



STATE BOARD OF CAREER COLLEGES AND SCHOOLS

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MEMORANDUM

To: Board Members
From: John Ware, Executive Director
Date: September 23, 2020
Re: **Administrative Rule Review Update**

INTRODUCTION

In accordance with Ohio Revised Code § 119.032, the Board is reviewing fourteen (14) Administrative Rules during the course of fiscal year 2019. The following rules are being reviewed:

3332-1-01	Authority for rule adoption
3332-1-04.3	Change of school Ownership
3332-1-04.5	Suspension or revocation of certificate of registration
3332-1-06	Distance education programs
3332-1-09	Student enrollment policies and practices
3332-1-10	Tuition and fees
3332-1-11	Scholarships and institutional grants
3332-1-12.1	Recruitment and solicitation of students
3332-1-14	Student surveys
3332-1-18	Complaint procedure
3332-1-19	Student survey
3332-1-20	Penalties
3332-1-21	Board meetings
3332-1-26	Off campus learning centers

The review of each Administrative Rule must determine all of the following:

- 1) Whether the rule should be continued without amendment, be amended, or be rescinded taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted.
- 2) Whether the rule needs to be amended or rescinded to give more flexibility at the local level.
- 3) Whether the rule needs to be amended or rescinded to eliminate unnecessary paperwork.

- 4) Whether the rule duplicates, overlaps, or conflicts with other rules.

In undertaking the review of each rule, the board must consider the continued need for the rule, the nature of any complaints or comments received concerning the rule, and any relevant factors that may have changed in the subject matter affected by the rule.

In accordance with our past practices, the Executive Director put together a rule review committee that met via virtual meeting on September 10th to review the rules and provide recommended changes to the Board. The recommended rule changes are being presented to the Board at the September 23rd Board meeting and will be posted on the Board's web site and will be discussed further at the Board's November meeting. Thereafter, the Board will continue the rule review process by filing the rules with the Governor's CSI office later this year. It is anticipated that the Board will hold a public hearing during the Board's March meeting and the rule changes will go into effect on July 1, 2021.

*****NO CHANGES ARE BEING PROPOSED TO THIS RULE*****

3332-1-01 Authority for rule adoption.

(A) Pursuant to division (A) of section 3332.031 of the Revised Code, these standards, rules, regulations and administrative procedures are promulgated by the authority of the state board of career colleges and schools.

(B) The state board of career colleges and schools will adopt and rescind rules in accordance with Chapter 119. of the Revised Code.

(C) The board shall provide notice of all public rule hearings by publishing such notice as is required by Chapter 119. of the Revised Code. In addition, the board shall provide timely notice to registered schools and other interested parties concerning the time and place of all public rule hearings.

(D) The board may provide any notice beyond that required by this rule and by Chapter 119. of the Revised Code as it considers appropriate or necessary under the circumstances. Failure to provide copies of the text of the proposed rules shall not be considered as a basis for invalidating any rule, or portion of a rule, adopted, amended, or rescinded by the board.

(E) Copies of the text of the proposed rules shall be available in the office of the board for at least thirty days prior to the public hearing period. No charge shall be levied for an examination of the proposed rules.

Effective: 1/4/2016

Five Year Review (FYR) Dates: 08/24/2015 and 01/04/2021

Promulgated Under: 119.03

Statutory Authority: 3332.031

Rule Amplifies: 3332.031

Prior Effective Dates: 12/1/1970; 4/16/90 (Emer.); 7/12/90; 4/2/2001; 7/1/2009

3332-1-04.3 Change of school ownership.

(A) Pursuant to section 3332.05 of the Revised Code, a person acquiring ownership, as defined in paragraph (B) of this rule, of a school which has a certificate of registration shall comply with all the requirements for securing an original certificate of registration. All application forms and other data shall be submitted in full along with legally documented proof of the change of ownership listing all owners or shareholders with **ten five** per cent ownership or more. Schools failing to comply will be subject to disciplinary action in accordance with section 3332.09 of the Revised Code.

(B) The following constitutes a change of ownership:

(1) Transfer or purchase of stock or other ownership interest resulting in an acquisition of at least fifty-one per cent control;

(2) Purchase of entire school or assets of school;

(3) Transfer, sale or purchase of stock, membership, or other direct or beneficial ownership interest by a single entity or by multiple entities in a single transaction or a series of transactions that results in at least fifty-one per cent change in control.

(C) ~~When the decision to acquire ownership of a school has been made, the new owner should immediately inform the board by letter.~~ **The board shall be formally notified no later than thirty days after the sale has taken place and the** ~~A~~ person or other entity purchasing a school which has a certificate of registration must acquire a new certificate, following established procedures and pay fees in accordance with the board's fee schedule.

(D) The executive director of the board has the authority to allow the school continued operation until all processing is completed for the change of ownership.

(E) New ownership must not disrupt school operations during this period of transition. Final action regarding the change of ownership is accomplished during a regular meeting of the board.

(F) The ~~state board may~~ **school shall notify all other state and federal regulatory agencies or applicable accrediting agencies that have previously approved the school or its programs** ~~the state approving agency for veterans training and the appropriate accrediting agency, if applicable,~~ of this school ownership change.

(G) The sale or transfer of ownership interest after the death of an owner of an institution to either a family member or a current stockholder of the corporation is not considered a change in ownership and the executive director of the board may determine that other similar transfers should also be excluded from these requirements.

(H) New school owners are responsible for maintaining and servicing all student records that were the responsibility of the prior owners of the school.

(I) New school owners are responsible for resolving all student complaints that were the responsibility of the prior owners of the school and that were filed with the board prior to the final approval of the change of ownership.

(J) New school owners are responsible for honoring the terms of current student enrollment agreements, institutional scholarships, or institutional grants for all students who were enrolled and taking classes at the time the change of ownership occurs.

Effective: 05/01/2014

R.C. 119.032 review dates: 12/20/2013 and 05/01/2019

Promulgated Under: 119.03

Statutory Authority: 3332.031

Rule Amplifies: 3332.05

Prior Effective Dates: 12/1/70, 4/16/90 (Emer.), 7/12/90, 7/1/91, 10/14/94, 6/1/05, 6/1/08

*****NO CHANGES ARE BEING PROPOSED TO THIS RULE*****

3332-1-04.5 Suspension or revocation of certificate of registration.

