



STATE BOARD OF CAREER COLLEGES AND SCHOOLS

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MEMORANDUM

To: Board Members
From: John Ware, Executive Director
Date: May 25, 2016
Re: **Administrative Rule Review**

INTRODUCTION

In accordance with Ohio Revised Code § 119.032, the Board is reviewing eighteen (18) Administrative Rules during the course of calendar year 2016. The following rules are being reviewed:

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
3332-1-10.1	Refunds for Books and Supplies
3332-1-13	Surety Bonds
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3332-1-24	Completion and Placement
3332-1-27	Personal Information Systems Definitions
3332-1-28	Procedures for Accessing Confidential Personal Information
3332-1-29	Valid Reasons for Accessing Confidential Personal Information
3332-1-30	Confidentiality Statutes, Regulations and Rules
3332-1-31	Restricting and Logging Access to Confidential Personal Information

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- 1) Whether the rule should be continued without amendment, be amended, or be rescinded taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted.
- 2) Whether the rule needs to be amended or rescinded to give more flexibility at the local level.

- 3) Whether the rule needs to be amended or rescinded to eliminate unnecessary paperwork.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 staff's preliminary report containing recommended changes to the Administrative Rules currently under review will be referred to a committee to examine the rules and make final recommendations for the Board at the July Board meeting. Board action on the recommended changes is scheduled to take place at the Board's September meeting.

*****No changes are proposed to this rule*****

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) "Calendar week" means seven consecutive calendar days.

(F) "Board" means the state board of proprietary school registration or the state board of career colleges and schools.

(G) "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.

(H) "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.

(I) "Clock hour" means for purpose of instruction, a period of sixty minutes with a minimum of fifty minutes of classroom work.

(J) "College" means a school possessing a certificate of registration authorizing at least one associate or advanced degree program.

(K) "Course" means a unit of learning which is an integral part of a program of instruction.

(L) "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.

(M) "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.

(N) "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 thirty six but less than ninety quarter credit hours; or more than twenty-seven but less than sixty semester hours

(O) "Director" means the person directly responsible for the operational management of a school.

(P) "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.

(Q) "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, mathematics, natural sciences and the humanities.

(R) "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.

(S) "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.

(T) "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.

(U) "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 than fifty per cent of a person's assigned job responsibilities.

(X) "Private career school" means a career college, proprietary 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 twelve weeks.

(BB) "Semester" means an academic time span of fifteen to 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.

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: 3332.031

Prior Effective Dates: 12/11/1976, 4/16/1990 (Emer.), 7/12/1990, 7/1/1991, 10/14/1994, 10/1/2002, 7/1/2009

*****No changes are proposed to this rule*****

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

(A) Pursuant to section 3332.02 of the Revised Code, these rules do 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.

R.C. 119.032 review dates: 06/17/2011 and 06/15/2016

Promulgated Under: 119.03 ; Statutory Authority: 3332.02

Rule Amplifies: 3332.02 ; Prior Effective Dates: 12/1/1970, 4/16/1990 (Emer.), 7/12/1990, 7/1/1991, 10/14/1994, 6/1/2005.

*****No changes are proposed to this rule*****

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 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 an approved site visit report for the new location must be filed with the board prior to executive director approval on the address change request.

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, 10/14/1994, 6/1/2005.

*****No changes are proposed to this rule*****

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 of 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 must justify the change of name request and will be assessed the appropriate fee. School name changes will be approved by the executive director.

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, 10/14/1994, 10/1/2002, 6/1/2005.

3332-1-04.4 Renewal of certificate of registration.

(A) Pursuant to section 3332.05 of the Revised Code, on or before ~~twenty~~ **ninety** ~~one hundred~~ days prior to the expiration of a certificate of registration, the board will send notice to the institution, notifying said institution of the expiration date and the requirements for applying for a certificate renewal. Institutions shall submit a completed application for certificate renewal at least **sixty** ~~ninety~~ days prior to the expiration date.

