



# STATE BOARD OF CAREER COLLEGES AND SCHOOLS

35 East Gay Street, Suite 403, Columbus, OH 43215-3138  
(614) 466-2752 · Fax (614) 466-2219 · Toll Free (877) 275-4219  
E-mail: [bpsr@scr.state.oh.us](mailto:bpsr@scr.state.oh.us) · Website: <http://www.scr.ohio.gov/>

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July 1, 2009

To Whom it May Concern:

Contained herein is a copy of the Administrative Rules for the State Board of Career Colleges and Schools. This copy of the Administrative Rules is believed to be current through July 1, 2009, however, these rules are provided as a public service and not intended to supplant the official version of these rules that is contained in the Ohio Administrative Code.

The Administrative Rules are updated on a yearly basis so please refer to the Board's web site at [www.scr.ohio.gov/](http://www.scr.ohio.gov/) for the most current version of the rules contained herein.

For the Board,

*John P. Ware*

**John P. Ware**  
**Executive Director**

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## **3332-1-01 Authority for Rule Adoption**

- (A) Pursuant to division (A) of section 3332.031 of the Revised Code, these standards, rules, regulations and administrative procedures are promulgated by the authority of the state board of career colleges and schools.
- (B) The state board of career colleges and schools will adopt and rescind rules in accordance with Chapter 119 of the Revised Code.
- (C) The board shall provide notice of all public rule hearings by publishing such notice as is required by Chapter 119 of the Revised Code. In addition, the board shall provide timely notice to registered schools and other interested parties concerning the time and place of all public rule hearings.
- (D) The board may provide any notice beyond that required by of this rule and by Chapter 119 of the Revised Code as it considers appropriate or necessary under the circumstances. Failure to provide copies of the text of the proposed rules shall not be considered as a basis for invalidating any rule, or portion of a rule, adopted, amended, or rescinded by the board.
- (E) Copies of the text of the proposed rules shall be available in the office of the board for at least thirty days prior to the public hearing period. No charge shall be levied for an examination of the proposed rules.

History: Eff 12-1-70; 4-16-90 (Emer.); 7-12-90; 4-2-01; 7-1-09.

Rule promulgated under: RC Chapter 119

Rule authorized by: RC 3332.031

Rule amplifies: RC 3332.031

R.C. 119.032 review date: 07/01/2014

Replaces: former 3332-1-01

## **3332-1-02 Definition of terms.**

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

required to devote at least two hours out-of-class assignments for each class hour scheduled.

- (O) "Diploma" means the credential awarded by a school upon the successful completion of a diploma program. The diploma program generally consists of more than six hundred but less than fifteen hundred clock hours; or more than forty but less than ninety quarter credit hours; or more than twenty-seven but less than sixty semester hours
- (P) "Director" means the person directly responsible for the operational management of a school.
- (Q) "Full-time student" means a student who is scheduled to attend a minimum of twenty or more clock hours or twelve or more credit hours per week.
- (R) "General education course" means a unit of learning non-technical in nature, which is an integral part of a program the content of which is drawn from oral communication, written communication, social studies and the humanities.
- (S) "Institutional Scholarship or Grant" means any scholarship, tuition credit, grant, or other financial aid program offered by a registered school that uses institutional funds or other institutional credits to reduce a student's tuition and fee obligations. All institutional scholarships or grants must be approved in accordance with rule 3332-1-11 of the Administrative Code.
- (T) "Gross annual tuition income" means the tuition income (minus tuition refunds) received by a registered school in approved programs as computed at the end of the school's accounting year.
- (U) "Major" means a program of study within a degree program that includes a minimum of twenty per cent of the program's total hours in the specific discipline intended to be named as the major in the program's title. At the same time, the balance between general education, basic and technical courses must be maintained in the program.
- (V) "Person" means an individual, corporation, partnership, association, limited liability company or any other type of business organization.
- (W) "Primary Duty" or "Primary Job Duty" means more the fifty per cent of a person's assigned job responsibilities.
- (X) "Private career school" means a career college, school, person, or other organization that offers programs that require registration pursuant to Chapter 3332 of the Revised Code.
- (Y) "Proficiency in subject matter discipline for faculty members assigned to teach the general study portion of any degree program" means proficiency in subject matter discipline evidenced by a minimum of fifteen quarter credit hours (or semester credit hours equivalent) of work in the discipline, taken at the undergraduate or graduate level, or a combination of the two levels.
- (Z) "Proprietary school" means a career college, school, person, or other organization that offers programs that require registration pursuant to Chapter 3332 of the Revised Code.
- (AA) "Quarter" means an academic time span of ten to thirteen weeks.

- (BB) "Semester" means an academic time span of fourteen to twenty weeks.
- (CC) "School" means a school, career college, person or other organization that offers programs that require registration under Chapter 3332 of the Revised Code.
- (DD) "Students enrolled" means the number of students who have started class and attended at least one day.
- (EE) "Teach-out" means the process whereby a school fulfills its educational and contractual obligations to currently enrolled students prior to voluntarily closing. Among its options are a cessation of enrollments with continued operation until present students are graduated; or making an agreement with a school or a group of schools, in the same geographic area, to absorb its students at no additional cost to the affected students, except as may be permissible under regular financial aid eligibility requirements.
- (FF) "Technical course" means a unit of learning which yields skills, knowledge, and appreciation essential to the specific occupation for which the program was designed.
- (GG) "Trimester" means an academic time span of fourteen to seventeen weeks.

HISTORY: Eff 12-11-76; 4-16-90 (Emer.); 7-12-90; 7-1-91; 10-14-94; 10-1-02; 7-1-09.

Rule promulgated under: RC Chapter 119

Rule authorized by: RC 3332.031

Rule amplifies: RC 3332.01

R.C. 119.032 review date: 07/01/2014

Replaces: former 3332-1-01

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

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

HISTORY: Eff 12-1-70; 4-16-90 (Emer.); 7-12-90; 7-1-91; 10-14-94; 6-1-05.

Rule promulgated under: RC Chapter 119;

Rule authorized by: RC 3332.02

Rule amplifies: RC 3332.02 , 3332.05;

R.C. 119.032 review dates: 3/25/03, 3/25/08, 4/15/10

### **3332-1-04 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 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.

HISTORY: Eff 12/1/70; 4/16/90 (Emer.); 7/12/90; 7/1/91; 10/14/94; 4-2-99; 6/1/05, 6/2/08.  
Rule promulgated under: RC Chapter 119  
Rule authorized by: RC 3332.03.  
Rule amplifies: RC 3332.031 , 3332.05  
R.C. 119.032 review dates: 12/24/07, 6/01/13.  
Replaces: former 3332-1-04

### **3332-1-04.1 Change of address.**

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

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

Rule promulgated under: RC Chapter 119

Rule authorized by: RC 3332.031

Rule amplifies: RC 3332.031 , 3332.05

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

## **3332-1-04.2 Name of school.**

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

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

Rule promulgated under: RC Chapter 119

Rule authorized by: RC 3332.031

Rule amplifies: RC 3332.031 , 3332.05

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

Replaces: former 3332-1-04.2

### **3332-1-04.3 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 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 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 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.

