



STATE BOARD OF CAREER COLLEGES AND SCHOOLS

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MEMORANDUM

To: Board Members
From: John Ware, Executive Director
Date: November 14, 2012
Re: **Administrative Rule Review**

INTRODUCTION

In accordance with Ohio Revised Code § 119.032, the Board is reviewing thirteen (13) Administrative Rules during the course of fiscal year 2013. The following rules are being reviewed:

3332-1-04	Certificate of Registration
3332-1-04.3	Change of School Ownership
3332-1-08	School administration
3332-1-09	Student Enrollment Policies and Practices
3332-1-12	Advertising, Promotional Literature and Publicity
3332-1-16	Program Requirements
3332-1-17	Issuance of Agent Permits
3332-1-17.1	Disciplinary action involving agents
3332-1-17.2	The Ethical Code of Conduct for Agents
3332-1-21	Board Meetings
3332-1-24	Graduation and Placement
3332-1-25	School Closures
3332-1-26	Off Campus Learning Centers

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

- 1) Whether the rule should be continued without amendment, be amended, or be rescinded taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted.
- 2) Whether the rule needs to be amended or rescinded to give more flexibility at the local level.
- 3) Whether the rule needs to be amended or rescinded to eliminate unnecessary paperwork.

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

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

The staff's preliminary report containing recommended changes to the Administrative Rules currently under review this year was distributed at the July Board meeting. The recommended changes were referred to a committee to examine the rules and make final recommendations for the Board at the November Board meeting. A public Hearing and final Board action on the recommended changes is scheduled to take place at the Board's January meeting.

3332-1-04 Certificate of registration.

- (A) A person, corporation, or other entity desiring to operate a career college or school in the state of Ohio, or an out-of-state school that solicits Ohio students, must obtain a certificate of registration from the board.
- (1) Application for a certificate of registration or program authorization shall be made in writing to the board on forms furnished by the board.
 - (2) Each application for issuance and/or renewal of a certificate of registration shall be ~~accompanied by~~ subject to a non-refundable fee, which is established by the board and which is based on the actual or expected gross annual tuition income of the applicant school.
 - (3) A certificate of registration shall be granted or denied by the board within one hundred twenty days after the school has been notified that the application has been satisfactorily completed, and arrangements are in process for an on-site visit.
 - (4) The certificate of registration is not transferable. The board shall assign registration numbers to all registered schools. A school shall display or disclose its registration number on all school publications and in all advertisements, including television commercials, bearing the name of the school. The school must prominently display the certificate of registration and hours of school operation where they may be inspected by students, and representatives of the board.
 - (5) A certificate of registration is valid for a maximum of two years unless revoked for cause by the board, and is valid only for the institution and owner or operator for which it was approved.
 - (6) No new school may advertise, solicit students, or collect fees until a certificate of registration has been granted to it, nor may it advertise, solicit students, or collect fees for any program prior to the date of issuance of the certificate of registration and the appropriate program authorization.
- (B) The board does not recognize branch campuses. Each location must submit a completed application for a certificate of registration. Each school or location is obligated to meet all the standards, rules, and regulations as set forth by the board. Schools that operate classes in multiple contiguous buildings may be treated as a single school campus at the discretion of the board.
- (C) The board may issue certificates of registration to schools operating learning centers in accordance with section 3332-1-26 of the Administrative Code.
- ~~(D) No franchised school shall be granted a certificate of registration without prior inspection and approval of the franchise agreement by the board. Such agreement shall contain a provision that the franchise shall not be terminated by reason of default until sufficient arrangements have first been made to assure the completion of the program(s) in which students are enrolled.~~

- (D) Schools that contract with outside service providers to provide course content or other training services shall be responsible for assuring that the contract service providers adhere to the standards set forth in chapter 3332 of the Administrative Code. Schools shall be subject to disciplinary action in accordance with chapter 3332 of the Revised Code for any acts or omissions committed by contract service providers that violate any provision of chapter 3332 of the Administrative Code.

3332-1-04.3 Change of school ownership.

