

1 ENGROSSED SENATE  
2 BILL NO. 1805

By: Dugger of the Senate

3 and

4 West (Kevin) of the House

5  
6 An Act relating to private education; amending  
7 Section 4, Chapter 276, O.S.L. 2014 (70 O.S. Supp.  
8 2019, Section 21-102.1), which relates to powers and  
9 duties of the Oklahoma Board of Private Vocational  
10 Schools; providing for applications for sustained  
11 licenses; requiring the Board to develop and present  
12 certain training, conduct certain site visits,  
13 invoice certain travel fees and require submission of  
14 certain data; amending 70 O.S. 2011, Section 21-106,  
15 as amended by Section 10, Chapter 276, O.S.L. 2014  
16 (70 O.S. Supp. 2019, Section 21-106), which relates  
17 to license expiration and renewal; providing criteria  
18 for certain sustained license; establishing fees for  
19 review of certain catalog or catalog addendums;  
20 establishing fee for certain review of certain  
21 documentation; allowing certain fee payment to be  
22 applied as a credit against certain subsequent fee;  
23 establishing fees for certain training, review of  
24 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:

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

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

3 1. Appoint and fix the compensation of a director who:  
4 a. shall employ and fix the duties and compensation of  
5 such clerical or other assistants as are reasonably  
6 necessary to effectuate the provisions of ~~this act~~  
7 Section 21-101 et seq. of this title, and

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

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

13 3. Approve or disapprove:

14 a. applications for state authorization,

15 b. other applications for licensing including  
16 applications for sustained licenses,

17 c. requests for exemption, and

18 d. requests for a definition exception;

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

22 5. Prescribe, except as is otherwise provided by law and  
23 subject to the provisions of the Administrative Procedures Act, such  
24 penalties as it may deem proper for the enforcement of ~~this act~~

1 Section 21-101 et seq. of this title, not to exceed One Thousand  
2 Dollars (\$1,000.00);

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

5 a. courses of instruction and training,

6 b. qualifications of instructors,

7 c. financial stability,

8 d. advertising practices, and

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

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

11 ~~shall promulgate and adopt reasonable rules and~~

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

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

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

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

23

24

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

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

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

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

15 ~~12.~~ 13. Certify an electronic record or the printing of an  
16 electronically stored record as an original, subject to approval by  
17 the Oklahoma Archives and Records Commission and when in accordance  
18 with the record retention and destruction policy of the Board;

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

22 15. Invoice a travel fee to conduct site visits to an  
23 applicant, school, seminar or workshop;  
24

1       ~~13.~~ 16. Collect or require the submission of data, including  
2 but not limited to:

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

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

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

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

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

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

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

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

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

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

20 OKLAHOMA OR NATIONWIDE TUITION INCOME	RENEWAL FEE
21 \$50,000.00 or less	\$ 700.00
22 \$50,000.01 to \$250,000.00	\$ 800.00
23 \$250,000.01 to \$500,000.00	\$ 950.00
24 \$500,000.01 to \$1,000,000.00	\$1,100.00

1 \$1,000,000.01 to \$3,000,000.00 \$1,300.00

2 \$3,000,000.01 and above \$1,500.00;

3 4. Solicitor license:

4 a. Two Hundred Dollars (\$200.00) during the first  
5 licensing period of a school, seminar or workshop, for  
6 each license,

7 b. One Hundred Dollars (\$100.00) for the second and  
8 consecutive licensing periods of the school, seminar  
9 or workshop, for each license applied for or renewed;

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

15 a. One Hundred Dollars (\$100.00) for the review of a  
16 revised or replacement catalog that does not include a  
17 program change or addition, or

18 b. One Hundred Fifty Dollars (\$150.00) for the review of  
19 the related catalog, catalog addendum or a combination  
20 of a catalog and catalog addendum that adds or revises  
21 a program of study consisting of multiple courses;

22 6. ~~In addition to the appropriate catalog change fee, a fee of~~  
23 ~~Twenty five Dollars (\$25.00)~~ A review fee of Fifty Dollars (\$50.00)  
24 shall be paid in addition to the review fee provided for in



1 paragraph 5 of this subsection whenever a main or branch private  
2 school changes location; and

3 7. ~~One Hundred Dollars (\$100.00)~~ A review fee of Fifty Dollars  
4 (\$50.00) shall also be paid whenever a school, seminar or workshop  
5 is required to provide preliminary Board review or approval  
6 documentation to be forwarded to an accrediting organization, the  
7 U.S. Department of Education or another state or federal agency;

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

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

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

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

24

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17  
18  
19  
20  
21  
22  
23  
24

1 Passed the Senate the 9th day of March, 2020.

2  
3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2020.

7  
8 \_\_\_\_\_  
9 Presiding Officer of the House  
10 of Representatives