

OFFICIAL

Oklahoma Administrative Code

**2016
EDITION**

A Compilation of Permanent Rules
Including updates filed with the Secretary of State as of August 15, 2016

Title 565

Oklahoma Board of Private Vocational Schools

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Preface

This Title publication has been extracted from the *2016 Edition* of the *Oklahoma Administrative Code (OAC)*, which supersedes all previous editions and supplements to the *OAC*. The *OAC*, prepared under the authority of 75 O.S., § 256, comprises the only *official* publication of Oklahoma's permanent rules and executive orders. The *2016 Edition* is a compilation of permanent rules that have been issued by agencies, as well as Executive Orders issued by the Governor, and includes updates filed with the Secretary of State as of August 15, 2016.

Full editions of the *OAC* are published every five years, and between full edition publications, cumulative supplements are published annually. Also, until each year's edition or supplement is published at the end of the year, the semi-monthly issues of *The Oklahoma Register* serve as additional official supplementation. At any given point in time, therefore, **current rules can be found** by checking the latest full edition of the *OAC* and the latest cumulative annual supplement, and by checking issues of the *Register* for permanent, preemptive, and emergency rule updates filed with the Secretary of State after the August 15 closing date for the latest annual *OAC* publication (full edition or supplement).

The *OAC*, its supplements, and the semi-monthly issues of the *Register* are available for public inspection at Oklahoma's depository libraries [as designated by the Oklahoma Department of Libraries at <http://libraries.ok.gov/state-government/publications/depository-library-system/>], as well as at many County Clerks' offices around the state. They are also available at the Jan Eric Cartwright Memorial Law Library in the State Capitol Building and at the Secretary of State's Office of Administrative Rules.

OAC publications are also available for purchase. Each edition and each supplement can be purchased as a full set or by individual Title. Full set publications include a comprehensive *General Index*, and individual Title publications include a Title index. A *User's Guide to the OAC* is also available, and may be purchased separately.

For additional information about the *OAC*, or to order the *2016 Edition* or individual Titles, earlier *OAC* publications, the *General Index*, the *User's Guide*, or *The Oklahoma Register*, contact the Office of Administrative Rules:

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Secretary of State
421 NW 13th Street, Suite 220
Oklahoma City, OK 73103-3701
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<https://www.sos.ok.gov/oar>

How to cite the *OAC* and its supplements

- To cite the *most recent* codification of a Section or Appendix in the *OAC*, do not cite a publication date. For example:

OAC 165:56-5-3
OAC 165:56, Appendix C

- To cite a *specific* codification of a Section or Appendix in the *OAC*, cite to the specific publication date. For example:

OAC (2016) 165:56-5-3
OAC (2016) 165:56, Appendix C

OAC (2015 Supp.) 165:56-5-3
OAC (2015 Supp.) 165:56, Appendix C

OAC (2014 Supp.) 165:56-5-3
OAC (2014 Supp.) 165:56, Appendix C

OAC (2013 Supp.) 165:56-5-3
OAC (2013 Supp.) 165:56, Appendix C

OAC (2012 Supp.) 165:56-5-3
OAC (2012 Supp.) 165:56, Appendix C

OAC (2011) 165:56-5-3
OAC (2011) 165:56, Appendix C

- For information about citing Parts, Subchapters, Chapters, and Titles in the *OAC*, see the *User's Guide to the OAC*.

TITLE 565. OKLAHOMA BOARD OF PRIVATE VOCATIONAL SCHOOLS

Chapter	Section
1. Administrative Operations	565:1-1-1
10. Licensure and Regulation of Private Vocational Schools and Representatives	565:10-1-1

CHAPTER 1. ADMINISTRATIVE OPERATIONS

Subchapter	Section
1. General Provisions	565:1-1-1
3. Formal and Informal Procedures	565:1-3-1

[Authority: 70 O.S., §§ 21-101 et seq.]
 [Source: Codified 7-13-95]

SUBCHAPTER 1. GENERAL PROVISIONS

Section	Purpose
565:1-1-1.	Purpose
565:1-1-2.	Organization
565:1-1-3.	Severability
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565:1-1-1. Purpose

The purpose of this chapter is to explain the structure of the Oklahoma Board of Private Vocational Schools (OBPVS) and to establish policies to implement the authorities under the Enabling Statute.

[Source: Added at 12 Ok Reg 2901, eff 7-13-95; Amended at 32 Ok Reg 2145, eff 9-11-15]

565:1-1-2. Organization

(a) Board. The Oklahoma Board of Private Vocational Schools (OBPVS) is the governing agency and administrative authority for the enforcement of the laws governing licensing and regulating of private vocational schools. The statutory authority for the Board is 70 O.S. §21-102.

(b) Board staff. The Board is authorized to appoint and fix the compensation of a Director. The Director shall employ and fix the duties and compensation of such clerical or other assistants as are reasonably necessary to effectuate the provisions of the OBPVS' duties. Because the Board is the final administrative authority for the administration of the law, such administrative responsibilities necessary to carry out the duties of the Board may be assigned to the Director. However, the Board shall be consulted and advised on a continuous basis by the Director on matters relating to the administration of the law. The Board shall act in formal session on matters involving the administration of the law at such times as the Board and the Director may decide the gravity of a situation requires such action.

[Source: Added at 12 Ok Reg 2901, eff 7-13-95; Amended at 15 Ok Reg 2781, eff 7-1-98; Amended at 32 Ok Reg 2145, eff 9-11-15]

565:1-1-3. Severability

If a court of competent jurisdiction finds any rule or part of a rule in this title to be unenforceable, it shall not impair or invalidate the remaining rules. The remaining rules shall be valid and enforceable to the fullest extent allowed by law.

[Source: Added at 12 Ok Reg 2901, eff 7-13-95; Amended at 32 Ok Reg 2145, eff 9-11-15]

565:1-1-4. Meetings

The Board may hold regular, special, and emergency meetings. Meeting dates will be filed with the Secretary of State and agendas will be posted as required by the Open Meetings Act. A minimum of five members must be present to constitute a quorum for the transaction of business and a majority vote of those present shall be necessary to approve a motion before the Board. For the exclusive action of approving a prior meeting's Board minutes draft, only a simple majority vote of those Board members who attended both of the meetings is required. If a majority cannot be attained, the minutes draft shall be held over to a later meeting. All meetings are open to the public. Meetings shall be held and notices posted in strict accordance with the Open Meeting Law [25 O.S. 301 et seq., as amended]. The Chair, or Co-Chair in the absence of the Chair, may cancel or reschedule any meeting of the Board due to an anticipated lack of quorum, inclement weather, or other emergency. Notice of cancellation shall be posted as soon as reasonably possible.

[Source: Added at 12 Ok Reg 2901, eff 7-13-95; Amended at 32 Ok Reg 2145, eff 9-11-15]

565:1-1-5. Meeting minutes

A summary shall be made of all proceedings before the Board which shall show the members present, all matters considered, all actions taken, and the vote of each member on any action. The minutes shall be made public.

[Source: Added at 12 Ok Reg 2901, eff 7-13-95]

565:1-1-6. Location for information and for filing

(a) **Location.** The address and telephone number for communication with the Oklahoma Board of Private Vocational Schools is: Oklahoma Board of Private Vocational Schools; 3700 N. Classen Boulevard, Suite 250; Oklahoma City, OK 73118-2864; Telephone (405) 528-3370

(b) **Hours of operation.** The normal business hours are 8:00 a.m. to 4:30 p.m., Monday through Friday.

(c) **Filing procedure.** Anyone may file a document by mail or hand-delivery during normal business hours. The filing date is the date the document is received, not the date it is mailed or postmarked. Except when an original document or original signature is required on a document, whenever possible, the OBPVS shall accept readable facsimile or electronically mailed documents. Generally, if an electronic submission is accepted, the original shall not subsequently have to be mailed or hand-delivered unless the person submitting the electronic version is specifically advised, by the OBPVS staff, to file the original. However, due to unusual, rare, or odd circumstances, facsimile or electronic submissions shall be accepted by the OBPVS to stop the passage of time and to allow a person or entity to tentatively meet a deadline. In these cases, the original document(s) shall subsequently be provided within an additional reasonable period of time.

[Source: Added at 12 Ok Reg 2901, eff 7-13-95; Amended at 22 Ok Reg 2606, eff 7-11-05; Amended at 32 Ok Reg 2145, eff 9-11-15]

565:1-1-7. Records

(a) **Records retention and disposition.** Documents are retained by the OBPVS for at least the minimum amount of time required by state law that applies to archives and records. A records disposition schedules listing retention periods for each record is available upon request to the OBPVS.

(b) **Confidential and open records.** Most records are available for public inspection and release, but some are not. The records that are not available for general public access are records that laws require or permit the Board to keep confidential. In general, only the financial statements of an applicant or licensed school are retained as confidential and may be released only upon presentation of a proper Subpoena and allowing the original filer to defend the confidential nature of the filing in hearing for individual proceeding or through declaratory ruling in accordance with 565:1-3-3 or 565:1-3-4, respectively.

(c) **Inspection and release of records.** People may inspect and request a copy of a record that is not confidential during regular business hours according to procedures that protect the integrity and organization of the records. All requests shall be given prompt attention. However, to prevent disruption of the OBPVS' essential functions, requests for copies of large or extensive files shall be scheduled for fulfillment, by staff, at a later date.

(d) **Copy fees.** The OBPVS shall charge fees that are consistent with 51, O.S. § 24A.5 of the Oklahoma Statutes. The amount of fee shall be clearly posted in the Board's office.

[Source: Added at 12 Ok Reg 2901, eff 7-13-95; Amended at 32 Ok Reg 2145, eff 9-11-15]

565:1-1-8. Forms and instructions

Other chapters in this title contain references to forms and instructions. Blank forms and completion and submission instructions may be obtained by contacting the OBPVS office.

Provisions may include, but not be limited to, electronic transmission, referral to electronic availability on a website, or hard copy transmission via mail, courier pick-up at the expense of the forms' requester, or facsimile.

[Source: Added at 12 Ok Reg 2901, eff 7-13-95; Amended at 32 Ok Reg 2145, eff 9-11-15]

565:1-1-9. Rulemaking

The Board complies with the rule making procedures in the Administrative Procedures Act as contained in Title 75 of the Oklahoma Statutes.

[Source: Added at 12 Ok Reg 2901, eff 7-13-95]

SUBCHAPTER 3. FORMAL AND INFORMAL PROCEDURES

Section

565:1-3-1.	Right of Director to initiate action
565:1-3-2.	Complaints
565:1-3-3.	Hearings for individual proceedings
565:1-3-4.	Requests for declaratory ruling

565:1-3-1. Right of Director to initiate action

The Director may take whatever action is authorized by the rules in this title and the Oklahoma Statutes to carry out the duties and objectives of the Oklahoma Board of Private Vocational Schools (OBPVS). The Director may use formal or informal procedures, such as telephone calls, letters, meetings, investigations or other appropriate methods to resolve problems or concerns.

[Source: Added at 12 Ok Reg 2901, eff 7-13-95; Amended at 32 Ok Reg 2145, eff 9-11-15]

565:1-3-2. Complaints

(a) **Student complaints.** A student with a grievance against a school in which they are or have been enrolled, may file a complaint with the OBPVS if they feel the school has not met the conditions outlined in the catalog or contract and the grievance cannot be settled through proper school officials. The complaint shall be in writing and shall contain at least the following information.

