

1 **SENATE FLOOR VERSION**

2 February 26, 2020

3 **AS AMENDED**

4 SENATE BILL NO. 1805

5 By: Dugger

6
7 **[private education - powers and duties of the**
8 **Oklahoma Board of Private Vocational Schools -**
9 **license expiration and renewal - fee -**
10 **emergency]**

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

12 SECTION 1. AMENDATORY Section 4, Chapter 276, O.S.L.
13 2014 (70 O.S. Supp. 2019, Section 21-102.1), is amended to read as
14 follows:

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

- 17 1. Appoint and fix the compensation of a director who:
- 18 a. shall employ and fix the duties and compensation of
 - 19 such clerical or other assistants as are reasonably
 - 20 necessary to effectuate the provisions of ~~this act~~
 - 21 Section 21-101 et seq. of this title, and
 - 22 b. may execute contracts on behalf of the Board;

23 2. Promulgate rules to include but not be limited to the
24 implementation of minimum standards for the operation of private

1 schools and the requirements for application of a school, seminar or
2 workshop for a license of state authorization;

3 3. Approve or disapprove:

- 4 a. applications for state authorization,
- 5 b. other applications for licensing, including
6 applications for sustained licenses,
- 7 c. requests for exemption, and
- 8 d. requests for a definition exception;

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

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

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

- 19 a. courses of instruction and training,
- 20 b. qualifications of instructors,
- 21 c. financial stability,
- 22 d. advertising practices, and
- 23 e. refund of tuition and fees paid by students for
24 courses of instruction or training not completed, ~~and~~

1 ~~shall promulgate and adopt reasonable rules and~~
2 ~~regulations for the implementation of such minimum~~
3 ~~standards for the operation of private schools;~~

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

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

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

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

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

23 12. Provide all licensing forms free of charge via one or more
24 electronic means, but shall charge for the pick up or mailing of a

1 hard-copy licensing application packet to a person requesting
2 information about private school licensing requirements;

3 ~~12.~~ 13. Certify an electronic record or the printing of an
4 electronically stored record as an original, subject to approval by
5 the Oklahoma Archives and Records Commission and when in accordance
6 with the record retention and destruction policy of the Board;

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

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

12 ~~13.~~ 16. Collect or require the submission of data, including
13 but not limited to:

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

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

4 ~~14.~~ 17. Carry out such other duties as necessary to provide
5 state authorization for private vocational schools, seminars, and
6 workshops and such other schools that make offerings of courses or
7 programs as permitted by ~~this act~~ Section 21-101 et seq. of this
8 title.

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

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

1 organization or other governmental entity's approval, material to
2 the continuity of the school, is revoked.

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

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

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

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

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

22 3. For each renewal of a license, a fee based on the tuition
23 collected by a school, workshop or seminar from residents of
24 Oklahoma or other persons present in Oklahoma, as shown in the

1 current financial statement of the school, ~~shall be paid to the~~
2 ~~Board~~. If a school, workshop or seminar does not provide adequate
3 details of its Oklahoma tuition, then the renewal fee shall be based
4 on the nationwide tuition reported. For each main and branch
5 school, seminar, or workshop, the renewal fees shall be calculated
6 based upon the level of net tuition in the immediate prior calendar
7 year as follows:

8 OKLAHOMA OR NATIONWIDE TUITION INCOME	RENEWAL FEE
9 \$50,000.00 or less	\$ 700.00
10 \$50,000.01 to \$250,000.00	\$ 800.00
11 \$250,000.01 to \$500,000.00	\$ 950.00
12 \$500,000.01 to \$1,000,000.00	\$1,100.00
13 \$1,000,000.01 to \$3,000,000.00	\$1,300.00
14 \$3,000,000.01 and above	\$1,500.00;

15 4. Solicitor license:

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

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

22 5. ~~Fifty Dollars (\$50.00) for the review of a new~~ A review fee
23 for a revised or replacement catalog or changes to an approved
24 catalog, catalog addendum(s) or a combination of a catalog and

1 catalog addendum(s) per campus included in the catalog or addendums
2 to be charged as follows:

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

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

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

15 ~~7. One Hundred Dollars (\$100.00)~~ A review fee of Fifty Dollars
16 (\$50.00) shall also be paid whenever a school, seminar or workshop
17 is required to provide preliminary Board review or approval
18 documentation to be forwarded to an accrediting organization, the
19 U.S. Department of Education or another state or federal agency;

20 8. The payment of the fee required by paragraph 7 of this
21 subsection shall be applied as a credit against the subsequent fee
22 for a review of a catalog or catalog addendum(s) that is submitted
23 to include incorporation of the same topic(s) following final
24

1 approval of the subject matter by an accreditor or the U.S.

2 Department of Education;

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

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

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

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

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

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

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

21 ~~D.~~ F. If the annual licensing renewal application is not
22 complete on or before the first day of June each year, the fee for
23 license renewal shall become delinquent and the license shall not be
24 renewed except upon payment of an additional late fee. Late fees

1 shall be determined based upon the school's past history of
2 submitting late filings. The appropriate late fees shall be paid in
3 full prior to the Board's issuance of a renewal license in the
4 following amounts:

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

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

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

18 H. In-state site visit fees shall be charged for the purpose of
19 reviewing compliance with minimum standards or contractual
20 agreements, facility inspection or complaint investigation. The
21 fees shall be charged to an applicant, school, seminar or workshop
22 as follows:

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

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

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

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

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

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

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

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

23 ~~**SECTION 3. It being immediately necessary for the preservation**~~
24 ~~**of the public peace, health or safety, an emergency is hereby**~~

1 ~~declared to exist, by reason whereof this act shall take effect and~~
2 ~~be in full force from and after its passage and approval.~~

3 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
4 February 26, 2020 - DO PASS AS AMENDED
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