

# OKLAHOMA

## FINAL GRADING ANALYSIS

OVERALL SCORE: **259.75/700 POINTS (37%)**  
 LETTER GRADE: **F**

### I. OVERSIGHT BODY: **65.25/100 POINTS**

#### A. IS THERE A STATUTORILY CREATED OVERSIGHT BODY THAT IS PUBLICLY ACCOUNTABLE?

**50/60 POINTS**

Element	Points Available	Type 1	Type 2	Average
1. Oversight body is a multi-member board, commission, or panel created by statute	10	10	10	10
2. Oversight body was statutorily created specifically to oversee private postsecondary institutions	10	10	0	5
3. Multi-member board, commission, or panel is the ultimate decision maker (as opposed to a single person, like the head of a department or director)	10	10	10	10
4. Oversight body can engage in rulemaking	10	10	10	10
5. Oversight body's meetings must be open to the public	5	5	5	5
6. Oversight body's meetings must allow public comment	5	0	0	0
7. Oversight body can initiate investigations	5	5	5	5
8. Oversight body can impose penalties for violations	5	5	5	5
<b>Total Points</b>	60	55	45	50

**Explanation:**

Oklahoma splits regulation of private schools between two bodies. The Oklahoma Board of Private Vocational Schools (OBPVS) is responsible for regulation and oversight of private postsecondary vocational schools in Oklahoma (Type 1). (70 Okl. St. § 21-103.) The Oklahoma State Regents for Higher Education (OSRHE) oversees degree-granting private postsecondary institutions (Type 2) (“[p]rivate, denominational, and other institutions of higher learning may become coordinated with the State System of Higher Education under regulations set forth by The Oklahoma State Regents for Higher Education” (Oklahoma Constitution, Article XIII A, Section 4)).

***Type 1: Private postsecondary vocational schools.*** Oklahoma established the OBPVS, a public board, specifically to oversee private postsecondary institutions. The public board is the decision maker and has

the authority to engage in rulemaking, impose penalties, and carry out such other duties as necessary to provide state authorization for private vocational schools, seminars, and workshops and such other schools that make offerings of courses or programs as permitted by the governing act, which would necessarily include initiating investigations. (70 Okl. St. § 21-102.1.) OBPVS meetings are subject to the Oklahoma Open Meetings Act (25 Okl. St. § 303) and must be open to the public. The OBPVS may allow for public comment at meetings, but is not required to do so. (Okl. A.G. Opin. 02-26.)

**Type 2: Degree-granting private postsecondary institutions.** The state requires degree-granting private postsecondary institutions to be accredited by a national or regional accrediting agency which is recognized by the Secretary of the U.S. Department of Education as a reliable authority. (70 Okl. St. § 4103.) Further, Oklahoma requires these institutions to grant only those degrees authorized by OSRHE unless approved otherwise by a national or regional accrediting agency which is recognized by the Secretary of the U.S. Department of Education as a reliable authority as to the quality of education or training offered by institutions of higher education. (70 Okl. St. § 4104.)

OSRHE’s meetings are open to the public pursuant to Oklahoma’s Open Meetings Act. (O.A.C. § 610:1-7-10; 25 Okl. St. § 301 *et seq.*) The Regents may allow for public comment at meetings, but is not required to do so. (Okl. A.G. Opin. 02-26.)

**B. STATUTE-SPECIFIED MEMBERSHIP:**

**1. TO WHAT EXTENT ARE LIMITATIONS PLACED ON FOR-PROFIT MEMBERSHIP ON THE OVERSIGHT BODY?**

**11.25/25 POINTS\***

*\*points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Explicit prohibition on for-profit majority, plus no possibility of a majority of the quorum	Explicit prohibition on for-profit majority	Discouraged	No prohibition specified, but not discouraged	For-profit majority mandated
Type 1	25 Points	20 Points	10 Points	0 Points	<del>-5</del> -2.5 points
Type 2	<b>25 Points</b>	20 Points	10 Points	0 Points	-5 Points

**Explanation:**

**Type 1: Private postsecondary vocational schools.** While Oklahoma does not mandate that for-profit interests make up the majority of OBPVS, the mandated composition of the Board creates a substantial possibility that individuals affiliated with private for-profit educational institutions will make up a majority of the quorum, and thereby have a strong influence on the regulation and oversight of the industry of which they are a part. (70 Okl. St. § 21-102.) Because of this potential, the state loses 2.5 points.

**Type 2: Degree-granting private postsecondary institutions.** Oklahoma prohibits “employees or members of the staff or governing board of any constituent member of the State System” from membership on OSRHE. (70 Okl. St. § 3202(b). It appears this prohibition has the effect of barring members of the industry that is regulated from membership on the regulatory body.

