

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 1460

By: Stanislawski of the Senate

and

Denney of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to private schools; amending 70 O.S.
11 2011, Section 21-101, which relates to definitions;
12 adding and modifying definitions; providing
13 clarification on what is not included in the
14 definition of a private school; amending 70 O.S.
15 2011, Section 21-102, which relates to the Board of
16 Private Vocational Schools; deleting reference to
17 initial terms; providing powers and duties of the
18 Board; amending 70 O.S. 2011, Section 21-103, which
19 relates to private school licensing; prohibiting
20 offering certain program; deleting requirement to
21 issue certain license; deleting certain
22 authorization; providing requirements for renewal
23 license applications; amending 70 O.S. 2011, Section
24 21-104, which relates to solicitor's licenses;
providing reference to distance education; amending
70 O.S. 2011, Section 21-105, which relates to
applications for licensure; providing for
substantially similar application forms; requiring
inclusion of certain disclosures; requiring certain
submissions to be date-stamped upon receipt;
providing basis for certain determination; listing
programs to be considered; providing methods by which
certain training or education may be offered;
providing conditions under which an entity shall be
treated as a school; providing for notification of
cessation of course offerings; amending 70 O.S. 2011,
Section 21-106, which relates to license expiration
and renewal; clarifying deadline for renewal;

1 providing conditions for revocation of certain
2 license; modifying initial and renewal license fees;
3 providing for assessment of late fees; authorizing
4 Board to require reimbursement under certain
5 conditions; providing deadline for invoicing;
6 deleting reference to delinquent fees; amending 70
7 O.S. 2011, Section 21-112, which relates to tax
8 status; clarifying applicability of certain tax
9 status; amending 70 O.S. 2011, Section 21-116, as
10 last amended by Section 98, Chapter 15, O.S.L. 2013
11 (70 O.S. Supp. 2013, Section 21-116), which relates
12 to the Board of Private Vocational Schools Revolving
13 Fund; deleting reference to remaining balance;
14 repealing 70 O.S. 2011, Section 21-107, which relates
15 to minimum standards; providing for codification;
16 providing an effective date; and declaring an
17 emergency.

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

19 SECTION 1. AMENDATORY 70 O.S. 2011, Section 21-101, is
20 amended to read as follows:

21 Section 21-101. As used in Sections 21-101 through 21-203 of
22 this title:

23 1. "Act" means Sections 21-201 through 21-203 of this title
24 that enables the Oklahoma Board of Private Vocational Schools to
approve licenses for state authorization of postsecondary education
or certain other forms of vocational-technical training and
education;

25 2. "Private school" means any privately owned ~~business school,~~
26 ~~trade school, or other school offering courses in, to residents of,~~
27 ~~or correspondence courses from Oklahoma in any business,~~
28 ~~professional, trade, technical, or industrial occupation for~~

1 ~~consideration or remuneration. The term private school shall not~~
2 ~~include barber schools, beauty schools, or other schools which are~~
3 ~~regulated or licensed pursuant to the provisions of any school~~
4 ~~licensing law of this state. Any barber schools, beauty schools, or~~
5 ~~other schools, of their own volition, may apply and be licensed~~
6 ~~pursuant to the provisions of Section 21-103 of this title if they~~
7 ~~meet the criteria for approval established by the Oklahoma Board of~~
8 ~~Private Vocational Schools. Said licensing shall not preclude such~~
9 ~~schools from complying with any present or future legislation~~
10 ~~dealing directly with such schools. In addition, such term shall~~
11 ~~not be construed to include any form of flight instruction subject~~
12 ~~to regulations promulgated by the Federal Aviation Administration,~~
13 ~~or to include parochial, private, or other nonpublic schools~~
14 ~~offering programs of general education, accredited by the State~~
15 ~~Board of Education or the State Board of Regents for Higher~~
16 Education, nonpublic entity that receives remuneration that is
17 approved for a state authorization license and provides
18 postsecondary education, or provides vocational-technical education
19 prior to a person prior to the person obtaining a high school
20 diploma or its equivalency;