- (A) Pursuant to section 3332.05 of the Revised Code, a person acquiring ownership, as defined in paragraph (B) of this rule, of a school which has a certificate of registration shall comply with all the requirements for securing an original certificate of registration. All application forms and other data shall be submitted in full along with legally documented proof of the change of ownership listing all owners or shareholders with five per cent ownership or more. Schools failing to comply will be subject to disciplinary action in accordance with section 3332.09 of the Revised Code.
- (B) The following constitutes a change of ownership:
 - (1) Transfer or purchase of stock or other ownership interest resulting in an acquisition of at least fifty-one per cent control;
 - (2) Purchase of entire school or assets of school.
 - (3) Transfer, sale, or purchase of stock, membership, or other direct or beneficial ownership interest by a single entity or by multiple entities in a single transaction or a series of transactions that results in at least fifty-one per cent change in control.
- (C) When the decision to acquire ownership of a school has been made, the new owner should immediately inform the ~~executive director~~ board by letter. A person or other entity purchasing a school which has a certificate of registration must acquire a new certificate, following established procedures and pay fees in accordance with the board's fee schedule.
- (D) The executive director of the board has the authority to allow the school continued operation until all processing is completed for the change of ownership.
- (E) New ownership must not disrupt school operations during this period of transition. Final action regarding the change of ownership is accomplished during a regular meeting of the board.
- (F) The state board may notify the state approving agency for veterans training and the appropriate accrediting agency, if applicable, of this school ownership change.
- (G) The sale or transfer of ownership interest after the death of an owner of an institution to either a family member or a current stockholder of the corporation is not considered a change in ownership and the executive director of the board may determine that other similar transfers should also be excluded from these requirements.
- (H) New school owners are responsible for maintaining and servicing all student records that were the responsibility of the prior owners of the school.
- (I) New school owners are responsible for resolving all student complaints that were the responsibility of the prior owners of the school and that were filed with the board prior to the final approval of the change of ownership.

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

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 after the student's last date of attendance 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) Individuals holding the following or similar positions in licensed Ohio schools shall complete at least twenty contact hours of continuing education, professional development or professional in-service training related to their positions every two years:
 - (1) School director;
 - (2) Chief education/academic officer or director of education or training;

- (3) Placement director;
- (4) Admissions director;
- (5) Financial aid director;
- (6) Full-time faculty member.

A minimum of four hours of this continuing education or professional development shall be in courses that are related to compliance and ethics and that have been approved by the board.

- (F) The school shall be responsible for maintaining records to support continuing education and professional development hours. Records required include, but are not limited to:

- (1) A log showing the type of activity claimed, sponsoring organization, location, duration, instructors or speaker's name and hours earned.
- (2) Documents supporting evidence of attendance: completion certificates, attendance log or other documents supporting evidence of completion.

Records must be maintained for a period of three years after the date of training. Such documentation shall be made available to the board for random audit and/or verification purposes. Documentation must support the professional development hours claimed.

- (F) 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.

3332-1-09 Student enrollment policies and practices.

- (A) It is the responsibility of the school to determine with reasonable certainty, in advance of the acceptance of a prospective student's enrollment, that the student meets the minimum basic admissions qualifications as required by the school to successfully benefit from the program they intend to enter.
- (B) Prior to a student's enrollment, a school shall determine, with reasonable certainty, that a prospective student is fully informed as to:
 - (1) The graduation requirements and expected outcomes of the program they desire to take; and,
 - (2) The 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~~ for any program the student is considering, for each of the preceding three years; and,
 - (6) The school's most recently available ~~passage~~ pass 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 section 3332-1-10 of the Administrative Code ~~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~~ section 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) If a school requires a high school diploma or GED for admission to a program a student may be admitted to the program upon written verification from the student that they have received their high school diploma or GED. The board may require schools to audit admissions records and provide independent verification from the appropriate high school, state department of education or other independent source verifying that the student has received their high school diploma or GED. If the school is unable to obtain this independent verification, the student must be withdrawn at the end of the student's current academic term.

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

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

2) Accredited by an accrediting agency recognized by the US Department of Education and authorized to issue high school diplomas; or

3) Otherwise approved in writing by the state board of career colleges and schools

(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.

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 list~~ list 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 program, or after the course program 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 classifications that are headed by "education," "schools," or "instruction." "Help wanted," "employment," or "job opportunities," classifications may be used only to procure employees 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.

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 keep an additional instructor qualification form on file.
 - (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, 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 non-technical coursework. The program shall generally range in length from 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.
 - (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 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) All associate degrees awarded by Ohio schools approved by the Board shall be designated as "associate of applied science" or "associate of applied business" unless the associate degree program meets the requirements of section 3333-1-04(D) of the Administrative Code.
- (3) 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.
- (4) 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.
- (5) 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 forty-two quarter credit hours or ~~twenty-eight~~ twenty-seven semester credit hours of non-technical course instruction.
 - (b) A minimum of fifty percent of quarter or semester hours of technical course instruction directly related to the program's occupational objectives.
 - (c) A maximum of one hundred ten quarter credit hours or seventy-three semester hours unless otherwise approved by the board.
 - (d) Remedial coursework shall not be academically creditable.
- (6) 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.