HISTORY: Eff 12-1-70; 4-16-90 (Emer.); 7-12-90; 7-1-91; 10-14-94; 6-1-05, 6-2-08.

Rule promulgated under: RC Chapter 119

Rule authorized by: RC 3332.031 , 3332.05.

Rule amplifies: RC 3332.05

R.C. 119.032 review dates: 12/24/07, 6/1/2013

#### **3332-1-04.4 Renewal of certificate of registration.**

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

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

Rule promulgated under: RC Chapter 119

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

Rule amplifies: RC 3332.05

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

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

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

- (A) Violation of any provision of sections 3332.01 to 3332.09 of the Revised Code, the board's minimum standards, or any rule made by the board;
- (B) Furnishing of false, misleading, deceptive, altered, or incomplete information or documents to the board;
- (C) The signing of an application or the holding of a certificate of registration by a person who has pleaded guilty or has been found guilty of a felony or has pleaded guilty or been found guilty of a crime involving moral turpitude;
- (D) The signing of an application or the holding of a certificate of registration by a person who is addicted to the use of any controlled substance, or who is found to be mentally incompetent;
- (E) Violation of any commitment made in an application for a certificate of registration or program authorization;
- (F) Presenting to prospective students, either at the time of solicitation or enrollment, or through advertising, mail circulars, or telephone solicitation, misleading, deceptive, false, or fraudulent information relating to any program, employment opportunity, or opportunities for enrollment in accredited institutions of higher education after entering or completing programs offered by the holder of a certificate of registration;
- (G) Failure to provide or maintain premises or equipment for offering programs in a safe and sanitary condition;
- (H) Refusal by an agent while performing duties common to agents to display his/her agent's permit upon demand of a prospective student or state board staff member or other interested persons;
- (I) Failure to maintain financial resources adequate for the satisfactory conduct of programs as presented in the plan of operation or to retain a sufficient number and qualified staff of instruction, except that nothing in this chapter requires an instructor to be certificated by the state board of education or to hold any type of post-high school degree;
- (J) Offering training or programs other than those authorized by the board, except that schools may offer special courses adapted to the needs of individual students when the special courses are in the subject field specified in the application;
- (K) Discrimination in the acceptance of students upon the basis of race, color, religion, sex, or national origin;
- (L) Accepting the services of an agent not holding a valid permit issued under section 3332.17 of the Revised Code;

- (M) The use of monetary or other valuable consideration by the school's agents or representatives to induce prospective students to enroll in the school, or the practice of awarding monetary or other valuable considerations to students in exchange for procuring the enrollment of others;
- (N) Failure to provide within a reasonable period of time after the request of the board, any information, records, or files pertaining to the operation of the school or recruitment and enrollment of students.
- (O) Failure to maintain or conform to any additional required state program approval, certification, or licensing requirements.

HISTORY: Eff 12-1-70; 4-16-90 (Emer.); 7-12-90; 7-1-91; 4-2-01; 7-1-09.

Rule promulgated under: RC Chapter 119

Rule authorized by: RC 3332.031

Rule amplifies: RC 3332.09

R.C. 119.032 review date: 07/01/2014

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

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

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

Rule promulgated under: RC Chapter 119

Rule authorized by: RC 3332.031

Rule amplifies: RC 3332.05

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

### **3332-1-06 Distance education programs.**

- (A) “Distance education” is a formal education process in which the orderly delivery of instruction occurs beyond a school’s walls since the student and instructor are in different locations. Distance education may employ a variety of communication methods for delivering instruction to students.
- (B) “Distance education program” is a program of study where more than 50% of the program content is offered via distance education. A distance education program shall have a defined start and end date and shall be properly divided into academic terms in accordance with Administrative Code rule 3332-1-10.
- (C) “Distance education course” is an individual course offered via distance education that is part of either a distance education program or any other program approved by the board.
- (D) The board recognizes that requirements for facilities, equipment, and methods of instruction for distance education programs and courses are different from those of resident programs. Nevertheless, chapter 3332 of the Administrative Code shall apply to distance education programs where applicable.
- (E) Distance education programs and courses require special attention to educational objectives, instructional material, faculty training and support services, and methods for timely interaction between faculty and students. Distance education programs and courses shall adhere to the following minimum standards:
  - (1) The educational objective for each program or course shall be clearly defined, simply stated, and of such a nature that they can be achieved through distance education.
  - (2) Distance education courses and programs shall be comprehensive, rigorous, up-to-date, and educationally sound. Instructional materials and technology methods are appropriate to meet the stated objectives of the program or course.
  - (3) The school shall provide appropriate faculty, faculty training, and support services specifically related to distance education.
  - (4) The school shall provide for methods for timely interaction between students and faculty and the school shall employ an acceptable method for monitoring student academic progress.
  - (5) Upon enrollment in a distance education program, the school shall provide placement assistance to students that shall include, at a minimum, accurate information about job opportunities and expected employment outcomes.
- (F) The following are considered a minimum requirement for tuition refunds and/or adjustments for distance education programs.
  - (1) An enrollment may be canceled by an applicant student within five calendar days after midnight of the day on which the enrollment agreement was completed. An applicant student must request cancellation in writing or via electronic mail within this five working day period. The student shall be given a refund of all monies paid to the school or its representative.

- (2) From five working days after midnight of the day on which the enrollment agreement is completed and until the student begins the program, the school is entitled to the registration fee not to exceed one hundred and twenty-five dollars or fifteen per cent of the tuition for the academic term, whichever is lesser.
  - (3) After the student begins the program, if the student requests cancellation or ceases participating in the program, the school shall refund tuition and fees in accordance with section 3332-1-10 of the administrative code.
  - (4) For the purpose of calculating refunds, last date of attendance shall be the last date of documented student participation in an academic activity unless another method for calculating attendance has been approved in writing by the board.
- (F) Schools may offer individual courses from a Board approved program via distance education. It is incumbent upon the school to demonstrate that any course offered via distance education meets the objectives set forth within the course curriculum and meets the requirements of this rule.

HISTORY: Eff 12-1-70; 4-16-90 (Emer.); 7-12-90; 4-2-99; 1-2-07

Rule promulgated under: RC Chapter 119

Rule authorized by: RC 3332.031

Rule amplifies: RC 3332.05

R.C. 119.032 review dates: 3/25/99, 4/2/04, 9/30/11

**3332-1-07 Equipment and facilities.**

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

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

Rule promulgated under: RC Chapter 119

Rule authorized by: RC 3332.031

Rule amplifies: RC 3332.09

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

### **3332-1-08 School administration.**

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

- (4) School policy and regulations as to enrollment dates, entrance requirements, program requirements and graduation requirements.
- (5) School policy and regulations relative to student leave, absences, tardiness, makeup work, and interruption or termination for unsatisfactory work or attendance. This policy will define the grading system, the minimum grades considered satisfactory, description of any unsatisfactory progress probationary period, and conditions of re-entrance for students dismissed or suspended for unsatisfactory progress.
- (6) Description of content of programs, their purposes and objectives, their sequence, and special admissions requirements if other than general.
- (7) Course descriptions showing the type of skill or content to be learned, together with clock and/or credit hours for the course.
- (8) School policy and regulations relative to standards of academic progress for purposes of federal and state financial aid programs.
- (9) Schedule of fees, charges for student tuition, student activities, laboratory fees, rentals, deposits, late fees, interest charges, and all other charges imposed by the school.
- (10) Policy and regulations of the school relative to the refund of tuition and fees.
- (11) Policy pertaining to the granting of credit for previous education, training, or experience.
- (12) List of faculty and administrators including related qualifications. (Changes from one catalog period to another should be reflected in an insert)
- (13) Institutional scholarship and grant award plans, which must be approved by the board.
- (14) Initial in-school student grievance procedure and subsequent avenues for student complaints to be brought to the attention of the board. Statement must include the telephone number and address at the board where student complaints are to be directed.

