

1 ENGROSSED SENATE
2 BILL NO. 211

By: Dugger of the Senate

3 and

4 Luttrell 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 2020, 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. 2020, 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 year; 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. 2020, 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;

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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. 2020,
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.

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

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

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

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

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

1 H. In-state site visit fees shall be charged for the purpose of
2 reviewing compliance with minimum standards or contractual
3 agreements, facility inspection or complaint investigation. The
4 fees shall be charged to an applicant, school, seminar or workshop
5 as follows:

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

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

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

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

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

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

21 ~~F.~~ J. The Board shall be authorized to require reimbursement
22 for any fees charged by a financial institution or the State
23 Treasurer for a returned check or other failed form of payment. ~~The~~

1 ~~amount to be reimbursed shall be invoiced to an entity within forty~~
2 ~~five (45) days after the Board's first knowledge of the fee.~~

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

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

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

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13 _____
14 Presiding Officer of the Senate

15 Passed the House of Representatives the ____ day of _____,
16 2021.

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18 _____
19 Presiding Officer of the House
20 of Representatives
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