- (7) 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.
- (8) A concentration is a specialization within an associate degree program that is less intense than a major. A minimum of thirteen quarter hours or eight semester hours and no more than nineteen percent of the total hours in the program must be allocated to the technical discipline named in the concentration.
- (9) 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.
- (10) 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.
- (11) 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.
- (12) A school offering an associate degree shall provide academic advisement for all students.
- (13) Students admitted to an associate degree program shall be a high school graduate or possess the GED.
- (14) A student may be admitted to the associate degree program upon written verification from the student that they have received their high school diploma or GED. The board may require schools to audit admissions records and provide independent verification from the appropriate high school, state department of education or other independent source verifying that the student has received their high school diploma or GED. If the school is unable to obtain this independent verification, the student must be withdrawn at the end of the student's current academic term.
- (15) Instructors providing academic leadership should hold either a master's degree or bachelor's degree with other advanced preparation, and have appropriate experience in the field of concentration.

- (16) 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; 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.
- (16) 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.
- (17) Full-time ~~Instructors~~ faculty members 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~~
- (18) For-purposes of this rule only, "Full-time ~~instructor~~ faculty member" 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.

3332-1-17 Issuance of agent permits.

- (A) Any individual whose primary duty, on or off school premises, is to solicit prospective students to enroll for a fee at a registered Ohio school, must first obtain an agent's permit from the board. No individual shall sell any program in Ohio or solicit students for any Ohio career school unless the individual, the school, and the program are approved by the board.
- (B) All agents must be regular school employees and may not be outside commissioned persons such as solicitors, canvassers, or independent contractors. The school is responsible for assuring that all agents have been issued permits prior to soliciting prospective students.
- (C) A school employee whose primary duties do not include soliciting prospective students may engage in the enrollment of students on the school premises without securing an agent permit.
- (D) Each school shall assume full responsibility for the actions, statements and conduct of its agents unless an agent's acts or omissions were manifestly outside the scope of the agent's employment or official responsibilities.
- (E) Schools will provide agents with adequate training and arrange for proper supervision of their work.
- (F) Persons seeking agent permits must make application on forms provided by the board. Each application for an agent permit or a renewal shall be subject to a non-refundable fee as set forth in the board's fee schedule.
- (G) Agents must complete training and continuing education as required by the board.
- (H) If an agent represents more than one school, they must obtain a separate permit for each school represented. An agent who represents a person or entity that operates more than one school in the same geographical area, as determined by the board on a case-by-case basis, need not obtain a separate permit for each school.
- (I) An agent permit is valid for a maximum of one year from the date it is issued. Agent permits must be renewed annually and will be valid for a maximum of thirty days after expiration provided that the school is taking the steps necessary to renew the permit. The permits will be mailed to the school.
- (J) Schools will be notified at least sixty days in advance of the expiration date of the agent's permit. The Board will endeavor to group together renewal dates for each school's agent permits. The responsibility for renewal of the agent's permit rests with the school.
- (K) No permit shall be issued to any person found by the board not to be of good moral character. Any applicant who has pleaded guilty to or has been convicted of a felony or has pleaded guilty or has been convicted of a crime of moral turpitude must file a detailed explanation of the circumstances with the agent application and include three letters of reference from the community. The school planning to employ the applicant

must validate all elements of the application and provide evidence of the authenticity of the letters of reference.

- (L) The board or the school may require that any agent submit to a background check prior to the issuance of an agent's permit.
- (M) Agent permits are processed by the executive director of the board, with the exception of applications indicating a guilty plea to or a conviction of a felony or a guilty plea or a conviction of a crime of moral turpitude, which require specific board approval.
- (N) The board should be notified, in writing, by the school of the dismissal or resignation of an agent within thirty days. The school must make an effort to return the agent permit to the board.
- (O) If an agent is dismissed by a school for giving prospective students misleading, false or fraudulent information relating to the program of instruction, employment opportunities, scholastic loans, other financial aid and the like, the school must notify the state board within thirty days, in writing, and include a synopsis of the reasons for dismissal. Schools must retain, in their files, full documentation of each dismissal.
- (P) When a school's certificate of registration is suspended, revoked, or canceled, all agent's permits issued for that school are immediately suspended, revoked, or canceled.

3332-1-17.1 Disciplinary action involving agents.