21 ~~2.~~ 3. "Board" means the Oklahoma Board of Private Vocational
22 Schools;

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1 ~~3. The term "in-state branch" means any private school located~~
2 ~~within this state which offers substantially the same curriculum as~~
3 ~~is offered at its in-state main school; and~~

4 ~~4. The term "out-of-state branch" means any out-of-state~~
5 ~~private school, located in the same state as its main school, which~~
6 ~~offers substantially the same curriculum as is offered at its main~~
7 ~~school~~ "Approval by the State Regents for Higher Education" means
8 approval:

9 a. for a postsecondary institution to offer one or more
10 associate, bachelor, master, or doctoral degrees in a
11 specific degree program,

12 b. of an entity to offer distance education for a
13 degree(s) that is granted by means of applying an
14 interstate reciprocity agreement to which the State
15 Regents for Higher Education is a party, or

16 c. of an entity by way of the provision of documentation
17 of independent accreditation by one or more regional
18 or national accrediting organizations which are
19 recognized by the U.S. Department of Education;

20 5. "Branch" means an additional location, separate facility, or
21 satellite to a main school that is defined by the organizational,
22 geographic, or legal characteristics of the entities;

23 6. "Business" means skills including but not limited to
24 administration, customer relations, finance, human resources,

1 leadership, management, marketing or strategic planning used to run
2 a for-profit or not-for-profit entity;

3 7. "Combines" means offering within the same catalog, website
4 or other form of publication or advertisement in such a way to
5 convey that the entity makes available more than one type or level
6 of training or education;

7 8. "Contact hour" means a period of time defined by a school,
8 seminar or workshop such as fifty (50) minutes which may differ from
9 a clock hour that will always be sixty (60) minutes in length;

10 9. "Correspondence course" means a form of instruction for
11 which a student receives lessons or assignments from a private
12 school by means of postal or other couriers;

13 10. "Distance education" means education or training provided
14 outside the traditional classroom by use of electronic mediums,
15 including but not limited to online or virtual education, e-learning
16 or computer-based, -aided or -assisted instruction;

17 11. "General education" means education to complete a student's
18 secondary education recognition providing instruction not specific
19 to any single occupation or vocation;

20 12. "Industrial" means related to manufacturing or other labor
21 which may or may not require skilled trade licensing;

22 13. "Occupation" or "vocation" means employment, either full-
23 time, part-time, by contract or on a consulting basis, for which a
24 person earns remuneration;

1 14. "Postgraduate certificate" means an advanced certification
2 earned following a student's receipt of an associate, bachelor,
3 master or doctorate degree that qualifies the individual for
4 specialized career advancement or job assignments;

5 15. "Postsecondary education" means a program that requires a
6 student to have a high school diploma, high school equivalency
7 certificate or requires that the person be beyond the age of
8 compulsory education;

9 16. "Primarily in the business of" means that an entity earns
10 twenty percent (20%) or more of its gross revenue from providing a
11 program(s) of instruction, as documented by certified public
12 accountant-prepared financial statements that are attested to as a
13 true and correct statement of financial condition by an entity
14 owner(s);

15 17. "Profession" or "professional" means those occupations or
16 vocations relating to such fields of employment that generally
17 require an advance degree or for which an individual must pass
18 extensive pre-licensing testing. Examples include but are not
19 limited to attorneys and certified professional accountants.
20 Professions may or may not require ongoing continuing education that
21 may be subject to the authority or jurisdiction of an alternate
22 state agency;

23 18. "Program", "program of study" or "program of instruction"
24 means a body of organized instruction that leads to a degree,

1 certificate, diploma or other recognized educational credential, or
2 provides transferable skills applicable to a business, professional,
3 trade or vocational-technical or industrial occupation or vocation;

4 19. "Public" means an entity that is established as a
5 governmental entity;

6 20. "Seminar" or "workshop" means a program of instruction that
7 results in business, professional, or vocational-technical knowledge
8 that applies to one or more occupations or vocations but will not
9 provide degree credit hours, a certificate or a diploma;

10 21. "Solicitor" means a representative of a private school that
11 leaves the physical facility of the school to attend job fairs,
12 career days or other activities to market to new students or to
13 attempt to secure new student enrollments;

14 22. "Technical" means those skills that are unique to certain
15 occupations or vocations;

16 23. "Trade" means a skilled trade including but not limited to
17 electrical, plumbing, heating and air conditioning (HVAC), that
18 requires an individual to maintain a state or municipal license; and

19 24. "Tuition" means a financial charge made for the provision
20 of education or training, regardless of the term assigned to the
21 monetary or other exchange.