- (1) The name, address and telephone number of the person making the complaint;
- (2) The name and address of the school;
- (3) The course enrolled and starting date of class;
- (4) A brief, clear description of the complaint(s) including detailed information regarding names of instructors, school personnel, type of equipment, class involved, or the specific part of catalog or enrollment agreement which may be involved in the complaint;
- (5) Documents supporting the complaint, such as copies of the contract and enrollment agreement, receipts of payments made, letters or other correspondence relating to the complaint, or copies of electronic communications;

- (6) The remedy, if any, that the person is seeking;
 - (7) A statement authorizing the release of whatever information may be necessary to investigate the complaint;
 - (8) The signature of the person making the complaint and the date of the complaint.
- (b) **Rejection of complaint.** If the complaint is repetitive or concerns a matter that has already been resolved, if required information is not provided by the complainant, or a matter outside the OBPVS' authority, the complaint may be rejected by the OBPVS.
- (c) **School response.** The OBPVS Director may provide the school with written notice of the complaint and provide an opportunity to respond in writing. The response must contain the following information:
- (1) The name, and title of the person responding to the complaint;
 - (2) The name and address of the school;
 - (3) A specific admission, denial, or explanation of the allegations made in the complaint;
 - (4) A clear description of the facts including specific information regarding names, dates, places, and previous actions relating to the complaint;
 - (5) Attachment(s) of beneficial supporting documentation, if any;
 - (6) The signature of the person responding; and
 - (7) The date the response is completed.
- (d) **Follow-up to a response(s).** Following the OBPVS receipt of a response, the OBPVS may require the complainant or the school to provide additional information or feedback which is to be provided within thirty (30) days or less.
- (e) **Methods of complaint investigation.** The Director may assign the complaint to be investigated using informal procedures, such as telephone calls, or require letters, meetings, mediation, investigations or other appropriate procedures.
- (f) **Filing period.** A complaint may be filed with the OBPVS following the conclusion of a school's internal grievance procedure. The complaint shall be filed with the OBPVS by no longer than one year, unless there are extenuating circumstances, from when the action that gave rise to the complaint occurred, the student's withdrawal or termination from the school, or the exhaustion of the school's grievance procedure.
- (D) A short plain statement of the matters asserted. If such statement of the issues is not sufficient, upon application a more definite and detailed statement shall be furnished.
- (E) A reference to the particular sections of the statutes and/or rules involved.
- (3) **Witnesses.** The Board shall have the power to subpoena witnesses and administer oaths, or to subpoena documentary evidence in any cause before it. All subpoenas shall be served in the manner as if issued from district court. Any person or party to a hearing before the Board who may be adversely affected by the order of the Board shall have the right to have subpoenas issued to any witnesses in its behalf.
- (4) **Hearings to be open.** All hearings shall be open to the public.
- (5) **Right to counsel.** Any person affected by the hearing shall have the right to appear in person and by counsel, provided, however, that such counsel representing the party, must be duly licensed to practice law by the Supreme Court of Oklahoma and may be present during the giving of evidence, may have a reasonable opportunity to examine and inspect all documentary evidence, may examine witnesses, and present evidence in his own behalf.
- (6) **Rules of evidence.** The formal rules of pleading and evidence need not be observed. Documentary evidence may be received in the form of copies or excerpts if the original is not readily available and upon request, a party shall be given an opportunity to compare the copy with the original. Notice may be taken of judicially cognizable facts and of generally recognized technical or scientific facts within the specialized knowledge of the Board. The Board's experience, technical competence and specialized knowledge shall be utilized in the evaluation of evidence.
- (7) **Transcript of hearing.** Upon written request reasonably made by any person affected by the hearing, and at such person's expense, a full stenographic record of the proceedings shall be made by a competent court reporter. When such transcription shall be made a part of the record of the Board, any other person having a direct interest therein shall be furnished with a copy of such stenographic record at their expense.

[Source: Added at 12 Ok Reg 2901, eff 7-13-95; Amended at 32 Ok Reg 2145, eff 9-11-15; Amended at 33 Ok Reg 1794, eff 9-12-16]

565:1-3-3. Hearings for individual proceedings

Hearing for individual proceedings shall be in accordance with the Administrative Procedures Act and the following procedures:

- (1) **Notice of hearing.** Notice of all hearings shall be given by the Board not less than twenty days in advance thereof to all persons directly affected by such a hearing.
- (2) **Contents of notice.**
 - (A) The time and place of hearing.
 - (B) A statement of the matters to be considered.
 - (C) A statement of the legal authority and jurisdiction under which the hearing is to be held.
- (8) **Content of the record.**
 - (A) All pleadings, motions and intermediate rulings.
 - (B) All evidence received or considered including a statement of matters officially noted.
 - (C) Questions or offers of proof, objections and rulings thereon.
 - (D) Proposed finding and exceptions.
 - (E) The decision, opinion, report or order of the Board.
- (9) **Findings of fact.** All findings of fact shall be based exclusively on the evidence presented and on matters officially noticed. A final order adverse to a party in an individual proceeding shall be in writing or stated in the record. A final order shall include findings of fact and

conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If, upon request, a party submits proposed findings of fact, the order shall include a ruling upon each proposed finding. Parties shall be notified either personally or by mail of any order. Upon request, a copy of the order shall be delivered or mailed forthwith to each party and to their attorney of record.

(10) **Rehearings.**

(A) At the discretion of the Board a rehearing may be granted to any party if a written request is made therefore within ten days after any order is mailed or delivered to the person entitled to receive same. In the request for rehearing the party shall set forth one or more of the following grounds:

- (i) Newly discovered or newly available evidence relevant to the issues.
- (ii) Need for additional evidence to adequately develop the facts essential to a proper decision.
- (iii) Probable error committed by the Board in the proceeding or in its decision such as would be ground for reversal on judicial review of the order.
- (iv) Need for further consideration of the issues and the evidence in the public interest: or
- (v) A showing that issues not previously considered by the OBPVS ought to be considered by the Board in order to properly conclude the matter.

(B) Nothing in these rules shall prevent the Board from rehearing, reopening or reconsidering any matter in accordance with other statutory provisions applicable to the Board, or at any time, on the grounds of fraudulent practices by the prevailing party or of procurement of the order by perjured testimony or fictitious evidence.

(11) **Matter to be considered upon rehearings.** On rehearing, the hearing shall be confined to those grounds upon which the rehearing was granted.

[Source: Added at 12 Ok Reg 2901, eff 7-13-95; Amended at 32 Ok Reg 2145, eff 9-11-15]

565:1-3-4. Requests for declaratory ruling

(a) **Filing of petition for declaratory ruling.** All requests for declaratory rulings as to the applicability of any rule or order of the Board shall be made by filing a petition with the Board requesting such ruling.

(b) **Contents of petition for declaratory ruling.** The petition shall identify the rule or order questioned, the date on which such rule or order became effective, and shall set forth the contents of the rule or order. The petition shall include a brief statement of the issue or issues raised by the rule or order which caused such requests to be made, and a statement as to the petitioner's personal interest in the ruling of the Board and how such ruling by the Board will affect that interest.

(c) **Consideration by the Board.** Upon receipt of the petition, the Board shall consider the request at the next regularly scheduled Board meeting.

(d) **Presentation and argument.** The Board may entertain oral presentation or argument on the request of the petitioner and, on its own motion, may request such argument and presentation.

(e) **Decision of the Board.** On considering the petition, the Board may refuse to issue a declaratory ruling, may decide the issue and determine the validity of the rule or order or the applicability to the petitioner of the rule or order.

(f) **Appeals from declaratory rulings.** Appeals from declaratory rulings of the Board may be taken in a manner consistent with the State's Administrative Procedures Act.

[Source: Added at 15 Ok Reg 2781, eff 7-1-98; Amended at 32 Ok Reg 2145, eff 9-11-15]

CHAPTER 10. LICENSURE AND REGULATION OF PRIVATE VOCATIONAL SCHOOLS AND REPRESENTATIVES

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5. Fees	565:10-5-1
7. Facilities and Equipment	565:10-7-1
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11. School Operation	565:10-11-1
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15. Denial and Appeal	565:10-15-1
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19. Penalty	565:10-19-1
21. Evaluation	565:10-21-1
23. Seminars or Workshops	565:10-23-1
25. Flight Schools [REVOKED]	565:10-25-1
27. Financial Statements and Financial Stability	565:10-27-1
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[Authority: 70 O.S. §§ 21-101 et seq.]
 [Source: Codified 12-30-91]

SUBCHAPTER 1. GENERAL PROVISIONS

Section	Purpose
565:10-1-1.	Purpose
565:10-1-2.	Definitions
565:10-1-3.	Schools required to license
565:10-1-4.	Due date and duration of license

565:10-1-1. Purpose

The rules of 565:10 have been adopted as provided in 70 O.S. §21-102.1.2(2), for the purpose of establishing minimum standards for the establishment, licensing and operation of private vocational schools and reasonable rules and regulations for the implementation of the minimum standards by the Oklahoma Board of Private Vocational Schools (OBPVS).

[Source: Amended at 15 Ok Reg 2782, eff 1-7-98; Amended at 18 Ok Reg 2768, eff 7-1-01; Amended at 32 Ok Reg 2149, eff 9-11-15]

565:10-1-2. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise. In addition, statutory definitions are available in 70 O.S. §21-102.1(2).

"Advertising" means any printed, published, recorded, broadcast, electronically transmitted, or publicly presented information that markets or describes the school for any purpose. Advertising may include, but not be limited to, paid media placement, digital-content marketing, social media postings, and press releases to a news outlet(s).

"Applicant" means a person that seeks to receive approval for licensing.

"Approval" means action taken by the Board, Director, or another employee of the OBPVS to indicate that an Applicant school or Solicitor meets requirements for licensing.

"Authorized Administrative Official" means the highest authority for the school or seminar and/or the responsible person designated by school official with whom the Oklahoma Board of Private Vocational Schools does business.

"Denial" means action taken by the Board or Director to disapprove or deny licensing privileges to a school or Solicitor in accordance with the Board's authority and the Administrative Procedures Act of Oklahoma.

"Director" means an official of a licensed school or seminar who will typically be present, on site, at the school or seminar facility.

"Enrollment" means the mutual obligation between a student and a school; which results from their joint agreement to the specifications contained in a written document whereon both parties have placed their signatures attesting acceptance of conditions for the student to enter and pursue training at the school. A student will not be considered enrolled until such time as a written agreement has been signed by an authorized school official and the student or student's guarantor.

"Enrollment Agreement" means the contractual document whereon a school indicates conditions governing the enrollment of a student in a specific program or individual course(s), and whereon the school and student obligations under the agreement are shown.

"Person" means any individual, partnership, corporation, association, or public or private organization of any character.

"Prepaid tuition" means any tuition monies collected in advance of training.

"Quarter credit hour" means twenty (20) contact hours of supervised instruction. A school which is accredited by a national or regional accrediting body recognized by the U. S. Department of Education, or the Veteran's Administration, may use the accrediting body's definition.

"Semester credit hour" means thirty (30) contact hours of supervised instruction. A school which is accredited by a national or regional accrediting body recognized by the U. S. Department of Education, or the Veteran's Administration, may use that accrediting bodies definition.

"Solicitor" means any employee, owner, or other person who for remuneration, enrolls or seeks to enroll students through personal contact, at any location other than the school's legal facilities, in a course(s) or a program of instruction or study offered or maintained by a private school, or who otherwise holds himself/herself out to the residents of this state as representing a private school for such purpose.

"Solicitor License" means a nontransferable, written authorization to a person by the Oklahoma Board of Private Vocational Schools to solicit any student to enroll in a course or courses of instruction or study offered or maintained by a private school.

"State agent for the school" means the person residing in Oklahoma who must be designated by the school to act for the school in the event service on the surety bond is required by any out of state school covered under the law.

"State agent for the surety company" means the person residing in Oklahoma who must be designated by the surety company to act for the surety company as the one to countersign the surety bond for any out of state surety company handling the blanket bond for a school to be licensed.