2. IS THE OVERSIGHT BODY MANDATED TO INCLUDE AT LEAST ONE CONSUMER ADVOCATE?

**0/10 POINTS\***

*\*points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes	No
Type 1	10 Points	0 Points
Type 2	10 Points	0 Points

**Explanation:**

**Type 1: Private postsecondary vocational schools.** Oklahoma law does not require the membership of the OBPVS to include an individual with expertise and experience in the area of consumer advocacy. (70 Okl. St. § 21-102.)

**Type 2: Degree-granting private postsecondary institutions.** Oklahoma law does not require the membership of OSRHE to include an individual with expertise and experience in the area of consumer advocacy. (70 Okl. St. § 3202.)

**Notable Provision:**



While Oklahoma law does not require the Board of Regents to include a consumer advocate member, the state has created a Student Advisory Board, which consists of seven members, each of whom is enrolled in at least twelve semester credit hours and is attending the type of institution which the member is elected to represent. The members are not necessarily individuals with expertise and experience in the area of consumer advocacy, but the Advisory Board does serve to give voice to the students impacted by the Regents' policies and governance. The membership includes two members elected at large to represent the comprehensive universities within the Oklahoma State System of Higher Education; two members elected at large to represent the regional and senior universities within the Oklahoma State System of Higher Education; two members elected at large to represent the junior colleges within the Oklahoma State System of Higher Education; and one member elected at large to represent the accredited independent colleges and universities. (Okla. Stat. tit. 70, § 3205.5.)

3. ARE THE MEMBERS APPOINTED BY A PUBLICLY ACCOUNTABLE OFFICIAL OR ELECTED IN A GENERAL ELECTION?

**4/5 POINTS\***

*\*points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	All	Majority	Half	Minority	None
Type 1	5 Points	3 Points	2.5 Points	1 Point	0 Points
Type 2	5 Points	3 Points	2.5 Points	1 Point	0 Points

**Explanation:**

**Type 1: Private postsecondary vocational schools.** The governor of Oklahoma appoints six of the nine members of OBPVS with the advice and consent of the Senate. (Okl. Stat. tit. 70, § 21-102.) One member of OBPVS is the Director of the Oklahoma Department of Career and Technology Education (appointed by the Oklahoma State Board of Career and Technology Education), the Chancellor of the Oklahoma

State Regents for Higher Education and the State Superintendent of Public Instruction (who is an elected official) or their designated representatives.

**Type 2: Degree-granting private postsecondary institutions.** The governor of Oklahoma appoints the nine members of the Board of Regents with the advice and consent of the Senate. (Okla. Stat. tit. 70, § 3202.)

## II. STATE OVERSIGHT—EFFICACY: **31/100 POINTS**

### A. DOES THE STATE REQUIRE ONSITE REVIEW OF PRIVATE POSTSECONDARY INSTITUTIONS?

**4/10 POINTS\***

\*points for Type 1 and Type 2 schools have been averaged to calculate the above score

	Mandatory onsite reviews			Discretionary	None
	Every 2 years or less	Every 3-5 years	Over 5 years	Discretion to conduct onsite reviews	No review specified
<b>Type 1</b>	10 Points	8 Points	5 Points	<b>3 Points</b>	0 Points
<b>Type 2</b>	10 Points	8 Points	<b>5 Points</b>	3 Points	0 Points

**Explanation:**

**Type 1: Private postsecondary vocational schools.** Oklahoma law gives OBPVS authority to conduct an onsite visit of the private postsecondary schools under its jurisdiction. (O.A.C. § 565:10-21-1.) There is no mandated regular timeframe for the onsite visits. However, because Oklahoma requires schools to renew licenses annually, it is reasonable to deduce that the Board’s discretion to conduct onsite visits would most likely arise in the course of the mandated annual reviews.

**Type 2: Degree-granting private postsecondary institutions.** OSRHE requires regular onsite reviews that meet requirements set forth by the OSRHE Policy and Procedures Manual and, by reference, the Higher Learning Commission (HLC) Handbook. There is no set timeframe for onsite visits; renewal evaluations are determined on a case-by-case basis and take into consideration factors such as the status of institutional accreditation (e.g., accreditation without qualification, initial candidacy, or probationary accreditation). (OSRHE Policy and Procedures Manual 3.1.4(F) (Unaccredited Private Institutions).) Because regular onsite visits are required, but no timeframe is specified, the state receives partial credit for this element.



