

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 1182, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Stanislawski

Stanislawski-EB-FS-Req#3972
3/2/2020 2:12 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

FLOOR SUBSTITUTE

FOR

SENATE BILL NO. 1182

By: Stanislawski of the Senate

and

Caldwell (Chad) of the
House

FLOOR SUBSTITUTE

An Act relating to private education; amending Section 4, Chapter 276, O.S.L. 2014 (70 O.S. Supp. 2019, Section 21-102.1), which relates to powers and duties of the Oklahoma Board of Private Vocational Schools; providing for minimum standards for maintenance of student academic records or transcripts and certain continuing education or attendance certificates; updating statutory references; amending Section 9, Chapter 276, O.S.L. 2014 (70 O.S. Supp. 2019, Section 21-105.2), which relates to retention of certain records before school closure; requiring a school, seminar or workshop to designate certain official to maintain certain academic records, transcripts or certificates in certain manner; requiring a licensee to submit certain documentation as part of a renewal application; providing an effective date; 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. 2019, 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,
16 c. requests for exemption, and
17 d. requests for a definition exception;

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

21 5. Prescribe, except as is otherwise provided by law and
22 subject to the provisions of the Administrative Procedures Act, such
23 penalties as it may deem proper for the enforcement of ~~this act~~
24

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 f. student academic records or transcripts, which shall
15 be maintained for a period of not less than forty (40)
16 years following a student's completion of education or
17 other cessation of school enrollment, when the

18 training did or could have led to an initial

19 occupational certification, diploma or degree, and

20 g. student continuing education completion or attendance

21 certificates or the equivalent, which shall be

22 maintained for a period of not less than seven (7)

23 years following the student's attendance at a
24 continuing education seminar or workshop providing

1 required continuing education training for the student
2 to maintain a professional license or occupational
3 certification;

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

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

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

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

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

1 12. 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 13. Collect or require the submission of data, including but
6 not limited to:

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

18 14. 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~~ Section 21-101 et seq. of this
22 title.
23
24

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

Section 21-105.2. ~~After A. To obtain an initial license, a~~
~~school, seminar or workshop either voluntarily decides to cease~~
~~offering all programs of instruction or is required to do so through~~
~~proper enforcement of this act or the Oklahoma Board of Private~~
~~Vocational Schools' minimum standards, the entity shall, before~~
~~closure is complete, provide the Board with its appropriate~~
~~arrangement for the permanent retention of students' records shall~~
designate an appropriate official to begin and continue to maintain
student academic records, transcripts or continuing education
completion or attendance certificates or the equivalent to be
protected against damage of loss by fire, water, theft, tampering or
other means. Records shall be retained for the time periods
specified in Section 21-102.1 of this title in the following manner:

1. Physical copies;

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

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

4. By establishing a certificate of deposit that is drawn on a
state or federal bank, savings and loan or credit union that is

1 located in Oklahoma and properly authorized to conduct business in
2 Oklahoma in an amount not less than Twenty Thousand Dollars
3 (\$20,000.00) in favor of, or properly collateralized to, the
4 Oklahoma Board of Private Vocational Schools. The certificate of
5 deposit is to be used by the Board after the school closes to have
6 student academic records and transcripts retrieved, recovered and
7 digitized by a commercial third-party vendor to maintain the
8 records. After digitization of hard copies from a closed school is
9 performed and verified, the hard copy records may be destroyed by
10 any means that ensures student privacy is protected by the
11 commercial entity.

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

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

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

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22 57-2-3972

EB

3/2/2020 2:12:46 PM