[Source: Amended at 12 Ok Reg 589, eff 12-1-94 (emergency); Amended at 12 Ok Reg 2905, eff 7-13-95; Amended at 15 Ok Reg 2782, eff 7-1-98; Amended at 17 Ok Reg 94, eff 9-10-99 (emergency); Amended at 17 Ok Reg 3006, eff 7-13-00; Amended at 18 Ok Reg 2768, eff 7-1-01; Amended at 32 Ok Reg 2149, eff 9-11-15; Amended at 33 Ok Reg 1796, eff 9-12-16]

565:10-1-3. Schools required to license

(a) **In state.** Any person or persons desiring to operate a private school, as defined in 70 O.S. §21-101, in Oklahoma or offer vocational courses to persons residing in the State of Oklahoma, including private schools that deliver training via distance education, shall license with the Board.

(b) **Out of state.** Any out of state private school soliciting vocational training to residents of Oklahoma shall license with the OBPVS, including private schools that deliver training via distance education.

[Source: Amended at 12 Ok Reg 2905, eff 7-13-95; Amended at 32 Ok Reg 2149, eff 9-11-15]

565:10-1-4. Due date and duration of license

(a) **New school applications.** New applications shall be approved by the OBPVS before a school may operate or advertise its program offerings or courses.

(b) **Renewal applications.** Renewal applications, including payment of the appropriate renewal fee(s) in accordance with 70 O.S. §21 - 106, must be received by the OBPVS no later than June 1 of each year. The OBPVS shall send, by mail or electronic means notification, instructions and the application form (s) to the school no later than April 1 of each year.

(c) **Expiration.** A license will expire on June 30 following the date of issue.

(d) **Regulatory or Accrediting Agency Actions.** An Applicant or a school shall submit to the OBPVS a copy of each potentially adverse action or determination issued by a regulatory or accrediting agency within ten (10) business days of the Applicant's or school's receipt even if an appeal right(s) exists and has not been exhausted.

(e) **Sale of school and nontransferability of license.** A person or persons purchasing a facility already operating as a licensed school shall comply with all the requirements for securing a new license. A license is not transferable to a new owner. All application forms and other data must provide adequate information to document that the Applicant meets all licensure requirements. The process shall be initiated with the OBPVS not less than thirty (30) days prior to the closing of the sale or transfer transaction(s).

[Source: Amended at 15 Ok Reg 2782, eff 7-1-98; Amended at 32 Ok Reg 2149, eff 9-11-15; Amended at 33 Ok Reg 1796, eff 9-12-16]

SUBCHAPTER 3. REQUIREMENTS FOR LICENSURE AS PRIVATE VOCATIONAL SCHOOL

Section

- | | |
|-------------|---|
| 565:10-3-1. | Requirements for licensure as private vocational school |
| 565:10-3-2. | Relicensing application completion |

565:10-3-1. Requirements for licensure as private vocational school

To apply for license in Oklahoma, an Applicant or school shall be in compliance and maintain compliance with Federal, State, or local laws, rules, and ordinances. When a standard(s) differ between the OBPVS and an accrediting agency, the Applicant or school subjects itself to the most stringent of the alternate standards and agrees to maintain compliance with the most stringent standard. A high degree of reliance is placed upon information, data, and statements provided to the OBPVS by an Applicant or a school. The integrity and honesty of an Applicant or a school are fundamental and critical to the process. Application shall be made either on forms provided by the OBPVS or using substantially similar forms processed by the Applicant, and a complete Application shall include, but not be limited to, submission of the following documents:

- (1) A copy of the current school catalog and any related addenda, to be submitted in a printed format to the OBPVS for review. The catalog may be made available to prospective or existing students in a hard-copy or an electronic format, but shall also provide a clear option to have a printed

version provided in a timely manner at no charge. The catalog and addenda, with numbered pages, shall contain the following information at a minimum.

- (A) Name and address of the school.
- (B) Effective date of the catalog.
- (C) Names and titles of owners with ten percent (10%) or more ownership, or if a non-profit, the names of all board members, and the names and titles of all officials of the school.
- (D) A calendar for the school showing vacation periods, holidays, and beginning and ending dates for each school year, semester, quarter, term, and/or session observed by the school. Holidays may be disclosed generically using recognized Federal or State Holiday definitions, or may be date-specific.
- (E) School policies and regulations covering leave, absences, missed classes and assignments, makeup work, tardiness, and the causes for school to terminate enrollment of student for such reasons. The school's definition of what constitutes a tardy event shall be included.
- (F) Enrollment prerequisites to the school including, but not limited to, any school requirement of a minimum age or the prior completion of secondary education or its equivalency.
- (G) Course prerequisites for each course offered, and policy of school relative to granting of credit for previous education, training, and/or work experience.
- (H) Detailed listing of tuition, fees, books, supplies, tools and instructional aids to be used and purchased by students for each course and the cost for each item.
- (I) Policy and regulations at the school relative to the refund of the unused portion of tuition, fees, and supplies. The Policy shall either comply with 565:10-11-3 or contain one or more provisions that are more beneficial to students. Unless the school provides a good faith rationale for another treatment, the policy shall state its applicability to both school-determined and student-caused enrollment terminations.
- (J) A topical outline of each course for which approval is requested showing subjects, units, skills, or jobs to be learned in the course, and the total number of contact, quarter, or semester hours to be spent by the student in each phase of the training program. Correspondence or distance learning courses shall show this information by using the number of lessons and estimated time of completion. A school that is accredited by a national or regional accrediting body recognized by the U. S. Department of Education may use quarter or semester hours to measure correspondence or distance learning courses.
- (K) School policy and regulations relative to standards of academic progress, this policy will define the grading system, the minimum grades considered satisfactory, conditions for enrollment interruption based on unsatisfactory grades or progress, and a description of the probationary period, if any, allowed,

and conditions, if any, for readmission for students dismissed for unsatisfactory progress.

- (L) School policy and regulations relating to student conduct and conditions for dismissal for unsatisfactory conduct, and the conditions, if any, for readmission.
 - (M) School policy and regulations for the filing of a grievance by a student.
 - (N) Within the catalog's accreditation or grievance section(s), the name, address, and telephone number for the student to contact the OBPVS to submit a complaint for a matter not resolved through the school's internal grievance process.
 - (O) Any changes made to the catalog shall be approved in advance by the OBPVS and a copy of the published, final version of the replacement catalog shall be submitted certified as to certified as true and correct in content and policy by an administrative official of the school.
 - (P) A catalog addendum or addenda may be used. If an addendum or addenda are used, there shall be a statement in the catalog that the catalog is not complete without the addendum.
 - (Q) Each addendum shall show its effective date and the effective date of the catalog to which it is related.
- (2) Financial Statements which meets the requirements as stated in 565:10-27.
 - (3) A surety bond or certificate of deposit, which shall meet the requirements in 565:10-9. A branch school location(s) shall have its tuition included in the formula to calculate the bond amount and shall be covered under the main school bond.
 - (4) Instructor qualification details to include, at a minimum, an Instructor Qualification Form, with appropriate supporting documentation, a form to attest to felony convictions or association with an entity with a prior adverse school history(ies), and class assignment information shall be submitted for each proposed instructor to demonstrate compliance with 565:10-11-1.
 - (5) A copy of each enrollment agreement(s) in compliance with 565:10-11-4.
 - (6) A copy of a current fire inspection, no more than three months old, showing that the school meets all requirements pertaining to local fire and safety codes. The requirement for a fire marshal inspection may not be satisfied by a commercial vendor or fire extinguisher inspection.
 - (7) A copy of each master certificate, diploma, or degree given by the school that, at a minimum, creates field to identify the program, the date of completion and the full address of the school.
 - (8) Plans, blueprints, or line drawings which describe in detail the facility(ies) in which the school will operate.
 - (9) A listing of key instructional equipment with a purchase price or replacement value of Five Hundred Dollars (\$500.00) or more, per item.

(10) Student enrollment and financial projections for the immediate three (03) months then the full twelve (12) months following potential licensing.

(11) Payment of the appropriate application fee(s) in accordance with 70 O.S. §21-106

(12) Schools located outside Oklahoma, shall be licensed or approved in each state where the courses to be offered to Oklahomans will be provided. Each school shall provide a copy of its non-Oklahoma license(s) or approval(s), if any.

(13) An organizational chart extending from the school's essential functions or departments upward to the ultimate owner or highest level of management for a non-profit and identifying all significant levels of ownership or management.

(14) A completed form shall be submitted by each owner with ten percent (10%) or more ownership or each board member of a non-profit to attest to felony convictions or association with an entity with a prior adverse school history(ies). For a non-profit with more than twenty (20) board members, the form shall be required to be submitted only by the board officers and each member of a board audit or compliance committee.

(15) A copy(ies) of the organizational or formational documents for the Applicant, including but not limited to, Articles of Incorporation, Bylaws, Articles of Organization or Management that are typically filed with a Secretary of State or similar agency. The copy(ies) need not be Certified Copies unless specifically requested by the OBPVS.

(16) Each Applicant proposing to operate a school to be physically located or headquartered in Oklahoma, whether proposing to provide live or distance education courses, shall successfully pass a pre-licensing, on-site inspection to be conducted by one or more OBPVS Staff members.

[Source: Amended at 12 Ok Reg 2905, eff 7-13-95; Amended at 15 Ok Reg 2782, eff 7-1-98; Amended at 22 Ok Reg 2609, eff 7-11-05; Amended at 32 Ok Reg 2149, eff 9-11-15; Amended at 33 Ok Reg 1796, eff 9-12-16]

565:10-3-2. Relicensing application completion

(a) To be treated as a complete application and to not be subject to a statutory late fee penalty, the original annual renewal application must meet all of the following standards

- (1) Be received by the OBPVS on or before the statutory deadline;
- (2) Contain an accurate school-completed OBPVS-provided Checklist;
- (3) Omit no more than two (02) required documents;
- (4) Have no more than two (02) individual documents that are incomplete by nature of an absent signature or absent notarization; and
- (5) Be amended within thirty (30) days of the original OBPVS receipt by submission to and OBPVS receipt of the missing item(s) or element(s) without OBPVS prompting.

(b) For purposes of evaluating completeness, each four (04) personnel related forms to attest to felony convictions or association with an entity with a prior adverse school action(s) shall count as a single omitted item.

[Source: Added at 33 Ok Reg 1796, eff 9-12-16]

SUBCHAPTER 5. FEES

Section

565:10-5-1.	School fees [REVOKED]
565:10-5-2.	Representative fees [REVOKED]
565:10-5-3.	Penalty [REVOKED]
565:10-5-4.	Additional fees [REVOKED]
565:10-5-4.1.	Workshop fees [REVOKED]
565:10-5-4.2.	Licensing inquiry packet fee [REVOKED]
565:10-5-5.	Non-refundable fees

565:10-5-1. School fees [REVOKED]

[Source: Amended at 12 Ok Reg 2905, eff 7-13-95; Amended at 19 Ok Reg 2835, eff 7-2-02 (emergency); Amended at 20 Ok Reg 2489, eff 7-11-03; Amended at 22 Ok Reg 68, eff 8-11-04 (emergency); Amended at 22 Ok Reg 2609, eff 7-11-05; Revoked at 32 Ok Reg 2149, eff 9-11-15]

565:10-5-2. Representative fees [REVOKED]

[Source: Amended at 12 Ok Reg 2905, eff 7-13-95; Revoked at 32 Ok Reg 2149, eff 9-11-15]

565:10-5-3. Penalty [REVOKED]

[Source: Revoked at 32 Ok Reg 2149, eff 9-11-15]

565:10-5-4. Additional fees [REVOKED]

[Source: Amended at 19 Ok Reg 2835, eff 7-2-02 (emergency); Amended at 20 Ok Reg 2489, eff 7-11-03; Revoked at 32 Ok Reg 2149, eff 9-11-15]

565:10-5-4.1. Workshop fees [REVOKED]

[Source: Added at 19 Ok Reg 2835, eff 7-2-02 (emergency); Added at 20 Ok Reg 2489, eff 7-11-03; Revoked at 32 Ok Reg 2149, eff 9-11-15]

565:10-5-4.2. Licensing inquiry packet fee [REVOKED]

[Source: Added at 19 Ok Reg 2835, eff 7-2-02 (emergency); Added at 20 Ok Reg 2489, eff 7-11-03; Revoked at 32 Ok Reg 2149, eff 9-11-15]

565:10-5-5. Non-refundable fees

Fees are not refundable.

