

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~~ department of higher education.
- (E) "Calendar week" means seven consecutive calendar days.
- (F) "Board" means the state board of proprietary school registration or the state board of career colleges and schools.
- (G) ~~"Certificate" means the credential awarded by a school upon the successful completion of a certificate program. The certificate program generally consists of one or more technical courses usually completed in one to twenty-six weeks, normally with a single skill objective and a maximum of thirty-six quarter or twenty-four semester credit hours.~~ "Certificate program" means generally one or more technical courses usually completed in one to twenty-six weeks, with a single skill objective and generally consisting of at least twenty and no more than six hundred clock hours or thirty-six quarter credit hours or twenty-four semester credit hours. In special cases, non-technical may be included when it is demonstrated such courses are essential to the program and occupational outcomes.
- (H) "Certificate of registration" means a certificate issued by the state board of career colleges and schools to the owner or operator of a private career school located within or outside the state of Ohio, that permits the school to solicit students and offer and maintain a program in Ohio.
- (I) "Clock hour" means for purpose of instruction, a period of sixty minutes with a minimum of fifty minutes of classroom work.

- (J) "College" means a school possessing a certificate of registration authorizing at least one associate or advanced degree program. No Ohio school may use the term "college" in their school name unless the school has been approved to offer degree level programs.
- (K) "Course" means a unit of learning which is an integral part of a program of instruction.
- (L) "Credit-hour laboratory" means one credit shall be awarded for every two laboratory hours in a week of the quarter or semester when the laboratory experience is supplemented by out-of-class assignments. When out-of-class assignments are not required, the ratio will be one credit for every three laboratory hours.
- (M) "Credit-hour non-laboratory" means one credit shall be awarded for each one hour scheduled in the classroom within a week, quarter, or semester, provided the student is required to devote at least two hours out-of-class assignments for each class hour scheduled.
- (N) ~~"Diploma" means the credential awarded by a school upon the successful completion of a diploma program. The diploma program generally consists of more than six hundred but less than fifteen hundred clock hours; or more than thirty six but less than ninety quarter credit hours; or more than twenty-seven but less than sixty semester hours.~~ "Diploma program" means a program of instruction offering technical and non-technical coursework. The program shall generally range in length from more than six hundred but less than fifteen hundred clock hours; or more than thirty-six but less than ninety quarter credit hours; or more than twenty-four but less than sixty semester hours.
- (O) "Director" means the person directly responsible for the operational management of a school.
- (P) "Full-time student" means a student who is scheduled to attend a minimum of twenty or more clock hours or twelve or more credit hours per week.
- (Q) "General education course" means a unit of learning non-technical in nature, which is an integral part of a program the content of which is drawn from oral communication, written communication, social studies, mathematics, natural sciences and the humanities.
- (R) "Institutional scholarship or grant" means any scholarship, tuition credit, grant or other financial aid program offered by a registered school that uses institutional funds or other institutional credits to reduce a student's tuition and fee obligations. All institutional scholarships or grants must be approved in accordance with rule 3332-1-11 of the Administrative Code.

