

As Introduced

134th General Assembly
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H. B. No. 659

Representative Ingram

A BILL

To amend sections 3332.031, 3333.046, 4709.05, and 4713.07 and to enact section 3314.033 of the Revised Code to require disclosure of the for-profit status of community school operators and post-secondary educational institutions on various promotional materials and contracts for employment.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3332.031, 3333.046, 4709.05, and 4713.07 be amended and section 3314.033 of the Revised Code be enacted to read as follows:

Sec. 3314.033. The state board of education shall adopt rules requiring any community school with a for-profit operator to disclose on the school's official web site, all promotional digital and print media, and contracts for instruction, the fact that the community school's operator is a for-profit business. The disclosure shall be made in a type size as large or larger than any other text on the school's official web site, promotional digital and print media, and contract for instruction, excluding the name of the school, and shall be

presented in a manner reasonably calculated to draw the 20
attention of the reader. The disclosure shall read as follows: 21
"(Name of Community School Operator) IS A FOR-PROFIT BUSINESS IN 22
THE STATE OF OHIO." 23

The state board shall adopt rules requiring promotional 24
digital and print media for any community school with a for- 25
profit operator that is published by any person or entity not 26
affiliated with the community school to include the disclosure: 27
"A FOR-PROFIT BUSINESS IN THE STATE OF OHIO." The disclosure 28
shall be made in a type size as large or larger than any other 29
text in the advertisement. 30

Sec. 3332.031. The state board of career colleges and 31
schools shall: 32

(A) Adopt rules under Chapter 119. of the Revised Code 33
necessary to carry out its duties and responsibilities under 34
this chapter; 35

(B) Establish minimum standards for the registration and 36
operation of private career schools including but not 37
necessarily limited to standards to ensure school financial 38
stability; 39

(C) Issue certificates of registration to private career 40
schools pursuant to division (A) of section 3332.05 of the 41
Revised Code; 42

(D) Suspend or revoke the certificate of registration of 43
schools pursuant to sections 3332.09 and 3332.091 of the Revised 44
Code; 45

(E) Establish minimum standards for certificate, diploma, 46
and degree programs offered by schools; 47

(F) Issue program authorization pursuant to divisions (B) and (C) of section 3332.05 of the Revised Code;	48 49
(G) Suspend or revoke program authorization for schools pursuant to sections 3332.09 and 3332.091 of the Revised Code;	50 51
(H) Establish minimum standards, including but not necessarily limited to a code of ethics, for agents employed by schools registered under this chapter to reasonably ensure that such agents provide adequate, ethical, and accurate information to prospective students;	52 53 54 55 56
(I) Grant permits to agents pursuant to sections 3332.10 and 3332.11 of the Revised Code;	57 58
(J) Suspend or revoke an agent's permit pursuant to section 3123.47 or 3332.12 of the Revised Code;	59 60
(K) Monitor recruitment and admissions practices of schools holding certificates of registration to ensure compliance with this chapter and the rules of the board;	61 62 63
(L) (1) Adopt rules requiring all schools to provide all applicant students, prior to their signing enrollment agreements, written information concerning the school's graduation and placement rates for each of the preceding three years and any other information the board deems pertinent.	64 65 66 67 68
(2) Adopt rules requiring all schools to provide any student or applicant student, prior to the signing of any financial aid, grant, or loan application, written information concerning the obligations of a student obtaining such financial aid, grant, or loan.	69 70 71 72 73
(3) Upon request, a school shall furnish the board with a copy of all information required by this division. The board	74 75

shall monitor schools to ensure their compliance with this 76
division. 77

(M) Adopt a rule requiring all schools to include, in the 78
enrollment agreement, notice that any problems the student is 79
having with the school, or complaints the student has about the 80
school, may be directed to the board, which notice shall include 81
the telephone number of the executive director of the board; 82

(N) Report annually to the governor and the general 83
assembly on the activities of the board and private career 84
schools, and make legislative recommendations when necessary to 85
enable the board to better serve the student population and the 86
schools registered under this chapter; 87

(O) Adopt a rule requiring a uniform tuition refund policy 88
for all schools subject to this chapter. In adopting the rule, 89
the board shall consider the tuition refund policies effectuated 90
by state-supported colleges and universities. Each school 91
subject to this chapter shall furnish to each prospective 92
student, prior to the signing of an enrollment agreement, a copy 93
of the tuition refund policy. 94