[Source: Amended at 19 Ok Reg 2835, eff 7-2-02 (emergency); Amended at 20 Ok Reg 2489, eff 7-11-03]

SUBCHAPTER 7. FACILITIES AND EQUIPMENT

Section

565:10-7-1.	Facilities
565:10-7-2.	Equipment

565:10-7-1. Facilities

(a) **Physical requirements.** The building, classrooms, equipment, furniture, grounds, instructional devices, instructional facilities, and other physical requirements of the educational program shall be appropriate and shall contribute directly to the achievement of the educational objectives of the school.

(b) **Health standards.** The physical plant shall meet all safety requirements and health standards and shall have adequate lighting, heating, and ventilation.

(c) **Fire, safety and sanitation.** The plant and facilities shall be in compliance with any local or state laws given, particularly with respect to fire, safety and sanitation.

(d) **Changes to school facility.** Substantial remodeling to fifty percent (50%) or more of a school's existing square footage, or additions to existing buildings shall be delineated by plans and specifications submitted to the OBPVS and approved by the OBPVS in advance of occupancy. If applicable, an updated fire marshal inspection or revised occupancy certificate shall be submitted to the OBPVS.

(e) **Insurance.** Adequate insurance shall be maintained in force at all times covering buildings and equipment of the school.

(f) **Change of location.** The school shall notify the OBPVS of a proposed change of location and submit all required documentation for approval prior to changing locations. Required documentation shall include copies of a new lease, if applicable, the new floor plan, a certificate of occupancy, and updated liability insurance coverage. Within ten (10) days of issuance, the Fire Marshal's Inspection Report on the new location shall be submitted to the OBPVS. In addition, prior to changing locations, the school shall submit a revised catalog and enrollment agreement, with checklists, other required documents or forms, and the payment of appropriate fee(s) in accordance with 70 O.S. §21-106.

[Source: Amended at 20 Ok Reg 2489, eff 7-11-03; Amended at 32 Ok Reg 2149, eff 9-11-15; Amended at 33 Ok Reg 1796, eff 9-12-16]

565:10-7-2. Equipment

(a) **Required instructional equipment.** The equipment required for instruction shall be determined by the occupational objectives. The equipment shall be comparable to that found in business establishments offering employment in the occupations for which the instruction is being offered.

(b) **Amount and condition.** The school shall provide adequate equipment in good working order and with proper safety devices. The school's equipment shall be of sufficient quantity and quality to meet the maximum enrollment of the class and

appropriately fulfill the training objectives of the particular class.

[Source: Amended at 33 Ok Reg 1796, eff 9-12-16]

SUBCHAPTER 9. SURETY BONDS

Section

565:10-9-1.	Bond requirement and amount
565:10-9-2.	Bond claim procedure
565:10-9-3.	Bond amount for new school [REVOKED]
565:10-9-4.	Scope of coverage [REVOKED]
565:10-9-5.	Certificate of deposit
565:10-9-6.	Surety items non-cancellable

565:10-9-1. Bond requirement and amount

(a) **Bond requirements.** Before the OBPVS issues a license to a school or a Solicitor the school shall have filed an acceptable surety bond using the Bond form supplied by the OBPVS. The bond shall cover the main school and all branches operated by the private school, and shall reflect dates of coverage that are congruent with the yearly licensing period of July 1 through June 30 of the following year. The bond shall be a blanket type document covering all activities of the school, its officials, and its Solicitors. Properly executed bond continuances or riders may be used in lieu of an annual, original replacement bond. The bond shall inure to any student of a school who suffers loss by reason of any unlawful act of the school.

(b) Bond amount.

(1) For an entirely new main or branch School, the minimum Bond amount is Five Thousand Dollars (\$5,000.00).

(2) The maximum Bond amount shall be equal to ten percent (10%) of the projected, aggregate tuition plus student fee revenue for the first twelve (12) months following licensure.

(3) At the due date for annual relicensing, the amount of the bond shall be conditional upon the school faithfully meeting its obligations under the agreements and contracts with its students

(4) Each subsequent amount of a school's required surety bond shall be based on ten percent (10%) of the amount of student payments collected by the school during the reporting year, rounded upwards to the nearest thousand dollars, as long as the school meets the financial stability requirements at 565:10-27-2 and is in compliance with the other minimum standards to operate a school.

(5) The maximum bond amounts shall be Fifty Thousand Dollars (\$50,000.00).

(6) Determination of the required bond amount for each school will be based on the total amount of main and branch(es) student payments contained in the school's financial statement of the last fiscal year, submitted for relicensing.

(7) If the school does not meet the standards for financial stability in 565:10-27-2, the Board may increase the amount of the surety bond required by the school

to a maximum of Two Hundred Fifty Thousand Dollars (\$250,000.00) for each main school, the main and branch(es) combined, or each separate branch(es).

(c) **Signature of surety.** The Bond shall be issued by a solvent surety company authorized to do business in Oklahoma and shall be made payable to the State of Oklahoma.

[Source: Amended at 19 Ok Reg 2835, eff 7-2-02 (emergency); Amended at 20 Ok Reg 2489, eff 7-11-03; Amended at 32 Ok Reg 2149, eff 9-11-15; Amended at 33 Ok Reg 1796, eff 9-12-16]

565:10-9-2. Bond claim procedure

Each student submitting a claim against a surety bond of a licensed school, shall be reimbursed a pro rata portion of the tuition paid by him or her, subject to a computation of a proportionate percentage between the aggregate bond and the total amount of claims properly submitted. If the Board is able to ascertain from the records of the school the exact number and identity of students affected by the default of said school under this bond, the Board shall, within fifteen (15) days of such determination, notify each student in writing of his or her right to submit a claim hereunder. Any student receiving such notice, who desires to make such claim, must do so by completing the claim form prescribed by the Board within thirty (30) days of receipt of the notice. If the Board is unable to ascertain the exact number and identity of students affected by default of said school under this bond, the Board shall provide for newspaper publication of notice to students of their right to submit a claim hereunder. Such publication shall be made once a week for two (2) consecutive weeks in a newspaper of general circulation in the county where said school is located, and the expense thereof shall be borne by the Board. When newspaper publication is given, any student making a claim must do so by completing the claim form prescribed by the Board within sixty (60) days of the last publication of said notice. The Board shall not consider any claim not meeting the above requirements.

[Source: Amended at 15 Ok Reg 2782, eff 7-1-98; Amended at 32 Ok Reg 2149, eff 9-11-15]

565:10-9-3. Bond amount for new school [REVOKED]

[Source: Revoked at 32 Ok Reg 2149, eff 9-11-15]

565:10-9-4. Scope of coverage [REVOKED]

[Source: Revoked at 32 Ok Reg 2149, eff 9-11-15]

565:10-9-5. Certificate of deposit

In lieu of the corporate surety bond, a school may provide a certificate of deposit made out in favor of the OBPVS that is drawn on a state or federal bank or savings and loan association located in Oklahoma and which is authorized to conduct business in the State of Oklahoma. Such certificate of deposit shall be subject to all of the requirements, uses and purposes applicable to the surety bond under these regulations and applicable provisions of law. Any interest received on such certificate of

deposit shall be the property of the school providing the certificate, and the Board shall execute the appropriate instruments to assign or transfer such interest to the school. The certificate of deposit shall be held in safe keeping by the bank or savings and loan and shall not be released without the written permission of the Board. The OBPVS shall provide a Collateral Agreement form for execution by a school official, the bank or savings and loan association and the Director of the OBPVS.

[Source: Amended at 20 Ok Reg 2489, eff 7-11-03; Amended at 32 Ok Reg 2149, eff 9-11-15]

565:10-9-6. Surety items non-cancellable

The bond shall be non-cancellable or the certificate of deposit non-redeemable for the period of time for which the license to the application applies. Release of a bond or certificate of deposit requires written authorization from the Director and may not occur until the bond claim procedure is completed or a proper replacement instrument is submitted and approved by the OBPVS.

[Source: Added at 32 Ok Reg 2149, eff 9-11-15]

SUBCHAPTER 11. SCHOOL OPERATION

Section

565:10-11-1.	School personnel
565:10-11-2.	Course implementation and instruction
565:10-11-3.	Refunds
565:10-11-4.	Student records
565:10-11-5.	Placement
565:10-11-6.	Advertising
565:10-11-7.	Admission requirements
565:10-11-8.	Student complaints
565:10-11-9.	Recruitment

565:10-11-1. School personnel

(a) **Submission of training or work experience.** The school's Authorized Administrative Official, Director, owners, Solicitors and instructors shall be qualified by reason of preparation and experience. Evidence of such training, preparation, and experience shall be submitted on forms provided by the OBPVS for the Authorized Administrative Official, the Director, and each instructor. The accuracy of such information shall be attested to by the person responsible for the operation of the school. The Authorized Administrative Official and the Director roles may be filled by the same individual or by separate individuals. It is not an OBPVS requirement that the Authorized Administrative Official be present at a school or seminar's facility.

(b) **Reputation and character.** The school's owners of ten percent (10%) or more, non-profit board members as outlined at 565:10-3-1(14), Authorized Administrative Official, Director, Solicitors, and instructors shall be of good reputation and moral character. The Board may consider a conviction or a plea of guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding

is pending to have the conviction or plea set aside, to constitute a violation of this rule. A copy of the record of conviction, certified by the clerk of the court entering the conviction, shall be conclusive evidence of conviction.

(c) **Director qualification.** The Director serves as the on-campus primary contact for the OBPVS during site visits to the school and must be familiar with educational administration and methods, organization of classes, as well as sound educational practices, including:

- (1) The development of a curriculum capable of preparing students for specific job entry levels.
- (2) The selection and employment or contracting of an instructional staff competent in subject matter and teaching techniques to implement the curriculum.

(d) **Responsibility for school operations.** The Director shall also be directly responsible for selection and employment of Solicitors and other school employees, maintenance of facilities, advertising, maintenance of administrative and overall student and classroom records, business professional ethics, development of policies, and the one who is directly responsible for the school meeting its obligations under the terms of licensure.

(e) **Instructor qualifications.** Instructors shall meet at least one of the following qualifications at a minimum:

- (1) Be a graduate of a recognized college or university and hold a baccalaureate degree with a minimum of 12 credit hours in a field directly related to the subject(s) he/she is teaching or,
- (2) Have two years minimum full time work experience within the last seven years in the field in which he/she is teaching or,
- (3) Have a license issued by a state or the federal government in the field in which he/she is teaching, or have a nationally recognized professional certification in the field he/she is teaching, as approved by the Board.
- (4) The Board may waive these requirements if the school presents evidence that the instructor has met other requirements sufficient to provide adequate instruction in the subjects being taught, as approved by the Board.
- (5) Schools that offer instruction outside of Oklahoma may provide documentation that those instructors meet the requirements of the states where the instruction is offered in lieu of OBPVS instructor qualifications

(f) **Instructor, Authorized Administrative Official, or Director changes and terminations.** The OBPVS shall be notified of any terminations or changes of instructors or the Authorized Administrative Official, or Director within thirty (30) days.