22 SECTION 2. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 21-101.1 of Title 70, unless
24 there is created a duplication in numbering, reads as follows:

1 The term "private school" shall not include the following which
2 are exempt from licensing by the Board:

3 1. Barber schools, beauty schools or other schools which are
4 exclusively regulated or licensed pursuant to the provisions of any
5 school-licensing law of this state, although such school may choose
6 to apply to secure a license for state authorization from the Board;

7 2. Any form of flight instruction subject to regulations
8 promulgated by the Federal Aviation Administration;

9 3. Parochial, private or other nonpublic schools offering
10 programs of general education accredited or approved by the State
11 Board of Education, the State Board of Career and Technology
12 Education or the State Regents for Higher Education;

13 4. Education or training, as approved by the Board, provided
14 and paid for by:

15 a. an employer for its own employees,

16 b. a professional organization, as approved by the Board,
17 for its members,

18 c. a parochial, denominational, eleemosynary school or
19 institution, which is sectarian in nature and uniquely
20 useful for and intrinsic to the propagation of a faith
21 or the pursuit of the mission of the school or
22 institution as approved by the Board,

23 d. an entity supported by taxation of a local or state
24 source;

1 5. Education or training, as approved by the Board, which
2 offers instruction solely in the field of an avocation, hobby,
3 recreation or entertainment, as approved by the Board;

4 6. Professional pre-licensing programs or continuing education
5 programs when an alternate state agency maintains complete authority
6 or jurisdiction over the right to offer or certify such a program,
7 regardless if the other agency mandates the subject matter of the
8 program;

9 7. Post-graduate certificates offered or provided by a school
10 that has approval for that specific program issued by another state
11 agency or an accrediting agency approved by the Board;

12 8. If a private school combines training or education that is
13 both licensed and not licensed by another state agency, licensing by
14 the Board will be required for the entity's combined programs.
15 However, the Board will defer to the other state agency on matters
16 contained in the other agency's regulations and will refrain from
17 establishing conflicting requirements. Matters to be governed by
18 the other state agency may include but are not limited to
19 curriculum, testing or certification completion. The Board may
20 require a private school to document its approval by any other state
21 agency or an accrediting organization; and

22 9. Seminars or workshops offered by an entity that:

23 a. is not primarily in the business of providing programs
24 of instruction,

- 1 b. provides instruction to advance the personal
2 development or general, transferable skills of a
3 participant, and
- 4 c. offers aggregate clock or contact hours of no more
5 than twenty-four (24) clock or defined contact hours
6 per calendar quarter of the calendar year.

7 SECTION 3. AMENDATORY 70 O.S. 2011, Section 21-102, is
8 amended to read as follows:

9 Section 21-102. ~~A.~~ There is hereby re-created the Oklahoma
10 Board of Private Vocational Schools which shall consist of nine (9)
11 members of whom three shall be the Director of the Oklahoma
12 Department of Career and Technology Education, the Chancellor of the
13 Oklahoma State Regents for Higher Education and the State
14 Superintendent of Public Instruction or their designated
15 representatives and of whom six shall be appointed by the Governor
16 of the State of Oklahoma subject to the advice and consent of the
17 Senate. Four persons shall qualify to serve on the Board provided
18 they occupy and have occupied for the past three (3) years executive
19 or managerial positions in private schools located in this state of
20 the type regulated under ~~Sections 21-101 through 21-115 of this~~
21 ~~title~~ this act. Two persons shall qualify to serve on ~~said~~ the
22 Board provided they occupy and have occupied for the past three (3)
23 years executive or managerial positions in business or industry, not
24 connected with private schools. Each of the six persons shall be

