

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 ENGROSSED SENATE
5 BILL NO. 1805

By: Dugger of the Senate

and

West (Kevin) of the House

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9 An Act relating to private education; amending
10 Section 4, Chapter 276, O.S.L. 2014 (70 O.S. Supp.
11 2019, Section 21-102.1), which relates to powers and
12 duties of the Oklahoma Board of Private Vocational
13 Schools; providing for applications for sustained
14 licenses; requiring the Board to develop and present
15 certain training, conduct certain site visits,
16 invoice certain travel fees and require submission of
17 certain data; amending 70 O.S. 2011, Section 21-106,
18 as amended by Section 10, Chapter 276, O.S.L. 2014
19 (70 O.S. Supp. 2019, Section 21-106), which relates
20 to license expiration and renewal; providing criteria
21 for certain sustained license; establishing fees for
22 review of certain catalog or catalog addendums;
23 establishing fee for certain review of certain
24 documentation; allowing certain fee payment to be
applied as a credit against certain subsequent fee;
establishing fees for certain training, review of
certain enrollment agreements and site visits;
directing certain base fees to increase by certain
percentage in certain fiscal years; prohibiting a
site fee from being charged under certain
circumstances; updating statutory references; and
declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. AMENDATORY Section 4, Chapter 276, O.S.L.
2 2014 (70 O.S. Supp. 2019, Section 21-102.1), is amended to read as
3 follows:

4 Section 21-102.1. The Oklahoma Board of Private Vocational
5 Schools is authorized to:

6 1. Appoint and fix the compensation of a director who:

7 a. shall employ and fix the duties and compensation of
8 such clerical or other assistants as are reasonably
9 necessary to effectuate the provisions of ~~this act~~
10 Section 21-101 et seq. of this title, and

11 b. may execute contracts on behalf of the Board;

12 2. Promulgate rules to include but not be limited to the
13 implementation of minimum standards for the operation of private
14 schools and the requirements for application of a school, seminar or
15 workshop for a license of state authorization;

16 3. Approve or disapprove:

17 a. applications for state authorization,
18 b. other applications for licensing including
19 applications for sustained licenses,
20 c. requests for exemption, and
21 d. requests for a definition exception;

22 4. Issue a private school license to document state
23 authorization or other licensing upon determination that such school
24 meets the standards fixed by the Board;

1 5. Prescribe, except as is otherwise provided by law and
2 subject to the provisions of the Administrative Procedures Act, such
3 penalties as it may deem proper for the enforcement of ~~this act~~
4 Section 21-101 et seq. of this title, not to exceed One Thousand
5 Dollars (\$1,000.00);

6 6. Fix minimum standards through promulgation of rules for
7 private schools, which shall include standards for:

8 a. courses of instruction and training,

9 b. qualifications of instructors,

10 c. financial stability,

11 d. advertising practices, and

12 e. refund of tuition and fees paid by students for

13 courses of instruction or training not completed, ~~and~~

14 ~~shall promulgate and adopt reasonable rules and~~

15 ~~regulations for the implementation of such minimum~~

16 ~~standards for the operation of private schools;~~

17 7. Where possible, to regulate degrees offered by distance
18 education, make use of the State Regents for Higher Education's
19 interstate reciprocity agreements to create a more efficient and
20 cost-effective means of the regulation of private schools;

21 8. Make use of interstate reciprocity agreements that
22 reasonably satisfy the Board's minimum standards to approve state
23 authorization or other license application, if such agreements
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1 become available for other programs the Board approves for state
2 authorization or other license;

3 9. Require an entity to repay any fees charged to the Board by
4 a financial institution or the State Treasurer for a returned check
5 or other failed form of payment;

6 10. Develop and present mandatory annual compliance training to
7 emphasize standards relating to the operation of a school and
8 relicensing processes, and require attendance by a representative of
9 each school, seminar, or workshop;

10 11. Develop and present or arrange for the presentation of
11 optional training for schools to emphasize continuing development of
12 school personnel and processes and to address emerging issues;

13 12. Provide all licensing forms free of charge via one or more
14 electronic means, but shall charge for the pick up or mailing of a
15 hard-copy licensing application packet to a person requesting
16 information about private school licensing requirements;

17 ~~12.~~ 13. Certify an electronic record or the printing of an
18 electronically stored record as an original, subject to approval by
19 the Oklahoma Archives and Records Commission and when in accordance
20 with the record retention and destruction policy of the Board;

21 14. Conduct announced or unannounced site visits to an
22 applicant or licensed school or seminar including joint visits with
23 an accrediting organization or federal or state agency;
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1 15. Invoice a travel fee to conduct site visits to an
2 applicant, school, seminar or workshop;

3 ~~13.~~ 16. Collect or require the submission of data, including
4 but not limited to:

- 5 a. admissions,
- 6 b. certification scores or passage rates,
- 7 c. complaints or grievances,
- 8 d. enrollment,
- 9 e. funding,
- 10 f. graduation,
- 11 g. job longevity or retention,
- 12 h. job placement, ~~and~~
- 13 i. data required to be reported to the U.S. Department of
14 Education, any state or federal agency or an
15 accrediting organization, and
- 16 j. other data, as necessary, to carry on the mission or
17 duties of the Board, or to assist in the state's
18 workforce development initiatives; and

19 ~~14.~~ 17. Carry out such other duties as necessary to provide
20 state authorization for private vocational schools, seminars, and
21 workshops and such other schools that make offerings of courses or
22 programs as permitted by ~~this act~~ Section 21-101 et seq. of this
23 title.

1 SECTION 2. AMENDATORY 70 O.S. 2011, Section 21-106, as
2 amended by Section 10, Chapter 276, O.S.L. 2014 (70 O.S. Supp. 2019,
3 Section 21-106), is amended to read as follows:

4 Section 21-106. A. A license issued pursuant to ~~this act~~
5 Section 21-101 et seq. of this title shall expire annually on June
6 30. Such license shall be renewed annually with the complete
7 renewal application and any and all appropriate fees due prior to
8 expiration ~~annually~~ on or before June 1 of each year. Licenses
9 shall be renewed by the Oklahoma Board of Private Vocational Schools
10 if the Board determines that such school remains in compliance with
11 the standards or other requirements set by the Board. The license
12 of any school licensed by the Board to provide postsecondary
13 education or other limited offering may be revoked if the school is
14 found to be in violation of the Oklahoma Statutes, the minimum
15 standards established by the Board, or if an accreditation
16 organization or other governmental entity's approval, material to
17 the continuity of the school, is revoked.

18 B. If a school is accredited by an accrediting organization
19 approved by the U.S. Department of Education for multiple years, a
20 sustained license may be obtained annually during the period of the
21 multi-year accreditation.

22 C. A license of a school shall not be effective unless the
23 private school has filed with the Board a corporate surety bond or a
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1 certificate of deposit in a manner and in an amount as is required
2 by the Board.

3 ~~C.~~ D. Private schools or applicants shall pay the following
4 base fees to the Board:

5 1. One Thousand Two Hundred Dollars (\$1,200.00) per license
6 shall be paid ~~to the Board~~ for the issuance of an initial license
7 for a school, seminar, or workshop to provide postsecondary
8 education or other vocational-technical education or training
9 pursuant to the provisions of ~~this act~~ Section 21-101 et seq. of
10 this title;

11 2. Three Hundred Dollars (\$300.00) shall be paid for the
12 initial license of each new branch. A branch's renewal fee shall be
13 based on the tuition it collected;

14 3. For each renewal of a license, a fee based on the tuition
15 collected by a school, workshop or seminar from residents of
16 Oklahoma or other persons present in Oklahoma, as shown in the
17 current financial statement of the school, ~~shall be paid to the~~
18 ~~Board~~. If a school, workshop or seminar does not provide adequate
19 details of its Oklahoma tuition, then the renewal fee shall be based
20 on the nationwide tuition reported. For each main and branch
21 school, seminar, or workshop, the renewal fees shall be calculated
22 based upon the level of net tuition in the immediate prior calendar
23 year as follows:

24 OKLAHOMA OR NATIONWIDE TUITION INCOME	RENEWAL FEE
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\$50,000.00 or less	\$ 700.00
\$50,000.01 to \$250,000.00	\$ 800.00
\$250,000.01 to \$500,000.00	\$ 950.00
\$500,000.01 to \$1,000,000.00	\$1,100.00
\$1,000,000.01 to \$3,000,000.00	\$1,300.00
\$3,000,000.01 and above	\$1,500.00;

4. Solicitor license:

- a. Two Hundred Dollars (\$200.00) during the first licensing period of a school, seminar or workshop, for each license,
- b. One Hundred Dollars (\$100.00) for the second and consecutive licensing periods of the school, seminar or workshop, for each license applied for or renewed;

5. ~~Fifty Dollars (\$50.00) for the review of a new~~ A review fee for a revised or replacement catalog or changes to an approved catalog, catalog addendum(s) or a combination of a catalog and catalog addendum(s) per campus included in the catalog or addendums to be charged as follows:

- a. One Hundred Dollars (\$100.00) for the review of a revised or replacement catalog that does not include a program change or addition, or
- b. One Hundred Fifty Dollars (\$150.00) for the review of the related catalog, catalog addendum or a combination

1 of a catalog and catalog addendum that adds or revises
2 a program of study consisting of multiple courses;

