at which the school is located and the operation thereof are adequate to protect the health and safety of the children enrolled therein, including but not limited to fire protection and sanitation

(d) The curriculum in grades prekindergarten, kindergarten, or 1 through 12 shall be such that it will consider the goals of modern education and the requirements of a sound, comprehensive curriculum with particular emphasis on establishment of the highest practical standards, and in secondary schools establishment of academic standards necessary to attend community colleges and institutions of higher education both within and without the State of Oregon Courses shall be taught for a period of time equivalent to that required for children attending public schools [1975 c 557 §3, 1979 c 271 §2]

345.535 Criteria for registration. (1) In adopting criteria for the registration of private schools, the State Board of Education shall take into consideration the unique qualities of private education while seeking to further the educational opportunities of students enrolled in such schools

(2) After consultation with the advisory committee appointed under ORS 345 575, the State Board of Education shall establish minimum criteria for the registration of private schools

(3) In establishing standards, the State Board of Education shall comply with the rules of the State Fire Marshal and the Health Division relating to fire protection, health and sanitation [1975 c 557 §4]

345.545 Evaluation and registration; expiration; renewal; lapse; notice on refusal to register school. (1) Upon receipt of an application for registration, the Department of Education shall evaluate the private school and shall register the school if it finds that the school is in compliance with the requirements of ORS 345 525 and 345 535 and the rules adopted pursuant thereto The registration expires October 14 next following its issuance If the department refuses to register the school, it shall notify the applicant and give its reasons for the refusal

(2) Registration under ORS 345 505 to 345 575 is renewable annually on or before October 15. Registration not renewed before October 15 shall be considered lapsed and may only be renewed in the manner required for initial registration [1975 c 557 §5, 1979 c 387 §3]

345.555 Procedure for refusal to register or suspension or revocation of renewal.

(1) A registration issued under ORS 345 545 may be suspended or revoked or renewal thereof denied if the Department of Education finds

(a) The private school fails to comply with the requirements of ORS 345 525 and 345.535 and the rules adopted pursuant thereto

(b) A false statement is made in the application for the registration or any information or report required under ORS 345 505 to 345 575 or such information or report is not furnished when required

(2) The procedures for suspension or revocation or for refusal to issue or renew a registration under ORS 345 505 to 345 575 shall be considered a contested case within the meaning of ORS 183 310 to 183 550 and the procedures applicable thereto shall apply to registrations under ORS 345 505 to 345 575 [1975 c 557 §6]

345.565 Reports to department. Every registrant shall furnish promptly such reports and information as the State Board of Education by rule requires [1975 c 557 §7]

(Advisory Committee)

345.575 Advisory committee; members; duties. (1) An advisory committee of seven members is established, to be appointed by the State Board of Education, on recommendation of the Superintendent of Public Instruction. Six members shall be selected from nominees of organizations of private schools and other segments of private education. One additional member shall be a lay person who is not associated with a private school. Members shall serve for a term of four years. No member is eligible to serve more than two terms consecutively.

(2) Members of the advisory committee shall receive no compensation for their service.

(3) The advisory committee shall advise the board on minimum criteria for private schools and on matters pertaining to the administration of ORS 345 505 to 345 575 [1975 c 557 §8]

(Miscellaneous)

345.585 Effect of teaching experience in private school. Teaching experience in a

registered private or nonpublic school shall apply to meeting the requirements of ORS 342 135

(3)(a) [1975 c 557 §12]

PENALTIES

345.990 Criminal penalties. (1) Violation of any provision of ORS 345 020, 345 030, 345 070, 345 115 or 345 325 is a Class B misdemeanor

(2) Representation by a private school that it is registered pursuant to ORS 336 215 and 345 505 to 345 585 when it is not registered is a Class C misdemeanor [Amended by 1975 c 478 §26, subsection (2) enacted as 1975 c 557 §9]

345.992 Civil penalties. (1) In addition to any other penalty provided by law, any person who violates any provision of ORS 345 020, 345 030, 345 070, 345 115 or 345 117, or who engages in an unlawful trade practice as defined by ORS 646 608 shall incur a civil penalty for each violation in the amount prescribed by the schedule adopted under ORS 345 995

(2) The civil penalty shall be imposed only after reasonable notice and a hearing. The hearing shall be conducted by the superintendent pursuant to ORS 183 415 to 183 430, 183 440 to 183 460, 183 470 to 183 485 and 183 490 to 183.500, as for a contested case [1975 c 478 §23]

345.995 Establishment of schedule of civil penalties; imposition of such penalties.

(1) After consultation with the advisory committee established under ORS 345 330, the board shall adopt by rule a schedule or schedules establishing the amount of civil penalty that may be imposed for a particular violation of ORS 345 010 to 345 450, 345 990 (1) and 345 992 to 345 997. No civil penalty shall exceed \$500 per violation. The board shall consult with the Attorney General before adopting the schedule of penalties for violations of ORS 345 120 (2)(d)

(2) In imposing a penalty under ORS 345 010 to 345 370, 345 990 (1) and 345 992 to 345 997 pursuant to the schedule or schedules authorized by this section, the superintendent shall consider the following factors

(a) The past history of the person incurring a penalty in taking all feasible steps or procedures necessary or appropriate to correct any violation

(b) Any prior violations of ORS 345 010 to 345.450, 345 990 (1) and 345 992 to 345 997 or rules adopted pursuant thereto

(c) The economic and financial conditions of the person incurring a penalty

(3) The penalty imposed under this section may be remitted or mitigated upon such terms

and conditions as the superintendent considers proper and consistent with the public welfare

(4) The superintendent may impose penalties which may be remitted or mitigated on condition that a particular violation not continue or occur after a certain period not to exceed 15 days [1975 c 478 §24]

345.997 Effect of order imposing civil penalty. (1) Unless, within 60 days after the order issued by the superintendent under ORS 183 470 is served, the amount of the penalty

imposed under ORS 345 992 is paid or notice of appeal is given under ORS 183 480, the order shall constitute a judgment and may be filed in accordance with the provisions of ORS 18.320 to 18 370 Execution may be issued upon the order in the same manner as execution upon a judgment of a court of record

(2) All penalties recovered under ORS 345 992 shall be paid into the State Treasury and credited to the General Fund [1975 c 478 §25]