1 appointed for a term of six (6) years. ~~After July 1, 1970, the~~
2 ~~Governor shall appoint one member for a term of six (6) years, one~~
3 ~~member for a term of five (5) years, one member for a term of four~~
4 ~~(4) years, one member for a term of three (3) years, one member for~~
5 ~~a term of two (2) years and one member for a term of one (1) year.~~

6 B. ~~The Board is authorized to appoint and fix the compensation~~
7 ~~of a director. The Director shall employ and fix the duties and~~
8 ~~compensation of such clerical or other assistants as are reasonably~~
9 ~~necessary to effectuate the provisions of Sections 21-101 through~~
10 ~~21-115 of this title.~~

11 C. ~~Personnel employed by the Oklahoma Board of Private Schools~~
12 ~~on June 30, 1986, shall become employees of the Oklahoma Board of~~
13 ~~Private Vocational Schools on July 1, 1986, without change in status~~
14 ~~as to duties and compensation, including accrual of leave, and~~
15 ~~eligibility for longevity payments and other benefits of employment~~
16 ~~except as otherwise provided by law, unless such term may be carried~~
17 ~~over by the Governor.~~

18 SECTION 4. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 21-102.1 of Title 70, unless
20 there is created a duplication in numbering, reads as follows:

21 The Board is authorized to:

22 A. Appoint and fix the compensation of a director who:

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1 1. Shall employ and fix the duties and compensation of such
2 clerical or other assistants as are reasonably necessary to
3 effectuate the provisions of this act, and

4 2. May execute contracts on behalf of the Board;

5 B. Promulgate rules to include but not be limited to the
6 implementation of minimum standards for the operation of private
7 schools and the application of a school, seminar or workshop for a
8 license of state authorization;

9 C. Approve or disapprove:

10 1. Applications for state authorization,

11 2. Other applications for licensing,

12 3. Requests for exemption, and

13 4. Requests for a definition exception;

14 D. Issue a private school license to document state
15 authorization or other licensing upon determination that such school
16 meets the standards fixed by the Board;

17 E. Prescribe, except as is otherwise provided by law and
18 subject to the provisions of the Administrative Procedures Act, such
19 penalties as it may deem proper for the enforcement of this act, not
20 to exceed One Thousand Dollars (\$1,000.00);

21 F. Fix minimum standards for private schools, which shall
22 include standards for courses of instruction and training,
23 qualifications of instructors, financial stability, advertising
24 practices, and refund of tuition and fees paid by students for

1 courses of instruction or training not completed, and shall
2 promulgate and adopt reasonable rules and regulations for the
3 implementation of such minimum standards for the operation of
4 private schools;

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

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

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

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

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

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

5 M. Collect or require the submission of data, including but not
6 limited to:

- 7 1. Admissions,
- 8 2. Certification scores or passage rates,
- 9 3. Complaints or grievances,
- 10 4. Enrollment,
- 11 5. Funding,
- 12 6. Graduation,
- 13 7. Job longevity or retention,
- 14 8. Job placement, and
- 15 9. Other data, as necessary, to carry on the mission or duties
16 of the Board, or to assist in the state's workforce development
17 initiatives; and

18 N. Carry out such other duties as necessary to provide state
19 authorization for private vocational schools, seminars, and
20 workshops and such other schools that make offerings of courses or
21 programs as permitted by this act.

22 SECTION 5. AMENDATORY 70 O.S. 2011, Section 21-103, is
23 amended to read as follows:

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1 Section 21-103. A. It shall be unlawful to establish, conduct,
2 operate or maintain a private school ~~or~~, to solicit or canvass for
3 scholarships or tuition to a private school, or to offer a program
4 of education or training unless a license granting state
5 authorization to operate such school has been issued by the Board
6 and is in effect. ~~The Board shall issue a private school license~~
7 ~~upon determination that such school meets the standards fixed by the~~
8 ~~Board.~~ A private school shall be issued only one license,
9 regardless of the number of locations operated by such school.

