STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

HOUSE BILL HB2400: Miller (Ray)

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 2001, Sections 21-103, 21-106, as amended by Section 5, Chapter 301, O.S.L. 2002, and 21-111 (70 O.S. Supp. 2003, Section 21-106), which relate to the Oklahoma Board of Private Vocational Schools; modifying amount of certain penalties; modifying amount of certain license fees; changing where certain fees are deposited; creating the Oklahoma Board of Private Vocational Schools Revolving Fund; stating source of the Fund; stating purpose of the Fund; providing for expenditures from the Fund; providing for the transfer of the balance from a certain Fund to the Oklahoma Board of Private Vocational Schools Revolving Fund; exempting the Board from certain requirement to make payment into the General Revenue Fund; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2001, Section 21-103, is amended to read as follows:

Section 21-103. A. It shall be unlawful to establish, conduct, operate or maintain a private school or to solicit or canvass for scholarships or tuition to a private school unless a license to operate such school has been issued by the Board and is in effect. The Board shall issue a private school license upon determination that such school meets the standards fixed by the Board. A private school shall be issued only one license, regardless of the number of locations operated by such school.

B. Except as is otherwise provided by law, the Board is authorized, subject to the provisions of the Administrative Procedures Act, to prescribe such penalties as it may deem proper for the enforcement of Sections 21-101 through 21-112 of this title,

not to exceed ~~Five Hundred Dollars ($500.00)~~ One Thousand Dollars ($1,000.00).

SECTION 2. AMENDATORY 70 O.S. 2001, Section 21-106, as amended by Section 5, Chapter 301, O.S.L. 2002 (70 O.S. Supp. 2003, Section 21-106), is amended to read as follows:

Section 21-106. A. A license issued pursuant to the provisions of Section 21-103 of this title shall expire on June 30 following the date of issue. Said license may be renewed annually with the renewal application due not less than sixty (60) days prior to expiration, if the Board determines that such school remains in compliance with the standards or other requirements set by the Board. The license of any regionally or nationally accredited school within this state may be revoked if ~~such~~ the school is found to be in violation of the Oklahoma Statutes.

B. 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 ~~such~~ a manner and in ~~such~~ an amount as is required by the Board.

C. Private schools shall pay the following base fee per license issued by the Board:

1. A fee of ~~One Thousand Dollars ($1,000.00)~~ One Thousand Two Hundred Dollars ($1,200.00) shall be paid to the Board for the issuance of a new license pursuant to the provisions of Section 21-103 of this title~~, and a fee of Five Hundred Twenty-five Dollars ($525.00) shall be paid to the Board for~~;

2. For each renewal of a license, a fee based on the total tuition collected by the school as shown in the current financial statement of the school shall be paid to the Board as follows:

TUITION INCOME	RENEWAL FEE
$50,000.00 or less	$ 700.00
$50,001.00 to $250,000.00	$ 800.00
$250,001.00 to $500,000.00	$ 950.00

$500,001.00 to $1,000,000.00	$1,100.00
$1,000,001.00 to $3,000,000.00	$1,300.00
$3,000,001.00 and above	$1,500.00;

~~2.~~ 3. During the first licensing period of a school, a fee of Two Hundred Dollars ($200.00) shall be paid to the Board for the issuance of each solicitor's permit pursuant to the provisions of Section 21-104 of this title. For the second and consecutive licensing periods of the school a fee of One Hundred Dollars ($100.00) shall be paid to the Board for the issuance of each permit and a fee of One Hundred Dollars ($100.00) shall be paid to the Board for each renewal of a permit. In addition to the fees required by this section, each private school shall pay an additional fee of Three Hundred Dollars ($300.00) for each in-state branch and a fee of Three Hundred Dollars ($300.00) for each out-of-state branch. Each branch which is not located in the same state as its main school or which does not offer substantially the same curriculum as is offered at the main school shall be considered to be a separate private school;

~~3.~~ 4. A fee of Fifty Dollars ($50.00) shall be paid to the Board for the approval of a new catalog or changes to an approved catalog. A fee of Twenty-five Dollars ($25.00) shall be paid to the Board whenever a private school or branch school changes location; and

~~4.~~ 5. A fee of One Hundred Dollars ($100.00) shall be paid by each school to the Board for attendance at a school workshop by any of the school's personnel. At least one person from each school who is responsible for the operation of the school shall be required to participate in an annual workshop conducted by the Board. The Board shall develop and administer the workshops which emphasize rules relating to relicensing and daily operation of a school.

Upon application for a license or renewal of a license, each private school shall designate a main school location.

D. The Board may send licensing inquiry packets to persons requesting information about private school licensing requirements. The fee for each licensing inquiry packet shall be Twenty-five Dollars ($25.00).

E. All fees, penalties and fines collected by the Board pursuant to the provisions of this section and Section 21-103 of this title shall be deposited with the State Treasurer for credit to the ~~General Revenue Fund of the state~~ Oklahoma Board of Private Vocational Schools Revolving Fund created in Section 4 of this act.

F. If the annual renewal fee is not paid on or before the first day of July, such fee shall become delinquent and the license shall not be renewed except upon payment of a delinquent annual renewal fee. The delinquent annual renewal fee may be assessed in an amount and manner prescribed by the Board, not to exceed Five Hundred Dollars ($500.00).

SECTION 3. AMENDATORY 70 O.S. 2001, Section 21-111, is amended to read as follows:

Section 21-111. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than ~~Five Hundred Dollars ($500.00)~~ Two Thousand Five Hundred Dollars ($2,500.00), or by imprisonment for a period of time not to exceed thirty (30) days.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 21-116 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created in the State Treasury a revolving fund for the Oklahoma Board of Private Vocational Schools to be designated the "Oklahoma Board of Private Vocational Schools Revolving Fund". The Fund shall be a continuing Fund, not subject to fiscal year limitations, and shall consist of all monies received by the Oklahoma Board of Private Vocational Schools from all fees

and penalties collected by the Board pursuant to Section 21-103, 21-106, and 21-111 of Title 70 of the Oklahoma Statutes or rules promulgated and any other funds obtained or received by the Board. All monies accruing to the credit of said Fund are hereby appropriated and may be budgeted and expended by the Oklahoma Board of Private Vocational Schools for the purpose of operations and functions of the Board. Expenditures from said Fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

B. Any balance remaining to the credit of the Private Vocational Student Tuition Recovery Fund which accrued prior to the repeal of the Fund shall be transferred to the Oklahoma Board of Private Vocational Schools Revolving Fund created in this section.

C. The Board shall not be subject to the requirement set forth in Section 211 of Title 62 of the Oklahoma Statutes which requires that ten percent (10%) of the gross fees charged, collected and received by the Board each fiscal year be paid into the General Revenue Fund.

SECTION 5. This act shall become effective July 1, 2004.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and 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.

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