

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 54th Legislature (2014)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1460

By: Stanislawski of the Senate

and

Denney of the House

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8
9
10 COMMITTEE SUBSTITUTE

11 An Act relating to private schools; amending 70 O.S.
12 2011, Section 21-101, which relates to definitions;
13 adding and modifying definitions; providing
14 clarification on what is not included in the
15 definition of a private school; amending 70 O.S.
16 2011, Section 21-102, which relates to the Oklahoma
17 Board of Private Vocational Schools; deleting
18 reference to initial terms; providing powers and
19 duties of the Board; amending 70 O.S. 2011, Section
20 21-103, which relates to private school licensing;
21 prohibiting offering certain program; deleting
22 requirement to issue certain license; deleting
23 certain authorization; providing requirements for
24 renewal license applications; amending 70 O.S. 2011,
 Section 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,

1 Section 21-106, which relates to license expiration
2 and renewal; clarifying deadline for renewal;
3 providing conditions for revocation of certain
4 license; modifying initial and renewal license fees;
5 providing for assessment of late fees; authorizing
6 Board to require reimbursement under certain
7 conditions; providing deadline for invoicing;
8 deleting reference to delinquent fees; amending 70
9 O.S. 2011, Section 21-112, which relates to tax
10 status; clarifying applicability of certain tax
11 status; amending 70 O.S. 2011, Section 21-116, as
12 last amended by Section 98, Chapter 15, O.S.L. 2013
13 (70 O.S. Supp. 2013, Section 21-116), which relates
14 to the Oklahoma Board of Private Vocational Schools
15 Revolving Fund; deleting reference to remaining
16 balance; repealing 70 O.S. 2011, Section 21-107,
17 which relates to minimum standards; providing for
18 codification; providing an effective date; and
19 declaring an emergency.

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

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

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

1. "Act" means Sections 21-201 through 21-203 of this title
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;

2. "Private school" means any privately owned ~~business school,~~
~~trade school, or other school offering courses in, to residents of,~~

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

23 ~~2.~~ 3. "Board" means the Oklahoma Board of Private Vocational
24 Schools;

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 advanced degree or for which an individual must pass
18 extensive prelicensing 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, and 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 Oklahoma Board of Private
3 Vocational Schools:

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

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

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

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

- 16 a. an employer for its own employees,
- 17 b. a professional organization, as approved by the Board,
18 for its members,
- 19 c. a parochial, denominational, eleemosynary school or
20 institution, which is sectarian in nature and uniquely
21 useful for and intrinsic to the propagation of a faith
22 or the pursuit of the mission of the school or
23 institution as approved by the Board, or
24

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 d. an entity supported by taxation of a local or state
2 source;

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

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

11 7. Postgraduate certificates offered or provided by a school
12 that has approval for that specific program issued by another state
13 agency or an accrediting agency approved by the Board;

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

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

- 1 a. is not primarily in the business of providing programs
2 of instruction,
3 b. provides instruction to advance the personal
4 development or general, transferable skills of a
5 participant, and
6 c. offers aggregate clock or contact hours of no more
7 than twenty-four (24) clock or defined contact hours
8 per calendar quarter of the calendar year.

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

11 Section 21-102. ~~A.~~ There is hereby re-created the Oklahoma
12 Board of Private Vocational Schools which shall consist of nine (9)
13 members of whom three shall be the Director of the Oklahoma
14 Department of Career and Technology Education, the Chancellor of the
15 Oklahoma State Regents for Higher Education and the State
16 Superintendent of Public Instruction or their designated
17 representatives and of whom six shall be appointed by the Governor
18 of the State of Oklahoma subject to the advice and consent of the
19 Senate. Four persons shall qualify to serve on the Board provided
20 they occupy and have occupied for the past three (3) years executive
21 or managerial positions in private schools located in this state of
22 the type regulated under ~~Sections 21-101 through 21-115 of this~~
23 ~~title~~ this act. Two persons shall qualify to serve on ~~said~~ the
24 Board provided they occupy and have occupied for the past three (3)