10 B. ~~Except as is otherwise provided by law, the Board is~~
11 ~~authorized, subject to the provisions of the Administrative~~
12 ~~Procedures Act, to prescribe such penalties as it may deem proper~~
13 ~~for the enforcement of Sections 21-101 through 21-112 of this title,~~
14 ~~not to exceed One Thousand Dollars (\$1,000.00)~~ Upon application for
15 a license or renewal of a license, each private school shall
16 designate a main school location. Designation of a main school and
17 one or more branches should mirror the designations used for federal
18 funding or accreditation.

19 SECTION 6. AMENDATORY 70 O.S. 2011, Section 21-104, is
20 amended to read as follows:

21 Section 21-104. It shall be unlawful for any person, acting as
22 an agent or representative of a private school giving ~~resident~~
23 classroom, correspondence, or distance education instruction ~~or~~
24 ~~instruction by correspondence,~~ whether such private school be

1 located inside or outside the State of Oklahoma, to canvass or
2 solicit prospective students in the State of Oklahoma, except on the
3 established and legal premises of ~~said~~ the school, for the purpose
4 of selling to such student any scholarship or tuition in the private
5 school, or to take payment for the same in money, notes or other
6 evidence of indebtedness, unless the private school has been
7 licensed under ~~Section 21-103 of this title~~ this act, and unless a
8 private school solicitor's ~~permit~~ license for such purpose has been
9 issued to such person.

10 SECTION 7. AMENDATORY 70 O.S. 2011, Section 21-105, is
11 amended to read as follows:

12 Section 21-105. A. Applications for a private school license
13 or a private school solicitor's ~~permit~~ license shall ~~be~~:

14 1. Be filed with the Board in the manner and upon forms from
15 the Board or substantially similar to forms implemented by the
16 Board; and

17 2. Include but not be limited to the following disclosures:

18 a. the name, mailing address and telephone number of the
19 Board for the purposes of directing student complaints
20 to the Board, and

21 b. documentation of whether the proposed school will
22 provide only postsecondary education and training or
23 if a person who has not yet achieved a high school
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1 diploma or its equivalency will be admitted and under
2 what specific circumstances.

3 B. Submissions to the Board shall be date-stamped as of the
4 date of the physical receipt when the office is open for business.

5 SECTION 8. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 21-105.1 of Title 70, unless
7 there is created a duplication in numbering, reads as follows:

8 A. The existence of a private school, for the purpose of
9 requiring a state authorization license to be obtained, shall be
10 determined by the education or training program that is offered or
11 proposed to be offered and such other school attributes as
12 enumerated by the Legislature or the Board.

13 B. Training and education programs to be considered for state
14 authorization licensure include:

15 1. Training or education that pertains to a business,
16 professional, trade or industrial occupation or vocational-technical
17 field that may result in the receipt of a degree, diploma or
18 certificate;

19 2. Improvement or enhancement of specific or general business
20 skills that may be used in one or more occupations;

21 3. Preparing a person to instruct subject matter that might
22 otherwise not require private school licensing, such as a
23 recreational, avocational or hobby activity, if the future
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1 instructor's training may result in the future teacher receiving
2 remuneration for the training he or she will offer; and

3 4. Providing a program of pre-licensing or exam preparation
4 when not licensed or approved by another state agency.

5 C. Training or education to be licensed for state authorization
6 by the Board may include a program that is offered through:

7 1. Traditional classrooms;

8 2. Short-term programs such as a seminar or workshop that does
9 not qualify for an exemption from licensing and offers to improve or
10 enhance specific or general business skills that may be used in one
11 or more occupations;

12 3. Correspondence; and

13 4. Distance education.