HISTORY: Eff 12-1-70; 4-16-90 (Emer.); 7-12-90; 7-1-91; 10-14-94;  
4-2-99; 4-2-01; 6-1-05  
Rule promulgated under: RC Chapter 119.  
Rule authorized by: RC 3332.031  
Rule amplifies: RC 3332.05.  
R.C. 119.032 review dates: 3/25/99, 2/25/05, 4/15/10.

### **3332-1-09     Student enrollment policies and practices.**

- (A) It is the responsibility of the school to determine with reasonable certainty, in advance of the acceptance of a prospective student's enrollment, that the student meets the minimum basic admissions qualifications to successfully assimilate the program they intend to enter.
- (B) Prior to a student's enrollment, a school shall determine, with reasonable certainty, that a prospective student is fully informed as to:
  - (1) The graduation requirements and expected outcomes of the program they desire to take; and,
  - (2) The obligations they are entering into; and,
  - (3) The financial obligations they are entering into; and,
  - (4) Their responsibilities and rights under any contracts or agreements that they are given to sign; and,
  - (5) The placement and graduation rates for the program they are entering into. No applicant will be allowed to sign an enrollment agreement until the school has provided the applicant with placement and graduation rates, by program, for each of the preceding three years.
- (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 and 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 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 a disclosure concerning any tuition or fee increase policies that may affect the student before their expected graduation date.
  - (5) The school's refund policy as required by administrative code rule 3332-1-10.
  - (6) The school's cancellation and settlement policy including notification that the

enrollment agreement may be canceled by submitting written notice within five days pursuant to rule 3332-1-10 of the Administrative Code.

- (7) Signature or other electronic verification from applicant and school official including date completed.
  - (8) Notice to student concerning their ability to file a complaint with the state board of career colleges and schools including board's correct name, address and toll-free telephone number.
  - (9) Date of publication and revision.
- (F) It is the responsibility of all schools to develop an informational briefing on financial aid with special attention on the obligations of any student who applies for and accepts a financial aid grant or loan. A student who applies for financial aid through the school shall be required to attend a school's informational briefing on financial aid and sign a statement acknowledging an understanding of the financial obligations into which they are entering and a copy must be kept in the student's file.
- (G) If a school accepts an enrollment from a person who does not meet the normal basic qualifications for acceptance, it should have a record of whatever communication has taken place about the prospective student and of the reasons why they were permitted to enroll, and be prepared to justify its action to the board in accepting the enrollment, if requested.
- (H) No school shall accept an enrollment from a person of compulsory school age unless legally dismissed from school, nor one attending a school of elementary or high school level, until and unless it has been established through contact with properly responsible persons that pursuit of the course would not be detrimental to his/her regular school work.
- (I) It is the responsibility of each school to assure that their enrollment agreement is in compliance with this rule. The board reserves the right to periodically review and inspect enrollment agreements and require changes to comply with this rule.

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

Rule promulgated under: RC Chapter 119

Rule authorized by: RC 3332.031

Rule amplifies: RC 3332.031

R.C. 119.032 review dates: 3/25/00, 3/25/05, 9/30/11

Replaces: former 3332-1-09

## **3332-1-10 Tuition and fees.**

### **(A) Tuition**

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

### **(B) Other fees:**

- (1) A school may charge an application, enrollment or registration fee of not more than fifteen per cent of the total tuition charge for the program or one hundred dollars and twenty-five dollars, whichever is the lesser. This fee is refundable only under the provisions of subsection (F)(1) of this rule.
- (2) All other fees including fees for activities, equipment, books, laboratory supplies, graduation expenses and room and board must be set forth on the school's enrollment agreement and uniformly applied. Administrative, academic, general supply and any other general fees are refundable in the same manner as a school's tuition. Fees for books or other specifically designated school supply items are refundable in the manner prescribed by rule 3332-1-10.1 of the administrative code.
- (3) Schools may identify on their enrollment agreement a separate non-refundable five dollar Ohio student registration fee as required by rule 3332-1-22.1 of the Administrative Code.

### **(C) Collecting tuition and fees**

- (1) All schools must collect and assess tuition and fees as follows:
  - (a) Credit hours - for programs organized on a credit hour basis, schools may collect and financially obligate students for tuition and fees for a maximum of one quarter, semester, or trimester. Any student loans or other financial aid funds received by a school must be collected and disbursed in accordance with paragraph (D) of this rule.
  - (b) Clock hours - for programs organized on a clock hour basis, schools may collect and financially obligate students for tuition and fees for a maximum of three hundred clock hours or six months of instruction at a time, and may not collect or financially obligate students for tuition and fees for the next three hundred hour or six month segment until it begins. Any student loans or other financial aid funds received by a school must be collected and disbursed in accordance with paragraph (D) of this rule.

(D) Student loans and financial aid

- (1) Student loans or other financial aid funds received from federal, state, or local governments or administered under the federal student financial assistance programs governed by Title IV of the "Higher Education Act of 1965," 20 U.S.C.A. 1070 et seq., as amended, must be collected and applied in the manner as controlled by the applicable federal, state, or local regulations.
- (2) Student loans or other financial aid funds received from private entities including, but not limited to, banks, financing companies, credit card companies, and other lending sources must be collected or disbursed in the following manner.
  - (a) Loans or other financing payments for amounts less than five thousand dollars may be disbursed as a single disbursement, regardless of course length.
  - (b) Loans or other financing payments for amounts greater than five thousand dollars that reflect a class term less than six months must have two equal disbursements. The disbursement schedule is as follows: one-half of the tuition amount released initially, and the remainder released half way through the course term.
  - (c) Loans or other financing payments for amounts greater than five thousand dollars that reflect a class term greater than six months, but less than twelve months must have three equal disbursements. The disbursement schedule is as follows: one-third of the tuition amount released initially, the second disbursement will be released one-third of the way through the length of the training, and the remainder released two-thirds of the way through the course term.
  - (d) Loans of other financing payments for amounts greater than five thousand dollars that reflect a class term greater than twelve months must have four equal disbursements. The disbursement schedule is as follows: one-quarter of the tuition amount released initially, the second disbursement will be released one-quarter of the way through the length of the training, the third disbursement will be released half way through the length of the training, and the remainder will be released three-fourths of the way through the training.
- (3) No school may enter into any contract or agreement with, or receive any money from, private entities including, but not limited to, banks, financing companies, credit card companies, and other any other private lending sources unless the private entity has a disbursement policy that, at a minimum, meets the requirements of paragraph (D)(2) of this rule.