**Note about the onsite visiting team:** Members of OSRHE do not conduct the onsite visits; rather, an effort is made to select individuals who understand the uniqueness and nature of the institution under review. An effort is also made to ensure that the team includes individuals who have had significant professional experience with institutions of the type under review. The institution has the opportunity to express in writing suggestions for the areas of expertise and types of institutional representation it prefers. A list of potential team members will be provided to the institution before final selection occurs. Every effort is made to alleviate institutional concerns about potential team members prior to selection of the team. However, the institution does not have the authority to veto a potential team member(s). (OSRHE Policy and Procedures Manual 3.1.4(H).) This is a concern because, while it is important to include individuals with expertise in the regulated industry (here, private postsecondary education), there is a

potential for a conflict when members of the regulated industry are primarily responsible for oversight and approval of said industry.

**B. DOES THE STATE REQUIRE UNANNOUNCED INSPECTIONS FOR ONSITE REVIEWS?**

**0/5 POINTS\***

*\*points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Required unannounced visits	Discretion to do unannounced visits	No indication
<b>Type 1</b>	5 Points	3 Points	<b>0 Points</b>
<b>Type 2</b>	5 Points	3 Points	<b>0 Points</b>

**Explanation:**

**Type 1: Private postsecondary vocational schools.** It does not appear that Oklahoma law mandates or provides discretion for OBPVS to conduct unannounced onsite reviews of private postsecondary schools under its jurisdiction.

**Type 2: Degree-granting private postsecondary institutions.** OSRHE requires onsite visits as a part of the renewal process, however, the visits are scheduled and there is no indication that these visits are unannounced. (Oklahoma State Board of Regents for Higher Education Policy and Procedures Manual 3.1.4(H).)

**C. DOES THE STATE REQUIRE REGULAR REVIEWS OF PRIVATE POSTSECONDARY APPROVAL TO OPERATE?**

**20/20 POINTS\***

*\*points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Mandatory			Discretionary	None
	Every 2 years or less	Every 3-5 years	Over 5 years	Discretion to conduct reviews	No review specified
<b>Type 1</b>	<b>20 Points</b>	15 Points	10 Points	5 Points	0 Points
<b>Type 2</b>	<b>20 Points</b>	15 Points	10 Points	5 Points	0 Points

**Explanation:**

**Type 1: Private postsecondary vocational schools.** Oklahoma law requires private postsecondary schools to renew their authorization to operate annually, requiring submission of a renewal application for review. (70 Okl. St. § 21-106(A); O.A.C. § 565:10-1-4(b).)

**Type 2: Degree-granting private postsecondary institutions.** Institutions coordinated by OSRHE are required to report enrollment, student credit hours, and other information on an annual basis in order to maintain authorization. (Oklahoma State Board of Regents for Higher Education Policy and Procedures Manual 3.1.5.)

**D. DO THE CRITERIA FOR RENEWAL OF AUTHORIZATION MANDATE A REVIEW OF FACTORS ESSENTIAL TO ACADEMIC AND ETHICAL INTEGRITY?**

**7/20 POINTS\***

*\*points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	<b>8 of 8</b>	<b>7 of 8</b>	<b>6 of 8</b>	<b>5 of 8</b>	<b>4 of 8</b>	<b>3 of 8</b>	<b>2 of 8</b>	<b>1 of 8</b>	<b>0 of 8</b>
<b>Type 1</b>	20 Points	17.5 Points	15 Points	12.5 Points	10 Points	7.5 Points	5 Points	2.5 Points	<b>0.2 Points</b>
<b>Type 2</b>	20 Points	17.5 Points	15 Points	12.5 Points	<b>10.12 Points</b>	7.5 Points	5 Points	2.5 Points	0 Points

<b>Element</b>	<b>Type 1</b>	<b>Type 2</b>
<b>Admission requirements</b>	<b>D</b>	<b>M</b>
<b>Graduation requirements</b>		
<b>Placement rate</b>		<b>D</b>
<b>Completion rate (or graduation rate)</b>		<b>D</b>
<b>Advertising practices</b>		<b>M</b>
<b>Cohort default rate</b>		
<b>Accreditation status</b>	<b>D</b>	<b>M</b>
<b>Financial aid policies</b>		<b>M</b>

*M=Mandatory; D=Discretionary*

**Explanation:**

***Type 1: Private postsecondary vocational schools.*** Oklahoma law requires private postsecondary institutions to submit a catalog for review as part of the institutional review for licensure. The catalog must include information on admission requirements; therefore, it is available for review. However, although the review ensures that the information is available in the catalog, the information is does not necessarily reviewed as a part of the institutional review.

