

OBPVS

OKLAHOMA BOARD OF PRIVATE VOCATIONAL SCHOOLS
 3700 NORTH CLASSEN BLVD., SUITE 250; OKLAHOMA CITY, OKLAHOMA 73118
 Telephone: 405-528-3370 Facsimile: 405-528-3366

TO: Persons Interested in Applying for an Oklahoma License or a Licensing Exemption
RE: APPLICATION INSTRUCTIONS

Thank you for your inquiry regarding the requirements to operate a private vocational school or seminar lawfully in Oklahoma *or on-line or by correspondence to Oklahoma residents.*

Importance of Obtaining a License of State Authorization - It is important to keep in mind that in accordance with **Title 70 O.S. §-21-103, A.** (see **Form 1330CM**):

“It shall be unlawful to establish, *conduct*, operate or maintain a private school or to solicit or canvass for scholarships or tuition to a private school unless a license to operate such school has been issued by the Board and is in effect. The Board shall issue a private school license upon determination that such school meets the standards fixed by the Board. A private school shall be issued only one license, regardless of the number of locations operated by such school.”

If by chance you have begun to operate prior to applying for or receiving state authorization, contact the Oklahoma Board of Private Vocational Schools ("OBPVS") right away for assistance to make a good-faith effort to comply by promptly applying and obtaining a license of state authorization.

If you previously obtained a licensing Packet, changes occurred when OBPVS Rule Changes became effective on September 12, 2016. **Form 1400** was replaced by these Instructions (**Form 1440CM**) and Applicants shall now submit:

1. **Form 1450CM**, as the actual Application
2. An Organizational Chart
3. Financial Projections for a minimum of (3) Months. For additional information, refer to page 5 of the **Form 1450CM, Section IV., Item D.**
4. Prior to licensing, Applicants physically located in Oklahoma are required to receive an on-site visit. The OBPVS will make an appointment with the Applicant in advance of the inspection, rather than making a surprise visit. The visit is anticipated to last approximately one-half day.

Miscellaneous Application Details - The Application and other OBPVS Forms are form-fill protected and may be word-processed or neatly hand-written. When submitting an Application, it is **not** necessary to return these Instructions.

Instruction Contents

	<u>PAGE</u>
A. Alternative Packet Formats	2
B. How to Apply for an Exemption to Licensing when All Criterion are Met	2
C. Process and Steps to Apply for State Authorization	3 to 5
D. Tips & Pointers	5 and 6
E. OBPVS Staff Contact Information	7

A. Alternative Packet Formats

The license application packet has either come to you in hard-copy format, because you prepaid the statutory fee of \$25.00, or it was transmitted electronically, free of a charge. Both packet formats provide Explanatory Materials and the actual Forms required to apply. *If you received a hard-copy and would like the electronic version, with fill-able/protected Forms*, please contact the OBPVS Office. On the other hand, *if you received the electronic version and choose not to print so many files and pages*, please submit a Check, Money Order, or Cashier's Check payable to the Oklahoma Board of Private Vocational Schools (or OBPVS), **TIN #73-6017987**.

B. How to Apply for an Exemption to Licensing

Getting started: Review **Title 70 O.S. §21-101.1** that is provided in **Form 1330CM** and the Exemption Decision Tree 1-of-2 on **Form 1343CM** that were provided in both formats of the licensing packet. If **all elements** of an exemption requirement appear to be met, you are welcome to contact the OBPVS Staff to discuss the matter.

Requesting - A written request is required that the Staff researches then provides to the Board for consideration at one of its upcoming public Board meetings. The written request may be transmitted to the OBPVS electronically, via Facsimile, regular or Courier mail, or hand-delivered. The Requestor does not have to appear before the Board. Instead, Board members conduct their own "paper" reviews and an Internet search, when applicable. The written request for Exemption should include the following, at a minimum:

- Identity of the entity making the offering of a program and the Entity's Owner, if different.
- Website(s) of the Entity and Owner
- Narrative description of offering, any fees, and the eligible training participants or "students"
- Who would pay the Entity for training
- The specific exemption being requested in accordance with **Title 70 O.S. §21-101.1**, effective 08/22/2014; and
- A copy of an existing brochure or the proposed offering materials that describe the training and its eligible participants.

Approval Process - In general, by State Law, the authority to approve an exemption request is reserved for the Board.

- For rare, infrequent, or unique Exemptions or training-topics, the Board review will be the most extensive prior to decision making. The first time(s) the Board meets to review such a request, the Staff may be asked to obtain answers to specific questions for further consideration by the Board at a subsequent meeting. What that means is that when questions remain to be answered, a Board approval/disapproval decision is tabled or pended until the next meeting, at a minimum.
- However, for certain repetitive Exemption types,¹ the Director is authorized to issue a preliminary approval decision for the Exemption Request. Then, at the next regularly scheduled Board meeting, an Agenda item will ask the Board to discuss the request and consider action including ratification of the Director's action.