(B) Applications for renewal of the certificate of registration will be assessed by a non-refundable fee as determined by the board **in accordance with** ~~and which is based on gross annual tuition income of the applicant school.~~ The provisions of the fee schedule **are** that is 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.

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, 7/1/1991, 6/1/2005.

*****No changes are proposed to this rule*****

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 in Ohio must receive program authorization from the board for each individual program of study. The program authorization shall be 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 proprietary 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 3332 of the Administrative Code.

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, 10/14/1994, 4/2/1999, 6/1/2005.

*****No changes are proposed to this rule*****

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.

(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.

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.

*****No changes are proposed to this rule*****

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.

R.C. 119.032 review dates: 06/17/2011 and 06/15/2016

Promulgated Under: 119.03

Statutory Authority: 3332.031

Rule Amplifies: 3332.09

Prior Effective Dates: 12/1/1970, 4/16/1990 (Emer.), 7/12/1990, 10/14/1994, 4/2/1999, 6/1/2005.

*****No changes are proposed to this rule*****

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 or 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.

R.C. 119.032 review dates: 06/17/2011 and 06/15/2016

Promulgated Under: 119.03

Statutory Authority: 3332.031

Rule Amplifies: 3332.05

Prior Effective Dates: 1/1/1978, 4/16/1990 (Emer.), 7/12/1990, 10/1/2002, 6/1/2005.

*****No changes are proposed to this rule*****

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. 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. 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 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.

R.C. 119.032 review dates: 06/17/2011 and 06/15/2016

Promulgated Under: 119.03

Statutory Authority: 3332.031, 3332.08

Rule Amplifies: 3332.08

Prior Effective Dates: 4/16/1990 (Emer.), 7/12/1990, 7/1/1991, 10/14/1994, 1/26/2004.

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 section 3332.05 of the Revised Code upon receipt of the fee established in accordance with this rule 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 make application for all programs the school intends to offer using forms applications 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 will may 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 by the board, the school 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 is granted for individual programs are and is valid for a period of time specified by the board. ~~and~~ Applications for renewal program authorization must be received by the board no less than ~~ninety~~ sixty 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 within 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 may be assessed a fee as determined by the board's fee schedule.

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: 3332.031

Prior Effective Dates: 4/16/990 (Emer.), 7/12/1990, 7/1/1991, 10/14/1994, 4/2/1999, 6/1/2005.

3332-1-23 Annual report.

(A) Pursuant to division (N) of section 3332.031 of the Revised Code, an annual report on the activities of the board will be published and made available via the board's web site for the governor, general assembly and other interested persons.

(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.

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: 3332.031

Prior Effective Dates: 4/16/1990 (Emer.), 7/12/1990, 10/14/1994, 6/1/2005.

3332-1-24 Graduation and placement.

(A) All schools registered with the state board of career colleges and schools shall assist students with job placement after graduation. Placement assistance must include elements which exceed steps that the student could initiate on his/her own.

(B) Each school shall submit evidence which demonstrates that it has an acceptable record of graduation rates and job placement rates for each program.

(1) The board will calculate average job placement and graduation rates annually for each program type based upon information collected from school reports.

(2) A school with graduation or placement rates that are one or more standard deviations below the average may be required to submit an explanation for the deviation and a plan for improvement. The board may accept the school's explanation or the board may take other disciplinary action against the school pursuant to the provisions of section 3332.09 of the Revised Code.

(3) Schools with cohorts in any program of less than twenty students during a reporting year, may be required to report data from multiple cohort years.

(C) Schools accredited by an accrediting agency recognized by the US Department of Education may report annual job placement and graduation rates using formulas and definitions required by the school's accrediting agency or the school may use the formulas contained in subsections (D) and (E) of this rule.

(D) The formula for calculating job placement rates for each program is based on total number of graduates who found gainful employment divided by total number of graduates available for placement.

