

1 ENGROSSED SENATE
2 BILL NO. 1182

By: Stanislawski of the Senate

3 and

4 Caldwell (Chad) of the
5 House

6 An Act relating to private education; amending
7 Section 4, Chapter 276, O.S.L. 2014 (70 O.S. Supp.
8 2019, Section 21-102.1), which relates to powers and
9 duties of the Oklahoma Board of Private Vocational
10 Schools; providing for minimum standards for
11 maintenance of student academic records or
12 transcripts and certain continuing education or
13 attendance certificates; updating statutory
14 references; amending Section 9, Chapter 276, O.S.L.
15 2014 (70 O.S. Supp. 2019, Section 21-105.2), which
16 relates to retention of certain records before school
17 closure; requiring a school, seminar or workshop to
18 designate certain official to maintain certain
19 academic records, transcripts or certificates in
20 certain manner; requiring a licensee to submit
21 certain documentation as part of a renewal
22 application; providing an effective date; and
23 declaring an emergency.
24

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. 2019, Section 21-102.1), is amended to read as
follows:

Section 21-102.1. The Oklahoma Board of Private Vocational
Schools is authorized to:

1. Appoint and fix the compensation of a director who:

1 a. shall employ and fix the duties and compensation of
2 such clerical or other assistants as are reasonably
3 necessary to effectuate the provisions of ~~this act~~
4 Section 21-101 et seq. of this title, and

5 b. may execute contracts on behalf of the Board;

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

10 3. Approve or disapprove:

11 a. applications for state authorization,

12 b. other applications for licensing,

13 c. requests for exemption, and

14 d. requests for a definition exception;

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

18 5. Prescribe, except as is otherwise provided by law and
19 subject to the provisions of the Administrative Procedures Act, such
20 penalties as it may deem proper for the enforcement of ~~this act~~
21 Section 21-101 et seq. of this title, not to exceed One Thousand
22 Dollars (\$1,000.00);

23 6. Fix minimum standards through promulgation of rules for
24 private schools, which shall include standards for:

- 1 a. courses of instruction and training,
- 2 b. qualifications of instructors,
- 3 c. financial stability,
- 4 d. advertising practices, and
- 5 e. refund of tuition and fees paid by students for
- 6 courses of instruction or training not completed, and
- 7 ~~shall promulgate and adopt reasonable rules and~~
- 8 ~~regulations for the implementation of such minimum~~
- 9 ~~standards for the operation of private schools~~
- 10 f. student academic records or transcripts, which shall
- 11 be maintained for a period of not less than forty (40)
- 12 years following a student's completion of education or
- 13 other cessation of school enrollment, when the
- 14 training did or could have led to an initial
- 15 occupational certification, diploma or degree, and
- 16 g. student continuing education completion or attendance
- 17 certificates or the equivalent, which shall be
- 18 maintained for a period of not less than seven (7)
- 19 years following the student's attendance at a
- 20 continuing education seminar or workshop providing
- 21 required continuing education training for the student
- 22 to maintain a professional license or occupational
- 23 certification;
- 24

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

5 8. Make use of interstate reciprocity agreements that
6 reasonably satisfy the Board's minimum standards to approve state
7 authorization or other license application, if such agreements
8 become available for other programs the Board approves for state
9 authorization or other license;

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

13 10. Develop annual compliance training to emphasize standards
14 relating to the operation of a school and relicensing processes, and
15 require attendance by a representative of each school, seminar, or
16 workshop;

17 11. Provide all licensing forms free of charge via one or more
18 electronic means, but shall charge for the pick up or mailing of a
19 hard-copy licensing application packet to a person requesting
20 information about private school licensing requirements;

21 12. Certify an electronic record or the printing of an
22 electronically stored record as an original, subject to approval by
23 the Oklahoma Archives and Records Commission and when in accordance
24 with the record retention and destruction policy of the Board;

1 13. Collect or require the submission of data, including but
2 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. other data, as necessary, to carry on the mission or
12 duties of the Board, or to assist in the state's
13 workforce development initiatives; and

14 14. Carry out such other duties as necessary to provide state
15 authorization for private vocational schools, seminars, and
16 workshops and such other schools that make offerings of courses or
17 programs as permitted by ~~this act~~ Section 21-101 et seq. of this
18 title.

19 SECTION 2. AMENDATORY Section 9, Chapter 276, O.S.L.
20 2014 (70 O.S. Supp. 2019, Section 21-105.2), is amended to read as
21 follows:

22 Section 21-105.2. ~~After~~ A. To obtain an initial license, a
23 school, seminar or workshop either voluntarily decides to cease
24 offering all programs of instruction or is required to do so through

1 ~~proper enforcement of this act or the Oklahoma Board of Private~~
2 ~~Vocational Schools' minimum standards, the entity shall, before~~
3 ~~closure is complete, provide the Board with its appropriate~~
4 ~~arrangement for the permanent retention of students' records shall~~
5 designate an appropriate official to begin and continue to maintain
6 student academic records, transcripts or continuing education
7 completion or attendance certificates or the equivalent to be
8 protected against damage of loss by fire, water, theft, tampering or
9 other means. Records shall be retained for the time periods
10 specified in Section 21-102.1 of this title in the following manner:

11 1. Physical copies;

12 2. Using documented electronic means to maintain records off-
13 premises;

14 3. By contracting with another person or utilizing some other
15 reasonable and effective means, as approved by the Oklahoma Board of
16 Private Vocational Schools, for record retention; or

17 4. By establishing a certificate of deposit that is drawn on a
18 state or federal bank, savings and loan or credit union that is
19 located in Oklahoma and properly authorized to conduct business in
20 Oklahoma in an amount not less than Twenty Thousand Dollars
21 (\$20,000.00) in favor of, or properly collateralized to, the
22 Oklahoma Board of Private Vocational Schools. The certificate of
23 deposit is to be used by the Board after the school closes to have
24 student academic records and transcripts retrieved, recovered and

1 digitized by a commercial third-party vendor to maintain the
2 records. After digitization of hard copies from a closed school is
3 performed and verified, the hard copy records may be destroyed by
4 any means that ensures student privacy is protected by the
5 commercial entity.

6 B. As part of its license renewal application, a school,
7 seminar or workshop shall annually submit documentation that its
8 student academic record retention plan, including any applicable
9 certificate of deposit, is current.

10 SECTION 3. This act shall become effective July 1, 2020.

11 SECTION 4. It being immediately necessary for the preservation
12 of the public peace, health or safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

15 Passed the Senate the 4th day of March, 2020.

16

17

Presiding Officer of the Senate

18

19 Passed the House of Representatives the ____ day of _____,
20 2020.

21

22

Presiding Officer of the House
of Representatives

23

24