***Type 2: Degree-granting private postsecondary institutions.*** OSRHE requires “periodic” review of institutional admission and retention policies, but does not specify a timeframe. (Oklahoma State Board of Regents for Higher Education Policy and Procedures Manual 3.9.) Further, as noted above, institutions must renew accreditation on a regular basis, but there is no mandated timeframe for this review to take place. OSRHE requires review of some advertising practices, specifically advertising related to accreditation, as a part of the evaluation process. Additionally, the HLC Handbook on which the state models its accreditation and to which the Policy and Procedures Manual makes several references, requires some review of advertising practices. (Higher Learning Commission, Policy Handbook, February 2016, (hereinafter HLC Handbook) FDCR.A.10.070.) The HLC Handbook also requires review of financial aid policies as an eligibility requirement. (HLC Handbook, CRRT.A.10.010(12).) Performance outcomes (graduation rates, placement rates, etc.) are discussed both in the Policy and Procedures Manual and in the HLC Handbook; these factors are generally reviewed, not for the data itself as applicable to the institution’s eligibility to maintain authorization to operate, but to ensure that the institution in keeping records and to review how the institution utilizes the data to evaluate the success of its own programs. Thus, while the data may be a factor in renewal or denial of accreditation, it is not necessarily reviewed specifically for purposes of accreditation, so the state receives partial credit for this element.

E. DOES THE STATE'S OVERSIGHT DISTINGUISH BETWEEN FOR-PROFIT AND NONPROFIT EDUCATIONAL INSTITUTIONS?

**0/15 POINTS\***

*\*points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes, strongly distinguished	Yes, moderately distinguished	Yes, slightly distinguished	Not distinguished
Type 1	15	10	5	<b>0</b>
Type 2	15	10	5	<b>0</b>

**Explanation:**

**Type 1: Private postsecondary vocational schools.** Oklahoma law does not distinguish between for-profit and nonprofit private postsecondary vocational schools.

**Type 2: Degree-granting private postsecondary institutions.** Oklahoma law does not distinguish between for-profit and nonprofit degree-granting private postsecondary institutions.

F. DOES THE STATE REQUIRE INCREASED OVERSIGHT/SCRUTINY OF PRIVATE POSTSECONDARY INSTITUTIONS BASED ON POOR PERFORMANCE?

**0/10 POINTS\***

*\*points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes, mandatory	Yes, mandatory but limited	Yes, discretionary	Yes, discretionary but limited	No
Type 1	10 Points	7.5 Points	5 Points	2.5 Points	<b>0 Points</b>
Type 2	10 Points	7.5 Points	5 Points	2.5 Points	<b>0 Points</b>

**Explanation:**

**Type 1: Private postsecondary vocational schools.** Oklahoma law does not require any increased oversight or scrutiny of private postsecondary vocational schools based on poor performance (such as low graduation rates, low exam passage rates, high cohort default rates, etc.).

**Type 2: Degree-granting private postsecondary institutions.** Oklahoma law does not require any increased oversight or scrutiny of degree-granting private postsecondary vocational schools based on poor performance.

G. DOES STATE LAW INCLUDE ANY SPECIAL PROTECTIONS FOR VETERANS WHO ATTEND PRIVATE POSTSECONDARY INSTITUTIONS?

**0/20 POINTS\***

*\*points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes	No
Type 1	20 Points	<b>0 Points</b>
Type 2	20 Points	<b>0 Points</b>

**Explanation:**

***Type 1: Private postsecondary vocational schools.*** Oklahoma law does not have any special protections in place specifically for veterans attending private postsecondary vocational institutions in the state.

***Type 2: Degree-granting private postsecondary institutions.*** Oklahoma law does not include any special protections specifically for veterans who attend degree-granting private postsecondary institutions.

**III. STATE OVERSIGHT—SCOPE AND INCLUSION:**

**37.5/100 POINTS**

**A. ARE EXEMPTIONS TO STATE OVERSIGHT COVERAGE LIMITED?**

**37.5/100 POINTS\***

*\*points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	No exemptions	Few exemptions	Moderate exemptions	Broad exemptions
Type 1	100 Points	<b>75 Points</b>	50 Points	0 Points
Type 2	100 Points	75 Points	50 Points	<b>0 Points</b>

**Explanation:**

***Type 1: Private postsecondary vocational schools.*** Oklahoma law has very few exemptions to licensure for private vocational postsecondary institutions, most of which are common or very narrowly tailored. For example, the state exempts schools that are exclusively regulated or licensed pursuant to the provisions of any school-licensing law of the state; flight instruction; and education provided and paid for by an employer for an employee. The state also exempts postgraduate certificates offered or provided by a school that has approval for that specific program issued by another state agency or an accrediting agency approved by the Board. If a private school combines training or education that is both licensed and not licensed by another state agency, licensing by OBPVS will be required for the entity’s combined programs. However, OBPVS will defer to the other state agency on matters contained in the other agency’s regulations and will refrain from establishing conflicting requirements. Matters to be governed by the other state agency may include but are not limited to curriculum, testing or certification completion. OBPVS may require a private school to document its approval by any other state agency or an accrediting organization.