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

- (1) Offering a student applicant a lower tuition rate if payment is made before a certain date.
- (2) Offering an incentive of lower tuition to a student for aiding in the recruitment of other potential or actual students.

- (3) Allowing a student to work at the school in lieu of tuition payments or a lower tuition payment.
  - (4) Offering lower tuition for payment in cash.
  - (5) Offering lower tuition when other members of a student's family attends the school.
  - (6) This provision shall not apply to tuition discounts provided to employees or members of an employees family where the discount is available to all similarly situated employees and their families.
- (F) Uniform tuition refund policy.
- (1) An enrollment agreement or application may be canceled within five calendar days after the date of signing provided the school is notified of the cancellation in writing. The school shall promptly refund in full all tuition and fees paid pursuant to the enrollment agreement. Such refund shall be made no later than thirty days after cancellation. This provision does not apply where the student has already started classes.
  - (2) The state refund policy as set forth in this rule must be uniformly applied to all students, unless the use of local, federal, or state financial aid funds mandates the use of the refund policy required by another governmental entity. Schools may use a refund policy that is different from the state policy if the proposed refund policy is uniformly applied in that school and is more favorable to students and has been approved in writing by the Board.
  - (3) The refund policy of each registered school must be identified and printed on the enrollment agreement and in the school's catalog.
  - (4) Schools are not required to take daily attendance. However, if a school does not take daily attendance it must develop an alternative method to accurately determine a student's last date of attendance for refund purposes and this alternative method must be approved by the board in writing.
  - (5) Refunds shall be made within thirty days after the school has determined that a student has withdrawn unless another refund period is mandated by the use of state or federal financial aid funds. If a student ceases attending school but does not officially notify the school of their withdrawal the school must treat the student as withdrawn within sixty days of the student's last date of attendance.
  - (6) A student's withdrawal date used to calculate refunds shall be the student's last date of attendance and participation in an academic activity unless another method for calculating withdrawal dates has been approved by the board in accordance with paragraph (F)(4) of this rule. A school may not require that notice of withdrawal be in writing , on or in any particular form, or delivered in any specific manner.
  - (7) Schools must complete a refund calculation for each student who officially withdraws, is dismissed, or otherwise ceases attending and a record of the refund calculation must be kept in the student's file. If it is determined that a student is owed a refund, the refund must be issued in accordance with section (F)(5) of this rule. If it is determined that a student is not due a refund, the student must be notified of the determination in writing, within sixty days of the student's last date of attendance,

and a full explanation must be made to the student. Any correspondence dealing with refunds shall be made a part of the student's permanent records.

- (8) Schools may not assess any additional fees associated with a student's withdrawal or termination from school.
- (9) Schools that collect and financially obligate students for tuition charges in individual courses within a program may use a separate course refund policy if the policy is uniformly applied and approved in writing by the Board.
- (10) State refund policy for programs organized on a credit hour basis.
  - (a) A student who starts class and withdraws during the first full calendar week of the quarter or semester shall be obligated for twenty-five per cent of the tuition and refundable fees for that academic term plus the registration fee.
  - (b) A student who withdraws during the second full calendar week of the academic term shall be obligated for fifty per cent of the tuition and refundable fees for that period plus the registration fee.
  - (c) A student who withdraws during the third full calendar week of the academic term shall be obligated for seventy-five per cent of the tuition and refundable fees for that period plus the registration fee.
  - (d) A student who withdraws beginning with the fourth full calendar week of the academic term will not be entitled to a refund of any portion of the tuition and fees.
- (11) State refund policy for programs organized on a clock hour basis:
  - (a) All clock hour programs that exceed 300 hour clock hours must be broken into academic terms in accordance with section (F)(11)(b) of this rule and as approved by the board. The number of clock hours in each academic term must be set forth on the school's enrollment agreement. Each academic term shall constitute a separate refund period.
  - (b) For programs operating on a clock hour basis, programs of three hundred to six hundred hours shall be considered equivalent to two academic terms and, therefore, shall be divided by two. Programs of six hundred to nine hundred clock hours shall be considered to be equivalent to three academic terms and shall be divided by three. Programs that are more than nine hundred hours but that are normally completed in less than one calendar year shall be divided by four. Programs that are normally completed in more than one year shall consider the clock hours scheduled in the second year as new academic terms and those clock hours occurring in the second year shall be divided in accordance with this paragraph.
  - (c) Refunds in clock hour programs shall be made for each academic term in accordance with the following procedures:
    - (i) A student who starts class and withdraws before the academic term is fifteen per cent completed will be obligated for twenty-five per cent of the tuition and refundable fees plus the registration fee.

- (ii) A student who starts class and withdraws after the academic term is fifteen per cent complete but before the academic term is twenty-five per cent completed will be obligated for fifty per cent of the tuition and refundable fees plus the registration fee.
  - (iii) A student who starts class and withdraws after the academic term is twenty-five per cent complete but before the academic term is forty per cent completed will be obligated for seventy-five per cent of the tuition and refundable fees plus the registration fee.
  - (iv) A student who starts class and withdraws after the academic term is forty per cent completed will not be entitled to a refund of the tuition and fees.
- (G) In the case of documented student illness or accident, death in the family, or other circumstances beyond the control of the student, the student shall be entitled to special consideration and the school may settle the account for an amount which is less than that called for by the school's established policy.
- (H) Collection procedures used by the school must be consistent with the laws and rules applicable thereto.

HISTORY: Eff 1-1-78; 4-16-90 (Emer.); 7-12-90; 7-1-91; 10-14-94; 4-17-00; 4-2-01; 10-1-02; 10-15-03; 1-2-07; 6-2-08.

Rule promulgated under: RC Chapter 119

Rule authorized by: RC 3332.031

Rule amplifies: RC 3332.031

R.C. 119.032 review dates: 9/30/11

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

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

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

Rule promulgated under: RC Chapter 119

Rule authorized by: RC 3332.031 (O)

Rule amplifies: RC 3332.05

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

### **3332-1-11 Scholarships and institutional grants.**

- (A) Institutional scholarship award plans are tuition and fee credits or other institutional financial aid programs intended for applicants or other interested persons prior to their enrollment in school. All institutional scholarships provided and administered by the school must be approved by the board, prior to the awarding of any scholarships by the school. All scholarship awards will be chosen by a committee of persons who are not employed by the school. The names of scholarship applicants will not be released to the school without board approval. The scholarship plan must be printed in the school catalog or bulletin and will provide the following information.
- (1) Name of the scholarship award.
  - (2) Number of awards available during each session or term.
  - (3) Value of the scholarship.
  - (4) Eligibility requirements for the award.
  - (5) Application dates and deadlines.
  - (6) How the scholarship will be awarded (tuition credit, cash, book credit, etc.).
  - (7) Whether the scholarship can be renewed, and if so, the requirements for renewal.
  - (8) The source of the scholarship. Whether it is funded by the school, an outside entity or other source.
- (B) Institutional grant award plans are tuition and fee credits or other institutional financial aid programs intended for students after their enrollment in school. All institutional grants provided and administered by the school must be approved by the board, prior to the awarding of any institutional grants by the school. All institutional grant programs must have specific eligibility requirements. Institutional grants that are based upon a student's financial need must contain specific objective criteria for determining the financial need. The institutional grant plan must be printed in the school catalog or bulletin and will provide the following information:
- (1) Terms that govern the awarding of institutional grants.
  - (2) Value of the grant.
  - (3) Eligibility requirements for the grant.
  - (4) How the grant will be awarded (tuition credit, cash, book credit, etc.).
  - (5) Whether the grant can be renewed, and if so, the requirements for renewal.
- (C) A school must file a written scholarship or grant plan with the board. The board may approve a school's scholarship or grant award plans if the plans are consistent with the scholarship and grant polices of an accrediting agency that is recognized by the United States department of education, providing the plans are not in conflict with any portion of these rules or any federal, state or local statute.