- (S) "Gross annual tuition income" means the tuition income (minus tuition refunds) received by a registered school in approved programs as computed at the end of the school's accounting year.
- (T) "Major" means a program of study within a degree program that includes a minimum of twenty per cent of the program's total hours in the specific discipline intended to be named as the major in the program's title. At the same time, the balance between general education, basic and technical courses must be maintained in the program.
- (U) "Non-technical course" means any course in the curriculum that is not technical in nature and includes general education courses, basic courses, or other related courses.
- (V) "Person" means an individual, corporation, partnership, association, limited liability company or any other type of business organization.
- (W) "Primary duty" or "primary job duty" means more than fifty per cent of a person's assigned job responsibilities.
- (X) "Private career school" means a career college, proprietary school, person or other organization that offers programs that require registration pursuant to Chapter 3332. of the Revised Code.
- (Y) "Proficiency in subject matter discipline for faculty members assigned to teach the general study portion of any degree program" means proficiency in subject matter discipline evidenced by a minimum of fifteen quarter credit hours (or semester credit hours equivalent) of work in the discipline, taken at the undergraduate or graduate level, or a combination of the two levels.
- (Z) "Proprietary school" means a career college, school, person, or other organization that offers programs that require registration pursuant to Chapter 3332. of the Revised Code.
- (AA) "Quarter" means an academic time span of ten to twelve weeks.
- (BB) "Semester" means an academic time span of fifteen to eighteen weeks.
- (CC) "School" means a school, career college, person or other organization that offers programs that require registration under Chapter 3332. of the Revised Code.
- (DD) "Students enrolled" means the number of students who have started class and attended at least one day.
- (EE) "Teach-out" means the process whereby a school fulfills its educational and contractual obligations to currently enrolled students prior to voluntarily closing

their school or discontinuing any program. 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.

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3332-1-03

**Exceptions.**

- (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~~ department of higher education;
  - (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 ~~director~~ state board of the Ohio department of education and workforce 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.

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3332-1-04.5

**Suspension or revocation of certificate of registration.**

The state board of career colleges and schools may limit, suspend, revoke, or refuse to issue or renew a certificate of registration or program authorization or may impose a penalty pursuant to section ~~3332.09.1~~ 3332.091 of the Revised Code for any one or combination of the following:

- (A) Violation of any provision of sections 3332.01 to 3332.09 of the Revised Code, the board's minimum standards, or any rule made by the board;
- (B) Furnishing of false, misleading, deceptive, altered, or incomplete information or documents to the board;
- (C) The signing of any application, form, electronic document or the holding of a certificate of registration by a person who has pleaded guilty or has been found guilty of a felony or has pleaded guilty or been found guilty of a crime involving moral turpitude;
- (D) The signing of any application, form, electronic document or the holding of a certificate of registration by a person who is addicted to the use of any controlled substance, or who is found to be mentally incompetent;
- (E) Violation of any commitment made in an application for a certificate of registration or program authorization;
- (F) Presenting to prospective students, either at the time of solicitation or enrollment, or through advertising, mail circulars, or telephone solicitation, misleading, deceptive, false, or fraudulent information relating to any program, employment opportunity, or opportunities for enrollment in accredited institutions of higher education after entering or completing programs offered by the holder of a certificate of registration;
- (G) Failure to provide or maintain premises or equipment for offering programs in a safe and sanitary condition;
- (H) Refusal by an agent while performing duties common to agents to display his/her agent's permit upon demand of a prospective student or state board staff member or other interested persons;
- (I) Failure to maintain financial resources adequate for the satisfactory conduct of programs as presented in the plan of operation or to retain a sufficient number and qualified staff of instruction, except that nothing in this chapter requires an instructor to be certificated by the state board of education;
- (J) Offering training or programs other than those authorized by the board, except that schools may offer special courses adapted to the needs of individual students when the special courses are in the subject field specified in the application;



- (K) Discrimination in the acceptance of students upon the basis of race, color, religion, sex, or national origin;
- (L) Accepting the services of an agent not holding a valid permit issued under section 3332.17 of the Revised Code;
- (M) The use of monetary or other valuable consideration by the school's agents or representatives to induce prospective students to enroll in the school, or the practice of awarding monetary or other valuable considerations to students in exchange for procuring the enrollment of others;
- (N) Failure to provide within a reasonable period of time after the request of the board, any information, records, or files pertaining to the operation of the school or recruitment and enrollment of students.
- (O) Failure to maintain or conform to any additional required state program approval, certification, or licensing requirements.

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3332-1-07

**Equipment and facilities.**

- (A) All buildings where courses of instruction or in-person recruiting activities 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~~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.