An Exemption Lasts Indefinitely - Following receipt of an Exemption Approval, the OBPVS recommends that the recipient check back with the Agency approximately every 2 years, in late summer, to confirm that the OBPVS Enabling Statue was not revised by the Legislature and is still valid.

¹ The best example of a repetitive Exemption request, i.e. the most frequently requested Exemption, is the one for an Employer who provides and pays for training with no bill-back to Employees. This type of training is often provided for security guards to become CLEET-certified.

C. Process/Steps to Apply for a License of State Authorization

Step #1: If no Exemption appears relevant, decide whether it is appropriate to apply to the OBPVS as a School or as a Seminar

Review the Licensing Decision Tree 2-of-2 (**Form 1345CM**) and the Rules found at **OAC 565:10-23** in **Form 1390CM**. Think of a Seminar as a *type of School*. Very specific requirements must be met to qualify as a Seminar. When an Applicant is eligible and the license for State Authorization is issued *as a Seminar*, then the filing of future changes becomes somewhat simplified and, at the present time, no Catalog Review Fee applies. But it is NOT a permanent election! A Seminar may change its operations and later become a non-Seminar School if and when its circumstances change. Again, an entity is welcome to contact the OBPVS to discuss Seminar vs. School factors.

STEP #2: Time and Deadlines to Complete an Application

The Applicant may take as long as needed to attempt to properly **COMPLETE ALL** relevant **Forms and Attachments prior to submission**. However, if the Agency publishes new Forms or revises existing Forms during either the Applicant's time preparing either its submission or the Agency's review period, the OBPVS *reserves* the right to require the revised or added items to be filed. **After an Application is initially received by the OBPVS, a time limit for ultimate completion by the Applicant is imposed under OAC 565:10-15-1(2)**. The time limit requires the Applicant *to complete the application as follows*, "The application of a school may be disapproved when the school does not meet one or more of the following: Has not submitted all licensing requirements **within 120 days** from the time of submitting an application."

Additional Thirty Day Deadlines - If an Applicant expects to use a Solicitor(s) and the OBPVS transmits an inquiry regarding a Solicitor application, **OAC 565:10-15-2** requires ***a denial to be issued*** when the School or Solicitor does not respond within (30) days. Incomplete Solicitor **Forms 1155CM, 1180CM or 1190CM** also cannot be returned for correction or completion more than twice in the (30) days.

STEP #3: Additional Application Preparation Resources

As Staff time permits, the OBPVS will fulfill written (email accepted) requests to provide a sample of some or all of an existing, licensed School or Seminar's Application. By law in **Title 51 O.S. §24 A.5., 3.**, the charge for copies is \$0.25/page. However, an individual School or Seminar's Financial Statements are confidential and cannot be shared without the School being given the opportunity defend the proprietary nature of its information.

STEP #4: Preparing the Application

The Applicant should strive to submit the entire Application to the OBPVS at the same time, including the non-refundable Application Fee. Fee details are found in **Title 70 O.S. §21-106**. The fee is set at \$1,200.00 for a New Main School or Seminar. The fee for an initial School or Seminar Branch is \$300.00. A variable of \$200.00/person arises IF a School or Seminar intends to use Outside Representatives or Solicitors. The initial Application submission to the OBPVS must be made in a hard-copy format. Fees are payable by Check, Money Order, or Cashier's Check.

- **The OBPVS review usually will not start until the Application is complete.** That is, the Application will not be assigned its spot in the line of New Applications to be reviewed until a good faith effort has been made by the Applicant to provide a thorough and complete Application.
- ***DRAFT forms of certain documents in the Application are permitted, and are, in fact, encouraged!*** For complex items such as the Catalog or Enrollment Agreement, ***DRAFTS***² may be submitted to the OBPVS. That's because of the likelihood that revisions will be required by the Agency! **This means, for example, that the Applicant should NOT go to the expense or take the time to produce a glossy, multi-colored version of the Catalog or a self-carboning multiple copies version of the Enrollment Agreement for the initial OBPVS reviews.** Instead, a plain white paper version may be filed. Allowed drafts do **not** cause an Application to be treated as, "incomplete." After the OBPVS' final approval, the Applicant is **then required** to submit a final, fully formatted version for the OBPVS to retain in its files that. In the case of a Catalog, the **final** Catalog must be signed-off as to being "true and correct" by the Applicant's Authorized Administrative Official.
- **Checklists** - Be sure to make use of the Financial Statement and New Application Checklists found in **Form 1450CM** at Sections V. and VIII. on pages 6 and 9, respectively!
- **Notebooks aren't Necessary** - It is **not** necessary for an Applicant to punch holes and place the full Application in a Notebook. Instead, if the submission is large, the OBPVS encourages the Applicant to make its submission using one or more expandable/accordion files.
- **Receipt of the Fee(s)** - Unless a specific request for a receipt is made to the OBPVS, the Applicant's cancelled check or other form of payment serves as the Applicant's receipt. Application fees are non-refundable in accordance with **OAC 565:10-5-5**.
- **Confidentiality** - During the OBPVS Staff and/or Board review(s), that is while the review(s) is taking place, an Application is not considered a Public Record document. After the Application's final determination is made, the Application, except for its Financial Statements, becomes a Public Record document available for public inspection.

