



STATE BOARD OF CAREER COLLEGES AND SCHOOLS

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MEMORANDUM

To: Board Members
From: John Ware, Executive Director
Date: March 30, 2011
Re: **Administrative Rule Review**

INTRODUCTION

In accordance with Ohio Revised Code § 119.032, the Board is reviewing seventeen (17) Administrative Rules during the course of this fiscal year. The following rules are being reviewed this year:

3332-1-02	Definition of Terms
3332-1-03	Exempt Universities, Courses, Schools or Colleges
3332-1-04.1	Change of Address
3332-1-04.2	Name of School
3332-1-04.4	Renewal of Certificate of Registration
3332-1-05	Out-of-State Schools
3332-1-06	Distance Education Programs
3332-1-07	Equipment and Facilities
3332-1-08	School Administration
3332-1-09	Student Enrollment Policies and Practices
3332-1-10.1	Refunds for Books, Fees and Supplies
3332-1-12	Advertising, Promotional Literature and Publicity
3332-1-13	Surety Bonds
3332-1-15	Program Authorization
3332-1-16	Program Requirements
3332-1-22.1	Miscellaneous fees
3332-1-23	Annual Report

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- 1) Whether the rule should be continued without amendment, be amended, or be rescinded taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted.
- 2) Whether the rule needs to be amended or rescinded to give more flexibility at the local level.

- 3) Whether the rule needs to be amended or rescinded to eliminate unnecessary paperwork.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.

The rule review committee met on March 11th to review the staff's preliminary report on the recommended changes to the Administrative Rules. Attached to this memorandum are the changes that have been recommended by the rule review committee. These changes will be posted on the Board's web site for further comment from schools or other interested parties and final recommendations will be submitted to the Board for formal consideration at the May Board meeting. If the proposed changes are approved by the Board in May, a public hearing will be scheduled for the July Board meeting. Under this current schedule the effective date of these changes should be on or about September 1, 2011.

3332-1-02 Definition of terms.

- (A) "Ability to benefit" means any student who, prior to admission, does not have a high school diploma or its equivalent, the general equivalency diploma (G.E.D.), and who is subject to the ability to benefit criteria of the U.S. department of education, and all applicable rules of the state board.
- (B) "Agent" means an employee of a school whose primary duties performed include distribution of literature or information on behalf of a person offering a program, and the solicitation of prospective students in Ohio to enroll in a program.
- (C) "Associate degree" means the credential awarded by a school upon the successful completion of an associate degree program. The program must contain a minimum of ninety quarter credit hours or sixty semester hours.
- (D) "Advanced degree" means the credential awarded by a school upon the successful completion of a baccalaureate, masters, or doctorate degree program which meets the requirements of the Ohio board of regents
- ~~(E) "Basic course" means a foundation unit of learning which provides fundamental principles or knowledge for a technical specialty.~~
- (F) "Board" means the state board of proprietary school registration or the state board of career colleges and schools.
- (G) "Calendar week" means seven consecutive calendar days.
- (H) "Certificate" means the credential awarded by a school upon the successful completion of a certificate program. The certificate program generally consists of one or more technical courses usually completed in one to twenty-six weeks, normally with a single skill objective **AND A MAXIMUM OF THIRTY-SIX QUARTER OR TWENTY-FOUR SEMESTER CREDIT HOURS.**
- (I) "Certificate of registration" means a certificate issued by the state board of career colleges and schools to the owner or operator of a private career school located within or outside the state of Ohio, that permits the school to solicit students and offer and maintain a program in Ohio.
- (J) "Clock hour" means for purpose of instruction, a period of sixty minutes with a minimum of fifty minutes of classroom work.
- (K) "College" means a school possessing a certificate of registration authorizing at least one associate or advanced degree program.
- (L) "Course" means a unit of learning which is an integral part of a program of instruction.
- (M) "Credit-hour laboratory" means one credit shall be awarded for every two laboratory hours in a week of the quarter or semester when the laboratory experience is supplemented by

out-of-class assignments. When out-of-class assignments are not required, the ratio will be one credit for every three laboratory hours.

- (N) "Credit-hour non-laboratory" means one credit shall be awarded for each one hour scheduled in the classroom within a week, quarter, or semester, provided the student is required to devote at least two hours out-of-class assignments for each class hour scheduled.
- (O) "Diploma" means the credential awarded by a school upon the successful completion of a diploma program. The diploma program generally consists of more than six hundred but less than fifteen hundred clock hours; or more than ~~forty~~ **THIRTY-SIX** but less than ninety quarter credit hours; or more than twenty-seven but less than sixty semester hours
- (P) "Director" means the person directly responsible for the operational management of a school.
- (Q) "Full-time student" means a student who is scheduled to attend a minimum of twenty or more clock hours or twelve or more credit hours per week.
- (R) "General education course" means a unit of learning non-technical in nature, which is an integral part of a program the content of which is drawn from oral communication, written communication, social studies, **NATURAL SCIENCES, MATHEMATICS,** and the humanities.
- (S) "Institutional Scholarship or Grant" means any scholarship, tuition credit, grant, or other financial aid program offered by a registered school that uses institutional funds or other institutional credits to reduce a student's tuition and fee obligations. All institutional scholarships or grants must be approved in accordance with rule 3332-1-11 of the Administrative Code.
- (T) "Gross annual tuition income" means the tuition income (minus tuition refunds) received by a registered school in approved programs as computed at the end of the school's accounting year.
- (U) "Major" means a program of study within a degree program that includes a minimum of twenty per cent of the program's total hours in the specific discipline intended to be named as the major in the program's title. At the same time, the balance between general education, basic and technical courses must be maintained in the program.
- (V) **NON-TECHNICAL COURSE" MEANS ANY COURSE IN THE CURRICULUM THAT IS NOT TECHNICAL IN NATURE AND INCLUDES GENERAL EDUCATION COURSES, BASIC COURSES, OR OTHER RELATED COURSES.**
- (V) "Person" means an individual, corporation, partnership, association, limited liability company or any other type of business organization.
- (W) "Primary Duty" or "Primary Job Duty" means more the fifty per cent of a person's assigned job responsibilities.
- (X) "Private career school" means a career college, school, person, or other organization that offers programs that require registration pursuant to Chapter 3332 of the Revised Code.