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

HISTORY: Eff 12-1-70; 4-16-90 (Emer.); 7-12-90; 10-14-94; 10-1-02; 7-1-09.

Rule promulgated under: RC Chapter 119

Rule authorized by: RC 3332.031

Rule amplifies: RC 3332.031

R.C. 119.032 review date: 07/14/2014

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

- (A) Any advertisement or piece of promotional literature written or used by a school holding a certificate of registration with the board must carry the name, address, and registration number as listed on its certificate of registration.
- (B) No school or its agents shall advertise or imply that the school is "recommended" or "endorsed" by the board. If reference is made to the certificate of registration issued by the board, this official reference shall only read, "approved by the state board of career colleges and schools."
- (C) Any advertisement or piece of promotional literature written or used by a school must be completely truthful and must be prepared and presented in such a manner as to avoid leaving any false, misleading or exaggerated impressions with respect to the school, its personnel, its courses and services, or the occupational opportunities for its graduates.
- (D) Schools or representatives shall not use a picture, photograph, cut, engraving, or illustration in bulletins, sales literature, web pages or other promotional material, in such a manner as to convey a false impression.
- (E) A guarantee of placement for graduates must not be promised or implied by any school, agent, or representative thereof. No school in its advertising or through its representatives or agents shall guarantee or imply the guarantee of employment before enrollment, during the pursuance of the course, or after the course is completed. No school shall guarantee any certain wage, or imply earnings greater than the prevailing wage.
- (E) 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.
- (G) Schools using classified columns of newspapers or other employment related publications to procure students must use only such as are headed by "education," "schools," or "instruction." "Help wanted," "employment," or "job opportunities," classifications may be used only to procure employees or agents for the school.
- (H) 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.

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

Rule promulgated under: RC Chapter 119

Rule authorized by: RC 3332.031 (K)

Rule amplifies: RC 3332.05

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

### **3332-1-12.1 Recruitment and solicitation of students.**

- (A) Solicitation and recruitment of prospective students must be conducted by an employee of the registered school (not by an independent contractor or other third party). Solicitation and recruitment may be conducted through means such as:
  - (1) Telemarketing; and,
  - (2) Direct mail; and,
  - (3) School fairs; and,
  - (4) Print or electronic media.
- (B) All persons whose primary job duty includes the solicitation of students must possess an agent permit as required by rule 3332-17 of the Administrative Code.
- (C) All persons involved in solicitation and recruitment who are not licensed as agents must still conduct their recruiting and solicitation activities within the ethical standards set forth in rules 3332-1-17.1 and 3332-1-17.2 of the Administrative Code.
- (D) Schools are prohibited from soliciting prospective students through contact with members of the public on public streets, sidewalks, and parking lots, on public modes of transportation, in and around other schools, door-to-door, and in buildings open to the public such as welfare offices unless the activity has been requested or approved by that agency or the entity controlling the premises. Where approved, schools must utilize booths, tables, or offices which clearly identify the name of the school and the training programs offered.
- (E) No school may claim accreditation from an accrediting agency through any of its advertising, promotional material, or during the solicitation process unless the accrediting agency is currently recognized as an accrediting agency by the United States department of education.

HISTORY: Eff 12-1-70; 4-16-90 (Emer.); 7-12-90; 10-14-94; 10-1-02; 07-1-09.

Rule promulgated under: RC Chapter 119

Rule authorized by: RC 3332.031

Rule amplifies: RC 3332.031

R.C. 119.032 review dates: 07/01/2014.

Replaces: former 3332-1-12.1

### **3332-1-13 Surety bonds.**

- (A) Pursuant to section 3332.08 of the Revised Code, the application for a certificate of registration shall be accompanied by a surety bond in the penal sum as determined by section (E) of this rule. The bond shall be in a form prescribed by the state board of career colleges and schools with at least one corporate bonding company approved by the department of insurance as surety thereon. Bond shall be maintained in effect for a period as determined by section (F) of this rule. The bond shall provide for indemnification of any person suffering prepaid tuition loss as the result of a school closure, program termination or other acts or omissions resulting in the cancellation, revocation, or expiration of a certificate of registration or program authorization.
- (B) The liability of the surety on the bond shall not exceed the sum of the face value of the bond as determined by the board as an aggregate for all students for all breaches of the conditions of the bond by the school. The term of the bond shall be continuous, but it shall be subject to cancellation by the surety in the manner described in this rule.
- (C) The surety may terminate the bond upon giving a sixty-day written notice to the principal and to the state board of career colleges and schools, but the liability of the surety for the acts of the principal continues during the sixty days of the cancellation notice. The notice does not absolve the surety from liability which accrues before the cancellation becomes final, but which is discovered after that date and which may have arisen at any time during the term of the bond. Unless the bond is replaced by that of another surety before the expiration of the sixty days notice of cancellation, the school's certificate of registration shall be suspended.
- (D) Any person subject to this section required to file a bond with an application for a certificate of registration, may file, in lieu thereof, cash, a certificate of deposit, or government bonds in the amount of the face value of the bond as determined by the board. The deposit is subject to the same terms and conditions as are provided for in the surety bond required herein. Any interest or earnings on such deposits are payable to the depositor.
- (E) Penal sum of bond
  - (1) The minimum penal sum of any bond maintained by a registered school under this rule shall be ten thousand dollars.
  - (2) A registered school will be required to maintain a bond with a penal sum in excess of ten thousand dollars if it meets any of the following conditions:
    - (a) The school fails to meet the board's standards of fiscal responsibility.
    - (b) The school maintains over one hundred thousand dollars in prepaid tuition revenue as calculated by the board and excluding prepaid tuition revenue that consists of government grants or federal student loans and grants authorized under Title IV of the "Higher Education Act of 1965," 20 U.S.C.A. 1070 et seq., as amended.
  - (3) A school that fails to meet the board's standards of fiscal responsibility shall be required to maintain a bond in a penal sum equal to fifty percent of the school's prepaid tuition revenue as calculated by the board.