(g) **Authorized Administrative Official.** One person must be designated as the Authorized Administrative Official of the school and shall serve as the primary contact for the OBPVS, except during on-site visits. Such duly designated official shall have sole authority to represent the school and act in all matters involving the school's responsibilities under the law.

(h) **Additional qualifications of Authorized Administrative Official.** He or she shall be a graduate of an approved college or university with a major in the general field related to the direct objectives of the school's efforts, or have suitable

experience as a school administrator or as an instructor in one or more of the major subjects offered by the school. In lieu of such specific educational qualifications, he or she may possess other qualifications which are approved by the Board as being substantially equivalent.

(i) **Employment status of Authorized Administrative official Official.** The Authorized Administrative Official shall devote a sufficient amount of his or her time to the operations of the school while it is in session.

(j) **Mandatory school workshop.** The OBPVS shall present an annual workshop(s) which emphasize rules relating to relicensing, compliance, daily operation of a school, legislative changes, and emerging issues.

(1) At least one person from each school who will prepare the annual relicensing application or is responsible for the operation of the school shall be required to participate in an annual workshop.

(2) The OBPVS shall notify each school of the date, time, and location the workshop is scheduled at least thirty (30) days prior to the workshop.

(3) Workshop registration forms and fees shall be submitted to the OBPVS not less than 7 working days prior to a live workshop or webinar.

(4) Workshops may be conducted in a live format or via webinar or other electronic means.

(5) For the first three years of a license, a school located in Oklahoma shall be required to participate at a live workshop and must justify attendance by a representative other than the school's OBPVS approved Director or Authorized Administrative Official.

(6) Schools that do not properly submit a workshop/webinar registration form with the appropriate fee, arrange for an appropriate level representative to participate in the workshop, or have a registered person actually attend a workshop or webinar may be fined in accordance with 565:10-19-1(b) and 70 O.S. §21-111, and may be required to view an electronic version of the training, and pass a test about the information presented.

[Source: Amended at 12 Ok Reg 2905, eff 7-13-95; Amended at 15 Ok Reg 2782, eff 7-1-98; Amended at 18 Ok Reg 2768, eff 7-1-01; Amended at 19 Ok Reg 2835, eff 7-2-02 (emergency); Amended at 20 Ok Reg 2489, eff 7-11-03; Amended at 22 Ok Reg 2609, eff 7-11-05; Amended at 32 Ok Reg 2149, eff 9-11-15; Amended at 33 Ok Reg 1796, eff 9-12-16]

565:10-11-2. Course implementation and instruction

(a) **Courses offered.** A school shall offer only those programs and individual courses which it is licensed to offer.

(b) **Discontinuation of class.** When a school discontinues any program or course, for whatever reasons, the school shall remove the program or course from the catalog and submit a catalog change to the OBPVS, or stamp the discontinued program or course as, "Not Offered", or "No longer offered".

(c) **Course content.** A program or an individual course must provide the necessary instructions to qualify the student upon completion to satisfactorily perform the objective of the program or course.

(d) **Course outlines.** The school shall maintain an outline for each subject being taught.

[Source: Amended at 15 Ok Reg 2782, eff 7-1-98; Amended at 32 Ok Reg 2149, eff 9-11-15]

565:10-11-3. Refunds

(a) **Termination date.** The termination date for refund computation purposes is the last date of actual attendance by the student. The school may require notice of cancellation or withdrawal to be given by certified mail provided this requirement is stated in the Enrollment Agreement. The school may require that notice be made by parent or guardian if the student is below legal age. If a penalty is charged for failure to notify the school in writing such penalty may not exceed \$25.00.

(b) **Refund policy.** Details of the school's own definite and established refund policy for cancellations and terminations shall be documented in both the catalog and the enrollment agreement and shall, at a minimum, comply with the following requirements:

(1) **Rejection.** An applicant rejected by the school shall be entitled to a refund of all monies paid minus any stated application fee, not to exceed \$25.00.

(2) **Three day cancellation.** All monies paid by an applicant shall be refunded if requested within three days after signing an enrollment agreement and making an initial payment.

(3) **Other cancellation.** An applicant subsequently requesting cancellation shall be entitled to a refund of all monies paid minus a registration fee of 15% of the contract price of the course, but in no event may the school retain more than \$150.00.

(4) **First week.** For a student terminating training after entering school and starting the course of training but within the first week, the tuition retained by the school shall not exceed 10% of the contract price of the course plus \$150.00 but in no event more than \$350.00. The Board may waive this requirement upon written request by the school if it feels the request is justified.

(5) **After first week.** For a student terminating training after one week but within the first 25% of the course, the tuition retained by the school shall not exceed 25% of the contract price of the course plus \$150.00.

(6) **After 25%.** For a student terminating training after completing over 25% but within 50% of the course, the tuition retained by the school shall not exceed 50% of the contract price of the course plus \$150.00.

(7) **After 50%.** A student completing more than 50% of the course is not entitled to a refund of any tuition.

(8) **Special cases.** In case of student prolonged illness or accident, death in the family, or other circumstances that make it impractical to complete the course, the school shall make a settlement which is reasonable and fair to both.

(9) **Discontinued class.** If a class is discontinued by a school while students are still enrolled in that class, and the school is still offering training in other areas, all monies

(student loan, grant, and etc.) paid the school for students enrolled in the class at the time it is discontinued shall be refunded to the entity legally entitled to the refund. A school shall have thirty (30) days to restart the class or pay the refund.

(c) **Application of policy.** A period of enrollment shall not exceed 12 months. Tuition includes application or registration fees. Refunds are to be calculated for the period(s) of enrollment.

(1) For courses longer than one period of enrollment in length, the cancellation and settlement policy shall apply to the stated course price attributable to each period of enrollment.

(2) Percentage of course completion shall be computed on the basis of the amount of time in the course as expressed in contact, quarter or semester hours as listed in the catalog. If the catalog and enrollment agreement also show the course length in weeks, the refund may be computed using the number of weeks completed in lieu of contact, quarter, or semester hours.

(3) Any refund due shall be paid within 60 days after cancellation or termination, unless the refund is payable directly to the applicant or student, in which case it shall be paid within 30 days after cancellation or termination.

(4) Students shall not be liable for periods of enrollment which they did not attend.

(d) **Extra expenses.** Items of extra expense to the student such as housing, board, instructional supplies or equipment, tools, student activities, laboratory fees, service charges, rentals, deposits and all other extra charges need not be considered in tuition refund computations provided they are separately shown in the enrollment agreement and catalog. When items of major expense are separately shown for this purpose, the school must also state its policy for reasonable settlement of such charges in the event of early termination.

(e) **Refund policy for accredited Schools.** If a school is accredited by a national or regional accrediting agency that is recognized by the U.S. Secretary of Education, or the Veteran's Administration, the Board may approve the school to use that accrediting agency's refund policy a refund policy issued by the U.S. Department of Education (USDE) or the Veteran's Administration in lieu of the policy in this section. If a school requests approval under this provision, it must provide evidence that its policy has been accepted by or is in compliance with the accrediting agency or USDE.

(f) **Application.** A school's refund policy shall state its applicability to both school-determined and student driven enrollment terminations, unless good faith rationale is provided to the OBPVS to permit handling by the school in a different manner.

(g) **Severability of refund policy.** The provisions of this section are severable and the invalidity of one shall not impair the enforceability of the remaining provisions.

(h) **Refund policy for individual courses of an approved program.** A student enrolling in a course which is part of a program approved by the Board and is less than 100 contact hours in length shall be subject to the following refund policy:

- (1) The School shall issue a 100% refund minus \$10.00 if the student withdrawal is made prior to second class meeting.
- (2) The School is not required to issue any refund:
 - (A) If the student withdrawal is made after the beginning of second class meeting, or
 - (B) on books or supplies issued.

[Source: Amended at 12 Ok Reg 589, eff 12-1-94 (emergency); Amended at 12 Ok Reg 2905, eff 7-13-95; Amended at 15 Ok Reg 2782, eff 7-1-98; Amended at 18 Ok Reg 46, eff 10-2-00 (emergency); Amended at 18 Ok Reg 2768, eff 7-1-01; Amended at 32 Ok Reg 2149, eff 9-11-15]

565:10-11-4. Student records

(a) **Required student records.** The school shall maintain individual records for each student enrolled, which are current, complete and accurate, to provide the following information:

- (1) An Enrollment Agreement for which the student and school shall retain a copy containing, but not limited to, the following information:
 - (A) Student name and address.
 - (B) Starting date.
 - (C) Student and school official signatures and date signed.
 - (D) Title of the course enrolled.
 - (E) Total instructional hours.
 - (F) Payment schedule and total cost.
 - (G) Refund policy including the three day cancellation notice in accordance with 565:10-11-3(b)(2),
 - (H) A statement to the effect that the individual signing the contract or application has read and understands all aspects of the agreement.
 - (I) The holder in due course rule.
 - (J) Page numbers for multipage documents.
 - (K) Signature and date of signing by the student or student's guarantor.
- (2) Dates the student enrolled, began classes, withdrew or was dismissed, last attended, and completed enrollment or graduated.
- (3) Grades received on completed assignments, for a completed individual course(s), or additional program requirements, as appropriate, in order to justify an ultimate programmatic grade point average, if any, or the credential awarded.
- (4) A financial ledger or other document to detail monies charged by the school, paid or owed by the student, refunded to the student, or paid or owed by a third-party, or refunded to a third-party.
- (5) Each refund calculation.
- (6) Student attendance, which shall be kept daily indicating present or absent.
- (7) Guidance or other records, including, but not limited to academic, conduct, financial, or placement matters.
- (8) A transcript shall be maintained permanently. When a school closes, the notice to the OBPVS must include details for the ongoing retention of student transcripts.
- (9) A school which gives credit toward a course based on prior experience or previous training shall record such

credit on the school's records and the student's official transcript as satisfactory and list the portion of the course for which the student is given credit. A copy of the transcript reflecting courses for which a student is given credit shall be attached to the school's official transcript and shall be retained as part of the student's permanent records.

(10) Written advertising and endorsement records as described in further detail at 565:10-11-6,

(11) Other records which may have a direct bearing on factors involving continued approval of the school.

(b) **Inspection of records.** Records of students shall be open for inspection by properly authorized officials of the OBPVS.

(c) **Availability of student records.** Student records shall be easily available and readily accessible for use and review by appropriate school officials of the school and authorized representatives of the Board.

(d) **Completion certificate.** The school shall award a completion certificate or diploma to each student who satisfactorily completes a course. If the student has not met all financial obligations to the school, the certificate of completion or diploma may be held until the debt is paid.

(e) **Official transcript.** The school shall maintain a permanent transcript for each student showing the name of the course, all subjects within the course attempted or completed and the grade received for each, and the date the student graduated or ceased to be enrolled. The school shall make available to each student a copy of their official transcript. If a fee is charged by the school, such fee shall be clearly stated in the school catalog. For a period of two (2) years after graduation or cessation of enrollment, the cost of a transcript shall not exceed the cost shown in the specific catalog under which the student was enrolled. If the student has not met all financial obligations to the school, the transcript may be held until the debt is paid.

[Source: Amended at 12 Ok Reg 2905, eff 7-13-95; Amended at 15 Ok Reg 2782, eff 7-1-98; Amended at 18 Ok Reg 2768, eff 7-1-01; Amended at 20 Ok Reg 2489, eff 7-11-03; Amended at 32 Ok Reg 2149, eff 9-11-15; Amended at 33 Ok Reg 1796, eff 9-12-16]

565:10-11-5. Placement

(a) **Employment guarantee.** No school or representative thereof, including a Solicitor, shall guarantee or promise any prospective student employment of any type, for any period of time, nor for any rate of pay, unless such is clearly stated in the enrollment agreement signed by an authorized school official and the prospective student or guarantor.