- (Y) "Proficiency in subject matter discipline for faculty members assigned to teach the general study portion of any degree program" means proficiency in subject matter discipline evidenced by a minimum of fifteen quarter credit hours (or semester credit hours equivalent) of work in the discipline, taken at the undergraduate or graduate level, or a combination of the two levels.
- (Z) "Proprietary school" means a career college, school, person, or other organization that offers programs that require registration pursuant to Chapter 3332 of the Revised Code.
- (AA) "Quarter" means an academic time span of ten to ~~thirteen~~ **TWELVE** weeks.
- (BB) "Semester" means an academic time span of ~~fourteen~~ **FIFTEEN** to ~~twenty~~ **EIGHTEEN** weeks.
- (CC) "School" means a school, career college, person or other organization that offers programs that require registration under Chapter 3332 of the Revised Code.
- (DD) "Students enrolled" means the number of students who have started class and attended at least one day.
- (EE) "Teach-out" means the process whereby a school fulfills its educational and contractual obligations to currently enrolled students prior to voluntarily closing. Among its options are a cessation of enrollments with continued operation until present students are graduated; or making an agreement with a school or a group of schools, in the same geographic area, to absorb its students at no additional cost to the affected students, except as may be permissible under regular financial aid eligibility requirements.
- (FF) "Technical course" means a unit of learning which yields skills, knowledge, and appreciation essential to the specific occupation for which the program was designed.
- ~~(GG) "Trimester" means an academic time span of fourteen to seventeen weeks.~~

HISTORY: Eff 12-11-76; 4-16-90 (Emer.); 7-12-90; 7-1-91; 10-14-94; 10-1-02; 7-1-09.
 Rule promulgated under: RC Chapter 119
 Rule authorized by: RC 3332.031
 Rule amplifies: RC 3332.01
 R.C. 119.032 review date: 07/01/2014
 Replaces: former 3332-1-01

*****NO CHANGES TO THIS RULE HAVE BEEN PROPOSED**

3332-1-03 Exempt universities, courses, schools or colleges.

- (A) Pursuant to section 3332.02 of the Revised Code, this chapter does not apply to the following categories of courses, schools, or colleges:
- (1) Tuition-free courses or schools conducted by employers exclusively for their own employees;
 - (2) Non-profit institutions with certificates of authorization issued pursuant to section 1713.02 of the Revised Code or that are non-profit institutions exempted from the requirement to obtain a certificate by division (E) of that section;
 - (3) Schools, colleges, technical colleges, or universities established by law or chartered by the Ohio board of regents;
 - (4) Courses of instruction required by law to be approved or licensed by a state board or agency other than the state board of career colleges and schools, except that a school so approved or licensed may apply to the state board of career colleges and schools for a certificate of registration to be issued in accordance with this chapter;
 - (5) Schools for which minimum standards are prescribed by the state board of education pursuant to division (D) of section 3301.07 of the Revised Code;
 - (6) Courses of instruction conducted by a public school district or a combination of public school districts;
 - (7) Courses of instruction conducted outside the United States.
 - (8) Private institutions exempt from regulation as prescribed in section 3333.046 of the Revised Code;
 - (9) Training courses for employees paid for by employers and conducted by outside service providers.

HISTORY: Eff 12-1-70; 4-16-90 (Emer.); 7-12-90; 7-1-91; 10-14-94; 6-1-05.
Rule promulgated under: RC Chapter 119;
Rule authorized by: RC 3332.02
Rule amplifies: RC 3332.02 , 3332.05;
R.C. 119.032 review dates: 3/25/03, 3/25/08, 4/15/10

3332-1-04.1 Change of address.

- (A) Pursuant to section 3332.05 of the Revised Code, an application for approval of a proposed change of location or alteration of existing facilities involving building code changes must be filed with the board. The owner must show proof that all municipal, county, state, and federal regulations have been complied with (i.e., fire, building, sanitation code, etc.). A change of location will be approved if within a reasonable commuting distance of the former location or if currently enrolled students are not materially disadvantaged in the move. Failure to notify the board will subject the school to disciplinary action in accordance with section 3332.09 of the Revised Code.
- (B) Any school contemplating a change of address ~~should~~ **MUST** notify the board prior to the move and submit the appropriate fee in accordance with the board's fee schedule.
- (C) A completed facilities compliance statement and approved site visit report for the new location must be filed with the board prior to executive director approval on the address change request.
- ~~(D) The state board may notify the state approving agency for veterans training and the appropriate accrediting agency, if applicable, of this address change.~~

HISTORY: Eff 12-1-70; 4-16-90 (Emer.); 7-12-90; 10-14-94; 6-1-05.

Rule promulgated under: RC Chapter 119

Rule authorized by: RC 3332.031

Rule amplifies: RC 3332.031 , 3332.05

R.C. 119.032 review dates: 3/25/03, 2/25/05, 4/15/10.

3332-1-04.2 Name of school.

- (A) School names should avoid leaving any false or misleading impressions about the school and the programs a school offers.
- (B) A school may not use the term "college" in its name unless the school has been approved to offer associate or advanced degree programs by the board.
- (C) A school may not use the term "university" in its name unless the school meets the requirements section 3332.06 of the Revised Code.
- (D) Schools may apply for a name change when factors such as growth or change of mission warrant a name change. Written applications to the board ~~should~~ **MUST** justify the change of name request and ~~be accompanied by~~ **WILL BE ASSESSED** the appropriate fee. School name changes ~~may~~ **WILL** be approved by the executive director.

HISTORY: Eff 12-1-70; 4-16-90; 7-12-90; 10-14-94; 10-1-02; 6-1`-05.

Rule promulgated under: RC Chapter 119

Rule authorized by: RC 3332.031

Rule amplifies: RC 3332.031 , 3332.05

R.C. 119.032 review dates: 3/25/03, 2/25/05, 4/15/10.

Replaces: former 3332-1-04.2

3332-1-04.4 Renewal of certificate of registration.

- (A) Pursuant to section 3332.05 of the Revised Code, on or before one hundred twenty days prior to the expiration of a certificate of registration, the board will send a ~~certified letter~~ **NOTICE** to the institution, notifying said institution of the expiration date ~~and containing necessary application, documents, and forms for~~ **FOR THE INSTITUTION'S** certificate renewal. Institutions shall return a completed application at least ninety days prior to the expiration date.
- (B) Applications for renewal of the certificate of registration ~~must be accompanied by~~ **WILL BE ASSESSED** a non-refundable fee as determined by the board and which is based on gross annual tuition income of the applicant school. The provisions of the fee schedule are outlined in rule 3332-1-22 of the Administrative Code.
- (C) Schools submitting late applications will be subject to late fees or other disciplinary action in accordance with section 3332.09 of the Revised Code.