The state board of career colleges and schools may limit, suspend, revoke, or refuse to issue or renew a certificate of registration or program authorization or may impose a penalty pursuant to section 3332.09.1 of the Revised Code for any one or combination of the following:

- (A) Violation of any provision of sections 3332.01 to 3332.09 of the Revised Code, the board's minimum standards, or any rule made by the board;
- (B) Furnishing of false, misleading, deceptive, altered, or incomplete information or documents to the board;
- (C) The signing of any application, form, electronic document or the holding of a certificate of registration by a person who has pleaded guilty or has been found guilty of a felony or has pleaded guilty or been found guilty of a crime involving moral turpitude;
- (D) The signing of any application, form, electronic document or the holding of a certificate of registration by a person who is addicted to the use of any controlled substance, or who is found to be mentally incompetent;
- (E) Violation of any commitment made in an application for a certificate of registration or program authorization;
- (F) Presenting to prospective students, either at the time of solicitation or enrollment, or through advertising, mail circulars, or telephone solicitation, misleading, deceptive, false, or fraudulent information relating to any program, employment opportunity, or opportunities for enrollment in accredited institutions of higher education after entering or completing programs offered by the holder of a certificate of registration;
- (G) Failure to provide or maintain premises or equipment for offering programs in a safe and sanitary condition;
- (H) Refusal by an agent while performing duties common to agents to display his/her agent's permit upon demand of a prospective student or state board staff member or other interested persons;
- (I) Failure to maintain financial resources adequate for the satisfactory conduct of programs as presented in the plan of operation or to retain a sufficient number and

qualified staff of instruction, except that nothing in this chapter requires an instructor to be certificated by the state board of education ;

(J) Offering training or programs other than those authorized by the board, except that schools may offer special courses adapted to the needs of individual students when the special courses are in the subject field specified in the application;

(K) Discrimination in the acceptance of students upon the basis of race, color, religion, sex, or national origin;

(L) Accepting the services of an agent not holding a valid permit issued under section 3332.17 of the Revised Code;

(M) The use of monetary or other valuable consideration by the school's agents or representatives to induce prospective students to enroll in the school, or the practice of awarding monetary or other valuable considerations to students in exchange for procuring the enrollment of others;

(N) Failure to provide within a reasonable period of time after the request of the board, any information, records, or files pertaining to the operation of the school or recruitment and enrollment of students.

(O) Failure to maintain or conform to any additional required state program approval, certification, or licensing requirements.

Effective: 1/4/2016

Five Year Review (FYR) Dates: 08/24/2015 and 01/04/2021

Promulgated Under: 119.03

Statutory Authority: 3332.031

Rule Amplifies: 3332.09

Prior Effective Dates: 12/1/1970; 4/16/90 (Emer.); 7/12/90; 7/1/91; 4/2/2001; 7/1/2009

3332-1-06 Distance education programs.

(A) "Distance education" is a formal education process in which the orderly delivery of instruction occurs beyond a school's walls since the student and instructor are in different locations. Distance education may employ a variety of communication methods for delivering instruction to students.

(B) "Distance education program" is a program of study where more than fifty per cent of the program content is offered via distance education. A distance education program shall have a defined start and end date and shall be properly divided into academic terms in accordance with rule 3332-1-10 of the Administrative Code.

(C) "Distance education course" is an individual course offered via distance education that is part of either a distance education program or any other program approved by the board. Schools may offer individual courses from a board approved program via distance education. It is incumbent upon the school to demonstrate that any course offered via distance education meets the objectives set forth within the course curriculum and meets the requirements of this rule.

(D) The board recognizes that requirements for facilities, equipment, and methods of instruction for distance education programs and courses are different from those of resident programs. Nevertheless, agency-level 3332 of the Administrative Code shall apply to distance education programs and courses unless specified otherwise.

(E) Distance education programs and courses require special attention to educational objectives, instructional material, faculty training, support services, and methods for timely interaction between faculty and students. Schools seeking to offer any part of a program via distance education shall provide documentation that the program or course adheres to the following minimum standards:

(1) The educational objective shall be clearly defined for each program or courses, simply stated, and of such a nature that they can be achieved through distance education.

(2) Distance education courses and programs shall be comprehensive, rigorous, up-to-date, and educationally sound. Instructional materials and technology methods must be appropriate to meet the stated objectives of the program or course.

(3) The school shall provide appropriate faculty, faculty training, and support services specifically related to distance education. **All faculty shall complete distance education training as required by the board.**

(4) The school shall provide for methods of timely and systematic interaction between students and faculty .

(5) The school shall employ an acceptable method for monitoring student academic progress and participation in academic activity.

(6) Upon enrollment in a distance education program, the school shall provide placement assistance to students that shall include, at a minimum, accurate information about expected employment opportunities upon completion of the program.

(7) The school shall refund tuition and fees in accordance with rule 3332-1-10 of the Administrative Code. For the purpose of calculating refunds, the last date of attendance shall be the last date of documented student participation in an academic activity unless another method for calculating attendance has been approved in writing by the board.

(F) In the event of a pandemic emergency or other emergency situation as determined by the board, the executive director may allow schools to temporarily transition onsite programs and courses to distance education delivery methods where appropriate and reasonable and where the school can adequately maintain its adherence to the program or course curriculum and achieve the necessary program learning objectives. Temporary distance education approval is subject to the following conditions:

- (1) Within thirty days after a school has begin offering courses or programs pursuit to being authorized to offer temporary distance education programs the school shall submit to the board a temporary distance education plan that explains the methods and proceesses the school shall use to offer temporary distance education and how those methods and processess meet the requirements of this rule.
- (2) Temporary approval for distance education delivery shall last for a time period as determined by the board but shall not last for more than one year. Schools seeking to continue offering distance education courses past the expiration of the temporary approval period shall submit for approval of the distance education courses through the normal approval process.
- (3) Schools that offer programs that are approved by accrediting agencies or other regulatory agencies shall also seek the approval of those agencies if required for distance education programs or courses.
- (4) If a school that has been given temporary approval for distance education

delivery fails to adequately offer distance education programs and courses that meet the minimum standards of the board, the board retains the authority to immediately terminate the temporary approval.