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3332-1-09

**Student enrollment policies and practices.**

- (A) It is the responsibility of the school to determine with reasonable certainty, in advance of the acceptance of a prospective student's enrollment, that the student meets the minimum basic admissions qualifications as required by the school to successfully benefit from the program they intend to enter.
- (B) Prior to a student's enrollment, a school shall determine, with reasonable certainty, that a prospective student is fully informed as to:
- (1) The graduation requirements and expected outcomes of the program they desire to take;
  - (2) The financial obligations they are entering into;
  - (3) Their responsibilities and rights under any contracts or agreements that they are given to sign;
  - (4) The placement and graduation rates for the program they are entering into. No applicant will be allowed to sign an enrollment agreement until the school has provided the applicant with placement and graduation rates, for any program the student is considering, for each of the preceding three years; and
  - (5) The school's most recently available passage rates on any state licensure exams related to any program that the student is considering.
- (C) Prior to starting a program, all potential students enrolled in an Ohio school must review and complete the state board of career colleges and schools online student disclosure course as required by the board. The cost of the disclosure course shall not exceed twenty-five dollars per student for any new student who enrolls in a registered Ohio school and for whom the school keeps any portion of the tuition or registration fee. Schools that do not require that students pay tuition and fees may request a waiver of the course fee.
- (D) A prospective student may be officially enrolled in school only when they have completed the school's enrollment agreement. A copy of the enrollment agreement must be furnished to the student at the time the agreement is completed.
- (E) All enrollment agreements shall be on forms provided by the school and contain the following minimum information:
- (1) Name, phone number and mailing address of school.
  - (2) Program title and starting date.

- (3) Number of clock or credit hours in the program including the number of weeks or months usually necessary to complete the program. For clock hour programs, schools must also list the number of clock hours in each academic term.
  - (4) A breakdown of tuition charges and all other school fees for which the student is responsible. This breakdown shall include the tuition costs for the current academic term and ~~to~~ the total projected tuition cost of the program at current tuition rates. This breakdown shall also include a disclosure concerning any tuition or fee increase policies that may affect the student before their expected graduation date.
  - (5) The school's refund policy as required by rule 3332-1-10 of the Administrative Code.
  - (6) The school's cancellation and settlement policy including notification that the enrollment agreement may be canceled by submitting written notice within five days pursuant to rule 3332-1-10 of the Administrative Code.
  - (7) Signature or other electronic verification from applicant and school official including the date completed.
  - (8) Notice to student concerning their ability to file a complaint with the state board of career colleges and schools including board's correct name, address and toll-free telephone number.
  - (9) Date of publication and last date of revision or review as noted on the enrollment agreement. All enrollment agreements should be reviewed at least once every two years.
- (F) A student who applies for financial aid through the school shall be required to sign a statement acknowledging an understanding of the financial obligations into which they are entering and a copy must be kept in the student's file.
- (G) If a school accepts an enrollment from a person who does not meet the normal basic qualifications for acceptance, it should have a record of whatever communication has taken place about the prospective student and of the reasons why they were permitted to enroll, and be prepared to justify its action to the board in accepting the enrollment, if requested.
- (H) No school shall accept an enrollment from a person of compulsory school age unless legally dismissed from school, nor one attending a school of elementary or high school level, until and unless it has been established through contact with properly responsible persons that pursuit of the course would not be detrimental to his/her regular school work.

- (I) If a school requires a high school diploma, ~~or GED or other equivalent~~ for admission to a program, a student may be admitted to the program upon written verification from the student that they have received their high school diploma, ~~or GED or other equivalent~~. The board may require schools to audit admissions records and provide independent verification from the appropriate high school, state department of education or other independent source verifying that the student has received their high school diploma, ~~or GED or other equivalent~~. If the school is unable to obtain this independent verification, the student must be withdrawn at the end of the student's current academic term.
- (J) If a school requires a high school diploma, ~~or GED or other equivalent~~ for admission to a program the school may not accept any high school diploma from an online or correspondence high school unless the high school is:
- (1) Authorized to offer online or correspondence high school diplomas by the state they are located within; or,
  - (2) Accredited by an accrediting agency recognized by the US department of education and authorized to issue high school diplomas by that accrediting agency; or,
  - (3) Approved in writing by the state board of career colleges and schools.
- (K) It is the responsibility of each school to assure that their enrollment agreement is in compliance with this rule. The board reserves the right to periodically review and inspect enrollment agreements and to require changes to comply with this rule.