HISTORY: Eff 12-1-70; 4-16-90 (Emer.); 7-12-90; 7-1-91; 6-1-05.

Rule promulgated under: RC Chapter 119

Rule authorized by: RC 3332.031 (B) and (C), 3332.05

Rule amplifies: RC 3332.05

R.C. 119.032 review dates: 3/25/01, 2/25/05, 6/1/10.

3332-1-05 Out-of-state schools.

- (A) An out-of-state school desiring to solicit Ohio residents **IN OHIO** must obtain a certificate of registration from the board. The certificate of registration shall state that it is for solicitation purposes only.
- (B) Any out-of-state school who solicits students ~~from~~ **IN** Ohio must receive program authorization from the board for each individual program of study. The program authorization shall state that it is for solicitation purposes only. Certificate, diploma, and degree programs will be approved for a two year period in conjunction with the renewal of the certificate of registration.
- (C) The board recognizes that registration, approval or licensing laws and minimum standards of other states regulating private career schools may differ from Ohio laws and standards. Therefore, in issuing a certificate of registration or program authorization to an out-of-state school, the board may accept the minimum standards of other states having laws governing proprietary schools or the minimum standards of nationally recognized accrediting agencies providing the standards are similar to Ohio's minimum standards.
- (D) All fees charged to out-of-state schools for certificates of registration and program authorization shall be the same as the fees charged to in-state schools unless otherwise noted in the board's fee schedule. Out-of-state schools submitting late renewal applications will be subject to late fees or other disciplinary action in accordance with section 3332.09 of the Revised Code.
- (E) An agent from an out-of-state school who desires to solicit Ohio residents shall not be eligible to receive an agent permit unless the school the agent seeks to represent has a valid certificate of registration issued by the board to the school.
- (F) An agent soliciting Ohio residents for an out-of-state school is subject to all the provisions outlined in chapter 3332 of the Revised Code and agency level 3332 of the Administrative Code.

HISTORY: Eff 12-1-70; 4-16-90 (Emer.); 7-12-90; 10-14-94; 4-2-99; 6-1-05.

Rule promulgated under: RC Chapter 119

Rule authorized by: RC 3332.031

Rule amplifies: RC 3332.05

R.C. 119.032 review dates: 3/25/99, 2/25/05, 4/15/10.

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 50% 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 Administrative Code rule 3332-1-10.
- (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, chapter 3332 of the Administrative Code shall apply to distance education programs **AND COURSES UNLESS SPECIFIED OTHERWISE** ~~where applicable.~~
- (E) Distance education programs and courses require special attention to educational objectives, instructional material, faculty training and 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** ~~Distance education programs and courses shall adhere to the following minimum standards:~~
 - (1) The educational objective for each program or course shall be clearly defined, 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 ~~are~~ **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.
 - (4) The school shall provide for methods for timely **AND SYSTEMATIC** interaction between students and faculty. ~~and the school shall employ an acceptable method for monitoring student academic progress.~~

(5) **THE SCHOOL SHALL EMPLOY AN ACCEPTABLE METHOD FOR MONITORING STUDENT ACADEMIC PROGRESS AND PARTICIPATION IN ACADEMIC ACTIVITY.**

(5) Upon enrollment in a distance education program, the school shall provide placement assistance to students that shall include, at a minimum, accurate information about ~~job opportunities~~ **an expected employment outcomes**
OPPORTUNITIES UPON COMPLETION OF THE PROGRAM.

(6) **THE SCHOOL SHALL REFUND TUITION AND FEES IN ACCORDANCE WITH SECTION 3332-1-10 OF THE ADMINISTRATIVE CODE. FOR THE PURPOSE OF CALCULATING REFUNDS, 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) — The following are considered a minimum requirement for tuition refunds and/or adjustments for distance education programs:~~

~~(1) — An enrollment may be canceled by an applicant student within five calendar days after midnight of the day on which the enrollment agreement was completed. An applicant student must request cancellation in writing or via electronic mail within this five working day period. The student shall be given a refund of all monies paid to the school or its representative.~~

~~(2) — From five working days after midnight of the day on which the enrollment agreement is completed and until the student begins the program, the school is entitled to the registration fee not to exceed one hundred and twenty-five dollars or fifteen per cent of the tuition for the academic term, whichever is lesser.~~

~~(3) — After the student begins the program, if the student requests cancellation or ceases participating in the program, the school shall refund tuition and fees in accordance with section 3332-1-10 of the administrative code.~~

~~(4) — For the purpose of calculating refunds, 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) — 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.~~

HISTORY: Eff 12-1-70; 4-16-90 (Emer.); 7-12-90; 4-2-99; 1-2-07
Rule promulgated under: RC Chapter 119
Rule authorized by: RC 3332.031; Rule amplifies: RC 3332.05
R.C. 119.032 review dates: 3/25/99, 4/2/04, 9/30/11

*****NO CHANGES TO THIS RULE HAVE BEEN PROPOSED**

3332-1-07 Equipment and facilities.

- (A) All buildings where courses of instruction are being conducted must comply with all municipal, county, state, and federal regulations as to fire, safety, health, and sanitation codes or regulations.
- (B) Lighting, heating, and ventilation must meet institutional needs. The equipment and facilities must be suitable to meet the training specified in the course content for the maximum pupil enrollment. Where applicable, all equipment, premises, and facilities must be safeguarded in conformity with state and federal rules and regulations.
- (C) Space available for training purposes shall conform to good school practices and standards. As a guideline, the board will use the Ohio building code requirement for determining classroom capacity.
- (D) Equipment shall be maintained in good working order and shall be updated as required and shall adhere to current occupational trends and employment market demands in the course of studies which the student is enrolled.

HISTORY: Eff 12-1-70; 4-16-90 (Emer.); 7-12-90; 10-14-94; 4-2-99; 6-1-05.

Rule promulgated under: RC Chapter 119

Rule authorized by: RC 3332.031

Rule amplifies: RC 3332.09

R.C. 119.032 review dates: 3/25/99, 2/25/05, 4/15/10.

3332-1-08 School administration.