(b) **Placement assistance requirements.** If the institution offers placement assistance or implies that placement assistance is given, the school shall:

(1) Offer and attempt to provide adequate placement services to graduates in locating full time positions relating to the training objectives of the school or the program under which the student was enrolled.

(2) Designate at least one person whose responsibility, wholly or in part, shall be the administration of the placement assistance services. This person and their official position shall be publicized and made known to the student body.

- (3) Maintain accurate records of full time job orders identifying employers, job descriptions, salaries, and other pertinent information relating to the particular order.
- (4) Maintain evidence that it has attempted to obtain information with regard to student interviews, job descriptions, salaries and other pertinent facts relating to the placement assistance and/or employment of the student.
- (5) Maintain a record of all transactions relating to the placement assistance provided.

[Source: Amended at 15 Ok Reg 2782, eff 7-1-98; Amended at 32 Ok Reg 2149, eff 9-11-15]

565:10-11-6. Advertising

- (a) A school shall not advertise through any medium that it offers a program(s) or an individual courses(s) that the school has not been licensed to offer.
- (b) Printed catalogs, bulletins, or prospectus information distributed in any manner shall be specific if references are made to entrance requirements, curricula, description of courses, tuition, fees, refund policies, or graduation requirements. Such references when made shall not be so stated as to reflect information which may be interpreted as different than that which is covered under the license issued by the Oklahoma Board of Private Vocational Schools.
- (c) Schools holding a franchise to offer specialized courses or subjects not open to other schools shall not advertise such courses in any manner as to impugn the value and scope of courses offered by other schools that do not hold such franchise. Such advertising of special subjects or courses offered under a franchise shall be limited to the subject or courses offered.
- (d) Schools shall not use any name, title, or other designation by way of advertising or otherwise, that is misleading or deceptive as to character of the institution, its course of instruction, or its influence in obtaining employment for students.
- (e) Schools shall not use a photograph, cut, engraving, or illustration in catalogs, sales literature, or otherwise in such a manner as to convey a false impression as to the size, importance, or location of the school or its equipment.
- (f) Schools shall not use endorsements, commendations, or recommendations by students without the written consent of the writer and with any offer of remuneration. All written endorsement records shall be maintained by the school.
- (g) Schools shall publish schedules of tuition rates, methods of payment, and refund policies in a catalog or catalog addendum and shall not deviate from such published rates and policies.
- (h) Schools shall not make or cause or permit to be made or publish any false, untrue, or deceptive statement of representation by way of advertising or otherwise, concerning other private schools or their activities in attempting to enroll students, or concerning the character, nature, quality, value or scope of any course of instruction or educational service offered, or in any other material respect. An employee or representative of the school shall not at any time, nor in any willful

manner, advertise or otherwise furnish to prospective students information regarding another licensed school which is considered by the OBPVS to be adversely critical and/or untruthful of the quality, content, length, cost or objective of a program or individual course(s) offered by the other school, or of the professional, financial, or moral qualifications or standings of the school or its personnel whether on a local community, state, or national level.

- (i) A school shall not solicit students to enroll by means of "blind" advertisement or advertisements in the "help wanted" or other employment columns of newspapers and publication.
- (j) Schools shall not make false, untrue or deceptive statements of representation regarding the opportunities for employment in any vocation or field of activity which may be available to a student or prospective student upon completion of any given course of instruction or educational service.
- (k) The title of the course as advertised must be specifically identifiable in the current approved catalog and neither the skill objective nor the salary prospective shall be exaggerated.
- (l) Published catalogs and any or all other advertising by licensed schools that is placed in any media shall clearly indicate that the school is licensed with the inclusion of the statement, "Licensed by the Oklahoma Board of Private Vocational Schools", "Licensed by the O.B.P.V.S.", or "Lic OBPVS". This requirement may be waived if the school presents evidence that the wording does not meet the media specifications and the actual verbiage used is not construed as misleading.

[Source: Amended at 12 Ok Reg 2905, eff 7-13-95; Amended at 20 Ok Reg 2489, eff 7-11-03; Amended at 32 Ok Reg 2149, eff 9-11-15]

565:10-11-7. Admission requirements

- (a) **Publication.** The admission requirements of a private school must be published and administered as written.
- (b) **Minimum education or student age requirements.** A school shall establish entrance requirements which shall reasonably ensure that a student entering a program or individual course has the ability to satisfactorily complete the training. As part of the entrance process, the school shall make its best efforts to ensure that the student will be eligible or qualified to meet the requirements or standards in the field of training. Such efforts shall include, but not be limited to, school consideration of physical activity or other occupational requirements of jobs, if any, and the student's ability to pass a certification exam, criminal background check, or drug/alcohol testing or review of convictions.
- (c) **Enrollment tests.** The school may admit only those students who have demonstrated through pre-enrollment tests or counseling capability of satisfactorily pursuing the prescribed training from beginning to completion of a course during the time allotted. If an entrance exam is used the school shall set a minimum passing score for entrance to the school and shall maintain a copy in the students records.

[Source: Amended at 12 Ok Reg 2905, eff 7-13-95; Amended at 32 Ok Reg 2149, eff 9-11-15; Amended at 33 Ok Reg 1796, eff 9-12-16]

565:10-11-8. Student complaints

Student complaints may be submitted to the OBPVS, and shall be investigated by the OBPVS, in accordance with 565:1-3-2.

[Source: Amended at 12 Ok Reg 2905, eff 7-13-95; Amended at 32 Ok Reg 2149, eff 9-11-15]

565:10-11-9. Recruitment

All school recruitment practices shall comply with the following requirements:

- (1) The school's recruitment efforts shall be designed to locate and inform students and student groups of the programs and benefits available at the institution.
- (2) Recruitment efforts shall be conducted in a sophisticated manner on a professional level free from high-pressure techniques.
- (3) The school shall provide adequate training for all admission representatives or Solicitors to ensure the satisfactory fulfillment of responsibilities in a professional manner.
- (4) Loans, grants, scholarships, discounts and other such items shall not be used as a recruitment device, where such use will result in unfair or unethical trade practices.
- (5) A school shall not permit its admission representative, Solicitor, recruiter, or other school personnel to encourage a student to leave the educational institution currently being attended. Nor shall any school personnel seek to induce a student to change plans to attend a different school after the student has signed an Enrollment Agreement and paid a registration fee to the other school.
- (6) A school and its representatives shall refrain from all statements relating to the character, nature, quality, value, or scope of educational programs offered by other schools, or the resources or ability of such schools to fulfill their obligation.
- (7) A school shall prohibit an admission representative, solicitor, recruiter, or other school personnel from portraying themselves as a guidance counselors or using any other title that is false, misleading, or deceptive.

[Source: Amended at 32 Ok Reg 2149, eff 9-11-15; Amended at 33 Ok Reg 1796, eff 9-12-16]

SUBCHAPTER 13. SOLICITOR LICENSE

Section

565:10-13-1. Solicitor license

565:10-13-1. Solicitor license

(a) **Application.** Each Solicitor shall file with the OBPVS an application for a representative's license on forms provided by the OBPVS, or substantially similar forms. Solicitor applications are to be submitted to the OBPVS by each main or branch school that the Solicitor, if licensed, will represent.

(b) **Effective date for selling courses.** The Solicitor shall not market a school's program(s) or an individual course(s) until such time as the application is approved and the physical license is in possession.

(c) **Fee.** Each Solicitor application shall include payment of the appropriate licensing fee required by 70 O.S. §21-106.

(d) **Surety bond.** The Solicitor shall be covered by the school's surety bond as described in 565:10-9.

(e) **Policies.** Solicitors shall comply with 70 O.S. §21, 101, et seq. and 565:1 and 565:10 concerning school operation and Solicitor conduct.

(f) **Return of License Card.** Following termination of employment, the Solicitor shall return the physical license card either to the school or directly to the OBPVS.

[Source: Amended at 32 Ok Reg 2149, eff 9-11-15; Amended at 33 Ok Reg 1796, eff 9-12-16]

SUBCHAPTER 15. DENIAL AND APPEAL

Section

565:10-15-1. Grounds for denial of school license
565:10-15-2. Grounds for denial of Solicitor license
565:10-15-3. Appeal of denial

565:10-15-1. Grounds for denial of school license

The new or renewal application of a school may be denied when the school or its application meet one or more of the following:

- (1) Failure to comply with standards established in 565:10.
- (2) Failure to submit all licensing application elements within one hundred twenty (120) days from the time of the initial application submission.
- (3) The school has not operated within the requirements of the Oklahoma Statutes or 565:10.
- (4) A school has permitted an unlicensed Solicitor to represent the school to a third person(s).
- (5) The school, its Director or Authorized Administrative Official, or a person having a ten percent (10%) or more ownership or a Board member of a non-profit has been disciplined by a licensing or disciplinary authority of a state or a national or regional accrediting agency when such disciplinary action resulted in revocation of a school's license or accreditation. A certified copy of the adverse action shall be conclusive evidence thereof.

[Source: Amended at 12 Ok Reg 2905, eff 7-13-95; Amended at 15 Ok Reg 2782, eff 7-1-98; Amended at 32 Ok Reg 2149, eff 9-11-15; Amended at 33 Ok Reg 1796, eff 9-12-16]

565:10-15-2. Grounds for denial of Solicitor license

The new or renewal application for approval and licensing of a Solicitor may be denied by the OBPVS when one or more of the following conditions exists:

- (1) The applicant and/or the school fails, within thirty (30), days to satisfactorily answer the OBPVS' questions or to provide items required by the application form.
- (2) At such times as the OBPVS receives an incomplete application form, such form shall be returned not more than two separate times during the thirty (30) days to the applicant's school for more complete information.
- (3) The school must sign an affidavit that the person being submitted for licensing approval has been adequately screened and the school understands that it is responsible for the actions of the Solicitor.
- (4) The applicant fails to meet other conditions required by law or regulation, including but not limited to, the requirement of the Oklahoma Tax Commission that Oklahoma residents applying for license owe no monies to the State of Oklahoma in accordance with 68 O.S. §238 and §238.1.
- (5) The school listed on the application is not currently licensed.

[Source: Amended at 12 Ok Reg 2905, eff 7-13-95; Amended at 32 Ok Reg 2149, eff 9-11-15]

565:10-15-3. Appeal of denial

- (a) **Right to hearing.** If a renewal application is denied, the school or representative has the right to request a formal hearing.
- (b) **Hearing notice.** The notice of denial letter sent to the Applicant by certified mail shall contain a statement clearly indicating the reason(s) for the denial and give opportunity for the applicant to be heard, provided he/she notifies the Board in writing of such desire within fifteen (15) days after the receipt date of the denial notice.
- (c) **Scheduling of hearing.** Upon receipt of the request for a hearing, the Director shall set a date which will be not more than sixty (60) days from the date the applicant's request for a hearing was received. The applicant shall be notified by certified letter of such date for the hearing.

[Source: Amended at 15 Ok Reg 2782, eff 7-1-98; Amended at 32 Ok Reg 2149, eff 9-11-15]

SUBCHAPTER 17. REVOCATION OF LICENSE

Section

- 565:10-17-1. Basis for revocation
565:10-17-2. Revocation procedure

565:10-17-1. Basis for revocation

A license may be revoked when it is found that the school or Solicitor has failed to comply with the requirements of the law and the rules of the OBPVS.

[Source: Amended at 32 Ok Reg 2149, eff 9-11-15]

565:10-17-2. Revocation procedure

A license cannot be revoked unless the school or Solicitor has been given a chance to be heard in accordance with 565:1-3-3.