Five Year Review (FYR) Dates: 10/10/2018 and 10/10/2023

Promulgated Under: 119.03

Statutory Authority: 3332.031

Rule Amplifies: 3332.05

Prior Effective Dates: 12/01/1970, 04/16/1990 (Emer.), 07/12/1990, 04/02/1999, 01/02/2007, 11/01/2011

Prior History: (Effective: 11/01/2011

R.C. 119.032 review dates: 06/17/2011 and 09/30/2016

Promulgated Under: 119.03

Statutory Authority: 3332.031

Rule Amplifies: 3332.05

Prior Effective Dates: 12/1/1970, 4/16/1990 (Emer.), 7/12/1990, 4/2/1999, 1/2/2007.)

3332-1-09 Student enrollment policies and practices.

(A) It is the responsibility of the school to determine with reasonable certainty, in advance of the acceptance of a prospective student's enrollment, that the student meets the minimum basic admissions qualifications as required by the school to successfully benefit from the program they intend to enter.

(B) Prior to a student's enrollment, a school shall determine, with reasonable certainty, that a prospective student is fully informed as to:

(1) The graduation requirements and expected outcomes of the program they desire to take; and,

(2) The financial obligations they are entering into; and,

(3) Their responsibilities and rights under any contracts or agreements that they are given to sign, and;

(4) The placement and graduation rates for the program they are entering into. No applicant will be allowed to sign an enrollment agreement until the school has provided the applicant with placement and graduation rates, for any program the student is considering, for each of the preceding three years; and,

(5) The school's most recently available passage rates on any state licensure exams related to any program that the student is considering.

(C) Prior to starting a program, all potential students enrolled in an Ohio school must review and complete the state board of career colleges and schools online student disclosure course as required by the board. The cost of the disclosure course shall not exceed twenty-five dollars per student for any new student who enrolls in a registered Ohio school and for whom the school keeps any portion of the tuition or registration fee. Schools that do not require that students pay tuition and fees may request a waiver of the course fee.

(D) A prospective student may be officially enrolled in school only when they have completed the school's enrollment agreement. A copy of the enrollment agreement must be furnished to the student at the time the agreement is completed.

(E) All enrollment agreements shall be on forms provided by the school and contain the following minimum information:

(1) Name, phone number and mailing address of school.

(2) Program title and starting date

(3) Number of clock or credit hours in the program including the number of weeks or months usually necessary to complete the program. For clock hour programs, schools must also list the number of clock hours in each academic term.

(4) A breakdown of tuition charges and all other school fees for which the student is responsible. This breakdown shall include the tuition costs for the current academic term and to the total projected tuition cost of the program at current tuition rates. This breakdown shall also include a disclosure concerning any tuition or fee increase policies that may affect the student before their expected graduation date.

(5) The school's refund policy as required by rule 3332-1-10 of the Administrative Code.

(6) The school's cancellation and settlement policy including notification that the enrollment agreement may be canceled by submitting written notice within five days pursuant to rule 3332-1-10 of the Administrative Code.

(7) Signature or other electronic verification from applicant and school official including the date completed.

(8) Notice to student concerning their ability to file a complaint with the state board of career colleges and schools including board's correct name, address and toll-free telephone number.

(9) Date of publication and ~~revision~~ last date of review. All enrollment agreements shall be reviewed at least every two years and the date of last review or revision shall be noted on the enrollment agreement.

~~(F) It is the responsibility of all schools to develop an informational briefing on financial aid with special attention on the obligations of any student who applies for and accepts a financial aid grant or loan. A student who applies for financial aid through the school shall be required to attend a school's informational briefing on financial aid and sign a statement acknowledging an understanding of the financial obligations into which they are entering and a copy must be kept in the student's file.~~

(G) If a school accepts an enrollment from a person who does not meet the normal basic qualifications for acceptance, it should have a record of whatever communication has taken place about the prospective student and of the reasons why they were permitted to enroll, and be prepared to justify its action to the board in accepting the enrollment, if requested.

(H) No school shall accept an enrollment from a person of compulsory school age unless legally dismissed from school, nor one attending a school of elementary or high school level, until and unless it has been established through contact with properly responsible persons that pursuit of the course would not be detrimental to his/her regular school work.

(I) If a school requires a high school diploma or GED for admission to a program, a student may be admitted to the program upon written verification from the student that they have received their high school diploma or GED. The board may require schools to audit admissions records and provide independent verification from the appropriate high school, state department of education or other independent source verifying that the student has received their high school diploma or GED. If the school is unable to obtain this independent verification, the student must be withdrawn at the end of the student's current academic term.

(J) If a school requires a high school diploma or GED for admission to a program the school may not accept any high school diploma from an online or correspondence high school unless the high school is:

(1) Authorized to offer online or correspondence high school diplomas by the state they are located within; or,

(2) Accredited by an accrediting agency recognized by the US department of education and authorized to issue high school diplomas by that accrediting agency; or,

(3) Approved in writing by the state board of career colleges and schools.

(K) It is the responsibility of each school to assure that their enrollment agreement is in compliance with this rule. The board reserves the right to periodically review and inspect enrollment agreements and to require changes to comply with this rule.

Effective: 2/15/2019

Five Year Review (FYR) Dates: 1/4/2021

Promulgated Under: 119.03

Statutory Authority: 3332.031

Rule Amplifies: 3332.031

Prior Effective Dates: 12/01/1970, 04/16/1990 (Emer.), 07/12/1990, 10/14/1994, 04/17/2000, 01/02/2007, 11/01/2011, 05/01/2014, 01/04/2016

3332-1-10 Tuition and fees.

(A) Tuition

(1) Each school must establish a total tuition charge for each program of instruction and the tuition charge must be applied uniformly to all students. This requirement does not apply to group tuition rates to business firms, industry, or governmental agencies that are documented by written agreements between the school and the respective organization. All possible tuition or fee increase policies that may affect a student before their expected graduation date must be set forth in the student's enrollment agreement.

(2) Any additional fees for activities, books, equipment (to be purchased or rented), or room and board shall be stated separately on the school's enrollment agreement and in the school catalog.

