

1 **SENATE FLOOR VERSION**

2 February 11, 2020

3 SENATE BILL NO. 1182

By: Stanislawski of the Senate

4 and

5 Caldwell (Chad) of the
6 House

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

Section 21-102.1. The Oklahoma Board of Private Vocational
Schools is authorized 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 Section 21-101 et seq. of this title, 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 requirements for application of a school, seminar or
10 workshop for a 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~~
22 Section 21-101 et seq. of this title, not to exceed One Thousand
23 Dollars (\$1,000.00);
24

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

3 a. courses of instruction and training,

4 b. qualifications of instructors,

5 c. financial stability,

6 d. advertising practices, ~~and~~

7 e. refund of tuition and fees paid by students for
8 courses of instruction or training not completed, ~~and~~

9 ~~shall promulgate and adopt reasonable rules and~~
10 ~~regulations for the implementation of such minimum~~
11 ~~standards for the operation of private schools~~

12 f. student academic records or transcripts, which shall
13 be maintained for a period of not less than forty (40)
14 years following a student's completion of education or
15 other cessation of school enrollment, when the
16 training did or could have led to an initial
17 occupational certification, diploma or degree, and

18 g. student continuing education completion or attendance
19 certificates or the equivalent, which shall be
20 maintained for a period of not less than seven (7)
21 years following the student's attendance at a
22 continuing education seminar or workshop providing
23 required continuing education training for the student

1 to maintain a professional license or occupational
2 certification;

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

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

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

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

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

23 12. Certify an electronic record or the printing of an
24 electronically stored record as an original, subject to approval by

1 the Oklahoma Archives and Records Commission and when in accordance
2 with the record retention and destruction policy of the Board;

3 13. Collect or require the submission of data, including but
4 not limited to:

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

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

21 SECTION 2. AMENDATORY Section 9, Chapter 276, O.S.L.
22 2014 (70 O.S. Supp. 2019, Section 21-105.2), is amended to read as
23 follows:
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1 Section 21-105.2. ~~After~~ A. To obtain an initial license, a
2 school, seminar or workshop ~~either voluntarily decides to cease~~
3 ~~offering all programs of instruction or is required to do so through~~
4 ~~proper enforcement of this act or the Oklahoma Board of Private~~
5 ~~Vocational Schools' minimum standards, the entity shall, before~~
6 ~~closure is complete, provide the Board with its appropriate~~
7 ~~arrangement for the permanent retention of students' records shall~~
8 designate an appropriate official to begin and continue to maintain
9 student academic records, transcripts or continuing education
10 completion or attendance certificates or the equivalent to be
11 protected against damage of loss by fire, water, theft, tampering or
12 other means. Records shall be retained for the time periods
13 specified in Section 21-102.1 of this title in the following manner:

14 1. Physical copies;

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

17 3. By establishing a special purpose surety bond in an amount
18 of not less than Twenty Thousand Dollars (\$20,000.00) in favor of
19 the Oklahoma Board of Private Vocational Schools to be used by the
20 Board after the school closes to have student academic records and
21 transcripts retrieved, recovered and digitized by a commercial
22 third-party vendor to maintain the records. After digitization of
23 hard copies from a closed school is performed and verified, the hard
24

1 copy records may be destroyed by any means that ensures student
2 privacy is protected by the commercial entity.

3 B. As part of its license renewal application, a school,
4 seminar or workshop shall annually submit documentation that its
5 student academic record retention plan, including any applicable
6 surety bond, is current.

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

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

12 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
13 February 11, 2020 - DO PASS
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