[Source: Amended at 12 Ok Reg 2905, eff 7-13-95; Amended at 15 Ok Reg 2782, eff 7-1-98; Amended at 32 Ok Reg 2149, eff 9-11-15]

SUBCHAPTER 19. PENALTY

Section

- 565:10-19-1. Penalties for violation and noncompliance
565:10-19-2. Waiver of administrative penalties and fines

565:10-19-1. Penalties for violation and noncompliance

- (a) **General penalties.** Any person violating any of the provisions of the Private Schools Licensing Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than One Hundred Dollars (\$100.00), nor more than Two Thousand Five Hundred Dollars (\$2,500.00), or by imprisonment of not more than thirty (30) days.
- (b) **Board imposed penalties.** Except as is otherwise provided by law, the Board is authorized, subject to the provisions of the Administrative Procedures Act, to prescribe such penalties as it may deem proper for the enforcement of 70 O.S. § 21-101 through 21-112, 565:1, or 565:10. A Board imposed penalty shall not exceed One Thousand Dollars (\$1,000.00).

[Source: Amended at 15 Ok Reg 2782, eff 7-1-98; Amended at 22 Ok Reg 2609, eff 7-11-05; Amended at 32 Ok Reg 2149, eff 9-11-15]

565:10-19-2. Waiver of administrative penalties and fines

In accordance with 75 O.S. §506, the Board may waive or reduce any administrative penalty or fine for violation of the law or rules by a small business, as defined in 75 O.S. §502.

[Source: Added at 20 Ok Reg 2489, eff 7-11-03; Amended at 32 Ok Reg 2149, eff 9-11-15]

SUBCHAPTER 21. EVALUATION

Section

- 565:10-21-1. School review
565:10-21-2. Advisory council

565:10-21-1. School review

The OBPVS shall have the authority(ies) to investigate, appraise, and evaluate an Applicant or licensed private school located in the state of Oklahoma or another state. The investigation, appraisal, and evaluation shall be for the purpose of determining whether the private school is maintained and operated, or in the event of a new private school, whether the new private school can be reasonably maintained and operated in compliance with the provisions of 70 O.S. § 21-101 et seq. and

565:10. Evaluation may include, but not be limited to, request of additional information, paperwork reviews, or an on-site visit or inspection during operating hours of the Applicant or school.

[Source: Amended at 32 Ok Reg 2149, eff 9-11-15]

565:10-21-2. Advisory council

The Board shall have the right to use an expert or advisory council of experts to advise the Board concerning curriculum and equipment or any other topic related to a new or renewal license or a school's compliance.

[Source: Amended at 32 Ok Reg 2149, eff 9-11-15]

SUBCHAPTER 23. SEMINARS OR WORKSHOPS

Section

565:10-23-1.	Items required for licensure of seminars; length of programs
565:10-23-2.	Advertising
565:10-23-3.	Student complaints
565:10-23-4.	Fees
565:10-23-5.	Duration and renewal of licenses
565:10-23-6.	Reports
565:10-23-7.	Grounds for revocation of license
565:10-23-8.	Procedure for revocation of licenses
565:10-23-9.	Penalty
565:10-23-10.	Mandatory school workshop

565:10-23-1. Items required for licensure of seminars; length of programs

A seminar or workshop that does not meet the requirements for exemption from licensing in 70 O.S. §21-101.1(9) may be licensed as a seminar type of a school upon OBPVS verification and the filing of a proper attestation that the entity shall offer courses of either not more than 32 contact hours in length or less than 4 seminars annually. Rules in other sections of 565:1 and 565:10 apply to seminar-type schools unless a different requirement is listed for a seminar. The Applicant shall submit the following items for review and consideration by the OBPVS:

- (1) An application to conduct a seminar course(s) on a form(s) provided by the OBPVS or substantially similar forms and provide all required attachments to the application.
- (2) A surety bond or certificate of deposit which meets the requirements of 565:10-9.
- (3) A copy of the entity's bulletins or other descriptive material which clearly provides information concerning the entity and the program(s) or individual course(s) to be offered to include, but not be limited to, the purpose and objective of the program(s) or individual course(s), tuition, method to enroll or cancel enrollment and other pertinent information.

(4) Current Financial Statements in accordance with 565:10-27.

(5) Evidence that the Director, Authorized Administrative Official, and instructors shall be qualified by reason of education, experience or training and be of good reputation and moral character in accordance with 565:10-11-1.

(6) Evidence that a suitable facility are engaged for the entire period of instruction.

(A) Seminars or Workshops, offered in a fixed location, either owned, leased, or operated by the Applicant, shall submit a copy of a current fire inspection, no more than three months old, showing that the location meets all requirements pertaining to local fire and safety codes. Further, the Applicant shall submit plans, blueprints, or line drawings which describe in detail the facility(ies) in which the seminar will operate.

(B) Seminars or workshops offered in a non-fixed location, such as hotel/motel conference rooms, convention halls, or other public facilities, shall submit copies of contracts, agreements, or letters of confirmation from the facility(ies), reflecting the address and dates engaged for the period of instruction.

(7) Evidence that adequate liability insurance covering each attendee against accident or injury has been arranged and paid. The liability insurance shall be maintained in force at all times the seminar offers a program(s) or an individual course(s).

(8) Copies of the proposed enrollment form(s), or ticket(s). Such enrollment form(s), contract(s), or ticket(s) shall include the following information, at a minimum:

- (A) Title of the program or individual course(s).
- (B) Total contact hours.
- (C) Total cost and payment schedules, if applicable.
- (D) Cancellation penalty or refund policy.

[Source: Amended at 15 Ok Reg 2782, eff 7-1-98; Amended at 32 Ok Reg 2149, eff 9-11-15; Amended at 33 Ok Reg 1796, eff 9-12-16]

565:10-23-2. Advertising

(a) **Misleading advertising.** Advertising for seminars, workshops shall be factual and shall not mislead prospective attendees either by direct statement or implication. Examples of misleading statements are:

- (1) That "anyone" regardless of ability, prior experience, or training, can succeed in the field.
- (2) That securing jobs for attendees is the primary function of the institution.

(b) **Required name, address and phone number.** All printed advertising must include the entity's name, permanent address, and telephone number.

(c) **Submission of advertising to the OBPVS.** The OBPVS may require a seminar to submit all advertising for approval prior to use.

[Source: Amended at 15 Ok Reg 2782, eff 7-1-98; Amended at 32 Ok Reg 2149, eff 9-11-15]

565:10-23-3. Student complaints

Seminar student complaints may be submitted to the OBPVS, and shall be investigated by the OBPVS, in accordance with 565:1-3-2.

[Source: Amended at 12 Ok Reg 2905, eff 7-13-95; Amended at 32 Ok Reg 2149, eff 9-11-15]

565:10-23-4. Fees

(a) **Amount of fees.** Fees for licensure of seminars or workshops shall be paid in accordance with 70 O.S. §21-106.

(b) **No Catalog Change Fee.** A seminar or workshop need not pay a catalog change fee to revise, remove, or add an additional program(s) or individual course(s).

[Source: Amended at 15 Ok Reg 2782, eff 7-1-98; Amended at 32 Ok Reg 2149, eff 9-11-15]

565:10-23-5. Duration and renewal of licenses

Duration and renewal of licenses for seminars or workshops shall be the same as provided in 565:10-1-4.

[Source: Amended at 32 Ok Reg 2149, eff 9-11-15]

565:10-23-6. Reports

The seminar or workshop shall notify the OBPVS of each subsequent program or individual course session by submission of a copy of the newspaper advertisement, flyer, brochure, or pamphlet used, no less than ten days prior to release or use in Oklahoma.

[Source: Amended at 32 Ok Reg 2149, eff 9-11-15]

565:10-23-7. Grounds for revocation of license

Grounds for revocation of a license for seminars or workshop shall be as provided in 565:10-17.

[Source: Amended at 32 Ok Reg 2149, eff 9-11-15]

565:10-23-8. Procedure for revocation of licenses

Procedure for revocation of a license for seminars or workshop shall be the same as provided in 565:10-17.

[Source: Amended at 32 Ok Reg 2149, eff 9-11-15]

565:10-23-9. Penalty

Penalty shall be as provided in 70 O.S. §21-111 and 565:10-19.

[Source: Amended at 32 Ok Reg 2149, eff 9-11-15]

565:10-23-10. Mandatory school workshop

At least one person from each seminar or workshop who is responsible for the operation of the school shall be required to

participate in an annual workshop or webinar conducted by the OBPVS in accordance with 565:10-11-1(j).

[Source: Added at 19 Ok Reg 2835, eff 7-2-02 (emergency); Added at 20 Ok Reg 2489, eff 7-11-03; Amended at 32 Ok Reg 2149, eff 9-11-15]

SUBCHAPTER 25. FLIGHT SCHOOLS [REVOKED]

Section

565:10-25-1.	Applicability; exemptions [REVOKED]
565:10-25-2.	Catalog [REVOKED]
565:10-25-3.	Refunds [REVOKED]
565:10-25-4.	Student records [REVOKED]
565:10-25-5.	Inspection of student records [REVOKED]

565:10-25-1. Applicability; exemptions [REVOKED]

[Source: Revoked at 17 Ok Reg 94, eff 9-10-99 (emergency); Revoked at 17 Ok Reg 3006, eff 7-13-00]

565:10-25-2. Catalog [REVOKED]

[Source: Revoked at 17 Ok Reg 94, eff 9-10-99 (emergency); Revoked at 17 Ok Reg 3006, eff 7-13-00]

565:10-25-3. Refunds [REVOKED]

[Source: Revoked at 17 Ok Reg 94, eff 9-10-99 (emergency); Revoked at 17 Ok Reg 3006, eff 7-13-00]

565:10-25-4. Student records [REVOKED]

[Source: Revoked at 17 Ok Reg 94, eff 9-10-99 (emergency); Revoked at 17 Ok Reg 3006, eff 7-13-00]

565:10-25-5. Inspection of student records [REVOKED]

[Source: Revoked at 17 Ok Reg 94, eff 9-10-99 (emergency); Revoked at 17 Ok Reg 3006, eff 7-13-00]

SUBCHAPTER 27. FINANCIAL STATEMENTS AND FINANCIAL STABILITY

Section

565:10-27-1.	Financial Statements
565:10-27-2.	Financial stability
565:10-27-3.	Special circumstances and waiver of requirements

[Source: Codified 7-13-95]

565:10-27-1. Financial Statements

(a) **Type or format of statement.** Each Applicant or school shall submit financial statements which have been prepared

by a licensed Certified Public Accountant or licensed Public Accountant in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. The statements shall be prepared as a "Compilation", "Review", or "Audit" depending on the school type, gross tuition level and whether or not an audit is required by another specified entity. A Compilation shall be submitted for schools that collected less than Two Hundred and Fifty Thousand Dollars (\$250,000) in gross tuition for the year reported Seminars or workshops as described in 565:10-23, and new schools not participating in "Title IV Programs" through the U.S. Department of Education. The Compilation shall be certified by the school owner or proper executive officer as true and correct in content and the OBPVS shall provide an attestation sample available. All other schools shall submit a Review. If a school, seminar or workshop is required by another licensing, accrediting, or approving body to submit an audited statement, than that statement shall be submitted to this Board in lieu of a compilation or review. However, a school, seminar or workshop that is required to submit a compilation may choose to submit a reviewed or audited statement instead.

