

An Act

ENROLLED SENATE
BILL NO. 211

By: Dugger of the Senate

and

Luttrell of the House

An Act relating to private education; amending Section 4, Chapter 276, O.S.L. 2014 (70 O.S. Supp. 2020, Section 21-102.1), which relates to powers and duties of the Oklahoma Board of Private Vocational Schools; providing for applications for sustained licenses; requiring the Board to develop and present certain training, conduct certain site visits, invoice certain travel fees and require submission of certain data; amending 70 O.S. 2011, Section 21-106, as amended by Section 10, Chapter 276, O.S.L. 2014 (70 O.S. Supp. 2020, Section 21-106), which relates to license expiration and renewal; providing criteria for certain sustained license; establishing fees for review of certain catalog or catalog addendums; establishing fee for certain review of certain 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 year; prohibiting a site fee from being charged under certain circumstances; updating statutory references; and declaring an emergency.

SUBJECT: Private education

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

SECTION 1. AMENDATORY Section 4, Chapter 276, O.S.L. 2014 (70 O.S. Supp. 2020, Section 21-102.1), is amended to read as follows:

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

1. Appoint and fix the compensation of a director who:
 - a. shall employ and fix the duties and compensation of such clerical or other assistants as are reasonably necessary to effectuate the provisions of ~~this act~~ Section 21-101 et seq. of this title, and
 - b. may execute contracts on behalf of the Board;
2. Promulgate rules to include but not be limited to the implementation of minimum standards for the operation of private schools and the requirements for application of a school, seminar or workshop for a license of state authorization;
3. Approve or disapprove:
 - a. applications for state authorization,
 - b. other applications for licensing including applications for sustained licenses,
 - c. requests for exemption, and
 - d. requests for a definition exception;
4. Issue a private school license to document state authorization or other licensing upon determination that such school meets the standards fixed by the Board;
5. Prescribe, except as is otherwise provided by law and subject to the provisions of the Administrative Procedures Act, such penalties as it may deem proper for the enforcement of ~~this act~~ Section 21-101 et seq. of this title, not to exceed One Thousand Dollars (\$1,000.00);

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

- a. courses of instruction and training,
- b. qualifications of instructors,
- c. financial stability,
- d. advertising practices, and
- e. refund of tuition and fees paid by students for courses of instruction or training not completed, ~~and shall promulgate and adopt reasonable rules and regulations for the implementation of such minimum standards for the operation of private schools;~~

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

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

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

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

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

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

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

14. Conduct announced or unannounced site visits to an applicant or licensed school or seminar including joint visits with an accrediting organization or federal or state agency;

15. Invoice a travel fee to conduct site visits to an applicant, school, seminar or workshop;

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

- a. admissions,
- b. certification scores or passage rates,
- c. complaints or grievances,
- d. enrollment,
- e. funding,
- f. graduation,
- g. job longevity or retention,
- h. job placement, and
- i. data required to be reported to the U.S. Department of Education, any state or federal agency or an accrediting organization, and

- j. other data, as necessary, to carry on the mission or duties of the Board, or to assist in the state's workforce development initiatives; and

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

SECTION 2. AMENDATORY 70 O.S. 2011, Section 21-106, as amended by Section 10, Chapter 276, O.S.L. 2014 (70 O.S. Supp. 2020, Section 21-106), is amended to read as follows:

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

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

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

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

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

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

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

OKLAHOMA OR NATIONWIDE TUITION INCOME	RENEWAL FEE
\$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 of a catalog and catalog addendum that adds or revises a program of study consisting of multiple courses;

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

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

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

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

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

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

E. The base fees authorized by paragraphs 1, 2 and 3 of subsection D of this section shall increase by seven percent (7%) for the fiscal year ending June 30, 2022.

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

1. Two Hundred Fifty Dollars (\$250.00) for a first violation;
2. Five Hundred Dollars (\$500.00) for a second violation within ten (10) years of the first late filing, whether consecutive or not; and
3. One Thousand Dollars (\$1,000.00) for a third violation within ten (10) years of the first late filing, whether consecutive or not.

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

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

H. In-state site visit fees shall be charged for the purpose of reviewing compliance with minimum standards or contractual

agreements, facility inspection or complaint investigation. The fees shall be charged to an applicant, school, seminar or workshop as follows:

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

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

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

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

1. When the Board joins an accrediting organization, the U.S. Department of Education or another state or federal agency with the organization or agency's site visit to an applicant, school, seminar or workshop; or

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

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

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

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

Passed the Senate the 3rd day of March, 2021.

Julien David
Presiding Officer of the Senate

Passed the House of Representatives the 22nd day of April, 2021.

[Signature]
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 26th
day of April, 20 21, at 3:40 o'clock 4th M.

By: *[Signature]*

Approved by the Governor of the State of Oklahoma this 28th
day of April, 20 21, at 1:45 o'clock 4th M.

[Signature]
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 28th
day of April, 20 21, at 1:40 o'clock 4th M.

By: *[Signature]*