(P) Adopt a rule establishing minimum standards for all 95
faculty and instructional staff in all instructional programs at 96
a school. In the case of full-time faculty members employed for 97
degree programs, such standards shall include all of the 98
following: 99

(1) A prohibition against employing on or after July 1, 100
1993, any new full-time faculty member to teach the general 101
study portion of any degree program, unless the person holds a 102
master's degree in the subject matter discipline or holds a 103
master's degree in education with proficiency in the subject 104

matter discipline demonstrated in accordance with the standards 105
adopted by the board. 106

(2) Except as provided under the standards adopted 107
pursuant to division (P)(3) of this section, a prohibition 108
against employing or reemploying on or after July 1, 1998, any 109
full-time faculty member to teach the general study portion of 110
any degree program, unless the person holds a master's degree in 111
the subject matter discipline or holds a master's degree in 112
education with proficiency in the subject matter discipline 113
demonstrated in accordance with the standards adopted by the 114
board. 115

(3) Standards under which the board, upon written request 116
submitted to the board prior to July 1, 1994, by any school, may 117
exempt the school from the prohibition adopted pursuant to 118
division (P)(2) of this section with regard to any individual 119
full-time faculty member employed by the school who has 120
demonstrated outstanding teaching performance in the general 121
study portion of any degree program at the school for a period 122
of at least six years prior to July 1, 1993. 123

(4) Definitions of "full-time faculty member," "new 124
faculty member," and any other term the board considers 125
necessary to define. 126

(Q) Adopt a rule prohibiting a school or branch campus 127
thereof from claiming accreditation from an accrediting agency 128
in any of its advertising, recruiting, or promotional materials 129
unless the agency is recognized as an accrediting agency by the 130
United States department of education. 131

(R)(1) Adopt rules requiring any for-profit, post- 132
secondary educational institution registered under section 133

3332.05 of the Revised Code to disclose on the institution's 134
official web site, all promotional digital and print media, and 135
contracts for instruction, the fact that the institution is a 136
for-profit business. The disclosure shall be made in a type size 137
as large or larger than any other text on the institution's 138
official web site, promotional digital and print media, and 139
contract for instruction, excluding the name of the institution, 140
and shall be presented in a manner reasonably calculated to draw 141
the attention of the reader. The disclosure shall read as 142
follows: "(Name of Degree-Granting Institution) IS A FOR-PROFIT 143
BUSINESS IN THE STATE OF OHIO." 144

(2) Adopt rules requiring promotional digital and print 145
media for any for-profit private college or university, 146
seminary, religious institution, or any other institution 147
registered under section 3332.05 of the Revised Code, published 148
by any person or entity that is not affiliated with the 149
institution, to include the disclosure: "A FOR-PROFIT BUSINESS 150
IN THE STATE OF OHIO." The disclosure required under this 151
division shall be made in a type size as large or larger than 152
any other text in the advertisement. 153

Sec. 3333.046. (A) Any institution authorized to grant on 154
February 20, 2002, baccalaureate or master's degrees, for which 155
certificates of authorization have been issued under Chapter 156
1713. of the Revised Code; that is accredited by the appropriate 157
regional and, when appropriate, professional accrediting 158
associations within whose jurisdiction it falls; and that is 159
operated by a for-profit corporation shall cease to be subject 160
to any regulation under Chapter 3332. of the Revised Code but 161
shall continue to be subject to the provisions for approval of 162
degree programs set forth in Chapter 1713. of the Revised Code, 163
including approval of any additional associate, baccalaureate, 164

or master's degree programs offered by the institution. 165

(B) (1) Any institution to which division (A) of this 166
section applies shall disclose on the institution's official web 167
site, all promotional digital and print media, and contracts for 168
instruction, the fact that the institution is a for-profit 169
business. The disclosure shall be made in a type size as large 170
or larger than any other text on the institution's official web 171
site, promotional digital and print media, and contract for 172
instruction, excluding the name of the institution, and shall be 173
presented in a manner reasonably calculated to draw the 174
attention of the reader. The disclosure shall read as follows: 175
"(Name of Degree Granting Institution) IS A FOR-PROFIT BUSINESS 176
IN THE STATE OF OHIO." 177

(2) All promotional digital and print media for any 178
institution under division (A) of this section, published by any 179
person or entity that is not affiliated with the institution, 180
shall include the disclosure: "A FOR-PROFIT BUSINESS IN THE 181
STATE OF OHIO." The disclosure required under this division 182
shall be made in a type size as large or larger than any other 183
text in the advertisement. 184