- (A) All schools shall maintain appropriate student records of tuition fees paid, basis for admission, program enrollment, enrollment and withdrawal dates, student evaluation, and progress toward a degree, diploma or certificate. These student records shall be maintained for a period of five years by the school, its successors or assigns. Academic records (transcript) must be retained permanently. Any changes or alterations to student records must be accurately documented and signed by an appropriate school official.
- (B) Records of progress and conduct must be made available to the student at their request and at a time convenient to the school. All schools shall periodically issue grade and progress reports to enrolled students.
- (C) Each school must designate a school director. The school director shall be directly responsible for the operational management of academic affairs, student services, and business and administrative services.
 - (1) A school may appoint assistants to the school director who shall be charged with responsibility in the absence of the school director.
 - (2) The school director and other administrators must have educational qualifications and work experience related to their areas of responsibilities.
 - (3) Schools must notify the board when they change school directors.
 - (4) All school directors must attend training as required by the board.
- (D) Each school shall maintain administrative staff in sufficient numbers and quality to assure:
 - (1) Understanding of and identification with goals and purposes of the school and its programs.
 - (2) Continuity and improvement of programs.
 - (3) Effective operational management through sound business practices.
 - (4) Adequate facilities and equipment to sustain competent instruction.
 - (5) Adequate individual attention to students including the ability to provide reasonable support to students in academic guidance and placement assistance.
- (E) Each school shall publish at least biennially a catalog which includes accurate and factual information concerning:
 - (1) Date of publication.
 - (2) Name and address of school and certificate of registration number.

- (3) A calendar of the school showing legal holidays, beginning and ending date of each term, and other important school dates.
 - (4) School policy and regulations as to enrollment dates, entrance requirements, program requirements and graduation requirements.
 - (5) School policy and regulations relative to student leave, absences, tardiness, makeup work, and interruption or termination for unsatisfactory work or attendance. This policy will define the grading system, the minimum grades considered satisfactory, description of any unsatisfactory progress probationary period, and conditions of re-entrance for students dismissed or suspended for unsatisfactory progress.
 - (6) Description of content of programs, their purposes and objectives, their sequence, and special admissions requirements if other than general.
 - (7) Course descriptions showing the type of skill or content to be learned, together with clock and/or credit hours for the course.
 - (8) School policy and regulations relative to standards of academic progress for purposes of federal and state financial aid programs.
 - (9) Schedule of fees, charges for student tuition, student activities, laboratory fees, rentals, deposits, late fees, interest charges, and all other charges imposed by the school.
 - (10) Policy and regulations of the school relative to the refund of tuition and fees.
 - (11) Policy pertaining to the granting of credit for previous education, training, or experience.
 - (12) List of faculty and administrators including related qualifications. (Changes from one catalog period to another should be reflected in an insert)
 - (13) Institutional scholarship and grant award plans, which must be approved by the board.
 - (14) Initial in-school student grievance procedure and subsequent avenues for student complaints to be brought to the attention of the board. Statement must include the telephone number and address at the board where student complaints are to be directed.
 - (15) **A LIST OF ALL INSTITUTIONAL AND PROGRAMMATIC ACCREDITATION APPROVALS THAT THE SCHOOL HAS RECEIVED FOR ANY OF ITS PROGRAMS.**
- (F) **SCHOOLS THAT MAINTAIN INTERNET WEB SITES SHALL MAKE THE CATALOG AND THE INFORMATION LISTED WITHIN THIS RULE PUBLICALLY AVAILABLE VIA THE SCHOOL'S WEB SITE.**

(G) SCHOOLS SHALL PROVIDE STUDENTS WITH APPROPRIATE ASSISTANCE IN PREPARING FOR STATE ADMINISTERED PROFESSIONAL LICENSING EXAMS RELATED TO THE PROGRAM THAT THE STUDENT IS ENROLLED.

HISTORY: Eff 12-1-70; 4-16-90 (Emer.); 7-12-90; 7-1-91; 10-14-94;
4-2-99; 4-2-01; 6-1-05 Rule promulgated under: RC Chapter 119.

Rule authorized by: RC 3332.031

Rule amplifies: RC 3332.05.

R.C. 119.032 review dates: 3/25/99, 2/25/05, 4/15/10.

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 to successfully ~~assimilate~~ **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 obligations they are entering into; and,
 - (3) The financial obligations they are entering into; and,
 - (4) Their responsibilities and rights under any contracts or agreements that they are given to sign; and,
 - (5) 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, by program, for each of the preceding three years.
 - (6) **THE SCHOOL'S MOST RECENTLY AVAILABLE PASSAGE RATES ON ANY STATE LICENSURE EXAMS RELATED TO ANY PROGRAM THAT THE STUDENT IS CONSIDERING ENROLLMENT.**

- (C) Prior to completing an enrollment agreement, all potential students enrolled in an Ohio school must review and complete the state board of career colleges and schools' student disclosure form as required by the board.

- (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 SHALL INCLUDE THE TUITION COSTS FOR THE CURRENT ACADEMIC TERM AND THE TOTAL PROJECTED TUITION COST OF THE PROGRAM AT CURRENT TUITION RATES.** This 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 administrative code rule 3332-1-10.
 - (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 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.
- (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) 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 require changes to comply with this rule.

HISTORY: Eff 12-1-70; 4-16-90 (Emer.); 7-12-90; 10-14-94; 4-17-00; 1-2-07.

Rule promulgated under: RC Chapter 119

Rule authorized by: RC 3332.031

Rule amplifies: RC 3332.031

R.C. 119.032 review dates: 3/25/00, 3/25/05, 9/30/11; Replaces: former 3332-1-09

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) ~~The tuition charge shall be for instructional purposes only.~~ Any additional fees for activities, books, equipment (to be purchased or rented), or room and board shall ~~not be included in the school's tuition charge~~ **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 dollars and twenty-five dollars, whichever is the lesser. This fee is refundable only under the provisions of subsection (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 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) Schools may identify on their enrollment agreement a separate non-refundable five dollar Ohio student registration fee as required by rule 3332-1-22.1 of the Administrative Code.

(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, ~~semester, or trimester~~ **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 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 of 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) This provision shall not apply to tuition discounts provided to employees or members of an employees 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 does not apply where the 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 state policy 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.