1 years executive or managerial positions in business or industry, not
2 connected with private schools. Each of the six persons shall be
3 appointed for a term of six (6) years. ~~After July 1, 1970, the~~
4 ~~Governor shall appoint one member for a term of six (6) years, one~~
5 ~~member for a term of five (5) years, one member for a term of four~~
6 ~~(4) years, one member for a term of three (3) years, one member for~~
7 ~~a term of two (2) years and one member for a term of one (1) year.~~

8 B. ~~The Board is authorized to appoint and fix the compensation~~
9 ~~of a director. The Director shall employ and fix the duties and~~
10 ~~compensation of such clerical or other assistants as are reasonably~~
11 ~~necessary to effectuate the provisions of Sections 21-101 through~~
12 ~~21-115 of this title.~~

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

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

23 The Oklahoma Board of Private Vocational Schools is authorized
24 to:

- 1 1. Appoint and fix the compensation of a director who:
- 2 a. shall employ and fix the duties and compensation of
- 3 such clerical or other assistants as are reasonably
- 4 necessary to effectuate the provisions of this act,
- 5 and
- 6 b. may execute contracts on behalf of the Board;
- 7 2. Promulgate rules to include but not be limited to the
- 8 implementation of minimum standards for the operation of private
- 9 schools and the application of a school, seminar or workshop for a
- 10 license of state authorization;
- 11 3. Approve or disapprove:
- 12 a. applications for state authorization,
- 13 b. other applications for licensing,
- 14 c. requests for exemption, and
- 15 d. requests for a definition exception;
- 16 4. Issue a private school license to document state
- 17 authorization or other licensing upon determination that such school
- 18 meets the standards fixed by the Board;
- 19 5. Prescribe, except as is otherwise provided by law and
- 20 subject to the provisions of the Administrative Procedures Act, such
- 21 penalties as it may deem proper for the enforcement of this act, not
- 22 to exceed One Thousand Dollars (\$1,000.00);
- 23 6. Fix minimum standards for private schools, which shall
- 24 include standards for courses of instruction and training,

1 qualifications of instructors, financial stability, advertising
2 practices, and refund of tuition and fees paid by students for
3 courses of instruction or training not completed, and shall
4 promulgate and adopt reasonable rules and regulations for the
5 implementation of such minimum standards for the operation of
6 private schools;

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

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

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

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

23 11. 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. 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 13. Collect or require the submission of data, including but
8 not limited to:

- 9 a. admissions,
- 10 b. certification scores or passage rates,
- 11 c. complaints or grievances,
- 12 d. enrollment,
- 13 e. funding,
- 14 f. graduation,
- 15 g. job longevity or retention,
- 16 h. job placement, and
- 17 i. other data, as necessary, to carry on the mission or
18 duties of the Board, or to assist in the state's
19 workforce development initiatives; and

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

24

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

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

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

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

23 Section 21-104. It shall be unlawful for any person, acting as
24 an agent or representative of a private school giving ~~resident~~

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

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

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

16 1. Be filed with the Oklahoma Board of Private Vocational
17 Schools in the manner and upon forms from the Board or substantially
18 similar to forms implemented by the Board; and

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

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

23 b. documentation of whether the proposed school will
24 provide only postsecondary education and training or

1 if a person who has not yet achieved a high school
2 diploma or its equivalency will be admitted and under
3 what specific circumstances.

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

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

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

15 B. Training and education programs to be considered for state
16 authorization licensure include:

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

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

23 3. Preparing a person to instruct subject matter that might
24 otherwise not require private school licensing, such as a

1 recreational, avocational or hobby activity, if the future
2 instructor's training may result in the future teacher receiving
3 remuneration for the training he or she will offer; and

4 4. Providing a program of prelicensing or exam preparation when
5 not licensed or approved by another state agency.