Sec. 4709.05. In addition to any other duty imposed on the 185
state cosmetology and barber board under this chapter or Chapter 186
4713. of the Revised Code, the board shall do all of the 187
following: 188

(A) Hold regular meetings, at the times and places as it 189
determines for the purpose of conducting the examinations 190
required under this chapter, and hold additional meetings for 191
the transaction of necessary business; 192

(B) Maintain a record of its proceedings and a register of 193

persons licensed as barbers. The register shall include each 194
licensee's name, place of business, residence, and licensure 195
date and number, and a record of all licenses issued, refused, 196
renewed, suspended, or revoked. The records are open to public 197
inspection at all reasonable times. 198

(C) Ensure that the practice of barbering is conducted 199
only in a licensed barber shop, except when the practice of 200
barbering is performed on a person whose physical or mental 201
disability prevents that person from going to a licensed barber 202
shop; 203

(D) Conduct or have conducted the examination for 204
applicants to practice as licensed barbers at least four times 205
per year at the times and places the board determines; 206

(E) Adopt rules, in accordance with Chapter 119. of the 207
Revised Code, to administer and enforce this chapter and which 208
cover all of the following: 209

(1) Sanitary standards for the operation of barber shops 210
and barber schools that conform to guidelines established by the 211
department of health; 212

(2) The content of the examination required of an 213
applicant for a barber license. The examination shall include a 214
practical demonstration and a written test, shall relate only to 215
the practice of barbering, and shall require the applicant to 216
demonstrate that the applicant has a thorough knowledge of and 217
competence in the proper techniques in the safe use of chemicals 218
used in the practice of barbering. 219

(3) Continuing education requirements for persons licensed 220
pursuant to this chapter. The board may impose continuing 221
education requirements upon a licensee for a violation of this 222

chapter or the rules adopted pursuant thereto or if the board	223
determines that the requirements are necessary to preserve the	224
health, safety, or welfare of the public.	225
(4) Requirements for the licensure of barber schools,	226
barber teachers, and assistant barber teachers;	227
(5) Requirements for students of barber schools;	228
(6) Any other area the board determines appropriate to	229
administer or enforce this chapter.	230
(F) Prior to adopting any rule under this chapter,	231
indicate at a formal hearing the reasons why the rule is	232
necessary as a protection of the persons who use barber services	233
or as an improvement of the professional standing of barbers in	234
this state;	235
(G) Furnish each owner or manager of a barber shop and	236
barber school with a copy of all sanitary rules adopted pursuant	237
to division (E) of this section;	238
(H) Conduct such investigations and inspections of persons	239
and establishments licensed or unlicensed pursuant to this	240
chapter and for that purpose, any member of the board or any of	241
its authorized agents may enter and inspect any place of	242
business of a licensee or a person suspected of violating this	243
chapter or the rules adopted pursuant thereto, during normal	244
business hours;	245
(I) Upon the written request of an applicant and the	246
payment of the appropriate fee, provide to the applicant	247
licensure information concerning the applicant;	248
(J) <u>(1) Adopt rules requiring any for-profit barber school</u>	249
<u>operated by a person licensed under section 4709.10 of the</u>	250

Revised Code to disclose on the school's official web site, all 251
promotional digital and print media, and contracts for 252
instruction, the fact that the school is a for-profit business. 253
The disclosure shall be made in a type size as large or larger 254
than any other text on the school's official web site, 255
promotional digital and print media, and contract for 256
instruction, excluding the name of the school, and shall be 257
presented in a manner reasonably calculated to draw the 258
attention of the reader. The disclosure shall read as follows: 259
"(Name of Barber School) IS A FOR-PROFIT BUSINESS IN THE STATE 260
OF OHIO." 261

(2) Adopt rules requiring promotional digital and print 262
media for any for-profit barber school or any other institution 263
operated by a person licensed under section 4709.10 of the 264
Revised Code, published by any person or entity that is not 265
affiliated with the school or institution, to include the 266
disclosure: "A FOR-PROFIT BUSINESS IN THE STATE OF OHIO." The 267
disclosure required under this division shall be made in a type 268
size as large or larger than any other text in the 269
advertisement. 270

(K) Do all things necessary for the proper administration 271
and enforcement of this chapter. 272

Sec. 4713.07. (A) The state cosmetology and barber board 273
shall do all of the following: 274