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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 paragraph (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 paragraph (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 paragraph (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.

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3332-1-15

**Program authorization.**

- (A) The board may issue program authorization for a degree, certificate, or diploma program to an applicant holding a certificate of registration issued pursuant to section 3332.05 of the Revised Code upon receipt of the fee established in accordance with this rule and upon determining that the program meets the minimum standards established in accordance with rule 3332-1-16 of the Administrative Code. The general requirements and procedures for program authorization are as follows:
- (1) A school shall make application for all programs the school intends to offer using applications provided by the board.
  - (2) Fees for the initial issuance and renewal of program authorization will be determined by the board and set forth in the board's fee schedule. Each application for initial and renewal program authorization may be assessed a non-refundable fee.
  - (3) When a new program is proposed for which no criteria have been established by the board, the school may be required to provide the board with an evaluation of the proposed program by an advisory committee of prospective employers who shall satisfy the board as to the merits of the specific program.
  - (4) No school may discontinue any program of instruction without board approval until such time as students therein have completed said program or the program has otherwise been completed via teach-out 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) Program authorization is granted for individual programs and is valid for a period of time specified by the board. Applications for renewal must be received by the board no less than sixty days prior to the expiration of the certificate of program authorization. The effective date of program re-authorization will normally be the anniversary date of the original program authorization or the date of last renewal of the program authorization.
- (D) The length or major content of any approved program may not be altered without the administrative approval of the board, subject to the following provisions:
- (1) Program course content revisions required to maintain currency or relevance within the occupational field that does not result in course objective or title changes may be accomplished without board approval.

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

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3332-1-24

**Graduation and placement.**

- (A) All schools registered with the state board of career colleges and schools shall assist students with job placement after graduation. Placement assistance must include elements which exceed steps that the student could initiate on his/her own.
- (B) Each school shall submit evidence which demonstrates that it has an acceptable record of graduation rates and job placement rates for each program.
- (1) The board will calculate average job placement and graduation rates annually for each program type based upon information collected from school reports.
  - (2) A school with graduation or placement rates that are one or more standard deviations below the average may be required to submit an explanation for the deviation and a plan for improvement. The board may accept the school's explanation or the board may take other disciplinary action against the school pursuant to the provisions of section 3332.09 of the Revised Code.
  - (3) Schools with cohorts in any program of less than twenty students during a reporting year may be required to report data from multiple cohort years.
- (C) Schools that are accredited by an accrediting agency recognized by the US department of education may report annual job placement and graduation rates using formulas and definitions required by the school's accrediting agency or the school may use the formulas contained in paragraphs (D) and (E) of this rule.
- (D) The formula for calculating job placement rates for each program is based on total number of graduates who found gainful employment divided by total number of graduates available for placement.
- (1) All graduates will be considered as available for placement except those graduates that the school can document are unable to work or who are not seeking placement due to:
    - (a) Verified ongoing further education;
    - (b) Verified medical condition;
    - (c) Verified military service; or,
    - (d) Other valid documented reason approved by the board.
  - (2) A graduate will be considered gainfully employed if they have found employment in their field of study or have found employment in a related position.

- (E) The formula for calculating graduation rates for each program is based upon the number of full-time students entering into a program in a particular year (cohort) who complete their program within one hundred fifty per cent of the normal time for completion. The graduation rate for part-time students shall be conducted via similar methodology.
- (F) Each school is required to verify the accuracy of its job placement and graduation rates at anytime when requested by the board or its designees.



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