14 D. An entity shall be treated as a school for purposes of
15 licensing regardless of whether the entity:

16 1. Identifies itself as a school or other similar term;

17 2. Owns, rents or leases a physical facility or has physical
18 space donated to conduct classes or to host a correspondence or
19 distance education program;

20 3. Possesses any specific tax status granted by the Internal
21 Revenue Service or a state's taxation authority; or

22 4. Proposes funding that may or may not be limited to receiving
23 monies or other consideration through the U.S. Department of
24 Education's Title IV or other federal mechanisms, privately paid

1 tuition, student loans, grants, scholarships or receipt of other
2 consideration.

3 SECTION 9. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 21-105.2 of Title 70, unless
5 there is created a duplication in numbering, reads as follows:

6 After a school, seminar or workshop either voluntarily decides
7 to cease offering all programs of instruction or is required to do
8 so through proper enforcement of this act or the Board's minimum
9 standards, the entity shall, before closure is complete, provide the
10 Board with its appropriate arrangement for the permanent retention
11 of student records.

12 SECTION 10. AMENDATORY 70 O.S. 2011, Section 21-106, is
13 amended to read as follows:

14 Section 21-106. A. A license issued pursuant to ~~the provisions~~
15 ~~of Section 21-103 of this title~~ this act shall expire annually on
16 June 30 ~~following the date of issue.~~ Said Such license ~~may~~ shall be
17 renewed annually with the complete renewal application and any and
18 all appropriate fees due ~~not less than sixty (60) days~~ prior to
19 expiration, annually on or before June 1. Licenses shall be renewed
20 by the Board if the Board determines that such school remains in
21 compliance with the standards or other requirements set by the
22 Board. The license of any ~~regionally or nationally accredited~~
23 ~~school within this state~~ school licensed by the Board to provide
24 postsecondary education or other limited offering may be revoked if

1 the school is found to be in violation of the Oklahoma Statutes, the
2 minimum standards established by the Board, or if an accreditation
3 or other governmental entity's approval, material to the continuity
4 of the school, is revoked.

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

9 C. Private schools or applicants shall pay the following base
10 ~~fee per license issued by the Board~~ fees:

11 1. ~~A fee of One Thousand Two Hundred Dollars (\$1,200.00) per~~
12 license shall be paid for the issuance of a new an initial license
13 for a school, seminar, or workshop to provide postsecondary
14 education or other vocational-technical education or training
15 pursuant to the provisions of Section 21-103 of this title this act;

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

19 3. For each renewal of a license, a fee based on the ~~total~~
20 tuition collected by the a school, workshop or seminar from
21 residents of Oklahoma or other persons present in Oklahoma, as shown
22 in the current financial statement of the school, shall be paid to
23 the Board. If a school, workshop or seminar does not provide
24 adequate details of its Oklahoma tuition, then the renewal fee shall

1 be based on the nationwide tuition reported. For each main and
2 branch school, seminar, or workshop, the renewal fees shall be
3 calculated based upon the level of net tuition in the immediate
4 prior calendar year as follows:

5	<u>OKLAHOMA OR NATIONWIDE TUITION INCOME</u>	RENEWAL FEE
6	\$50,000.00 or less	\$ 700.00
7	\$50,001.00 <u>\$50,000.01</u> to \$250,000.00	\$ 800.00
8	\$250,001.00 <u>\$250,000.01</u> to \$500,000.00	\$ 950.00
9	\$500,001.00 <u>\$500,000.01</u> to \$1,000,000.00	\$1,100.00
10	\$1,000,001.00 <u>\$1,000,000.01</u> to \$3,000,000.00	\$1,300.00
11	\$3,000,001.00 <u>\$3,000,000.01</u> and above	\$1,500.00;

12 ~~3. During~~

13

14 4. Solicitor license:

15 a. Two Hundred Dollars (\$200.00) during the first
16 licensing period of a school, a fee of Two Hundred
17 Dollars (\$200.00) shall be paid to the Board for the
18 issuance of each solicitor's permit pursuant to the
19 provisions of Section 21-104 of this title. For
20 seminar or workshop, for each license,

21 b. One Hundred Dollars (\$100.00) for the second and
22 consecutive licensing periods of the school a fee of
23 One Hundred Dollars (\$100.00) shall be paid to the
24 Board for the issuance of each permit and a fee of One