(1) Regulate the practice of cosmetology and all of its 275
branches in this state; 276

(2) Investigate or inspect, when evidence appears to 277
demonstrate that an individual has violated any provision of 278
this chapter or any rule adopted pursuant to it, the activities 279

or premises of a license holder or unlicensed individual;	280
(3) Adopt rules in accordance with section 4713.08 of the Revised Code;	281 282
(4) Prescribe and make available application forms to be used by individuals seeking admission to an examination conducted under section 4713.24 of the Revised Code or a license or registration issued under this chapter;	283 284 285 286
(5) Prescribe and make available application forms to be used by individuals seeking renewal of a license or registration issued under this chapter;	287 288 289
(6) Provide a toll-free number and an online service to receive complaints alleging violations of this chapter or Chapter 4709. of the Revised Code;	290 291 292
(7) Report to the proper prosecuting officer violations of section 4713.14 of the Revised Code of which the board is aware;	293 294
(8) Submit a written report annually to the governor that provides all of the following:	295 296
(a) A discussion of the conditions in this state of the branches of cosmetology;	297 298
(b) An evaluation of board activities intended to aid or protect consumers;	299 300
(c) A brief summary of the board's proceedings during the year the report covers;	301 302
(d) A statement of all money that the board received and expended during the year the report covers.	303 304
(9) Keep a record of all of the following:	305
(a) The board's proceedings;	306

(b) The name and last known physical address, electronic 307
mail address, and telephone number of each individual issued a 308
license or registration under this chapter; 309

(c) The date and number of each license, permit, and 310
registration that the board issues. 311

(10) Assist ex-offenders and military veterans who hold 312
licenses issued by the board to find employment within salons or 313
other facilities within this state; 314

(11) Require inspectors appointed pursuant to section 315
4713.06 of the Revised Code to conduct inspections of licensed 316
or permitted facilities, including salons and boutique salons, 317
schools of cosmetology, barber schools, barber shops, and 318
tanning facilities, within ninety days of the opening for 319
business of a licensed facility, upon complaints reported to the 320
board, within ninety days after a violation was documented at a 321
facility, and at least once every two years. Any individual, 322
after providing the individual's name and contact information, 323
may report to the board any information the individual may have 324
that appears to show a violation of any provision of this 325
chapter or rule adopted under it or a violation of any provision 326
of Chapter 4709. of the Revised Code or rule adopted by the 327
board pursuant to Chapter 4709. of the Revised Code. In the 328
absence of bad faith, any individual who reports information of 329
that nature or who testifies before the board in any 330
adjudication conducted under Chapter 119. of the Revised Code 331
shall not be liable for damages in a civil action as a result of 332
the report or testimony. For the purpose of inspections, an 333
independent contractor shall be added to the board's records as 334
an individual salon. 335

(12) Supply a copy of the poster created pursuant to 336

division (B) of section 5502.63 of the Revised Code to each 337
person authorized to operate a salon, school of cosmetology, 338
tanning facility, or other type of facility under this chapter; 339

(13)(a) Adopt rules requiring any for-profit school of 340
cosmetology operated by a person licensed under section 4713.44 341
of the Revised Code to disclose on the school's official web 342
site, all promotional digital and print media, and contracts for 343
instruction, the fact that the school is a for-profit business. 344
The disclosure shall be made in a type size as large or larger 345
than any other text on the school's official web site, 346
promotional digital and print media, and contract for 347
instruction, excluding the name of the school, and shall be 348
presented in a manner reasonably calculated to draw the 349
attention of the reader. The disclosure shall read as follows: 350
"(Name of school) IS A FOR-PROFIT BUSINESS IN THE STATE OF 351
OHIO." 352

(b) Adopt rules requiring promotional digital and print 353
media for any for-profit school of cosmetology or any other 354
institution operated by a person licensed under section 4713.44 355
of the Revised Code, published by any person or entity that is 356
not affiliated with the school or institution, to include the 357
disclosure: "A FOR-PROFIT BUSINESS IN THE STATE OF OHIO." The 358
disclosure required under this division shall be made in a type 359
size as large or larger than any other text in the 360
advertisement. 361

(14) All other duties that this chapter imposes on the 362
board. 363

(B) The board may delegate any of the duties listed in 364
division (A) of this section to the executive director of the 365
board or to an individual designated by the executive director. 366

Section 2. That existing sections 3332.031, 3333.046, 367
4709.05, and 4713.07 of the Revised Code are hereby repealed. 368