

**As Introduced**

**135th General Assembly  
Regular Session  
2023-2024**

**S. B. No. 128**

**Senator Ingram**

**Cosponsors: Senators Hicks-Hudson, Craig, DeMora, Sykes, Antonio, Smith**

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**A BILL**

To amend sections 3332.031, 3333.046, 4709.05, and 4713.07 and to enact section 3314.033 of the Revised Code to require disclosure of the for-profit status of community school operators and post-secondary educational institutions on various promotional materials and contracts for employment.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 3332.031, 3333.046, 4709.05, and 4713.07 be amended and section 3314.033 of the Revised Code be enacted to read as follows:

**Sec. 3314.033.** The state board of education shall adopt rules requiring any community school with a for-profit operator to disclose on the school's official web site, all promotional digital and print media, and contracts for instruction, the fact that the community school's operator is a for-profit business. The disclosure shall be made in a type size as large or larger than any other text on the school's official web site, promotional digital and print media, and contract for

instruction, excluding the name of the school, and shall be 19  
presented in a manner reasonably calculated to draw the 20  
attention of the reader. The disclosure shall read as follows: 21  
"(Name of Community School Operator) IS A FOR-PROFIT BUSINESS IN 22  
THE STATE OF OHIO." 23

The state board shall adopt rules requiring promotional 24  
digital and print media for any community school with a for- 25  
profit operator that is published by any person or entity not 26  
affiliated with the community school to include the disclosure: 27  
"A FOR-PROFIT BUSINESS IN THE STATE OF OHIO." The disclosure 28  
shall be made in a type size as large or larger than any other 29  
text in the advertisement. 30

**Sec. 3332.031.** The state board of career colleges and 31  
schools shall: 32

(A) Adopt rules under Chapter 119. of the Revised Code 33  
necessary to carry out its duties and responsibilities under 34  
this chapter; 35

(B) Establish minimum standards for the registration and 36  
operation of private career schools including but not 37  
necessarily limited to standards to ensure school financial 38  
stability; 39

(C) Issue certificates of registration to private career 40  
schools pursuant to division (A) of section 3332.05 of the 41  
Revised Code; 42

(D) Suspend or revoke the certificate of registration of 43  
schools pursuant to sections 3332.09 and 3332.091 of the Revised 44  
Code; 45

(E) Establish minimum standards for certificate, diploma, 46  
and degree programs offered by schools; 47

(F) Issue program authorization pursuant to divisions (B) and (C) of section 3332.05 of the Revised Code;	48 49
(G) Suspend or revoke program authorization for schools pursuant to sections 3332.09 and 3332.091 of the Revised Code;	50 51
(H) Establish minimum standards, including but not necessarily limited to a code of ethics, for agents employed by schools registered under this chapter to reasonably ensure that such agents provide adequate, ethical, and accurate information to prospective students;	52 53 54 55 56
(I) Grant permits to agents pursuant to sections 3332.10 and 3332.11 of the Revised Code;	57 58
(J) Suspend or revoke an agent's permit pursuant to section 3123.47 or 3332.12 of the Revised Code;	59 60
(K) Monitor recruitment and admissions practices of schools holding certificates of registration to ensure compliance with this chapter and the rules of the board;	61 62 63
(L) (1) Adopt rules requiring all schools to provide all applicant students, prior to their signing enrollment agreements, written information concerning the school's graduation and placement rates for each of the preceding three years and any other information the board deems pertinent.	64 65 66 67 68
(2) Adopt rules requiring all schools to provide any student or applicant student, prior to the signing of any financial aid, grant, or loan application, written information concerning the obligations of a student obtaining such financial aid, grant, or loan.	69 70 71 72 73
(3) Upon request, a school shall furnish the board with a copy of all information required by this division. The board	74 75

shall monitor schools to ensure their compliance with this 76  
division. 77

(M) Adopt a rule requiring all schools to include, in the 78  
enrollment agreement, notice that any problems the student is 79  
having with the school, or complaints the student has about the 80  
school, may be directed to the board, which notice shall include 81  
the telephone number of the executive director of the board; 82

(N) Report annually to the governor and the general 83  
assembly on the activities of the board and private career 84  
schools, and make legislative recommendations when necessary to 85  
enable the board to better serve the student population and the 86  
schools registered under this chapter; 87

(O) Adopt a rule requiring a uniform tuition refund policy 88  
for all schools subject to this chapter. In adopting the rule, 89  
the board shall consider the tuition refund policies effectuated 90  
by state-supported colleges and universities. Each school 91  
subject to this chapter shall furnish to each prospective 92  
student, prior to the signing of an enrollment agreement, a copy 93  
of the tuition refund policy. 94