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

8 1. Traditional classrooms;

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

13 3. Correspondence; and

14 4. Distance education.

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

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

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

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

23 4. Proposes funding that may or may not be limited to receiving
24 monies or other consideration through the U.S. Department of

1 Education's Title IV or other federal mechanisms, privately paid
2 tuition, student loans, grants, scholarships or receipt of other
3 consideration.

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

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

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

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

1 licensed by the Board to provide postsecondary education or other
2 limited offering may be revoked if the school is found to be in
3 violation of the Oklahoma Statutes, the minimum standards
4 established by the Board, or if an accreditation or other
5 governmental entity's approval, material to the continuity of the
6 school, is revoked.

7 B. 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. Private schools or applicants shall pay the following base
12 ~~fee per license issued by the Board~~ fees:

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

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 ~~total~~
23 tuition collected by ~~the~~ a school, workshop or seminar from
24 residents of Oklahoma or other persons present in Oklahoma, as shown

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

15 ~~3. During~~

16 4. Solicitor license:

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

23 b. One Hundred Dollars (\$100.00) for the second and
 24 consecutive licensing periods of the school ~~a fee of~~

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

15 ~~4. A fee of~~

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

18 ~~A;~~

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

22 ~~5. A fee of~~

23 ~~7. One Hundred Dollars (\$100.00) shall be paid by each school~~
24 ~~to the Board for attendance at a school workshop or webinar by any~~

1 ~~of the school's required personnel. At least one person from each~~
2 ~~school who is responsible for the operation of the school shall be~~
3 ~~required to participate in an annual workshop conducted by the~~
4 ~~Board. The Board shall develop and administer the workshops which~~
5 ~~emphasize rules relating to relicensing and daily operation of a~~
6 ~~school.~~

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

10 D. ~~The Board may send licensing inquiry packets to persons~~
11 ~~requesting information about private school licensing requirements.~~
12 ~~The fee for each licensing inquiry packet shall be If the annual~~
13 ~~licensing renewal application is not complete on or before the first~~
14 ~~day of June each year, the fee for license renewal shall become~~
15 ~~delinquent and the license shall not be renewed except upon payment~~
16 ~~of an additional late fee. Late fees shall be determined based upon~~
17 ~~the school's past history of submitting late filings. The~~
18 ~~appropriate late fees shall be paid in full prior to the Board's~~
19 ~~issuance of a renewal license in the following amounts:~~

- 20 ~~1. Two Hundred Fifty Dollars (\$250.00) for a first violation;~~
21 ~~2. Five Hundred Dollars (\$500.00) for a second violation within~~
22 ~~ten (10) years of the first late filing, whether consecutive or not;~~
23 ~~and~~

24

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

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

7 E. Twenty-five Dollars (\$25.00) for each license application
8 packet, although packets provided by one or more electronic means
9 shall be free of charge.

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

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

20 ~~F. If the annual renewal fee is not paid on or before the first~~
21 ~~day of July, such fee shall become delinquent and the license shall~~
22 ~~not be renewed except upon payment of a delinquent annual renewal~~
23 ~~fee. The delinquent annual renewal fee may be assessed in an amount~~
24

1 ~~and manner prescribed by the Board, not to exceed Five Hundred~~
2 ~~Dollars (\$500.00).~~

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

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

9 SECTION 12. AMENDATORY 70 O.S. 2011, Section 21-116, as
10 last amended by Section 98, Chapter 15, O.S.L. 2013 (70 O.S. Supp.
11 2013, Section 21-116), is amended to read as follows:

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

1 Oklahoma Board of Private Vocational Schools. Expenditures from the
2 fund shall be made upon warrants issued by the State Treasurer
3 against claims filed as prescribed by law with the Director of the
4 Office of Management and Enterprise Services for approval and
5 payment.

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

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

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

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

17
18 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 04/02/2014
19 - DO PASS, As Amended.

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