(B) Other fees:

(1) A school may charge an application, enrollment or registration fee of not more than fifteen per cent of the total tuition charge for the program or one hundred and twenty-five dollars, whichever is the lesser. This fee is refundable only under the provisions of paragraph (F)(1) of this rule.

(2) All other fees including fees for activities, equipment, books, laboratory supplies, graduation expenses, and room and board must be set forth on the school's enrollment agreement and uniformly applied. Administrative, academic, general supply and any other general fees are considered refundable fees and are refundable in the same manner as a school's tuition. Fees for books or other specifically designated school supply items are refundable in the manner prescribed by rule 3332-1-10.1 of the Administrative Code.

~~(3)~~

(C) Collecting tuition and fees

(1) All schools must collect and assess tuition and fees as follows:

(a) Credit hours - for programs organized on a credit hour basis, schools may collect and financially obligate students for tuition and fees for a maximum of one quarter or semester. Any student loans or other financial aid funds received by a school must be collected and disbursed in accordance with paragraph (D) of this rule.

(b) Clock hours - for programs organized on a clock hour basis, unless otherwise specifically approved by the board in writing, schools may collect and financially obligate students for tuition and fees for a maximum of three hundred clock hours or six months of instruction at a time, and may not collect or financially obligate students for tuition and fees for the next three hundred hour or six-month segment until it begins. Any student loans or other financial aid funds received by a school must be collected and disbursed in accordance with paragraph (D) of this rule.

(D) Student loans and financial aid

(1) Student loans or other financial aid funds received from federal, state, or local governments or administered under the federal student financial assistance programs governed by Title IV of the "Higher Education Act of 1965," 20 U.S.C.A. 1070 et seq., as amended, must be collected and applied in the manner as controlled by the applicable federal, state, or local regulations.

(2) Student loans or other financial aid funds received from private entities including, but not limited to, banks, financing companies, credit card companies, and other lending sources must be collected or disbursed in the following manner:

(a) Loans or other financing payments for amounts less than five thousand dollars may be disbursed as a single disbursement, regardless of course length.

(b) Loans or other financing payments for amounts greater than five thousand dollars that reflect a class term less than six months must have two equal disbursements. The disbursement schedule is as follows: one-half of the tuition amount released initially, and the remainder released half way through the course term.

(c) Loans or other financing payments for amounts greater than five thousand dollars that reflect a class term greater than six months, but less than twelve months must have three equal disbursements. The disbursement schedule is as follows: one-third of the tuition amount released initially, the second disbursement will be released one-third of the way through the length of the training, and the remainder released two-thirds of the way through the course term.

(d) Loans or other financing payments for amounts greater than five thousand dollars that reflect a class term greater than twelve months must have four equal disbursements. The disbursement schedule is as follows: one-quarter of the tuition amount released initially, the second disbursement will be released one-quarter of the way through the length of the training, the third disbursement will be released half way through the length of the training, and the remainder will be released three-fourths of the way through the training.

(3) No school may enter into any contract or agreement with, or receive any money from, private entities including, but not limited to, banks, financing companies, credit card companies, and other any other private lending sources unless the private entity has a disbursement policy that, at a minimum, meets the requirements of paragraph (D)(2) of this rule.

(E) Tuition charges and other fees cannot be discounted. Discounting is not necessarily limited to the following examples:

(1) Offering a student applicant a lower tuition rate if payment is made before a certain date.

(2) Offering an incentive of lower tuition to a student for aiding in the recruitment of other potential or actual students.

(3) Allowing a student to work at the school in lieu of tuition payments or a lower tuition payment.

(4) Offering lower tuition for payment in cash.

(5) Offering lower tuition when other members of a student's family attends the school.

(6) The tuition discounting prohibition shall not apply to tuition discounts provided to employees or members of an employee's family where the discount is available to all similarly situated employees and their families.

(F) Uniform tuition refund policy.

(1) An enrollment agreement or school application may be canceled within five calendar days after the date of signing provided the school is notified of the cancellation in writing. The school shall promptly refund in full all tuition and fees paid pursuant to the enrollment agreement or school application. Such refund shall be made no later than thirty days after cancellation. This provision shall not apply where a student has already started classes.

(2) The state refund policy as set forth in this rule must be uniformly applied to all students, unless the use of local, federal or state financial aid funds mandates the use of the refund policy required by another governmental entity. Schools may use a refund policy that is different from the policy required by this rule if the proposed refund policy is uniformly applied in that school and is more favorable to students and has been approved in writing by the board.

(3) The refund policy of each registered school must be identified and printed on the enrollment agreement and in the school's catalog.

(4) Schools are not required to take daily attendance. However, if a school does not take daily attendance it must develop an alternative method to accurately determine a student's last date of attendance for refund purposes and this alternative method must be approved by the board in writing.

(5) Refunds shall be made within thirty days after the school has determined that a student has withdrawn unless another refund period is mandated by the use of state or federal financial aid funds. If a student ceases attending school but does not officially notify the school of their withdrawal, the school must treat the student as withdrawn within sixty days of the student's last date of attendance or participation in an academic activity.

(6) A student's withdrawal date used to calculate refunds shall be the student's last date of attendance and participation in an academic activity unless another method for calculating withdrawal dates has been approved by the board in accordance with paragraph (F)(4) of this rule. A school ~~may~~ shall not require that notice of withdrawal be in writing, on or in any particular form, or delivered in any specific manner.

(7) Schools must complete a refund calculation for each student who officially withdraws, is dismissed, or otherwise ceases attending and a record of the refund calculation must be kept in the student's file. If it is determined that a student is owed a refund the refund must be issued in accordance with paragraph (F)(5) of this rule. If it is determined that that a student is not due a refund, the student must be notified of the determination in writing, within sixty days of the student's last date of attendance, and a full explanation must be made to the student. Any correspondence or other communication dealing with refunds shall be kept in a student's permanent records.

(8) Schools ~~may~~ shall not assess any additional fees associated with a student's withdrawal or termination from school.

(9) Schools that collect and financially obligate students for tuition charges in individual courses within a program may use a separate courses refund policy if the policy is uniformly applied and approved in writing by the board.