- (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 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 section (F)(5) of this rule. If it is determined 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 dealing with refunds shall be made a part of the student's permanent records.
- (8) Schools may 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 course 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 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 PERIOD ENDS. NO LEAVE OF ABSENCE MAY EXCEED SIX MONTHS UNLESS OTHERWISE APPROVED BY THE BOARD. A STUDENT WHO FAILS TO RETURN TO SCHOOL AT THE END OF A LEAVE OF ABSENCE SHALL BE FORMALLY WITHDRAWN AND ANY REFUND SHALL BE ISSUED IN ACCORDANCE WITH THE LAST DATE OF A STUDENT'S ATTENDANCE IN CLASS OR PARTICIPATION IN AN ACADEMIC ACTIVITY.**
- (12) 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 period **ACADEMIC TERM** plus the registration fee.
 - (c) A student who withdraws during the third full calendar week of the academic term shall be obligated for seventy-five per cent of the tuition and refundable fees for that period **ACADEMIC TERM** plus the registration fee.
 - (d) A student who 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 and fees.
- (13) State refund policy for programs organized on a clock hour basis:
- (a) All clock hour programs that exceed 300 hour clock hours must be broken into academic terms in accordance with section (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 shall 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 ~~shall~~ **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 ARE NOT ABLE TO SUCCESSFULLY COMPLETE THE PROGRAM PRIOR TO THE FINAL REVOCATION DATE 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.

HISTORY: Eff 1-1-78; 4-16-90 (Emer.); 7-12-90; 7-1-91; 10-14-94; 4-17-00; 4-2-01; 10-1-02; 10-15-03; 1-2-07; 6-2-08. Rule promulgated under: RC Chapter 119
Rule authorized by: RC 3332.031 Rule amplifies: RC 3332.031 R.C. 119.032 review dates:
9/30/11

*****NO CHANGES TO THIS RULE HAVE BEEN PROPOSED**

3332-1-10.1 Refunds for books, fees and supplies.

- (A) In the event that a student withdraws or is dismissed from school, all efforts will be made to refund pre-paid amounts for books, fees and supplies except for those items determined to fall within the preview of paragraphs (B)(1) and (B)(2) of this rule.
- (B) Charges for required purchase of books, fees and supplies can be non-refundable if the student has consumed or used the books, fees and/or supplies. Consumption of books, fees and supplies shall be defined as:
 - (1) Items that were special ordered for a particular student and cannot be used by or sold to another student; or,
 - 2) Items that were returned in a condition that prevents them from being used by or sold to new students.
 - 3) Individually documented non-refundable fees for goods and services provided by third party vendors.
- (C) Items or services not delivered to the student cannot be considered consumed except for those items covered by paragraph (B)(1) of this rule.
- (D) A record of the refund determination for books, fees and supplies shall be kept in the student's record.

HISTORY: Eff 1-1-78; 4-16-90 (Emer.); 7-12-90; 10-1-02; 6-1-05

Rule promulgated under: RC Chapter 119

Rule authorized by: RC 3332.031 (O)

Rule amplifies: RC 3332.05

R.C. 119.032 review dates: 3/25/03, 2/25/05, 4/15/10.

3332-1-12 Advertising, promotional literature and publicity.

- (A) Any advertisement or piece of promotional literature written or used by a school holding a certificate of registration with the board must carry the name, address, and registration number as listed on its certificate of registration.
- (B) No school or its agents shall advertise or imply that the school is "recommended" or "endorsed" by the board. If reference is made to the certificate of registration issued by the board, this official reference shall only read, "approved by the state board of career colleges and schools."
- (C) Any advertisement or piece of promotional literature written or used by a school must be completely truthful and must be prepared and presented in such a manner as to avoid leaving any false, misleading or exaggerated impressions with respect to the school, its personnel, its courses and services, or the occupational opportunities for its graduates.
- (D) Schools or representatives shall not use a picture, photograph, cut, engraving, or illustration in bulletins, sales literature, web pages or other promotional material, in such a manner as to convey a false impression.
- (E) A guarantee of placement for graduates must not be promised or implied by any school, agent, or representative thereof. No school in its advertising or through its representatives or agents shall guarantee or imply the guarantee of employment before enrollment, during the pursuance of the course, or after the course is completed. ~~No school shall guarantee any certain wage, or imply earnings greater than the prevailing wage.~~
- (F) **NO SCHOOL SHALL GUARANTEE ANY CERTAIN WAGE, OR IMPLY EARNINGS GREATER THAN THE PREVAILING WAGE EARNED BY THE SCHOOL'S GRADUATES AS DOCUMENTED IN THE SCHOOL'S PLACEMENT RECORDS. FOR NEW PROGRAMS THAT HAVE NO CURRENT GRADUATES, INFORMATION PROVIDED TO STUDENTS ABOUT POTENTIAL WAGES SHOULD BE CORROBORATED BY VERIFIABLE DOCUMENTATION CONCERNING ENTRY LEVEL WAGES IN THE FIELD OF STUDY.**
- (G) No owner, partner, officer, employee, agent, or other person acting on behalf of any school shall make any fraudulent statement, misrepresentation, or misleading statement of fact concerning the school and its programs.
- (H) Schools using classified columns of newspapers or other employment related publications, **INCLUDING WEB SITES OR INTERNET SEARCH ENGINES**, to procure students must use only such ~~as~~ **CLASSIFICATIONS THAT** are headed by "education," "schools," or "instruction." "Help wanted," "employment," or "job opportunities," classifications may be used only to procure employees ~~or agents~~ for the school.
- (I) No school may advertise that it is endorsed by business establishments, manufacturers, organizations or individuals engaged in the line of work for which it gives training, until written evidence of this fact is presented to the board and approved by it.

*****NO CHANGES TO THIS RULE HAVE BEEN PROPOSED**

3332-1-13 Surety bonds.

- (A) Pursuant to section 3332.08 of the Revised Code, the application for a certificate of registration shall be accompanied by a surety bond in the penal sum as determined by section (E) of this rule. The bond shall be in a form prescribed by the state board of career colleges and schools with at least one corporate bonding company approved by the department of insurance as surety thereon. Bond shall be maintained in effect for a period as determined by section (F) of this rule. The bond shall provide for indemnification of any person suffering prepaid tuition loss as the result of a school closure, program termination or other acts or omissions resulting in the cancellation, revocation, or expiration of a certificate of registration or program authorization.
- (B) The liability of the surety on the bond shall not exceed the sum of the face value of the bond as determined by the board as an aggregate for all students for all breaches of the conditions of the bond by the school. The term of the bond shall be continuous, but it shall be subject to cancellation by the surety in the manner described in this rule.
- (C) The surety may terminate the bond upon giving a sixty-day written notice to the principal and to the state board of career colleges and schools, but the liability of the surety for the acts of the principal continues during the sixty days of the cancellation notice. The notice does not absolve the surety from liability which accrues before the cancellation becomes final, but which is discovered after that date and which may have arisen at any time during the term of the bond. Unless the bond is replaced by that of another surety before the expiration of the sixty days notice of cancellation, the school's certificate of registration shall be suspended.
- (D) Any person subject to this section required to file a bond with an application for a certificate of registration, may file, in lieu thereof, cash, a certificate of deposit, or government bonds in the amount of the face value of the bond as determined by the board. The deposit is subject to the same terms and conditions as are provided for in the surety bond required herein. Any interest or earnings on such deposits are payable to the depositor.
- (E) Penal sum of bond
 - (1) The minimum penal sum of any bond maintained by a registered school under this rule shall be ten thousand dollars.
 - (2) A registered school will be required to maintain a bond with a penal sum in excess of ten thousand dollars if it meets any of the following conditions:
 - (a) The school fails to meet the board's standards of fiscal responsibility.
 - (b) The school maintains over one hundred thousand dollars in prepaid tuition revenue as calculated by the board and excluding prepaid tuition revenue that consists of government grants or federal student loans and grants authorized under Title IV of the "Higher Education Act of 1965," 20