- (A) The board may suspend, revoke, deny or cancel an agent's permit for any one or a combination of the following causes pursuant to section 3332.12 of the Revised Code:
- (1) Violation of any provision of sections 3332.01 to 3332.99 of the Revised Code or any rules or regulations adopted by the board.
 - (2) Presenting to prospective students, either at the time of solicitation or enrollment, or through advertising, mail circulars, or telephone solicitation, misleading, deceptive, false, or fraudulent information relating to any program, employment opportunity, or opportunities for enrollment in accredited institutions of higher education after entering or completing programs offered by the school of employment.
 - (3) Discrimination in the acceptance of students upon the basis of race, color, religion, sex, or national origin.
 - (4) Failing to display the agent's permit upon demand of a prospective student or other interested person.
 - (5) Failing to provide, at the request of the board, any information, records, or files pertaining to the recruitment or enrollment of students.
 - (6) Presenting either in writing or orally, misleading, false, or fraudulent information relating to the availability of student financial aid.
 - (7) Failure to remit to the school, promptly, any funds received from the prospective or new students even though the school may be in arrears in its financial obligations to the agent.
 - (8) Offering money or other considerations to students or any other persons, who do not possess an agent permit, to solicit, recruit or otherwise entice prospective students to enroll in the school.
 - (9) Attempting to obtain a list of names of prospective students still attending any other school for solicitation purposes.
 - (10) Accepting employment or affiliation with an employment or sales agency other than the placement service provided by the school represented.
 - (11) Any violation of or failure to adhere to the ethical conduct of agents, as adopted and published by the board.

3332-1-17.2 The ethical code of conduct for agents.

- (A) All agents must be registered in accordance with rule 3332-1-17 of the Administrative Code. Agents must receive at least twenty-five percent of their total annual compensation from the school in salary that excludes money received from commissions.
- (B) All agents, school directors or other persons involved in the recruitment and solicitation of students must conform to the following code of conduct:
 - (1) Have a thorough understanding of the school, its program offerings, facilities, staff and instructor qualifications.
 - (2) Have a knowledge of the success of individuals who have completed the school's programs and were able to obtain either initial employment or advancement in the field in which they were trained.
 - (3) Clearly understand that "approved" and "accredited" are not the same terms and are not to be used as such. Accredited will only be used by schools who have been accredited by an accrediting body recognized by the United States department of education.
 - (4) Refrain from discrediting other schools by claiming that they are guilty of dishonorable conduct, are unable to fulfill the terms of a contract, are in trouble financially or make other derogatory comments.
 - (5) Refrain from attempting to influence a student to withdraw from a school that the student is presently attending.
 - (6) Refrain from encouraging a prospective student to change plans after signing an enrollment application and paying the registration fee to another school.
 - (7) Refrain from making exaggerated statements concerning job or employment opportunities.
 - (8) When applicable, carefully explain to the prospective student that, in addition to course completion, there are certain employment positions requiring examinations and tests, either state or federal, to become licensed prior to being employed in specific fields.
 - (9) Accurately state the availability of financial assistance at the school.
 - (10) Be responsible to make sure the prospective student is provided a receipt for monies collected and a copy of the enrollment agreement and student disclosure form.
 - (11) Remit to the school, promptly, any funds received from prospective or new students even though the school may be in arrears in the financial obligations to the agent.

- (12) Refrain from offering money or other considerations to students or any other persons, who do not possess an agent permit, to solicit, recruit or otherwise entice prospective students to enroll in the school that you represent.
- (13) Avoid making any false or misleading statements or other representations to students about the school and the programs it offers.
- (14) Have an understanding of the rules and regulations of the board as well as any items included in the board's student disclosure form.

3332-1-21 Board meetings.

- (A) This rule of the state board of career colleges and schools is adopted in compliance with section 121.22 of the Revised Code.
- (B) Any person may determine the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings by:
 - (1) Writing to the following address:

"State Board of Career Colleges and Schools
35 East ~~Gay~~ Broad Street, Suite 403 2481
Columbus, Ohio 43215"
 - (2) Calling the following telephone number during normal business hours: (614) 466-2752.
- (C) All requests for meeting notification shall provide the name of the individual media representative to be contacted, his or her mailing address. E-mail address, and a telephone number where he or she can be reached.
- (D) Any representative of the news media may obtain notice of all special meetings by requesting in writing that such notice be provided.
- (E) In the event of a special meeting not of an emergency nature, the executive director shall notify all media representatives who have requested notification of such meeting by doing at least one of the following:
 - (1) Providing written notice, which must be mailed or e-mailed no later than four calendar days prior to the day of the special meeting.
 - (2) Notifying such representative by telephone no later than twenty-four hours prior to the special meeting; such telephone notice shall be complete if a message has been left for the representative, or if, after reasonable effort, the executive director has been unable to provide such telephone notice.
 - (3) Informing such representative personally no later than twenty-four hours prior to the special meeting.
- (F) In the event of a special meeting of an emergency nature, the executive director shall notify all media representatives on the list of such meeting by providing either the notice described in paragraph (e)(1) of this rule, or that described in paragraph (e)(2) of this rule. In such event, however, the notice need not be given twenty-four hours prior to the meeting, but shall be given as soon as possible.
- (G) In giving the notices required by paragraphs (e) and (f) of this rule, the executive director may rely on assistance provided by any member of the state board of career colleges and schools and any such notice is complete if given by such member in the manner provided in this rule.