(10) Schools may develop separate refund policies for determining refunds where students withdraw from individual courses during an academic term but remain enrolled in other courses at the school.

(11) If a student stops attending classes and is placed on a leave of absence in lieu of a withdrawal from school, the school must document the nature of the leave of absence and the date the leave of absence ends. No leave of absence may exceed six months unless it is a **military leave of absence** or otherwise approved in writing by the board. A student who fails to return to school at the end of a leave of absence shall be formally withdrawn from the school and any refund of tuition and fees shall be issued in accordance with the last date of a student's attendance in class or participation in an academic activity.

(12) Pursuant to Ohio Revised Code section 3332.20 institutions shall grant a student a **military leave of absence** from the institution while the student is serving on active duty, and for one year after the conclusion of that service, if the student is a member of the United States national guard or other reserve component of the armed forces of the United States, or a member of those armed forces in a retired status, and is called to active duty. The student shall not suffer an academic penalty as a result of the leave of absence. Tuition refunds for students on military leave of absence shall be calculated in accordance with Ohio Revised Code section 3332.20.

~~(12)~~(13) State refund policy for programs organized on a credit hour basis.

(a) A student who starts class and withdraws during the first full calendar week of the quarter or semester shall be obligated for twenty-five per cent of the tuition and refundable fees for that academic term plus the registration fee.

(b) A student who withdraws during the second full calendar week of the academic term shall be obligated for fifty per cent of the tuition and refundable fees for that academic term plus the registration fee.

(c) A student who withdraws during the third full calendar week of the period academic term shall be obligated for seventy-five per cent of the tuition and refundable fees for that academic term plus the registration fee.

(d) A student who officially withdraws beginning with the fourth full calendar week of the academic term will not be entitled to a refund of any portion of the tuition or refundable fees.

~~(13)~~(14) State refund policy for programs organized on a clock hour basis:

(a) All clock hour programs that exceed three hundred clock hours must be broken into academic terms in accordance with paragraph (F)(11)(b) of this rule and as approved by the board. The number of clock hours in each academic term must be set forth on the school's enrollment agreement. Each academic term shall constitute

a separate refund period.

(b) For programs operating on a clock hour basis, programs of three hundred to six hundred hours will be considered equivalent to two academic terms and, therefore, shall be divided by two. Programs of six hundred to nine hundred clock hours shall be considered to be equivalent to three academic terms and shall be divided by three. Programs that are more than nine hundred hours but that are normally completed in less than one calendar year shall be divided by four. Programs that are normally completed in more than one year shall consider the clock hours scheduled in the second year as new academic terms and those clock hours occurring in the second year shall be divided in accordance with this paragraph.

(c) Refunds in clock hour programs shall be made for each academic term in accordance with the following procedures:

(i) A student who starts class and withdraws before the academic term is fifteen per cent completed will be obligated for twenty-five per cent of the tuition and refundable fees for the current academic term plus the registration fee.

(ii) A student who starts class and withdraws after the academic term is fifteen per cent complete but before the academic term is twenty-five per cent completed will be obligated for fifty per cent of the tuition and refundable fees for the current academic term plus the registration fee.

(iii) A student who starts class and withdraws after the academic term is twenty-five per cent complete but before the academic term is forty per cent completed will be obligated for seventy-five per cent of the tuition and refundable fees for the current academic term plus the registration fee.

(iv) A student who starts class and withdraws after the academic term is forty per cent completed will not be entitled to a refund of the tuition and fees for the current academic term.

(G) In the case of documented student illness or accident, death in the family, or other circumstances beyond the control of the student, the student may be entitled to special consideration and the school may settle the account for an amount which is less than that called for by the school's established policy.

(H) Schools that have their program authorization revoked for cause ~~for any specific program~~ shall provide students enrolled in the program at the time of revocation who have not completed the program and who are unable to complete the program at another institution, the opportunity to receive a refund of all tuition and fees paid for the program. Any refund of tuition and fees under this provision shall first

be made to the applicable student aid lenders of each affected student.

(I) Collection procedures used by the school must be consistent with the laws and rules applicable thereto.

(J) Schools may adopt policies related to the continuing matriculation or graduation of students who have unpaid tuition and fees or who are not in compliance with institutional payment plans. These policies shall be clearly stated in the school's catalog and may include restrictions such as not permitting students to start new academic terms, preventing students from graduating, and holding student transcripts. However, schools shall not prevent students from completing an academic term in progress or impose other academic restrictions during the course of an academic term.

(K) Schools that have closed and ceased operating shall not refuse to issue or release transcripts due to unpaid tuition or fees or impose any other financial restraint or condition on the release of student transcripts and other academic records. If the school transfers its academic records to another entity for storage or servicing, the entity in possession of the academic records shall not refuse to issue or release transcripts due to unpaid tuition or fees or impose any other financial restraint or condition on the release of student transcripts and other academic records other than normal and customary fees for processing records requests and issuing student transcripts.

Effective: 2/15/2019

Five Year Review (FYR) Dates: 1/4/2021

Promulgated Under: 119.03

Statutory Authority: 3332.031

Rule Amplifies: 3332.031

Prior Effective Dates: 01/01/1978, 04/16/1990 (Emer.), 07/12/1990, 07/01/1991, 10/14/1994, 04/17/2000, 04/02/2001, 10/01/2002, 10/15/2003, 01/02/2007, 06/02/2008, 11/01/2011, 01/04/2016

*****NO CHANGES ARE BEING PROPOSED TO THIS RULE*****

3332-1-11 Scholarships and institutional grants.

(A) Institutional scholarship award plans are tuition and fee credits or other institutional financial aid programs intended for applicants or other interested persons prior to enrollment in school. All institutional scholarships provided and administered by the school must be approved by the board, prior to the awarding of any scholarships by the school. All scholarship awards will be chosen by a committee of persons who are not employed by the school. The names of scholarship applicants will not be released to the school without board approval. The scholarship plan must be printed in the school catalog or bulletin and will provide the following information.

- (1) Name of the scholarship award.
- (2) Number of awards available during each session or term.
- (3) Value of the scholarship.
- (4) Eligibility requirements for the award.
- (5) Application dates and deadlines.
- (6) How the scholarship will be awarded (tuition credit, cash, book credit, etc.).
- (7) Whether the scholarship can be renewed, and if so, the requirements for renewal.
- (8) The source of the scholarship. Whether it is funded by the school, an outside entity or other source.