(1) All graduates will be considered as available for placement except those graduates that the school can document are unable to work or who are not seeking placement.

(2) A graduate will be considered gainfully employed if they have found employment in their field of study or have found employment in a related position.

(E) The formula for calculating graduation rates for each program is based upon the

number of full-time students entering into a program in a particular year (cohort) who complete their program within one hundred fifty per cent of the normal time for completion.

(F) Each school is required to verify the accuracy of its job placement and graduation rates at anytime when requested by the board or its designees.

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: 3332.031

Prior Effective Dates: 10/14/94, 4/17/00, 1/2/07, 6/1/08

*****No changes are proposed to this rule*****

3332-1-27 Personal information systems definitions.

For the purposes of administrative rules promulgated in accordance with section 1347.15 of the Revised Code, the following definitions apply:

(A) "Access" as a noun means an instance of copying, viewing, or otherwise perceiving whereas "access" as a verb means to copy, view, or otherwise perceive.

(B) "Acquisition of a new computer system" means the purchase of a "computer system," as defined in this rule, that is not a computer system currently in place nor one for which the acquisition process has been initiated as of the effective date of the board rule addressing requirements in section 1347.15 of the Revised Code.

(C) "Board" means the Ohio state board of career colleges and schools.

(D) "Computer system" means a "system," as defined by section 1347.01 of the Revised Code, that stores, maintains, or retrieves personal information using electronic data processing equipment.

(E) "Confidential personal information" (CPI) has the meaning as defined by division (A)(1) of section 1347.15 of the Revised Code and identified by rules promulgated by the board in accordance with division (B)(3) of section 1347.15 of the Revised Code that reference the federal or state statutes or administrative rules that make personal information maintained by the board confidential.

(F) "Employee of the board" means each employee of the board regardless of whether he/she holds an elected or appointed office or position within the board. "Employee of the board" is limited to the board of career colleges and schools.

(G) "Incidental contact" means contact with the information that is secondary or tangential to the primary purpose of the activity that resulted in the contact.

(H) "Individual" means a natural person or the natural person's authorized representative, legal counsel, legal custodian, or legal guardian.

(I) "Information owner" means the individual appointed in accordance with division (A) of section 1347.05 of the Revised Code to be directly responsible for a system.

(J) "Person" means a natural person.

(K) "Personal information" has the same meaning as defined in division (E) of section 1347.01 of the Revised Code.

(L) "Personal information system" means a "system" that "maintains" "personal information" as those terms are defined in section 1347.01 of the Revised Code. "System" includes manual and computer systems.

(M) "Research" means a methodical investigation into a subject.

(N) "Routine" means commonplace, regular, habitual, or ordinary.

(O) "Routine information that is maintained for the purpose of internal office administration, the use of which would not adversely affect a person" as that phrase is used in division (F) of section 1347.01 of the Revised Code means personal information relating to the board's employees and maintained by the board for internal administrative and human resource purposes.

(P) "System" has the same meaning as defined by division (F) of section 1347.01 of the Revised Code.

(Q) "Upgrade" means a substantial redesign of an existing computer system for the purpose of providing a substantial amount of new application functionality, or application modifications that would involve substantial administrative or fiscal resources to implement, but would not include maintenance, minor updates and patches, or modifications that entail a limited addition of functionality due to changes in business or legal requirements.

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Rule Amplifies: 1347.15

*****No changes are proposed to this rule*****

3332-1-28 Procedures for accessing confidential personal information.

For personal information systems, whether manual or computer systems, that contain confidential personal information, the board shall do the following:

(A) Criteria for accessing confidential personal information. Personal information systems of the board are managed on a "need-to-know" basis whereby the information owner determines the level of access required for an employee of the board to fulfill his/her job duties. The determination of access to confidential personal information shall be approved by the employee's supervisor and the information owner prior to providing the employee with access to confidential personal information within a personal information system. The board shall establish procedures for determining a revision to an employee's access to confidential personal information upon a change to that employee's job duties including, but not limited to, transfer or termination. Whenever an employee's job duties no longer require access to confidential personal information in a personal information system, the employee's access to confidential personal information shall be removed.

