

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1399

By: Floyd

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5  
6 AS INTRODUCED

7 An Act relating to private education; amending 70  
8 O.S. 2021, Section 21-102.1, which relates to powers  
9 and duties of the Oklahoma Board of Private  
10 Vocational Schools; providing minimum standards for  
11 maintenance of student academic records or  
12 transcripts and certain continuing education or  
13 attendance certificates; amending 70 O.S. 2021,  
14 Section 21-105.2, which relates to retention of  
15 certain records before school closure; requiring a  
16 school, seminar, or workshop to designate certain  
17 official to maintain certain academic records,  
18 transcripts, or certificates in certain manner;  
19 requiring a licensee to submit certain documentation  
20 as part of a renewal application; providing an  
21 effective date; and declaring an emergency.

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

23 SECTION 1. AMENDATORY 70 O.S. 2021, Section 21-102.1, is  
24 amended to read as follows:

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

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

28 a. shall employ and fix the duties and compensation of  
29 such clerical or other assistants as are reasonably  
30

1           necessary to effectuate the provisions of Section 21-  
2           101 et seq. of this title, and

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

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

8           3.   Approve or disapprove:

9           a.   applications for state authorization,

10          b.   other applications for licensing including  
11          applications for sustained licenses,

12          c.   requests for exemption, and

13          d.   requests for a definition exception;

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

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

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

24          a.   courses of instruction and training,

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

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

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

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

9           10. Develop and present mandatory annual compliance training to  
10 emphasize standards relating to the operation of a school and  
11 relicensing processes, and require attendance by a representative of  
12 each school, seminar or workshop;

13           11. Develop and present or arrange for the presentation of  
14 optional training for schools to emphasize continuing development of  
15 school personnel and processes and to address emerging issues;

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

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

1 14. Conduct announced or unannounced site visits to an  
2 applicant or licensed school or seminar including joint visits with  
3 an accrediting organization or federal or state agency;

4 15. Invoice a travel fee to conduct site visits to an  
5 applicant, school, seminar or workshop;

6 16. Collect or require the submission of data, including but  
7 not limited to:

8 a. admissions,

9 b. certification scores or passage rates,

10 c. complaints or grievances,

11 d. enrollment,

12 e. funding,

13 f. graduation,

14 g. job longevity or retention,

15 h. job placement,

16 i. data required to be reported to the U.S. Department of  
17 Education, any state or federal agency or an  
18 accrediting organization, and

19 j. other data, as necessary, to carry on the mission or  
20 duties of the Board, or to assist in the state's  
21 workforce development initiatives; and

22 17. Carry out such other duties as necessary to provide state  
23 authorization for private vocational schools, seminars, and  
24

1 workshops and such other schools that make offerings of courses or  
2 programs as permitted by Section 21-101 et seq. of this title.

3 SECTION 2. AMENDATORY 70 O.S. 2021, Section 21-105.2, is  
4 amended to read as follows:

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

18 1. Physical copies;

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

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

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

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

18       SECTION 3. This act shall become effective July 1, 2022.

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

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24       58-2-2981

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