(P) Adopt a rule establishing minimum standards for all 95  
faculty and instructional staff in all instructional programs at 96  
a school. In the case of full-time faculty members employed for 97  
degree programs, such standards shall include all of the 98  
following: 99

(1) A prohibition against employing on or after July 1, 100  
1993, any new full-time faculty member to teach the general 101  
study portion of any degree program, unless the person holds a 102  
master's degree in the subject matter discipline or holds a 103  
master's degree in education with proficiency in the subject 104

matter discipline demonstrated in accordance with the standards 105  
adopted by the board. 106

(2) Except as provided under the standards adopted 107  
pursuant to division (P)(3) of this section, a prohibition 108  
against employing or reemploying on or after July 1, 1998, any 109  
full-time faculty member to teach the general study portion of 110  
any degree program, unless the person holds a master's degree in 111  
the subject matter discipline or holds a master's degree in 112  
education with proficiency in the subject matter discipline 113  
demonstrated in accordance with the standards adopted by the 114  
board. 115

(3) Standards under which the board, upon written request 116  
submitted to the board prior to July 1, 1994, by any school, may 117  
exempt the school from the prohibition adopted pursuant to 118  
division (P)(2) of this section with regard to any individual 119  
full-time faculty member employed by the school who has 120  
demonstrated outstanding teaching performance in the general 121  
study portion of any degree program at the school for a period 122  
of at least six years prior to July 1, 1993. 123

(4) Definitions of "full-time faculty member," "new 124  
faculty member," and any other term the board considers 125  
necessary to define. 126

(Q) Adopt a rule prohibiting a school or branch campus 127  
thereof from claiming accreditation from an accrediting agency 128  
in any of its advertising, recruiting, or promotional materials 129  
unless the agency is recognized as an accrediting agency by the 130  
United States department of education. 131

(R)(1) Adopt rules requiring any for-profit, post- 132  
secondary educational institution registered under section 133

3332.05 of the Revised Code to disclose on the institution's 134  
official web site, all promotional digital and print media, and 135  
contracts for instruction, the fact that the institution is a 136  
for-profit business. The disclosure shall be made in a type size 137  
as large or larger than any other text on the institution's 138  
official web site, promotional digital and print media, and 139  
contract for instruction, excluding the name of the institution, 140  
and shall be presented in a manner reasonably calculated to draw 141  
the attention of the reader. The disclosure shall read as 142  
follows: "(Name of Degree-Granting Institution) IS A FOR-PROFIT 143  
BUSINESS IN THE STATE OF OHIO." 144

(2) Adopt rules requiring promotional digital and print 145  
media for any for-profit private college or university, 146  
seminary, religious institution, or any other institution 147  
registered under section 3332.05 of the Revised Code, published 148  
by any person or entity that is not affiliated with the 149  
institution, to include the disclosure: "A FOR-PROFIT BUSINESS 150  
IN THE STATE OF OHIO." The disclosure required under this 151  
division shall be made in a type size as large or larger than 152  
any other text in the advertisement. 153

**Sec. 3333.046.** (A) Any institution authorized to grant on 154  
February 20, 2002, baccalaureate or master's degrees, for which 155  
certificates of authorization have been issued under Chapter 156  
1713. of the Revised Code; that is accredited by the appropriate 157  
regional and, when appropriate, professional accrediting 158  
associations within whose jurisdiction it falls; and that is 159  
operated by a for-profit corporation shall cease to be subject 160  
to any regulation under Chapter 3332. of the Revised Code but 161  
shall continue to be subject to the provisions for approval of 162  
degree programs set forth in Chapter 1713. of the Revised Code, 163  
including approval of any additional associate, baccalaureate, 164

or master's degree programs offered by the institution. 165

(B) (1) Any institution to which division (A) of this 166  
section applies shall disclose on the institution's official web 167  
site, all promotional digital and print media, and contracts for 168  
instruction, the fact that the institution is a for-profit 169  
business. The disclosure shall be made in a type size as large 170  
or larger than any other text on the institution's official web 171  
site, promotional digital and print media, and contract for 172  
instruction, excluding the name of the institution, and shall be 173  
presented in a manner reasonably calculated to draw the 174  
attention of the reader. The disclosure shall read as follows: 175  
"(Name of Degree Granting Institution) IS A FOR-PROFIT BUSINESS 176  
IN THE STATE OF OHIO." 177

(2) All promotional digital and print media for any 178  
institution under division (A) of this section, published by any 179  
person or entity that is not affiliated with the institution, 180  
shall include the disclosure: "A FOR-PROFIT BUSINESS IN THE 181  
STATE OF OHIO." The disclosure required under this division 182  
shall be made in a type size as large or larger than any other 183  
text in the advertisement. 184