(B) Individual's request for a list of confidential personal information. Upon the signed written request of any individual for a list of confidential personal information about the individual maintained by the board, the board shall do all of the following:

- (1) Verify the identity of the individual by a method that provides safeguards commensurate with the risk associated with the confidential personal information;
- (2) Provide to the individual the list of confidential personal information that does not relate to an investigation about the individual or is otherwise not excluded from the scope of Chapter 1347. of the Revised Code; and
- (3) If all information relates to an investigation about that individual, inform the individual that the board has no confidential personal information about the individual that is responsive to the individual's request.

(C) Notice of invalid access.

- (1) Upon discovery or notification that confidential personal information of a person has been accessed by an employee for an invalid reason, the board shall notify the person whose information was invalidly accessed as soon as practical and to the extent known at the time. However, the board shall delay

notification for a period of time necessary to ensure that the notification would not delay or impede an investigation or jeopardize homeland or national security. Additionally, the board may delay the notification consistent with any measures necessary to determine the scope of the invalid access, including which individuals' confidential personal information invalidly was accessed, and to restore the reasonable integrity of the system.

"Investigation" as used in this paragraph means the investigation of the circumstances and involvement of an employee surrounding the invalid access of the confidential personal information. Once the board determines that notification would not delay or impede an investigation, the board shall disclose the access to confidential personal information made for an invalid reason to the person.

(2) Notification provided by the board shall inform the person of the type of confidential personal information accessed and the date(s) of the invalid access.

(3) Notification may be made by any method reasonably designed to accurately inform the person of the invalid access, including written, electronic, or telephone notice.

(D) Appointment of a data privacy point of contact. The board executive director shall designate an employee of the board to serve as the data privacy point of contact. The data privacy point of contact shall work with the chief privacy officer within the office of information technology to assist the board with both the implementation of privacy protections for the confidential personal information that the board maintains and compliance with section 1347.15 of the Revised Code and the rules adopted pursuant to the authority provided by that chapter.

(E) Completion of a privacy impact assessment. The board executive director shall designate an employee of the board to serve as the data privacy point of contact who shall timely complete the privacy impact assessment form developed by the office of information technology.

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*****No changes are proposed to this rule*****

3332-1-29 Valid reasons for accessing confidential personal information.

Pursuant to the requirements of division (B)(2) of section 1347.15 of the Revised Code, this rule contains a list of valid reasons, directly related to the board's exercise of its powers or duties, for which only employees of the board may access confidential personal information (CPI) regardless of whether the personal information system is a manual system or computer system:

(A) Performing the following functions constitute valid reasons for authorized employees of the board to access confidential personal information:

- (1) Responding to a public records request;
- (2) Responding to a request from an individual for the list of CPI the agency maintains on that individual;
- (3) Administering a constitutional provision or duty;
- (4) Administering a statutory provision or duty;
- (5) Administering an administrative rule provision or duty;
- (6) Complying with any state or federal program requirements;
- (7) Processing or payment of claims or otherwise administering a program with individual participants or beneficiaries;
- (8) Auditing purposes;
- (9) Licensure, certification or agent permit processing, including application review and verification;
- (10) Investigation or law enforcement purposes;
- (11) Administrative hearings;
- (12) Litigation, complying with an order of the court, or subpoena;
- (13) Human resource matters including hiring, promotion, demotion, discharge,

salary or compensation issues, leave requests or issues, timesheet approvals or issues and payroll processing;

(14) Complying with an executive order or policy;

(15) Complying with a board policy or a state administrative policy issued by the department of administrative services, the office of budget and management or other similar state agency; or

(16) Complying with a collective bargaining agreement provision.