STEP #5: Initial Staff Reviews

Application reviews are conducted in the chronological order of receipt. Following the initial Staff review, it is likely that the Staff will identify an element(s) of one or more documents that require additional explanation, revision, or the provision of additional documentation. Unless directed otherwise, the OBPVS will communicate requests for clarification or items to be revised/added to the Applicant's Authorized Administrative Official using the electronic mail address provided on the Application (**Form 1450CM, Page 2**).

Generally, Staff review comments will be communicated as a single unit to address all elements of the application, rather than one document at a time. Application documents needing additional information revision, clarification or additional work will be identified and questions grouped together, by document.

STEP #6: Approval Methods and Duration of an Approved License

- The Staff may approve New School and New Seminar Applications that meet all regulatory requirements and follow previously established precedents. When an Application presents a possible

² Here, a "DRAFT" means a legible document that has not taken to the stage or expense of final formatting or commercial printing.

exception to or expansion of a precedent, the Board will be specifically asked to review the Application. The Board typically meets at least ten (10) times a year. An Applicant will be notified when an item is placed on the Board's Agenda and may *choose* (an option) to attend the Board Meeting to be present to answer potential questions from Board Member.

- **The License Documents the OBPVS Issues** – There are various forms of documentation used to signify an Applicant's approval(s):
 - When a **Main School or Seminar** Application is approved, a frame-able License of State Authorization is issued and a separate Approval Letter details the specific courses/programs the School or Seminar is approved to offer, the length of the Programs, and the cost.
 - A **Branch School/Seminar** falls under the Main School's/Seminar's physical license, so only an Approval Letter is issued.
 - When a **Solicitor** is approved, an Approval letter and a wallet-sized identity card are issued.
- **Length of License** - By law, a license runs through June 30th of the following year. An ANNUAL Relicensing Application and its Fee(s) are due on/by June 1st.³
- **Important Regulations to Keep in Mind AFTER Receipt of a License**
 - Each Winter/Spring the OBPVS hosts a series of mandatory Workshops. New Schools or Seminars are encouraged to send the School's Authorized Administrative Official and/or Director for at least the first several years of licensing to meet the statutory requirement in **Title 70 O.S. §106, C., 5.** that, "A fee of One Hundred Dollars (\$100.00) shall be paid by each school to the Board for attendance at a school workshop by any of the school's personnel. At least one person from each school who is responsible for the operation of the school shall be required to participate in an annual workshop conducted by the Board."
 - **Alert!** - After licensing, certain proposed changes are **REQUIRED** to be submitted to the OBPVS for **ADVANCE** approval. If you deal with another State(s), be aware that Oklahoma does **not** recognize, "Non-Substantive Changes" like some other States do. Items to be submitted for approval include: a Change of Location, School Catalog or Enrollment Agreement changes, and Seminar Brochure or Registration Form changes. The various changes are submitted throughout the license year **in advance of the change**. Instructor, [Campus] Director or Authorized Administrative Official changes are to be submitted within thirty (30) days **after** hire, and changes to an Instructor's assigned classes are to be submitted within (30) days of the change.

C. Tips and Pointers

- **Checklists are found** at Sections V. and VIII. of Application **Form 1450CM**. **USE them!**
- Keep **Solicitor Photos small enough to be laminated**, for the wallet-sized license card!
- **Number of Various Forms to Submit as part of the Application** –
 - **Form 1150 CM** – The same person may serve as the [Campus] Director and the Authorized Administrative Official ("AAO"). The Director serves as the OBPVS on-site Contact, while the AAO serves as the Application and on-going compliance Contact and need NOT office at the School or Seminar's Main Campus. If one person fills both roles, submit one set of **Forms 1150CM/1155CM**.