**Sec. 4709.05.** In addition to any other duty imposed on the 185  
state cosmetology and barber board under this chapter or Chapter 186  
4713. of the Revised Code, the board shall do all of the 187  
following: 188

(A) Hold regular meetings, at the times and places as it 189  
determines for the purpose of conducting the examinations 190  
required under this chapter, and hold additional meetings for 191  
the transaction of necessary business; 192

(B) Maintain a record of its proceedings and a register of 193

persons licensed as barbers. The register shall include each 194  
licensee's name, place of business, residence, and licensure 195  
date and number, and a record of all licenses issued, refused, 196  
renewed, suspended, or revoked. The records are open to public 197  
inspection at all reasonable times. 198

(C) Ensure that the practice of barbering is conducted 199  
only in a licensed barber shop, except when the practice of 200  
barbering is performed on a person whose physical or mental 201  
disability prevents that person from going to a licensed barber 202  
shop; 203

(D) Conduct or have conducted the examination for 204  
applicants to practice as licensed barbers at least four times 205  
per year at the times and places the board determines; 206

(E) Adopt rules, in accordance with Chapter 119. of the 207  
Revised Code, to administer and enforce this chapter and which 208  
cover all of the following: 209

(1) Sanitary standards for the operation of barber shops 210  
and barber schools that conform to guidelines established by the 211  
department of health; 212

(2) The content of the examination required of an 213  
applicant for a barber license. The examination shall include a 214  
practical demonstration and a written test, shall relate only to 215  
the practice of barbering, and shall require the applicant to 216  
demonstrate that the applicant has a thorough knowledge of and 217  
competence in the proper techniques in the safe use of chemicals 218  
used in the practice of barbering. 219

(3) Continuing education requirements for persons licensed 220  
pursuant to this chapter. The board may impose continuing 221  
education requirements upon a licensee for a violation of this 222



chapter or the rules adopted pursuant thereto or if the board	223
determines that the requirements are necessary to preserve the	224
health, safety, or welfare of the public.	225
(4) Requirements for the licensure of barber schools,	226
barber teachers, and assistant barber teachers;	227
(5) Requirements for students of barber schools;	228
(6) Any other area the board determines appropriate to	229
administer or enforce this chapter.	230
(F) Prior to adopting any rule under this chapter,	231
indicate at a formal hearing the reasons why the rule is	232
necessary as a protection of the persons who use barber services	233
or as an improvement of the professional standing of barbers in	234
this state;	235
(G) Furnish each owner or manager of a barber shop and	236
barber school with a copy of all sanitary rules adopted pursuant	237
to division (E) of this section;	238
(H) Conduct such investigations and inspections of persons	239
and establishments licensed or unlicensed pursuant to this	240
chapter and for that purpose, any member of the board or any of	241
its authorized agents may enter and inspect any place of	242
business of a licensee or a person suspected of violating this	243
chapter or the rules adopted pursuant thereto, during normal	244
business hours;	245
(I) Upon the written request of an applicant and the	246
payment of the appropriate fee, provide to the applicant	247
licensure information concerning the applicant;	248
<del>(J)</del> (J) (1) <u>Adopt rules requiring any for-profit barber</u>	249
<u>school operated by a person licensed under section 4709.10 of</u>	250

the Revised Code to disclose on the school's official web site, 251  
all promotional digital and print media, and contracts for 252  
instruction, the fact that the school is a for-profit business. 253  
The disclosure shall be made in a type size as large or larger 254  
than any other text on the school's official web site, 255  
promotional digital and print media, and contract for 256  
instruction, excluding the name of the school, and shall be 257  
presented in a manner reasonably calculated to draw the 258  
attention of the reader. The disclosure shall read as follows: 259  
"(Name of Barber School) IS A FOR-PROFIT BUSINESS IN THE STATE 260  
OF OHIO." 261

(2) Adopt rules requiring promotional digital and print 262  
media for any for-profit barber school or any other institution 263  
operated by a person licensed under section 4709.10 of the 264  
Revised Code, published by any person or entity that is not 265  
affiliated with the school or institution, to include the 266  
disclosure: "A FOR-PROFIT BUSINESS IN THE STATE OF OHIO." The 267  
disclosure required under this division shall be made in a type 268  
size as large or larger than any other text in the 269  
advertisement. 270

(K) Do all things necessary for the proper administration 271  
and enforcement of this chapter. 272

**Sec. 4713.07.** (A) The state cosmetology and barber board 273  
shall do all of the following: 274

(1) Regulate the practice of cosmetology and all of its 275  
branches in this state; 276