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

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

### **3332-1-14 Student Surveys.**

- (A) Pursuant to section 3332.051 of the Revised Code all registered schools must administer student surveys which shall be used to solicit comments from students enrolled at the school. The survey shall be designed to determine student satisfaction with the quality of instruction, facilities, school personnel, and business operations, including recruitment and recruitment agents.
- (B) Surveys shall be administered at least once each school year and at least once before the completion of a program.
- (C) Completed surveys shall be collected by the holder of the certificate of registration or the director or administrator of the school and shall be compiled by the school. Each school shall retain the individual surveys and the compiled results on file for at least three years and shall make them available to the state board for examination upon request. Each school shall be responsible for ensuring that completed surveys are in no way altered.
- (D) To protect the confidentiality of students, student's names shall not be included on the student surveys. At no time should any school official discuss with any student any information reported on a student survey unless the student requests that the information be discussed. Schools shall develop means to protect the confidentiality of information reported on a student survey.
- (E) No administrator who is also an instructor may administer a survey to any class he or she instructs or tabulate the results of that survey without the approval of the executive director of the state board of career colleges and schools.
- (F) A survey may be administered on a form provided by the board or on a form provided by the school, provided it conforms with all the requirements of this rule. The survey form shall be divided into two parts.
  - (1) Part I shall measure the student's satisfaction with the instruction he or she has been receiving from the beginning of the term, quarter, or semester in the specific class in which the survey is being administered. It shall enable the student to convey the degree of satisfaction he or she has with the teaching ability of the instructor; those personal qualities of the instructor essential to effective relationships with students; and physical aspects of the classroom, including equipment employed, that relate materially to an appropriate and effective learning environment.
  - (2) Part II shall measure the student's satisfaction with the overall quality of his educational experience at the school. It shall enable the student to express the degree of his or her satisfaction with all instruction received, the program he or she is taking, the equipment used in the courses taken to date, the school facility in which instruction has been provided, and the services provided by staff members other than instructors. It shall also enable the student to express the degree of his or her satisfaction with the integrity of the school demonstrated in its recruitment and business practices, by its recruitment agents and administrative staff, and in its responses to the student's concerns or complaints.

- (3) The survey shall also ask the student whether he or she would recommend the school in which he or she enrolled to a friend.
- (G) Schools may also be required to administer surveys on behalf of the board in order to determine student satisfaction.

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

Rule promulgated under: RC Chapter 119

Rule authorized by: RC 3332.051

Rule amplifies: RC 3332.051

R.C. 119.032 review dates: 07/01/2014

Replaces: former 3332-1-14

### **3332-1-15 Program authorization.**

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

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

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

Rule promulgated under: RC Chapter 119

Rule authorized by: RC 3332.05 , 3332.06

Rule amplifies: RC 3332.05

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

### **3332-1-16 Program requirements.**

- (A) All schools submitting programs for approval by the board shall meet the minimum standards of this rule.
- (B) All programs approved by the board shall meet the following minimum standards:
  - (1) Each program of instruction shall be described in a manner that concisely and accurately conveys the following to a prospective student:
    - (a) The specific content of the curriculum; and
    - (b) The intended employment outcomes; and
    - (c) The entrance and graduation requirements.
  - (2) A school must submit to the board with the application for program authorization an instructor qualification form for each instructor retained to teach the program. For each new instructor hired to teach a program, a school must submit an additional instructor qualification form.
  - (3) The classroom, laboratory facilities and equipment must be appropriate to the program of study. At the time of submitting the application, each school must submit a list of equipment and include with the application a timetable as to when such equipment shall be made available.
  - (4) A school shall provide library resources appropriate to the program(s) of study along with standard works of reference.
  - (5) Titles of representative entry level positions for which graduates can be prepared shall be specifically stated in the request for program authorization. Realistic advancement opportunities that can be enhanced by successful employment experience, additional training or further education shall be stated when appropriate.
  - (6) If internships 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.
  - (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.
- (C) All certificate and diploma programs approved by the board shall meet the following minimum standards:
  - (1) "Certificate program" means generally one or more technical courses usually completed in one to twenty-six weeks, with a single skill objective and generally consisting of at least twenty and no more than six hundred clock hours or thirty-six quarter credit hours or twenty-four semester credit hours. In special cases, basic or general courses may be included when it is demonstrated such courses are essential to the program and occupational outcomes.

- (2) "Diploma program" means a program of instruction offering technical and basic coursework. General courses may be included. The program shall generally range in length from more than six hundred but less than fifteen hundred clock hours; or more than forty 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 certification by a recognized body of authority.
  - (7) Initial program authorization will be for a period not to exceed two years in length. Renewal of program authorization will coincide with the renewal of certificates of registration.
- (D) All associate degree programs approved by the board shall meet the following minimum standards:
- (1) "Associate degree program" means a program of instruction consisting of technical, basic, and general courses in which full-time students may complete program requirements in a minimum of two academic years, six to eight academic quarters, or four semesters.
  - (2) A school seeking program authorization for an associate degree program must have received a grant of accreditation by a national or regional accrediting agency that is recognized and approved by the United States department of education.
  - (3) A school seeking program authorization for an associate degree program must meet one of the following minimum requirements:
    - (a) The school must have been in operation, with students enrolled, for a minimum of two years, prior to submitting an application for consideration; or,
    - (b) The school must have been under the same ownership as another school that has previously been approved to award associate degrees by the board or by another state for at least two years; or,
    - (c) The school must have been approved by another state to award associate degrees for a period of at least two years; or,

- (d) The school has been permitted by the executive director to grant associate degrees in approved teach-out situation.
- (4) The curriculum for an associate degree program shall consist of a minimum of ninety quarter hours or sixty semester hours of instruction and shall include:
- (a) A minimum of twenty-one quarter hours or fourteen semester hours of general course instruction.
  - (b) A minimum of twenty-one quarter credit hours or fourteen semester hours of basic course instruction.
  - (c) A minimum of fifty per cent of quarter or semester hours of technical course instruction directly related to the program's occupational objectives.
  - (d) A maximum generally of one hundred ten quarter credit hours or seventy-three semester hours.
  - (e) Remedial coursework shall not be academically creditable.
- (5) Associate degree program authorization and renewal authorization shall be for a time period as determined by the Board not to exceed six years. Associate degrees shall be renewed and assessed fees for a period that coincides with the approval cycle for a school's certificate of registration.
- (6) A major is a specialization within an associate degree program. A minimum of twenty percent and no more than thirty percent of the total hours in the program must be allocated to the technical discipline named in the major.
- (7) A school offering an associate degree shall maintain a library supervised by a trained librarian or competent staff member. The library shall provide appropriate access within the school to standard reference, periodicals and books consistent with the curriculum offerings. The physical holdings may be augmented by an approved cooperative arrangement with another library or by electronic access. The hours of operations for the library shall be for the convenience of the students attending the institution. An area for students to study must be provided.
- (8) A school proposing to offer the associate degree should utilize appropriate persons to advise in the establishment and maintenance of a quality educational program. The advisory committee should be composed of individuals who are not employed by the institution, but who are recognized as practitioners from the community in the disciplines encompassed by the associate degree.
- (9) Before the establishment of the associate degree program, a school shall have at least one person employed to offer leadership in program development, work with advisory committees, recommend equipment and monitor the program's implementation and operation. Such a person must be competent in the field of instruction either by training or work experience or a combination of both.
- (10) A school offering an associate degree shall provide academic advisement for all students.