1 ~~Hundred Dollars (\$100.00) shall be paid to the Board~~
2 ~~for each renewal of a permit. In addition to the fees~~
3 ~~required by this section, each private school shall~~
4 ~~pay an additional fee of Three Hundred Dollars~~
5 ~~(\$300.00) for each in-state branch and a fee of Three~~
6 ~~Hundred Dollars (\$300.00) for each out-of-state~~
7 ~~branch. Each branch which is not located in the same~~
8 ~~state as its main school or which does not offer~~
9 ~~substantially the same curriculum as is offered at the~~
10 ~~main school shall be considered to be a separate~~
11 ~~private school, seminar or workshop for each license~~
12 ~~applied for or renewed;~~

13 ~~4. A fee of~~

14 ~~5. Fifty Dollars (\$50.00) shall be paid to the Board for the~~
15 ~~approval review of a new catalog or changes to an approved catalog.~~

16 A

17 ~~6. In addition to the appropriate catalog change fee, a fee of~~
18 ~~Twenty-five Dollars (\$25.00) shall be paid to the Board whenever a~~
19 ~~main or branch private school ~~or branch school~~ changes location; and~~

20 ~~5. A fee of~~

21 ~~7. One Hundred Dollars (\$100.00) shall be paid by each school~~
22 ~~to the Board for attendance at a school workshop or webinar by ~~any~~~~
23 ~~of the school's required personnel. ~~At least one person from each~~~~
24 ~~school who is responsible for the operation of the school shall be~~

1 ~~required to participate in an annual workshop conducted by the~~
2 ~~Board. The Board shall develop and administer the workshops which~~
3 ~~emphasize rules relating to relicensing and daily operation of a~~
4 ~~school.~~

5 ~~Upon application for a license or renewal of a license, each~~
6 ~~private school shall designate a main school location, although one~~
7 ~~(1) person may attend to represent multiple, related schools.~~

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

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

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

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

1 ~~The Board may send licensing inquiry packets to persons~~
2 ~~requesting information about private school licensing requirements.~~

3 ~~The fee for each licensing inquiry packet shall be~~

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

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

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

23 SECTION 11. AMENDATORY 70 O.S. 2011, Section 21-112, is
24 amended to read as follows:

1 Section 21-112. Nothing in this act shall be intended to give
2 ~~these~~ private schools tax exemption status except as provided by
3 law. This act shall apply to an entity defined as a private school
4 regardless of that entity's federal or state tax classification.

5 SECTION 12. AMENDATORY 70 O.S. 2011, Section 21-116, as
6 last amended by Section 98, Chapter 15, O.S.L. 2013 (70 O.S. Supp.
7 2013, Section 21-116), is amended to read as follows:

8 Section 21-116. ~~A.~~ There is hereby created in the State
9 Treasury a revolving fund for the Oklahoma Board of Private
10 Vocational Schools to be designated the "Oklahoma Board of Private
11 Vocational Schools Revolving Fund". The fund shall be a continuing
12 fund, not subject to fiscal year limitations, and shall consist of
13 all monies received by the Oklahoma Board of Private Vocational
14 Schools from all fees and penalties collected by the Board pursuant
15 to ~~Sections 21-103, 21-106, and 21-111 of this title~~ this act or
16 rules promulgated and any other funds obtained or received by the
17 Board. All monies in the fund shall be used exclusively for the
18 purpose of operations and functions of the Oklahoma Board of Private
19 Vocational Schools. All monies accruing to the credit of the fund
20 are hereby appropriated and may be budgeted and expended by the
21 Oklahoma Board of Private Vocational Schools. Expenditures from the
22 fund shall be made upon warrants issued by the State Treasurer
23 against claims filed as prescribed by law with the Director of the
24

1 Office of Management and Enterprise Services for approval and
2 payment.

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

7 SECTION 13. REPEALER 70 O.S. 2011, Section 21-107, is
8 hereby repealed.

9 SECTION 14. This act shall become effective July 1, 2014.

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

14

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