(2) Investigate or inspect, when evidence appears to 277  
demonstrate that an individual has violated any provision of 278  
this chapter or any rule adopted pursuant to it, the activities 279

or premises of a license holder or unlicensed individual;	280
(3) Adopt rules in accordance with section 4713.08 of the Revised Code;	281 282
(4) Prescribe and make available application forms to be used by individuals seeking admission to an examination conducted under section 4713.24 of the Revised Code or a license or registration issued under this chapter;	283 284 285 286
(5) Prescribe and make available application forms to be used by individuals seeking renewal of a license or registration issued under this chapter;	287 288 289
(6) Provide a toll-free number and an online service to receive complaints alleging violations of this chapter or Chapter 4709. of the Revised Code;	290 291 292
(7) Report to the proper prosecuting officer violations of section 4713.14 of the Revised Code of which the board is aware;	293 294
(8) Submit a written report annually to the governor that provides all of the following:	295 296
(a) A discussion of the conditions in this state of the branches of cosmetology;	297 298
(b) An evaluation of board activities intended to aid or protect consumers;	299 300
(c) A brief summary of the board's proceedings during the year the report covers;	301 302
(d) A statement of all money that the board received and expended during the year the report covers.	303 304
(9) Keep a record of all of the following:	305
(a) The board's proceedings;	306

(b) The name and last known physical address, electronic 307  
mail address, and telephone number of each individual issued a 308  
license or registration under this chapter; 309

(c) The date and number of each license, permit, and 310  
registration that the board issues. 311

(10) Assist ex-offenders and military veterans who hold 312  
licenses issued by the board to find employment within salons or 313  
other facilities within this state; 314

(11) Require inspectors appointed pursuant to section 315  
4713.06 of the Revised Code to conduct inspections of licensed 316  
or permitted facilities, including salons and boutique salons, 317  
schools of cosmetology, barber schools, barber shops, and 318  
tanning facilities, within ninety days of the opening for 319  
business of a licensed facility, upon complaints reported to the 320  
board, within ninety days after a violation was documented at a 321  
facility, and at least once every two years. Any individual, 322  
after providing the individual's name and contact information, 323  
may report to the board any information the individual may have 324  
that appears to show a violation of any provision of this 325  
chapter or rule adopted under it or a violation of any provision 326  
of Chapter 4709. of the Revised Code or rule adopted by the 327  
board pursuant to Chapter 4709. of the Revised Code. In the 328  
absence of bad faith, any individual who reports information of 329  
that nature or who testifies before the board in any 330  
adjudication conducted under Chapter 119. of the Revised Code 331  
shall not be liable for damages in a civil action as a result of 332  
the report or testimony. For the purpose of inspections, an 333  
independent contractor shall be added to the board's records as 334  
an individual salon. 335

(12) Supply a copy of the poster created pursuant to 336

division (B) of section 5502.63 of the Revised Code to each 337  
person authorized to operate a salon, school of cosmetology, 338  
tanning facility, or other type of facility under this chapter; 339

~~(13)~~(13) (a) Adopt rules requiring any for-profit school of 340  
cosmetology operated by a person licensed under section 4713.44 341  
of the Revised Code to disclose on the school's official web 342  
site, all promotional digital and print media, and contracts for 343  
instruction, the fact that the school is a for-profit business. 344  
The disclosure shall be made in a type size as large or larger 345  
than any other text on the school's official web site, 346  
promotional digital and print media, and contract for 347  
instruction, excluding the name of the school, and shall be 348  
presented in a manner reasonably calculated to draw the 349  
attention of the reader. The disclosure shall read as follows: 350  
"(Name of school) IS A FOR-PROFIT BUSINESS IN THE STATE OF 351  
OHIO." 352

(b) Adopt rules requiring promotional digital and print 353  
media for any for-profit school of cosmetology or any other 354  
institution operated by a person licensed under section 4713.44 355  
of the Revised Code, published by any person or entity that is 356  
not affiliated with the school or institution, to include the 357  
disclosure: "A FOR-PROFIT BUSINESS IN THE STATE OF OHIO." The 358  
disclosure required under this division shall be made in a type 359  
size as large or larger than any other text in the 360  
advertisement. 361

(14) All other duties that this chapter imposes on the 362  
board. 363

(B) The board may delegate any of the duties listed in 364  
division (A) of this section to the executive director of the 365  
board or to an individual designated by the executive director. 366

**Section 2.** That existing sections 3332.031, 3333.046, 367  
4709.05, and 4713.07 of the Revised Code are hereby repealed. 368