U.S.C.A. 1070 et seq., as amended.

- (3) A school that fails to meet the board's standards of fiscal responsibility shall be required to maintain a bond in a penal sum equal to fifty percent of the school's prepaid tuition revenue as calculated by the board.
 - (4) A school that maintains over one hundred thousand dollars in prepaid tuition revenue as calculated by the board and excluding prepaid tuition revenue that consists of government grants or federal student loans and grants authorized under Title IV of the "Higher Education Act of 1965," 20 U.S.C.A. 1070 et seq., as amended, shall be required to maintain a bond in the penal sum of ten thousand dollars plus fifty percent of the school's prepaid tuition revenue that exceeds one hundred thousand dollars as calculated by board.
- (F) Term of bond
- (1) New schools registered with the board and the schools changing ownership on or after the effective date of this rule shall be required to maintain a bond for a minimum period of five years. After five years, a school may request that it be permitted to cancel its bond. The board may allow any school that falls within the minimum bonding requirement of ten thousand dollars to cancel its bond if the school has demonstrated that it meets the board's standards of fiscal responsibility.
 - (2) Schools currently registered with the board on the effective date of this rule that were required by the board to maintain a bond prior to the effective date of this rule, shall be required to obtain a bond meeting the conditions of this rule within sixty days of the effective date of this rule.
 - (3) Schools holding a certificate of registration that were not required by the board to maintain a bond prior to the effective date of this rule, will not be required to maintain a bond under the provisions of this rule unless the school falls within the provisions of section (E)(2) of this rule.
- (G) Letters of credit, certificates of deposit, government bonds or cash deposited with the board in lieu of a surety bond are subject to the same conditions as are provided for in the surety bond required by this rule. Each letter of credit, certificate of deposit, government bond or cash shall be filed in accordance with the forms and instructions provided by the board.

HISTORY: Eff 4-16-90 (Emer.); 7-12-90; 7-1-91; 10-14-94; 1-26-04
Rule promulgated under: RC Chapter 119
Rule authorized by: RC 3332.05
Rule amplifies: RC 3332.08; 3332.10
R.C. 119.032 review dates: 3/25/03, 1/26/09
Replaces: former 3332-1-13

3332-1-15 Program authorization.

- (A) The board may issue program authorization for a degree, certificate, or diploma program to an applicant holding a certificate of registration issued pursuant to Revised Code section 3332.05 upon receipt of the fee established in accordance with rule 3332-1-221 of the Administrative Code and upon determining that the program meets the minimum standards established in accordance with rule 3332-1-16 of the Administrative Code. The general requirements and procedures for program authorization are as follows:
- (1) A school shall submit application forms for programs using forms provided by the board.
 - (2) Fees for the initial issuance and renewal of program authorization will be determined by the board and set forth in the board's fee schedule. Each application for initial and renewal program authorization ~~must be accompanied by~~ **WILL BE ASSESSED** a non-refundable fee. Institutions shall submit an estimate of student enrollment and gross tuition income for each proposed program for the purpose of fee assessment and to determine that the institution will have the financial resources necessary to teach the program.
 - (3) When a new program is proposed for which no criteria have been established the school ~~shall~~ **MAY BE REQUIRED TO** provide the board with an evaluation of the proposed program by an advisory committee of prospective employers who shall satisfy the board as to the merits of the specific program.
 - (4) No school may discontinue any program of instruction without board approval until such time as students therein have completed said program and the board has been notified.
- (B) No school, person, or other entity may offer or solicit students for any program prior to receiving program authorization from the board.
- (C) Certificates of program authorization for individual programs are valid for a period of time specified by the board and applications for renewal must be received by the board no less than ninety days prior to the expiration of the certificate of program authorization. The effective date of program re-authorization will normally be the anniversary date of the original program authorization or the date of last renewal of the program authorization.
- (D) The length or major content of any approved program may not be altered without the administrative approval of the board, subject to the following provisions:
- (1) Program course content revisions required to maintain currency or relevance with the occupational field that does not result in course objective or title changes may be accomplished without board approval.

- (2) Program revisions that include course deletions or additions, name changes, a change in credit or clock hours of twenty percent or more, or a change in the method of curriculum measurement hours (clock, quarter, or semester) will require board administrative approval. Such program revisions will be assessed a fee as determined by the board's fee schedule.

HISTORY: Eff 4-16-90 (Emer.); 7-12-90; 7-1-91; 10-14-94; 4-2-99; 6-1-05.

Rule promulgated under: RC Chapter 119

Rule authorized by: RC 3332.05 , 3332.06

Rule amplifies: RC 3332.05

R.C. 119.032 review dates: 3/25/99, 2/25/05, 4/15/10.

3332-1-16 Program requirements.