(B) Institutional grant award plans are tuition and fee credits or other insitutional financial aid programs intended for students after their enrollment in school. All institutional grants provided and administered by the school must be approved by the board, prior to the awarding of any institutional grants by the school. All institutional grant programs must have specific eligibility requirements. Institutional grants that are based upon a student's financial need must contain specific objective criteria for determining financial need. The institutional grant plan must be printed in the school catalog or bulletin and will provide the following information:

- (1) Terms that govern the awarding of institutional grants.

(2) Value of the grant.

(3) Eligibility requirements for the grant.

(4) How the grant will be awarded (tuition credit, cash, book credit, etc.).

(5) Whether the grant can be renewed, and if so, the requirements for renewal.

(C) A school must file a scholarship or grant application with the board and the board will notify the school when the application has been approved in accordance with this rule.

(D) In the event that a school fails to follow a scholarship or grant application as approved by the board, the board may, upon a written notice, revoke the school's authorization for issuance of scholarships or grants. The board may also take other punitive action if the violation warrants such action.

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7/1/2009

*****NO CHANGES ARE BEING PROPOSED TO THIS RULE*****

3332-1-12.1 Recruitment and solicitation of students.

(A) Solicitation and recruitment of prospective students must be conducted by an employee of the registered school (not by an independent contractor or other third party). Solicitation and recruitment may be conducted through means such as:

- (1) Telemarketing; and,
- (2) Direct mail; and,
- (3) School fairs; and,
- (4) Print or electronic media.

(B) All persons whose primary job duty includes the solicitation of students must possess an agent permit as required by rule 3332-1-17 of the Administrative Code.

(C) All persons involved in solicitation and recruitment who are not licensed as agents must still conduct their recruiting and solicitation activities within the ethical standards set forth in rules 3332-1-17.1 and 3332-1- 17.2 of the Administrative Code.

(D) Schools are prohibited from soliciting prospective students through contact with members of the public on public streets, sidewalks, and parking lots, on public modes of transportation, in and around other schools, door-to-door, and in buildings open to the public such as welfare offices unless the activity has been requested or approved by that agency or the entity controlling the premises. Where approved, schools must utilize booths, tables, or offices which clearly identify the name of the school and the training programs offered.

Effective: 1/4/2016

Five Year Review (FYR) Dates: 08/24/2015 and 01/04/2021

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Statutory Authority: 3332.031

Rule Amplifies: 3332.031

Prior Effective Dates: 12/1/1970; 4/16/90 (Emer.); 7/12/90; 10/14/94; 10/1/2002; 7/1/2009

3332-1-14 Student surveys.

(A) Pursuant to section 3332.051 of the Revised Code all registered schools must administer student surveys which shall be used to solicit comments from students enrolled at the school. The survey shall be designed to determine student satisfaction with the quality of instruction, facilities, school personnel, and business operations, including recruitment and recruitment agents.

(B) Surveys shall be administered at least once each school year and at least once before the completion of a program.

(C) Completed surveys shall be collected by the holder of the certificate of registration or the director or administrator of the school and shall be compiled by the school. Each school shall retain the individual surveys and the compiled results on file for at least three years and shall make them available to the state board for examination upon request. Each school shall be responsible for ensuring that completed surveys are in no way altered.

(D) To protect the confidentiality of students, student's names shall not be included on the student surveys. At no time should any school official discuss with any student any information reported on a student survey unless the student requests that the information be discussed. Schools shall develop means to protect the confidentiality of information reported on a student survey.

(E) No administrator who is also an instructor may administer a survey to any class he or she instructs or tabulate the results of that survey without the approval of the executive director of the state board of career colleges and schools.

(F) A survey may be administered on a form provided by the board or on a form provided by the school, provided it conforms with all the requirements of this rule. The survey form shall **measure the following items:** ~~be divided into two parts.~~

(1) ~~Part I of the~~ **The** survey shall measure the student's satisfaction with the instruction he or she has been receiving from the beginning of the term, quarter, or semester in the specific class in which the survey is being administered. It shall enable the student to convey the degree of satisfaction he or she has with the teaching ability of the instructor; those personal qualities of the instructor essential to effective relationships with students; and physical aspects of the classroom, including equipment employed, that relate materially to an appropriate and effective learning environment.

(2) ~~Part II of the~~ **The** survey shall **also** measure the student's satisfaction with the overall quality of his educational experience at the school. It shall enable the

student to express the degree of his or her satisfaction with all instruction received, the program he or she is taking, the equipment used in the courses taken to date, the school facility in which instruction has been provided, and the services provided by staff members other than instructors. It shall also enable the student to express the degree of his or her satisfaction with the integrity of the school demonstrated in its recruitment and business practices, by its recruitment agents and administrative staff, and in its responses to the student's concerns or complaints.

(3) The survey shall also ask the student whether he or she would recommend the school in which he or she enrolled to a friend.

(G) Schools may also be required to administer student surveys on behalf of the board in order to determine student satisfaction.

Effective: 1/4/2016

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Promulgated Under: 119.03

Statutory Authority: 3332.031

Rule Amplifies: 3332.051

Prior Effective Dates: 4/16/1990 (Emer.); 7/12/90; 7/1/91; 10/14/94; 4/2/2001; 7/1/2009

3332-1-18 Complaint procedure.

(A) The state board of career colleges and schools is given the authority under section 3332.091 of the Revised Code to investigate any complaint, submitted in writing, by any person adversely affected by the actions of a certificate holder. Complaints must be submitted within six months after the violations allegedly were committed. In addition, the board may, upon its own initiative and independent of the filing of any complaints, conduct a preliminary investigation relating to any possible violations of Chapter 3332. of the Revised Code.

(B) The executive director or his or her designee, is therefore designated by, and on behalf of the board, to resolve complaints and enforce the provisions of the statutes and rules of the board.