- (11) Instructors providing academic leadership should hold either a master's degree or bachelor's degree with other advanced preparation, or have appropriate experience in the field of concentration.
- (12) Instructors with teaching assignments primarily in technical areas should evidence competency based upon:
  - (a) Formal education appropriate to the specialization, usually including the bachelor's or master's degree or their equivalent as demonstrated by expertise, license, or certification; 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
  - (c) Evidence of professional development in the field of concentration as demonstrated by activity in professional associations, consultative practice, participation in seminars, workshops, and formal coursework, and individual reading and research.
- (13) All instructors whose assignments are primarily in the teaching of the general studies curriculum should generally hold a master's degree or have bachelor's degree in the subject matter discipline, and should also show evidence of professional development.
- (14) Full-time instructors who teach in the general studies portion of any degree program must have the following qualifications:
  - (a) Hold a master's degree in the subject matter discipline he/she is assigned to teach; or
  - (b) Hold a master's degree in education with proficiency in the subject matter discipline; or
  - (c) Has been exempted by the board on or before December 31, 1994 pursuant to the provisions of Revised Code section 3332.031(p)(3).
- (15) "Full-time instructor" means an instructor who is assigned for at least thirty hours per week of instruction, laboratory teaching or office hours;
- (E) All advanced degree programs approved by the board shall meet the following minimum standards:
  - (1) "Advanced degree program" means a program of instruction at the baccalaureate, masters or doctorate level of instruction.
  - (2) The state board shall not issue such program authorization for any advance degree programs offered in Ohio unless the degree program has been approved by the board of regents pursuant to the provisions of Revised Code section 3332.05.

- (3) Program authorization shall be for a period as specified by the board, dependent upon the outcome of the program review. Renewal authorization will be for a period as determined by the board not to exceed six years. Advanced degrees shall be renewed and assessed fees for a period that coincides with the approval cycle for a school's certificate of registration.

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

Rule promulgated under: RC Chapter 119

Rule authorized by: RC 3332.031

Rule amplifies: RC 3332.031, 3332.065

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

### **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 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.

HISTORY: Eff 12-1-90; 4-16-90 (Emer.); 7-12-90; 7-1-91; 10-14-94; 4-17-00; 1-2-07

Rule promulgated under: RC Chapter 119

Rule authorized by: RC 3332.031

Rule amplifies: RC 3332.10; 3332.11

RC 119.032 review dates: 3/25/00; 3/25/05, 9/30/11

Replaces: former 3332-1-17

### **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.

HISTORY: Eff 12-1-70; 4-16-90 (Emer.); 7-12-90; 7-1-91; 4-17-00

Rule promulgated under: RC Chapter 119

Rule authorized by: RC 3332.031

Rule amplifies: RC 3332.10, 3332.11 , 3332.12

RC 119.032 review dates: 3/25/00, 4/17/05; Replaces: former 3332-1-171

## **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.

HISTORY: Eff 4-16-90 (Emer.); 7-12-90; 10-1-02; 6-2-08.  
Rule promulgated under: RC Chapter 119  
Rule authorized by: RC 3332.031 (H)  
Rule amplifies: RC 3332.09 , 3332.11 , 3332.12  
RC 119.032 review dates: 12/24/07; 6/1/13

### **3332-1-18 Complaint procedure.**

- (A) The state board of career colleges and schools is given the authority under section 3332.091 of the Revised Code to investigate any complaint, submitted in writing, by any person adversely affected by the actions of a certificate holder. Complaints must be submitted within six months after the violations allegedly were committed. In addition, the board may, upon its own initiative and independent of the filing of any complaints, conduct a preliminary investigation relating to any possible violations of section 3332.09 of the Revised Code.
- (B) The executive director or his or her designee, is therefore designated by, and on behalf of the board, to resolve complaints and enforce the provisions of the statutes and rules of the board.
- (C) The executive director will submit to the board, at each meeting, a list of the number of complaints currently under investigation. School and complainant names currently under investigation will not be disclosed during public board meetings.
- (D) If deemed necessary, the executive director may request the board to review a complaint for its recommendations. In such cases, all documentation pertaining to the nature and status of the complaint will be presented before the board by the executive director and/or his or her staff designee.
- (E) While the board will normally investigate only signed complaints, the board reserves the right to act upon any anonymous complaints which indicate the possibility of violations of the statute or rules of the board.
- (F) Upon receipt of a written complaint, it will be reviewed by the executive director or his or her designee to determine if the board has jurisdiction in the matter.
- (G) If it is determined that the board does not have jurisdiction in the matter, the complainant will be promptly notified of that determination.
- (H) If it is determined that the board has jurisdiction in the matter, the complaint will be assigned to the appropriate person to initiate a preliminary investigation into the matter. A copy of the complaint will normally be forwarded to the school for its review and response, and the complainant will be notified of this action.
- (I) If it is determined after a preliminary investigation that it is not probable that violations were committed, the complainant will be notified of this determination and the case will be closed.
- (J) If it is determined after a preliminary investigation that it is probable that violations were committed, the executive director or his or her designee shall endeavor to eliminate such violations through informal means of conference, conciliation, and persuasion. Nothing said or done during these endeavors shall be disclosed by any member of the board or its staff, or be used as evidence in any subsequent proceedings.

- (K) If after such investigation and conference, the board is satisfied that such violations will be eliminated, the board will treat the complaint as conciliated, and entry of such disposition shall be made in the records of the board. At that time the complainant will be notified.
- (L) The executive director, on behalf of the board, may also enter into consent agreements or corrective action plans with registered schools in order to ensure that any potential violations have been eliminated and to ensure that any potential violations will not occur in the future. All consent agreements and corrective action plans that are entered into by the board will be considered public records.
- (M) If the board fails to effect the elimination of such violations, or fails to obtain voluntary compliance with the statute or rules of the board, the board may issue a formal complaint to the holder of a certificate of registration of the school under investigation and proceed pursuant to the provisions of section 3332.091 of the Revised Code.

HISTORY: Eff 4-16-90 (Emer.); 7-12-90; 10-14-94; 4-2-01; 7-1-09.

Rule promulgated under: RC Chapter 119

Rule authorized by: RC 3332.031 , 3332.091

Rule amplifies: RC 3332.091

R.C. 119.032 review dates: 07/01/2014

### **3332-1-19     The student tuition recovery fund.**

- (A) The state board of career colleges and schools shall assist the student tuition recovery authority in its administration and oversight of the student tuition recovery fund.
  
- (B) The state board of career colleges and schools shall collect payments on behalf of the student tuition recovery authority pursuant to the payment schedule identified in section 3332.085 of the Revised Code. Checks shall be made payable to the student tuition recovery fund and sent to the executive director of the state board of career colleges and schools, who will promptly forward all receipts to the treasurer of state. New schools and schools changing ownership must submit their student tuition recovery fund fees with their new school or change of ownership application that is submitted to the state board of career colleges and schools. All other registered schools shall be invoiced for their yearly fees and must submit their payments by August thirty-first.
  - (1) In calculating the previous fiscal year's gross tuition income, Ohio schools must include all tuition receipts, whether or not the students were residents of Ohio.
  - (2) Out-of-state schools must contribute based on the Ohio residents they enroll.
  - (3) Failure of a school to make payment more than fifteen days after the due date listed on the invoice may result in the initiation of proceedings under Chapter 119. of the Revised Code for cancellation of the certificate of registration and/or the imposition of civil penalty.
  - (4) A minimum penalty of one hundred dollars will be assessed against any school whose student tuition recovery fund payment is submitted after the due date listed on the invoice. In the event of receiving a check that is dishonored the board will assess an additional penalty of fifty dollars.
  