³ When a Relicensing Application and its Fee(s) are submitted timely (by June 1st) Title 75 O.S. §314 allows the existing (prior) license to remain in-place until the OBPVS finally acts to make a determination about the renewal application. This will occur sometimes with the OBPVS' small Staff. But, during the period of continuance, the Agency will rapidly issue a letter to allow the School to prove valid licensure to any third-party needing such documentation.

- **If an individual performs multiple roles**, only one **Form 1155CM** [Felony Background in accordance with **OAC 565:10-11(b)**] needs to be submitted (and updated annually as part of relicensing for all Roles), including:
 - **Owner** that is a Single Proprietor, each Partnership's Partner, or each LLC Manager
 - **Instructor**
 - **Solicitor**
 - **Director** and/or **AAO**.
- **Form 1190CM** – Is a once in history requirement for Citizens that that does not have to be updated during annual relicensing, but will be updated each year by Qualified Aliens whose status may change from year-to-year. A **Form 1190CM** needs to be submitted for each:
 - **Owner** that is a Single Proprietor, each Partner of a Partnership, or each LLC Manager
 - **Solicitor**.
- **Form Signature & NOTARY Requirements** - Forms to submit with one or more signature(s) are listed below with the number of required Signatures shown. Required notarization is also summarized.⁴
 - **1130CM** – List of Instructors. **One** signature.
 - **1140CM** – Instructor Qualification Record. **One** signature
 - **1145CM** – Course Assignments to Instructor. **Two** signatures.
 - **1150CM** – Director /Authorized Administrative Official Qualification Record – **One** signature.
 - **1155CM** – **One** signature **NOTARIZED**.
 - **1160CM** – Application for Private School Bond. **School Owner/Official signature (with no Notary required)**, plus multiple possible signatures by the Surety Company and/or Power of Attorney with the signature for the Attorney In fact or the Power of Attorney for the Surety Company (as applicable) to be **NOTARIZED**.
 - **1180CM** - Private School Solicitor License. **Two** signatures.
 - **1190CM** – Citizenship or Qualified Alien Affidavit. **One** signature **NOTARIZED** when a School Seminar is applying for its first license of State Authorization by each of the following persons:
 - **Owner** that is a Single Proprietor, each Partner of a Partnership, or each LLC Manager
 - **Solicitor**
 - **1270CM** – Collateral Agreement Governing Certificate of Deposit, when not submitting a Surety Bond – **Two Signatures** are required from 1) the **Oklahoma** Bank or Savings and Loan and 2) the School Official. Both of those signatures are to be **NOTARIZED**. When the School or Seminar is approved, the Director of the OBPVS will then sign the original Collateral Agreement. The OBPVS original will mail the Director-signed:
 - Original directly to the Bank or Savings and Loan, and
 - A courtesy copy to the School or Seminar for its records.
 - **1450CM** – Application for a New License of State Authorization by a main or Branch School or a main Seminar or Branch Seminar. **One** signature **NOTARIZED**.
 - **1380CM** – Financial Statement Attestation for Compilation-type Financial Statements **ONLY**. **One** signature **NOTARIZED**.

⁴ The Applicant might consider copying just THIS page of the Application for its own use, then asking someone with a "fresh set of eyes" to double check that all signatures have been obtained and to be certain that the required Notarizations have been completed.

D. **OBPVS Staff Contact Information** – The Agency receives the most inquiries about Exemptions, Certificates of Deposits, Financial Statements, Surety Bonds, and Catalog and Enrollment Agreement drafting. Exemptions are addressed in the Enabling Statute at **Title 70 O.S. §21-101.1**. The other frequent topics are addressed by Rule Sections in **OAC 565:10**. You are *encouraged* to contact the OBPVS Staff member for additional information about Oklahoma's approval process or other requirements.

- Staff Telephone: **405/528-3370** Staff Facsimile: **405/528-3366**
- Address: **3700 N. Classen, Ste. 250; Oklahoma City, OK 73118.**
- With the OBPVS' small Staff now charged with conducting on-site inspections of New School Applicant facilities in Oklahoma and sometimes being required to take their own mandatory training, **please always call-first to make sure the Staff will be in the office when you plan to arrive, not conducting inspections or off-site for some other reason!**
- **Staff Persons and Emails:**
 - **Cory Lawson**, Compliance Administrator (Desk Reviewer) and Field Rep. (Inspector)
 - **Licensing questions of all types may be submitted to Cory.**
cory.lawson@obpvs.ok.gov (and copy nhouse@obpvs.ok.gov)
 - **Angela ("Angie") Moore**, Licensing Administrator and Secretary to the Board.
 - **Please submit Instructor Qualification and Solicitor questions to Angie.**
angela.moore@obpvs.ok.gov (and copy nhouse@obpvs.ok.gov)
 - **Nora House**, Director: nhouse@obpvs.ok.gov

[END OF INSTRUCTIONS]