(C) The executive director will submit to the board, at each meeting, a list of the number of complaints currently under investigation. School and complainant names currently under investigation will **generally** not be disclosed during public board meetings **unless public discussion is deemed necessary to resolve the complaint.**

(D) If deemed necessary, the executive director may request the board to review a complaint for its recommendations. In such cases, all documentation pertaining to the nature and status of the complaint will be presented before the board by the executive director and/or his or her staff designee.

(E) While the board will normally investigate only signed complaints, the board reserves the right to act upon any anonymous complaints which indicate the possibility of violations of the statute or rules of the board.

(F) Upon receipt of a written complaint, it will be reviewed by the executive director or his or her designee to determine if the board has jurisdiction in the matter.

(G) If it is determined that the board does not have jurisdiction in the matter, the complainant will be promptly notified of that determination.

(H) If it is determined that the board has jurisdiction in the matter, the complaint will be assigned to the appropriate person to initiate a preliminary investigation into the matter. A copy of the complaint will normally be forwarded to the school for its review and response, and the complainant will be notified of this action.

(I) If it is determined after a preliminary investigation that it is not probable that violations were committed, the complainant will be notified of this determination and the case will be closed.

(J) If it is determined after a preliminary investigation that it is probable that violations were committed, the executive director or his or her designee shall endeavor to eliminate such violations through informal means of conference, conciliation, and persuasion. Nothing said or done during these endeavors shall be disclosed by any member of the board or its staff, or be used as evidence in any subsequent proceedings.

(K) If after such investigation and conference, the board is satisfied that such violations will be eliminated, the board will treat the complaint as conciliated, and entry of such disposition shall be made in the records of the board. At that time the complainant will be notified.

(L) The executive director, on behalf of the board, may also enter into consent agreements or corrective action plans with registered schools in order to ensure that any potential violations have been eliminated and to ensure that any potential violations will not occur in the future. All consent agreements and corrective action plans that are entered into by the board will be considered public records.

(M) If the board fails to effect the elimination of such violations or fails to obtain voluntary compliance with the statute or rules of the board, the board may issue a formal complaint to the holder of a certificate of registration of the school under investigation and proceed pursuant to the provisions of section 3332.091 of the Revised Code.

Effective: 1/4/2016

Five Year Review (FYR) Dates: 08/24/2015 and 01/04/2021

Promulgated Under: 119.03

Statutory Authority: 3332.031

Rule Amplifies: 3332.091

Prior Effective Dates: 4/16/1990 (Emer.); 7/12/90; 10/14/94; 4/2/2001; 7/1/2009

*****NO CHANGES ARE BEING PROPOSED TO THIS RULE*****

3332-1-19 The student tuition recovery fund.

(A) The state board of career colleges and schools shall assist the student tuition recovery authority in its administration and oversight of the student tuition recovery fund.

(B) The state board of career colleges and schools shall collect payments on behalf of the student tuition recovery authority pursuant to the payment schedule identified in section 3332.085 of the Revised Code. Checks shall be made payable to the student tuition recovery fund and sent to the executive director of the state board of career colleges and schools, who will promptly forward all receipts to the treasurer of state. New schools and schools changing ownership must submit their student tuition recovery fund fees with their new school or change of ownership application that is submitted to the state board of career colleges and schools. All other registered schools shall be invoiced for their yearly fees and must submit their payments by August thirty-first.

(1) In calculating the previous fiscal year's gross tuition income, Ohio schools must include all tuition receipts for approved programs, whether or not the students were residents of Ohio.

(2) Out-of-state schools must contribute based on the Ohio residents they enroll.

(3) Failure of a school to make payment more than fifteen days after the due date listed on the invoice may result in the initiation of proceedings under Chapter 119. of the Revised Code for cancellation of the certificate of registration and/or the imposition of civil penalty.

(4) A minimum penalty of one hundred dollars will be assessed against any school whose student tuition recovery fund payment is submitted after the due date listed on the invoice. In the event of receiving a check that is dishonored the board will assess an additional penalty of fifty dollars.

(C) Upon the receipt or information that a school registered by the state board of career colleges and schools has closed, the executive director of the board shall determine if any enrolled students are eligible for assistance from the student tuition recovery authority. If the executive director determines that students may be eligible for assistance, the executive director shall:

(1) Notify the authority that the school is officially closed;

(2) Obtain and forward to the authority the names, addresses, and the total amount of prepaid tuition paid by each student that has submitted a claim for reimbursement;

(3) Determine which of these students will accept a teach-out provided by another school;

(4) Determine if the students in question have a student loan and identify the amount of the loan and the lender; and,

(5) Send to each eligible student a form for the authority to secure and verify the above information;

Effective: 1/4/2016

Five Year Review (FYR) Dates: 08/24/2015 and 01/04/2021

Promulgated Under: 119.03

Statutory Authority: 3332.031

Rule Amplifies: 3332.083, 3332.085

Prior Effective Dates: 4/16/90 (Emer.); 7/12/90; 7/1/91; 10/14/94; 10/1/02;
7/1/2009

*****NO CHANGES ARE BEING PROPOSED TO THIS RULE*****

3332-1-20 Penalties.

(A) The state board of career colleges and schools may suspend, revoke, or refuse to issue or renew a certificate of registration or program authorization or may impose a penalty pursuant to Chapter 3332. of the Revised Code for a violation of any provision of Chapter 3332. of the Revised Code, the board's minimum standards, or any rule made by the board.

(B) If, after a public hearing, the board determines that the holder of a certificate of registration has violated any provision of Chapter 3332. of the Revised Code or any rule made by the board, the board shall issue a final adjudication order levying a civil penalty pursuant to paragraph (C) of this rule or limiting, suspending or revoking the certificate of registration or program authorization or any combination thereof. The board may impose additional penalties including but necessarily limited to curtailment of advertising, and discontinuation of enrollment of students in specific programs. Upon suspension or revocation, the board immediately shall issue an order pursuant to Chapter 119. of the Revised Code requiring such person immediately to cease all sales, advertising, and enrollment activities.

(C) Pursuant to section 3332.091 of the Revised Code, the board may impose a civil penalty of not less than one thousand dollars nor more than three thousand five hundred dollars for each violation of section 3332.09 of the Revised Code and any other rule promulgated by the board. Penalties may not exceed an aggregate penalty of thirty-five thousand dollars in any six-month period.