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

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

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.
- (C) 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 employment if they have found employment in their field of study or have found employment in a related position.
- (D) The formula for calculating graduation rates for each program is based on the number of full-time degree/diploma/certificate-seeking students completing their program within 150 percent of normal time to completion divided by the total number of full-time degree/diploma/certificate-seeking students entering the institution in a particular year (cohort).
- (E) 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.

3332-1-25 School closures.

- (A) A school that is unable to continue business operations, whether as the result of a business failure or otherwise, shall contact the board prior to the school's closure and develop and arrange an adequate teach-out plan for its students. Such plans must be submitted to the state board in writing prior to the school's closure.
 - (1) The teach-out plan will consist of but is not limited to the following:
 - (a) Identification of the school's official date of closure; and
 - (b) A listing by program of students enrolled at the time of the school's closure including home addresses, email addresses, telephone numbers, ~~social security numbers~~ and estimated graduation dates for each student; and
 - (c) The status of all current refunds due and balances owed; and
 - (d) A listing of those students who had prepaid for any portion of their training and a calculation of the total amount which was prepaid by each student; and
 - (e) A signed agreement with one or more local educational institutions able to provide adequate education to all students in all programs; and
 - (f) Procedures for awarding graduates their certificates, diplomas, or degrees.
- (B) A school operating under the provisions of this rule shall, prior to the discontinuance of such school, make adequate arrangements for the safekeeping of all academic and financial records of its former students and the arrangements must be approved by the executive director.
- (C) The board, at its discretion, may direct a registered school to provide a formal teach-out plan if the board has reason to believe the school may cease operations prior to students' completing their objectives.
- (D) The closing of a school without invoking the procedures set forth in this rule will subject the holder of the certificate of registration to disciplinary action in accordance with the board's authority under section 3332.09 of the Revised Code.

3332-1-26 Off campus learning centers.

- (A) An off campus learning center is an extension of a school physically located in the state of Ohio, which is registered with the state board. The site is located away from the main campus, operates as less than a full service school and markets only programs and/or courses approved by the board.
- (B) In general, the curriculum offerings shall be restricted to selected courses and not complete programs except under special circumstances as authorized by the board. All other administrative rules that apply to the main school site will also apply to the learning center except those rules exempted by the board.
- (C) A registered school shall obtain a separate certificate of registration for each learning center. Each application for issuance or renewal of a learning center shall be accompanied by a non-refundable fee established by the board. The application must include a rationale which will support the perceived need for the learning center.
- (D) The issuance or renewal of a learning center certificate of registration shall cover only the offering of courses/programs currently approved at the main campus with no new individual program fees required. Approval for new programs/courses which are not currently approved at the main campus and which are intended for offering at the learning center will be processed through the main campus using current processing, procedures, and fees.
- (E) A school seeking approval for a learning center must commit in writing to students enrolled in any course or program at a learning center that once begun, they will be given the opportunity to complete such courses or program either at the learning center or at the main school campus or be entitled to a full refund.
- (F) The learning center should provide those support services which are essential to the delivery of instructional activities. Standards of quality for faculty, equipment, and instructional materials must be at the same level found at the main school campus.
- (G) The board recognizes two types of learning centers:
 - (1) Satellite classrooms:
 - (a) A satellite classroom is an off-site facility used as temporary space to accommodate a temporary overload at the main school site; or to provide selected short-term training courses on a temporary basis.
 - (b) The authorization term for a satellite classroom cannot exceed the time stated on a school's certificate of registration.
 - (c) A satellite classroom must be located within 10 miles of the main school location.
 - (d) The executive director may approve satellite classrooms provided that the main school has submitted the required application, facility compliance information, and required fees.

- (2) Satellite school facilities:
- (a) A satellite school facility is a school facility located away from the main campus that is used to:
 - (i) provide approved courses or programs that require less than a full service facility, or;
 - (ii) provide training under contract with a public agency, private company or other sponsor.
 - (b) The authorization term for a satellite school facility cannot exceed the time stated on a school's certificate of registration for the school's main campus. Application for a renewal of a satellite school facility must be made at the time of the renewal of a school's certificate of registration for the main campus.