- (C) Upon the receipt or information that a school registered by the board has closed, the executive director of the board shall:
  - (1) Notify the authority that the school is officially closed;
  - (2) Obtain and forward to the authority the names, addresses, and the total amount of prepaid tuition paid by each student that has submitted a claim for reimbursement;
  - (3) Determine which of these students will accept a teach-out provided by another school;
  - (4) Determine if the students in question have a student loan and identify the amount of the loan and the lender; and,
  - (5) Send to each eligible student a form for the authority to secure and verify the above information;

HISTORY: Eff 4-16-90 (Emer.); 7-12-90; 7-1-91; 10-14-94; 10-1-02; 7-1-09.

Rule promulgated under: RC Chapter 119

Rule authorized by: RC 3332.031 , 3332.085

Rule amplifies: 3332.085;

R.C. 119.032 review date: 07/01/2014.

## **3332-1-20 Penalties.**

- (A) The state board of career colleges and schools may suspend, revoke, or refuse to issue or renew a certificate of registration or program authorization or may impose a penalty pursuant to Chapter 3332. of the Revised Code for a violation of any provision of sections 3332.01 to 3332.09 of the Revised Code, the board's minimum standards, or any rule made by the board.
- (B) If, after a public hearing, the board determines that the holder of a certificate of registration has violated any provision of Chapter 3332. of the Revised Code or any rule made by the board, the board shall issue a final adjudication order levying a civil penalty pursuant to paragraph (c) of this rule or limiting, suspending or revoking the certificate of registration or program authorization or any combination thereof. The board may impose additional penalties including but necessarily limited to curtailment of advertising, and discontinuation of enrollment of students in specific programs. Upon suspension or revocation, the board immediately shall issue an order pursuant to Chapter 119. of the Revised Code requiring such person immediately to cease all sales, advertising, and enrollment activities.
- (C) Pursuant to section 3332.091 of the Revised Code, the board may impose a civil penalty of not less than one thousand dollars nor more than three thousand five hundred dollars for each violation of section 3332.09 of the Revised Code and any other rule promulgated by the board. Penalties may not exceed an aggregate penalty of thirty-five thousand dollars in any six-month period.

HISTORY: Replaces rule 3332-1-18; Eff 12-1-70; 4-16-90 (Emer.); 7-12-90; 4-2-01; 7-1-09.  
Rule promulgated under: RC Chapter 119  
Rule authorized by: RC 3332.091  
Rule amplifies: RC 3332.09, 3332.091  
R.C. 119.032 review date: 07/01/2014

### **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 Street, Suite 403  
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.

HISTORY: Eff 1-26-76; 4-16-90 (Emer.); 7-12-90; 10-14-94; 4-2-01; 7-1-09.  
Rule promulgated under: RC Chapter 119  
Rule authorized by: RC 3332.03, 3332.031  
Rule amplifies: RC 3332.03  
R.C. 119.032 review date: 07/01/2014

**3332-1-22 Fees for certificate of registration and program authorization.**

- (A) Each new school, change of ownership, or school renewal must pay a fee for the certificate of authorization and a fee for each program for which they are seeking board approval. In addition, all schools are responsible for any other applicable fees set forth in rule 3332-1-221 of the Administrative Code. All fees submitted to the board are not refundable.
- (B) Fees for the initial issuance and renewal of certificates of registration and are based on the actual or expected gross annual tuition income of applicant schools as defined by rule 3332-1-02 of the Administrative Code. Schools applying for an initial certificate of registration must estimate their first year's gross tuition income.
- (C) The first certificate of registration issued to a new school, including schools that change ownership, is valid for one year unless earlier revoked by the board. Renewal certificates of registration are valid for two years unless earlier revoked by the board.
- (D) Fees for the issuance of a certificate of registration, including both new schools, changes of ownership, and school renewals, is based on the projected or actual gross tuition income of the school as follows:

<u>Gross annual tuition</u>	<u>New school/ownership</u>	<u>Renewal</u>
Less than \$100,000	\$150.00	\$300.00
\$100,000 to \$499,999	\$250.00	\$500.00
\$500,000 to \$999,999	\$400.00	\$800.00
\$1,000,000 to \$1,999,999	\$600.00	\$1200.00
\$2,000,000 and over	\$800.00	\$1600.00

- (E) Certificates of program authorization for individual programs are valid for a period of time specified by the board. The effective date of program reauthorization will normally be the anniversary date of the original program or the anniversary date of the school's certificate of registration.
- (F) Fees for the initial issuance and renewal of program authorization will be as follows:

<u>Program type</u>	<u>New and renewal programs</u>
Certificate/diploma	\$150 per year
Associate degree	\$225 per year
Bachelor's/other degree	\$450 per year
Major within degree program	\$150 per year

- (G) Complete applications for renewal of a certificate of registration or program authorization must be received by the board at least ninety days prior to the expiration date of the school's certificate of registration. Renewals, if approved, will become effective on the anniversary date of the granting of the original or last renewal. Applications for renewal will not be considered complete until all documents required are received by the board. Completed applications received less than ninety days prior to the expiration date of a school's registration may be assessed an additional late fee charge of ten per cent of a school's renewal fee.

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

Rule promulgated under: RC Chapter 119

Rule authorized by: RC 3332.07

Rule amplifies: RC 3332.05 , 3332.07

RC 119.032 review date: 07/01/2014

Replaces: former 3332-1-22

**3332-1-221 Miscellaneous fees.**

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

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

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

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

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

Rule promulgated under: RC Chapter 119

Rule authorized by: RC 3332.07

Rule amplifies: RC 3332.05 , 3332.07

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

Replaces: former 3332-1-22

**3332-1-23    Annual report.**

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

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

Rule promulgated under: RC Chapter 119

Rule authorized by: RC 3332.031

Rule amplifies: RC 3332.03 , 3332.031

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

## **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. 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) 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.

HISTORY: Eff 10-14-94; 4-17-00; 1-2-07; 6-2-08.

Rule promulgated under: RC Chapter 119

Rule authorized by: RC 3332.031

Rule amplifies: RC 3332.05

RC 119.032 review dates: 3/25/00, 3/25/05, 9/30/11

Replaces: former 3332-1-24

## **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 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.

HISTORY: Eff 10-14-94; 4-17-00; 1/2/07  
Rule promulgated under: RC Chapter 119  
Rule authorized by: RC 3332.031 , 3332.091  
Rule amplifies: RC 3332.091 , 3332.081 to 3332.084  
RC 119.032 review dates: 3/25/00, 3/25/05, 9/30/11

**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.

HISTORY: Eff 9-30-96; 10-1-02; 1/2/07; 6/2/08.

Rule promulgated under: RC Chapter 119

Rule authorized by: RC 3332.03 (B)

Rule amplifies: RC 3332.031 (C), 3332.05 (A)

RC 119.032 review dates: 10/1/07, 9/30/11