Effective: 1/4/2016

Five Year Review (FYR) Dates: 08/24/2015 and 01/04/2021

Promulgated Under: 119.03

Statutory Authority: 3332.031

Rule Amplifies: 3332.091

Prior Effective Dates: 12/1/1970; 4/16/90 (Emer.); 7/12/90; 4/2/2001; 7/1/2009

3332-1-21 Board meetings.

(A) This rule of the state board of career colleges and schools is adopted in compliance with section 121.22 of the Revised Code.

(B) Any person may determine the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings **by reviewing the Board's web site or** by:

(1) Writing to the following address:

"State Board of Career Colleges and Schools

30 East Broad Street, Suite 2481

Columbus, Ohio 43215"

(2) Calling the following telephone number during normal business hours: (614) 466-2752.

(C) All requests for meeting notification shall provide the name of the individual media representative to be contacted, his or her mailing address, e-mail address, and a telephone number where he or she can be reached.

(D) Any representative of the news media may obtain notice of all special meetings by requesting in writing that such notice be provided.

(E) In the event of a special meeting not of an emergency nature, the executive director shall notify all media representatives who have requested notification of such meeting by doing at least one of the following:

(1) Providing written notice, which must be mailed **or distributed via electronic communication** no later than four calendar days prior to the day of the special meeting.

(2) Notifying such representative by telephone **or other electronic communication** no later than twenty-four hours prior to the special meeting; such telephone **or other electronic communication** notice shall be complete if a message has been left for the representative, or if, after reasonable effort, the executive director has been unable to provide such telephone notice.

(3) Informing such representative personally no later than twenty-four hours prior to

the special meeting.

(F) In the event of a special meeting of an emergency nature, the executive director shall notify all media representatives on the list of such meeting by providing either the notice described in paragraph (E)(1) of this rule, or that described in paragraph (E)(2) of this rule. In such event, however, the notice need not be given twenty-four hours prior to the meeting, but shall be given as soon as possible.

(G) In giving the notices required by paragraphs (E) and (F) of this rule, the executive director may rely on assistance provided by any member of the state board of career colleges and schools and any such notice is complete if given by such member in the manner provided in this rule.

(H) The executive director shall maintain a list of all persons who have requested, orally or in writing, notice of all meetings of the state board of career colleges and schools at which specific subject matters designated by such persons are scheduled to be discussed. Any person may, upon request, have his name placed on such a list. Meeting notices will be sent via electronic communication and will also be posted on the Board's web site. Periodically, the executive director shall confirm that individuals who have been placed on the list, wish to continue to receive board notices.

(I) All schools or other persons that seek to have items considered by the board at a regularly scheduled board meeting, must submit the items for consideration in accordance with the published board meeting agenda deadlines that are available on the Board's web site. Items submitted after the board meeting agenda deadlines may be considered by the board only if specifically approved by the executive director.

Effective: 05/01/2014

R.C. 119.032 review dates: 12/20/2013 and 05/01/2019

Promulgated Under: 119.03

Statutory Authority: 3332.031

Rule Amplifies: 3332.03

Prior Effective Dates: 1/26/76; 4/16/90 (Emer.); 7/12/90; 10/14/94; 4/2/01, 7/1/09

3332-1-26 Off campus learning centers.

(A) An off campus learning center is an extension of a school **that holds a certificate of registration with the board. All off campus learning centers approved under this rule must be** physically located in the state of **Ohio, which is registered with the board.** ~~The site is~~ **Off campus learning centers are** located away from the ~~main~~ **registered** school site, operates as less than a full service school and markets only programs and/or courses approved by the board.

(B) In general, the curriculum offerings shall be restricted to selected courses and not complete programs except under special circumstances as authorized by the board. All other administrative rules that apply to the ~~main~~ **registered** school site will also apply to the learning center except those rules exempted by the board.

(C) A registered school shall obtain a separate certificate of registration for each learning center. Each application for issuance or renewal of a learning center shall be accompanied by a non-refundable fee **if a fee is required established** by the board. The application must include a rationale which will support the perceived need for the learning center.

(D) The issuance or renewal of a learning center certificate of registration shall cover only the offering of courses/programs currently approved at the ~~main campus~~ **registered school site** with no new individual program fees required. Approval for new programs/courses which are not currently approved at the ~~main campus~~ **registered school site** and which are intended for offering at the learning center will be processed through the ~~main campus~~ **registered school site** using current processing, procedures, and fees.

(E) A school seeking approval for a learning center must commit in writing to students enrolled in any course or program at a learning center that once begun, they will be given the opportunity to complete such courses or program either at the learning center or at the ~~main campus~~ **registered school site** or be entitled to a full refund.

(F) The learning center should provide those support services which are essential to the delivery of instructional activities. Standards of quality for faculty, equipment, and instructional materials must be at the same level found at the main school campus.

(G) The executive director may approve learning centers provided that the registered school has submitted the required application, facility compliance information, and any required fees. All learning centers approved by the executive director shall appear on the board's consent agenda at the next board meeting.

~~(G)~~(H) The board recognizes two types of learning centers:

(1) Satellite classrooms:

(a) A satellite classroom is an off-site facility used as temporary space to accommodate a temporary problem or space shortage at the ~~main~~-registered school site; or to provide selected short-term training courses on a temporary basis.

(b) The authorization term for a satellite classroom cannot exceed the time stated on a school's certificate of registration.

(c) A satellite classroom must be located within ten miles of the ~~main~~ registered school location.

~~(d) The executive director may approve satellite classrooms provided that the main school has submitted the required application, facility compliance information, and required fees.~~

(2) Satellite school facilities:

(a) A satellite school facility is a school facility located away from the ~~main-campus~~ registered school site that is used to:

(i) Provide approved courses or programs that require less than a full service facility, or;

(ii) Provide training under contract with a public agency, private company or other sponsor.

(b) The authorization term for a satellite school facility cannot exceed the time stated on the certificate of registration for the school's ~~main-campus~~ registered school site. Application for a renewal of a satellite school facility must be made at the time of the renewal of the certificate of registration for the ~~main-campus~~ registered school site.

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R.C. 119.032 review dates: 12/20/2013 and 05/01/2019

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