(B) To the extent that the general processes described in paragraph (A) of this rule do not cover the following circumstances, for the purpose of carrying out specific duties of the board, authorized employees would also have valid reasons for accessing CPI in these following circumstances:

(1) Employees or contractors conducting investigations or onsite school reviews may review CPI of individuals who are subject to investigation for alleged misconduct that may result in school discipline. Such employees or contractors may review CPI of individuals who are not the subject of the investigation, but who otherwise may be witnesses with information related to the investigation. CPI may be reviewed by such employees, contractors, and members of the board in investigative matters that become the subject of administrative hearings.

(2) Employees or contractors conducting investigations or reviews of closed schools may review CPI of individuals contained in closed school records for the purpose of locating the individuals or for the purpose of determining eligibility for tuition refunds or student loan discharges.

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*****No changes are proposed to this rule*****

3332-1-30 Confidentiality statutes, regulations and rules.

The following federal statutes or regulations or state statutes and administrative rules make personal information maintained by the board confidential and identify the confidential personal information within the scope of rules promulgated by this board in accordance with section 1347.15 of the Revised Code:

(A) Social security numbers: 5 U.S.C. 552a. , unless the individual was told that the number would be disclosed.

(B) "Bureau of Criminal Investigation and Information" criminal records check results: section 4776.04 of the Revised Code.

(C) Records or information obtained during informal methods of conference or conciliation pertaining to the board's investigative process: section 3332.091 of the Revised Code.

(D) Student education records, unless the student consents to release: 20 U.S.C. 1232g.

(E) Security or infrastructure records: section 149.433 of the Revised Code.

(F) Information or records that are subject to attorney client privilege: section 2710.03 of the Revised Code.

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*****No changes are proposed to this rule*****

3332-1-31 Restricting and logging access to confidential personal information in computerized personal information systems.

For personal information systems that are computer systems and contain confidential personal information (CPI), the board shall do the following:

- (A) Access restrictions. Access to CPI that is kept electronically shall require a password or other authentication measure.
- (B) Acquisition of a new computer system. When the board acquires a new computer system that stores, manages or contains CPI, the board shall include a mechanism for recording specific access by employees of the board to CPI in the system.
- (C) Upgrading existing computer systems. When the board modifies an existing computer system that stores, manages or contains CPI, the board shall make a determination whether the modification constitutes an upgrade. Any upgrades to a computer system shall include a mechanism for recording specific access by employees of the board to CPI in the system.
- (D) Logging requirements regarding CPI in existing computer systems.
 - (1) The board shall require employees of the board who access CPI within computer systems to maintain a log that records that access.
 - (2) Access to CPI is not required to be entered into the log under the following circumstances:
 - (a) The employee of the board is accessing CPI for official board purposes, including research, and the access is not specifically directed toward a specifically named individual or a group of specifically named individuals.
 - (b) The employee of the board is accessing CPI for routine office procedures and the access is not specifically directed toward a specifically named individual or a group of specifically named individuals.
 - (c) The employee of the board comes into incidental contact with CPI and the access of the information is not specifically directed toward a specifically named individual or a group of specifically named individuals.

(d) The employee of the board accesses CPI about an individual based upon a request made under either of the following circumstances:

(i) The individual requests CPI about himself/herself or the individual requests that the board access CPI in order to provide information to a third party.

(ii) The individual makes a request that the board takes some action on that individual's behalf and accessing the CPI is required in order to consider or process that request.

(3) For purposes of this paragraph, the board may choose the form or forms of logging, whether in electronic or paper formats.

(E) Log management. The board shall issue a policy that specifies the following:

(1) Who shall maintain the log;

(2) What information shall be captured in the log;

(3) How the log is to be stored; and

(4) How long information kept in the log is to be retained.

(F) Nothing in this rule limits the board from requiring logging in any additional circumstance it deems necessary.

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