3 6. ~~In addition to the appropriate catalog change fee, a fee of~~
4 ~~Twenty-five Dollars (\$25.00)~~ A review fee of Fifty Dollars (\$50.00)
5 shall be paid in addition to the review fee provided for in
6 paragraph 5 of this subsection whenever a main or branch private
7 school changes location; ~~and~~

8 7. ~~One Hundred Dollars (\$100.00)~~ A review fee of Fifty Dollars
9 (\$50.00) shall also be paid whenever a school, seminar or workshop
10 is required to provide preliminary Board review or approval
11 documentation to be forwarded to an accrediting organization, the
12 U.S. Department of Education or another state or federal agency;

13 8. The payment of the fee required by paragraph 7 of this
14 subsection shall be applied as a credit against the subsequent fee
15 for a review of a catalog or catalog addendum(s) that is submitted
16 to include incorporation of the same topic(s) following final
17 approval of the subject matter by an accreditor or the U.S.
18 Department of Education;

19 9. Two Hundred Dollars (\$200.00) shall be paid by each school
20 to the Board for attendance at a school workshop or webinar by the
21 school's required personnel, although one person may attend to
22 represent multiple, related schools;

23 10. Two Hundred Dollars (\$200.00) for a half-day and Three
24 Hundred Dollars (\$300.00) for a full day of optional training; and

1 11. Forty Dollars (\$40.00) by each school, seminar or workshop
2 for review of each revised or replacement enrollment agreement
3 including single enrollment agreements to be used by multiple
4 related entities.

5 E. The base fees authorized by paragraphs 1, 2 and 3 of
6 subsection D of this section shall:

7 1. Increase by five percent (5%) for the fiscal year ending
8 June 30, 2021;

9 2. Increase by an additional five percent (5%) for the fiscal
10 year ending June 30, 2022; and

11 3. Increase by an additional five percent (5%) for the fiscal
12 year ending June 30, 2023.

13 ~~D.~~ F. If the annual licensing renewal application is not
14 complete on or before the first day of June each year, the fee for
15 license renewal shall become delinquent and the license shall not be
16 renewed except upon payment of an additional late fee. Late fees
17 shall be determined based upon the school's past history of
18 submitting late filings. The appropriate late fees shall be paid in
19 full prior to the Board's issuance of a renewal license in the
20 following amounts:

21 1. Two Hundred Fifty Dollars (\$250.00) for a first violation;

22 2. Five Hundred Dollars (\$500.00) for a second violation within
23 ten (10) years of the first late filing, whether consecutive or not;
24 and

1 3. One Thousand Dollars (\$1,000.00) for a third violation
2 within ten (10) years of the first late filing, whether consecutive
3 or not.

4 Each violation beyond the third shall result in the school,
5 seminar or workshop being required to seek new or initial licensure
6 and only after payment of the full fee for a new license.

7 ~~E.~~ G. Twenty-five Dollars (\$25.00) for each license application
8 packet, although packets provided by one or more electronic means
9 shall be free of charge.

10 H. In-state site visit fees shall be charged for the purpose of
11 reviewing compliance with minimum standards or contractual
12 agreements, facility inspection or complaint investigation. The
13 fees shall be charged to an applicant, school, seminar or workshop
14 as follows:

15 1. Two Hundred Twenty-five Dollars (\$225.00) per day when the
16 site visit does not require overnight lodging;

17 2. Four Hundred Fifty Dollars (\$450.00) per day if overnight
18 lodging is required; and

19 3. Travel fees to multiple entities on the same day may be
20 apportioned or prorated when each visit involves on-site time of
21 less than three (3) hours.

22 I. An in-state visit fee shall not be charged:

23 1. When the Board joins an accrediting organization, the U.S.
24 Department of Education or another state or federal agency with the

1 organization or agency's site visit to an applicant, school, seminar
2 or workshop; or

3 2. For a brief visit to an applicant, school, seminar or
4 workshop that requires no advance preparation work on the part of
5 the Board.

6 ~~F. J.~~ The Board shall be authorized to require reimbursement
7 for any fees charged by a financial institution or the State
8 Treasurer for a returned check or other failed form of payment. ~~The~~
9 ~~amount to be reimbursed shall be invoiced to an entity within forty~~
10 ~~five (45) days after the Board's first knowledge of the fee.~~

11 ~~G. K.~~ All fees, penalties and fines collected by the Board
12 pursuant to the provisions of ~~this act~~ Section 21-101 et seq. of
13 this title shall be deposited with the State Treasurer for credit to
14 the Oklahoma Board of Private Vocational Schools Revolving Fund.

15 SECTION 3. It being immediately necessary for the preservation
16 of the public peace, health or safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

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20 DIRECT TO CALENDAR.
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