- (1) Financial Statements shall include:
 - (A) A cover letter signed by the CPA or PA on the CPA's or PA's letterhead showing at a minimum, a complete address and contact telephone number.
 - (B) A Balance Sheet
 - (C) An Income Statement or Statement of Operations that includes a separate line item(s) showing the total tuition collected by the school as opposed to combining all possible revenue sources, and should be broken down between the main school and each branch(es), if any.
- (2) Audit and Reviewed statements shall include the following additional elements:
 - (A) A Statement of Changes in Shareholders'/Owners' Equity.
 - (B) A Statement of Cash Flows.
 - (C) Proper and complete Notes to the Financial Statements.
 - (D) The Internal Control report that is a part of an Audit.

(b) **Balance Sheet.** All Balance Sheets shall report specific, separate line items on the Balance Sheet. Compilation Balance Sheets may, instead, provide a notarized statement signed by the school owner or an appropriate financial officer, as an attachment, that the balance or amount is zero Dollars (\$) for each of the following:

- (1) Unearned tuition.
- (2) Unpaid, past due taxes.
- (3) Unpaid, past due tuition refunds.
- (4) Unpaid fines and assessments.
- (5) Unpaid judgments against the institution.

(c) **Period of coverage.** The school shall submit a Financial Statement covering their most recent fiscal year. The report shall cover a twelve (12) month period unless the school has not been in business for a full year. Schools which submit a statement for a fiscal year ending more than six (6) months

prior to filing shall submit a quarterly report for their most recent quarter. An Applicant shall submit a Financial Statement which reflects their financial position at the time of application.

[Source: Added at 12 Ok Reg 2905, eff 7-13-95; Amended at 15 Ok Reg 2782, eff 7-1-98; Amended at 22 Ok Reg 68, eff 8-11-04 (emergency); Amended at 22 Ok Reg 2609, eff 7-11-05; Amended at 32 Ok Reg 2149, eff 9-11-15; Amended at 33 Ok Reg 1796, eff 9-12-16]

565:10-27-2. Financial stability

- (a) An Applicant shall have and maintain:
 - (1) A ratio of current assets to current liabilities of not less than 1:1
 - (2) Adequate financial resources to meet its responsibilities and to ensure the continuity of services as demonstrated by:
 - (A) A positive net worth or net equity on the latest Balance Sheet;
 - (B) A positive cash or total liquid assets balance on the latest Balance Sheet; and
 - (C) With cash or total liquid assets sufficient to pay three (03) months of projected expenses without the receipt of any student tuition or fees monies.
- (b) If an Applicant does not comply with the financial stability requirements, the Board may require the Applicant to evidence an additional safeguard(s), submit additional periodic financial or other documentation, or meet with the OBPVS or the Board.
- (c) Additional documentation may include but not be limited to:
 - (1) Interim (monthly or quarterly) financial statements that may be internally prepared and signed as true and correct by an appropriate school official
 - (2) Interim financial statements to be prepared by a CPA
 - (3) Being required to secure and maintain a bond or certificate of deposit in an amount exceeding the otherwise allowed minimum amount.
- (d) Safeguards or circumstances that may mitigate the need for an Applicant to be required to submit periodic financial or other documentation or to meet with the OBPVS or the Board may include, but not be limited to:
 - (1) An Owner's placement of a voluntary irrevocable letter of credit to meet specifications of the OBPVS
 - (2) An Owner's personal financial guaranty to meet the obligations of the school
 - (3) The Applicant being related to a larger entity with a long-standing reputation and substantial financial resources.
- (e) Beginning not later than the second annual relicensing following the effective date for rule changes, a licensed school shall have and maintain:
 - (1) A ratio of current assets to current liabilities of not less than 1:1
 - (2) Adequate financial resources to meet its responsibilities and to ensure the continuity of services as demonstrated by:
 - (A) A positive cash or total liquid assets balance on the latest Balance Sheet; and

(B) A positive net worth or net equity on the latest Balance Sheet.

(f) Upon the failure of a school to comply with the financial stability requirements, the Board may require the school bond or certificate of deposit to be increased as provided in 565:10-9-1(a). To further assure adequate financial resources, the owners(s) may be permitted or required to file a personal financial statement along with a notarized statement stating that the owner(s) shall take financial responsibility for the school and shall furnish adequate financial resources for its operation, or to document to the OBPVS the placement of another safeguard(s).

[Source: Added at 12 Ok Reg 2905, eff 7-13-95; Amended at 15 Ok Reg 2782, eff 7-1-98; Amended at 19 Ok Reg 2835, eff 7-2-02 (emergency); Amended at 20 Ok Reg 2489, eff 7-11-03; Amended at 32 Ok Reg 2149, eff 9-11-15; Amended at 33 Ok Reg 1796, eff 9-12-16]

565:10-27-3. Special circumstances and waiver of requirements

The Board shall have the authority to request additional financial information. Schools that can show extenuating circumstances that prevent them from complying with the requirements Financial Statement or financial stability requirements may request the Board to waive some or all of the provisions. Waiver of any requirement does not exempt the school from having to have adequate financial resources to properly operate the school or from submitting a statement prepared by a CPA or PA.

[Source: Added at 12 Ok Reg 2905, eff 7-13-95; Amended at 32 Ok Reg 2149, eff 9-11-15]

SUBCHAPTER 28. TUITION RECOVERY FUND [REVOKED]

Section

- 565:10-28-1. Purpose [REVOKED]
- 565:10-28-2. Definitions [REVOKED]
- 565:10-28-3. Conditions for payments from the fund [REVOKED]
- 565:10-28-4. Equivalent training in lieu of refund [REVOKED]
- 565:10-28-5. Primary source of refund [REVOKED]
- 565:10-28-6. Method of filing claim [REVOKED]
- 565:10-28-7. Payments from the fund [REVOKED]
- 565:10-28-8. Subrogation to the fund [REVOKED]
- 565:10-28-9. Legal action by the Board [REVOKED]
- 565:10-28-10. Provisions for refunds if claims exceed Tuition Recovery Fund Balance [REVOKED]
- 565:10-28-11. Payment of refunds to tuition assistance programs [REVOKED]
- 565:10-28-12. Contributions [REVOKED]
- 565:10-28-13. New school contributions [REVOKED]
- 565:10-28-14. Contribution limits [REVOKED]
- 565:10-28-15. Special contributions [REVOKED]
- 565:10-28-16. Schools required to participate in fund [REVOKED]

[Source: Codified 7-13-95]

565:10-28-1. Purpose [REVOKED]

[Source: Added at 12 Ok Reg 2905, eff 7-13-95; Revoked at 17 Ok Reg 94, eff 9-10-99 (emergency); Revoked at 17 Ok Reg 3006, eff 7-13-00]

565:10-28-2. Definitions [REVOKED]

[Source: Added at 12 Ok Reg 2905, eff 7-13-95; Revoked at 17 Ok Reg 94, eff 9-10-99 (emergency); Revoked at 17 Ok Reg 3006, eff 7-13-00]

565:10-28-3. Conditions for payments from the fund [REVOKED]

[Source: Added at 12 Ok Reg 2905, eff 7-13-95; Revoked at 17 Ok Reg 94, eff 9-10-99 (emergency); Revoked at 17 Ok Reg 3006, eff 7-13-00]

565:10-28-4. Equivalent training in lieu of refund [REVOKED]

[Source: Added at 12 Ok Reg 2905, eff 7-13-95; Revoked at 17 Ok Reg 94, eff 9-10-99 (emergency); Revoked at 17 Ok Reg 3006, eff 7-13-00]

565:10-28-5. Primary source of refund [REVOKED]

[Source: Added at 12 Ok Reg 2905, eff 7-13-95; Revoked at 17 Ok Reg 94, eff 9-10-99 (emergency); Revoked at 17 Ok Reg 3006, eff 7-13-00]

565:10-28-6. Method of filing claim [REVOKED]

[Source: Added at 12 Ok Reg 2905, eff 7-13-95; Revoked at 18 Ok Reg 2768, eff 7-1-01]

565:10-28-7. Payments from the fund [REVOKED]

[Source: Added at 12 Ok Reg 2905, eff 7-13-95; Revoked at 17 Ok Reg 94, eff 9-10-99 (emergency); Revoked at 17 Ok Reg 3006, eff 7-13-00]

565:10-28-8. Subrogation to the fund [REVOKED]

[Source: Added at 12 Ok Reg 2905, eff 7-13-95; Revoked at 17 Ok Reg 94, eff 9-10-99 (emergency); Revoked at 17 Ok Reg 3006, eff 7-13-00]

565:10-28-9. Legal action by the Board [REVOKED]

[Source: Added at 12 Ok Reg 2905, eff 7-13-95; Revoked at 17 Ok Reg 94, eff 9-10-99 (emergency); Revoked at 17 Ok Reg 3006, eff 7-13-00]

565:10-28-10. Provisions for refunds if claims exceed Tuition Recovery Fund Balance [REVOKED]

[Source: Added at 12 Ok Reg 2905, eff 7-13-95; Revoked at 17 Ok Reg 94, eff 9-10-99 (emergency); Revoked at 17 Ok Reg 3006, eff 7-13-00]

565:10-28-11. Payment of refunds to tuition assistance programs [REVOKED]

[Source: Added at 12 Ok Reg 2905, eff 7-13-95; Revoked at 17 Ok Reg 94, eff 9-10-99 (emergency); Revoked at 17 Ok Reg 3006, eff 7-13-00]

565:10-28-12. Contributions [REVOKED]

[Source: Added at 12 Ok Reg 2905, eff 7-13-95; Revoked at 17 Ok Reg 94, eff 9-10-99 (emergency); Revoked at 17 Ok Reg 3006, eff 7-13-00]

565:10-28-13. New school contributions [REVOKED]

[Source: Added at 12 Ok Reg 2905, eff 7-13-95; Revoked at 17 Ok Reg 94, eff 9-10-99 (emergency); Revoked at 17 Ok Reg 3006, eff 7-13-00]

565:10-28-14. Contribution limits [REVOKED]

[Source: Added at 12 Ok Reg 2905, eff 7-13-95; Revoked at 17 Ok Reg 94, eff 9-10-99 (emergency); Revoked at 17 Ok Reg 3006, eff 7-13-00]

565:10-28-15. Special contributions [REVOKED]

[Source: Added at 12 Ok Reg 2905, eff 7-13-95; Revoked at 17 Ok Reg 94, eff 9-10-99 (emergency); Revoked at 17 Ok Reg 3006, eff 7-13-00]

565:10-28-16. Schools required to participate in fund [REVOKED]

[Source: Added at 12 Ok Reg 2905, eff 7-13-95; Revoked at 17 Ok Reg 94, eff 9-10-99 (emergency); Revoked at 17 Ok Reg 3006, eff 7-13-00]

565:10-29-1. Data collection

(a) As part of the OBPVS workforce development efforts, all schools, other than seminar schools or those other schools that offer training for which there is no available Classification of Instructional Programs ("CIP") code, shall be required to submit data to the OBPVS that is outlined by CIP code to accurately reflect fields of study and program completion activity.

(b) The CIP Coding to be used is that published by the National Center for Education Statistics' NCES) Integrated Postsecondary Education Data System (IPEDS) or a Board-approved successor to the Center or System.

(c) Data submission without CIP coding may continue to be required by the Board from seminars or other schools that cannot use CIP coding.

(d) Data to be submitted annually may also include identification by the completion credential awarded such as a Certificate, Diploma, Associate Degree, or Bachelor Degree.

(e) All submitted data should contain appropriate sub-totals and totals.

(f) If required to be shared directly by a school under a proper memorandum(s) of understanding and with appropriate data security measures in place, data for employment following program and school completion may be matched or linked to data maintained by the Oklahoma Employment Security Commission.

(g) The Board may require any school to submit additional or alternate data with no less than a thirty (30) day advance notice.

[Source: Added at 33 Ok Reg 1796, eff 9-12-16]

SUBCHAPTER 29. DATA COLLECTION**Section**

565:10-29-1. Data collection

[Source: Codified 9-12-16]