- (A) All schools submitting programs for approval by the board shall meet the minimum standards of this rule.
- (B) All programs approved by the board shall meet the following minimum standards:
 - (1) Each program of instruction shall be described in a manner that concisely and accurately conveys the following to a prospective student:
 - (a) The specific content of the curriculum; and
 - (b) The intended employment outcomes; and
 - (c) The entrance and graduation requirements.
 - (2) A school must submit to the board with the application for **NEW** program authorization an instructor qualification form for each instructor retained to teach the program. **IF THE SCHOOL HAS NOT YET HIRED INSTRUCTORS THE SCHOOL MUST SUBMIT THE PROPOSED HIRING CRITERIA FOR THE PROGRAM INSTRUCTORS.** ~~For each new instructor hired to teach a program, a school must submit an additional instructor qualification form.~~
 - (3) The classroom, laboratory facilities and equipment must be appropriate to the program of study. At the time of submitting the application, each school must submit a list of equipment and include with the application a timetable as to when such equipment shall be made available.
 - (4) A school shall provide library resources appropriate to the program(s) of study along with standard works of reference.
 - (5) Titles of representative entry level positions for which graduates can be prepared shall be specifically stated in the request for program authorization. Realistic advancement opportunities that can be enhanced by successful employment experience, additional training or further education shall be stated when appropriate.
 - (6) If internships, **EXTERNSHIPS, CLINICALS**, or production work is necessary as a part of a school's educational program, every effort shall be made to avoid unfair competition with private enterprise and the exploitation of the students. **SCHOOLS MUST ALSO DEMONSTRATE THAT THEY HAVE SECURED SUFFICIENT SITE AGREEMENTS TO MEET THE NEEDS OF STUDENTS IN THE PROGRAM.**
 - (7) A school must certify that all students who receive a grant pursuant to section 3333.29 of the Revised Code maintain an academic record that meets or exceeds the school's standards for satisfactory progress as set forth in the school's catalog.

- (8) **PROGRAM NAMES MUST ACCURATELY REFLECT THE CONTENT OF THE PROGRAM AND THE POTENTIAL EMPLOYMENT OUTCOMES. NO PROGRAM SHALL USE THE WORD "CERTIFIED" IN THE PROGRAM NAME UNLESS THE PROGRAM IS SPECIFICALLY DESIGNED TO LEAD TO AN INDUSTRY RECOGNIZED CERTIFICATION.**
 - (9) **IF THE PROGRAM REQUIRES APPROVAL BY ANOTHER STATE AGENCY, THE SCHOOL MAY BE REQUIRED TO PROVIDE DOCUMENTATION OF THE ADDITIONAL APPROVAL AS PART OF THE PROGRAM REVIEW PROCESS.**
 - (10) **ALL PROGRAMS MUST BE DESIGNATED AS EITHER CREDIT HOUR PROGRAMS OR CLOCK HOUR PROGRAMS. ALL CREDIT HOUR PROGRAMS MUST AWARD ACADEMIC CREDITS FOR COURSES IN EITHER WHOLE OR HALF NUMBERS.**
- (C) All certificate and diploma programs approved by the board shall meet the following minimum standards:
- (1) "Certificate program" means generally one or more technical courses usually completed in one to twenty-six weeks, with a single skill objective and generally consisting of at least twenty and no more than six hundred clock hours or thirty-six quarter credit hours or twenty-four semester credit hours. In special cases, ~~basic or general~~ **NON-TECHNICAL** courses may be included when it is demonstrated such courses are essential to the program and occupational outcomes.
 - (2) "Diploma program" means a program of instruction offering technical and ~~basic~~ **NON-TECHNICAL** coursework. ~~General courses may be included.~~ The program shall generally range in length from more than six hundred but less than fifteen hundred clock hours; or more than ~~forty~~ **THIRTY-SIX** but less than ninety quarter credit hours; or more than twenty-seven but less than sixty semester hours.
 - (3) Generally eighty per cent of a certificate program's curriculum shall be in the technical courses that support the program's objectives. The curriculum must state whether it will be measured in credit or clock hours.
 - (4) Generally seventy per cent of a diploma program's curriculum shall be in the technical courses that support the program's objectives. The curriculum must state whether it will be measured in credit or clock hours.
 - (5) A certificate or diploma program instructor whose teaching assignment is in the occupational specialty must have a high school diploma or GED, other formal training necessary to the program, and have demonstrated competency as a wage earner, generally for at least three years, in the related technical field. Instructors teaching general education courses shall hold a bachelor's degree with a concentration in the discipline as a minimum.
 - (6) Educational requirements may be waived for faculty with five years of work experience or **PROFESSIONAL** certification by a recognized body of authority.
 - (7) Initial program authorization will be for a period not to exceed two years in length.

Renewal of program authorization will coincide with the renewal of certificates of registration.

- (D) All associate degree programs approved by the board shall meet the following minimum standards:
- (1) "Associate degree program" means a program of instruction consisting of technical, ~~basic, and general~~ **AND NON-TECHNICAL** courses in which full-time students may complete program requirements in a minimum of two academic years, six to eight academic quarters, or four semesters.
 - (2) A school seeking **INITIAL** program authorization for an associate degree program must have received a grant of **INSTITUTIONAL** accreditation by a national or regional accrediting agency that is recognized and approved by the United States department of education.
 - (3) A school seeking program authorization for an associate degree program must meet one of the following minimum requirements:
 - (a) The school must have been in operation, with students enrolled, for a minimum of two years, prior to submitting an application for consideration; or,
 - (b) The school must have been under the same ownership as another school that has previously been approved to award associate degrees by the board or by another state for at least two years; or,
 - (c) The school must have been approved by another state to award associate degrees for a period of at least two years; or,
 - (d) The school has been permitted by the executive director to grant associate degrees in approved teach-out situation.
 - (4) The curriculum for an associate degree program shall consist of a minimum of ninety quarter hours or sixty semester hours of instruction and shall include:
 - (a) A minimum of ~~twenty-one quarter hours or fourteen semester hours of general~~ **FORTY-TWO QUARTER CREDIT HOURS OR TWENTY-EIGHT SEMESTER CREDIT OF NON-TECHNICAL** course instruction.
 - (b) ~~A minimum of twenty-one quarter credit hours or fourteen semester hours of basic course instruction.~~
 - (c) A minimum of fifty per cent of quarter or semester hours of technical course instruction directly related to the program's occupational objectives.
 - (d) A maximum ~~generally~~ of one hundred ten quarter credit hours or seventy-three semester hours **UNLESS OTHERWISE APPROVED BY THE BOARD.**
 - (e) Remedial coursework shall not be academically creditable.

- (5) Associate degree program authorization and renewal authorization shall be for a time period as determined by the Board not to exceed six years. Associate degrees shall be renewed and assessed fees for a period that coincides with the approval cycle for a school's certificate of registration.
- (6) A major is a specialization within an associate degree program. A minimum of twenty percent and no more than thirty percent of the total hours in the program must be allocated to the technical discipline named in the major.
- (7) A school offering an associate degree shall maintain a library supervised by a trained librarian or competent staff member. The library shall provide appropriate access within the school to standard reference, periodicals and books consistent with the curriculum offerings. The physical holdings may be augmented by an approved cooperative arrangement with another library or by electronic access. The hours of operations for the library shall be for the convenience of the students attending the institution. An area for students to study must be provided.
- (8) A school proposing to offer the associate degree should utilize appropriate persons to advise in the establishment and maintenance of a quality educational program. The advisory committee should be composed of individuals who are not employed by the institution, but who are recognized as practitioners from the community in the disciplines encompassed by the associate degree.
- (9) Before the establishment of the associate degree program, a school shall have at least one person employed to offer leadership in program development, work with advisory committees, recommend equipment and monitor the program's implementation and operation. Such a person must be competent in the field of instruction either by training or work experience or a combination of both.
- (10) A school offering an associate degree shall provide academic advisement for all students.
- (11) Instructors providing academic leadership should hold either a master's degree or bachelor's degree with other advanced preparation, ~~or~~ **AND** have appropriate experience in the field of concentration.
- (12) Instructors with teaching assignments primarily in technical areas should evidence competency based upon:
 - (a) Formal education appropriate to the specialization, usually including the bachelor's or master's degree or their equivalent as demonstrated by expertise, license, or certification **AND THREE YEARS WORK EXPERIENCE IN THE FIELD**; or
 - (b) Practical experience other than teaching in the appropriate specialization, as demonstrated by full-time employment for five years in the career area, or a related field ; and **EVIDENCE OF PROFESSIONAL CERTIFICATION IN THE FIELD OF CONCENTRATION.**
 - ~~(c) Evidence of professional development in the field of concentration as demonstrated by activity in professional associations, consultative~~

~~practice, participation in seminars, workshops, and formal coursework, and individual reading and research.~~

- (13) All instructors whose assignments are primarily in the teaching of the general studies curriculum should generally hold a master's degree or have bachelor's degree in the subject matter discipline, and should also show evidence of professional development **IN THE SUBJECT MATTER DISCIPLINE.**
- (14) Full-time instructors who teach in the general studies portion of any degree program must have the following qualifications:
- (a) Hold a master's degree in the subject matter discipline he/she is assigned to teach; or
 - (b) Hold a master's degree in education with proficiency in the subject matter discipline; or
 - ~~(c) Has been exempted by the board on or before December 31, 1994 pursuant to the provisions of Revised Code section 3332.031(p)(3).~~
- (15) **FOR-PURPOSES OF THIS RULE ONLY**, "Full-time instructor" means an instructor who is assigned for at least thirty hours per week of instruction, laboratory teaching or office hours;
- (E) All advanced degree programs approved by the board shall meet the following minimum standards:
- (1) "Advanced degree program" means a program of instruction at the baccalaureate, masters or doctorate level of instruction.
 - (2) The state board shall not issue such **FINAL** program authorization for any advance degree programs offered in Ohio unless the degree program has been approved by the board of regents pursuant to the provisions of Revised Code section 3332.05
 - (3) Program authorization shall be for a period as specified by the board, dependent upon the outcome of the program review. Renewal authorization will be for a period as determined by the board not to exceed six years. Advanced degrees shall be renewed and assessed fees for a period that coincides with the approval cycle for a school's certificate of registration.

HISTORY: Eff 12-1-70; 11-1-78; 4-16-90 (Emer.); 7-12-90; 7-1-91; 10-14-94; 4-2-99; 4-2-01; 10-1-02; 6-1-05.

Rule promulgated under: RC Chapter 119

Rule authorized by: RC 3332.031

Rule amplifies: RC 3332.031, 3332.065
R.C. 119.032 review dates: 3/25/99, 2/25/05, 4/15/10.

*****NO CHANGES TO THIS RULE HAVE BEEN PROPOSED**

3332-1-221 Miscellaneous fees.

(A) Each school must pay a fee for the certificate of authorization and a fee for each program for which they are seeking board approval in accordance with rule 3332-1-22 of the Administrative Code. In addition, all schools are responsible for the fees listed below as directed by the board. All fees submitted to the board are not refundable.

(1)	Agent permit (new or renewal)	\$125
(2)	Duplicate agent permit	\$25
(3)	New school site visit/evaluation	\$0
(4)	School name change	\$0
(5)	School director change	\$0
(6)	School change of location	\$0
(7)	Program revision or name change	\$0
(8)	Learning center (new or renewal)	\$175 per year
(9)	Late fee for unpaid invoice:	10% of invoice
(10)	Student registration fee:	Maximum of \$5 per Ohio student

(B) All schools may be assessed a student registration fee for every new Ohio student who enrolls in a school and for whom the school keeps any portion of the tuition or registration fee. Any assessed student registration fee will be collected in April of each year and will be based upon the number of new Ohio students reported by each school in their annual report. The amount of the fee charged per student will be determined by the board of career colleges and schools and will be based upon an estimate of the revenue needed by the board to meet its budget appropriation during the current fiscal year. The fee will not exceed five dollars per new Ohio student.

(C) All schools have thirty days to pay fees assessed in accordance with rules 3332-1-22 and 3332-1-22.1 of the Administrative Code. Fees not submitted in a timely manner may be assessed a late fee in accordance with this rule. Any school that submits a check that is returned for insufficient funds or that is otherwise dishonored, will be assessed an additional penalty of fifty dollars and may be required to submit all payments via money order or certified check.

HISTORY: Eff 4-16-90 (Emer.); 7-12-90; 7-1-91; 10-14-94; 4-17-00; 7-3-03; 7-1-09.

Rule promulgated under: RC Chapter 119

Rule authorized by: RC 3332.07

Rule amplifies: RC 3332.05 , 3332.07

RC 119.032 review dates: 3/25/00; 3/25/05

Replaces: former 3332-1-22

*****NO CHANGES TO THIS RULE HAVE BEEN PROPOSED**

3332-1-23 Annual report.

- (A) Pursuant to division (N) of section 3332.031 of the Revised Code, an annual report will be published and submitted to the governor and general assembly on the activities of the board.
- (B) Failure of registered schools to provide timely and complete annual report data and information may result in late fees or other disciplinary action in accordance with section 3332.09 of the Revised Code.
- (C) The annual report shall include recommendations to the governor and general assembly for any legislative changes deemed necessary.

HISTORY: Eff 4-16-90 (Emer.); 7-12-90; 10-14-94; 6-1-05.
Rule promulgated under: RC Chapter 119
Rule authorized by: RC 3332.031
Rule amplifies: RC 3332.03 , 3332.031
RC 119.032 review dates: 3/25/03, 2/25/05, 4/15/10.