***Type 2: Degree-granting private postsecondary institutions.*** Oklahoma law exempts institutions from the requirements to receive accreditation and approval from the Regents where approved otherwise by a national or regional accrediting agency which is recognized by the Secretary of the U.S. Department of Education as a reliable authority as to the quality of education or training offered by institutions of higher education. (70 Okl. St. §§ 4103, 4104.)

**IV. DISCLOSURE REQUIREMENTS: 12.5/100 POINTS**



A. ARE INSTITUTIONS REQUIRED TO DISCLOSE INSTITUTIONAL PERFORMANCE MEASURES TO POTENTIAL STUDENTS?

**0/20 POINTS\***

*\*points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes, mandatory	Yes, discretionary	None
	Fact sheet or equivalent required to be given to students	Fact sheet or equivalent given to students upon request	No fact sheet required
<b>Type 1</b>	20 Points	10 Points	<b>0 Points</b>
<b>Type 2</b>	20 Points	10 Points	<b>0 Points</b>

**Explanation:**

**Type 1: Private postsecondary vocational schools.** Oklahoma law does not explicitly require private postsecondary vocational institutions to make performance disclosures directly to potential students prior to enrollment.

**Type 2: Degree-granting private postsecondary institutions.** Oklahoma law does not explicitly require degree-granting private postsecondary institutions to make performance disclosures directly to potential students prior to enrollment.

B. WHICH INSTITUTIONAL PERFORMANCE DISCLOSURES ARE REQUIRED TO BE GIVEN TO STUDENTS PRIOR TO ENROLLMENT?

**0/60 POINTS\***

*\*points for Type 1 and Type 2 schools have been averaged to calculate the above score*

**Type 1: Private postsecondary vocational schools**

Disclosures	Mandatory	Discretionary	Not specified
<b>Cohort default rate (CDR)</b>	10 Points	5 Points	<b>0 Points</b>
<b>Graduation / completion rates</b>	10 Points	5 Points	<b>0 Points</b>
<b>Placement rates</b>	10 Points	5 Points	<b>0 Points</b>
<b>Wage information</b>	10 Points	5 Points	<b>0 Points</b>
<b>License exam passage rates</b>	10 Points	5 Points	<b>0 Points</b>
<b>Methods &amp; sources used to calculate</b>	10 Points	5 Points	<b>0 Points</b>

**Explanation:**

Oklahoma law does not require private postsecondary vocational institutions to disclose any institutional performance measures to potential students.

**Type 2: Degree-granting private postsecondary institutions.**

Disclosures	Mandatory	Discretionary	Not specified
Cohort default rate (CDR)	10 Points	5 Points	0 Points
Graduation / completion rates	10 Points	5 Points	0 Points
Placement rates	10 Points	5 Points	0 Points
Wage information	10 Points	5 Points	0 Points
License exam passage rates	10 Points	5 Points	0 Points
Methods & sources used to calculate	10 Points	5 Points	0 Points

**Explanation:**

Oklahoma law does not require degree-granting private postsecondary institutions to disclose any institutional performance measures to potential students.

**C. DOES THE STATE REQUIRE SCHOOLS TO DISCLOSE ELEMENTS ESSENTIAL TO STUDENT PROTECTION PRIOR TO ENROLLMENT OR IN THE ENROLLMENT CONTRACT?**

**12.5/20 POINTS\***

*\*points for Type 1 and Type 2 schools have been averaged to calculate the above score*

***Type 1: Private postsecondary vocational schools***

Element Description	Mandatory	Discretionary	Not specified
Total cost of program	5 Points	2.5 Points	0 Points
Refund information	5 Points	2.5 Points	0 Points
Transferability of credits	5 Points	2.5 Points	0 Points
Length of program	5 Points	2.5 Points	0 Points

**Explanation:**

The state requires schools to provide the refund policy, payment schedule and total cost, and total instructional hours in the enrollment contract. (O.A.C. § 565:10-11-4(a)(1).)

***Type 2: Degree-granting private postsecondary institutions***

Element Description	Mandatory	Discretionary	Not specified
Total cost of program	5 Points	2.5 Points	0 Points
Refund information	5 Points	2.5 Points	0 Points
Transferability of credits	5 Points	2.5 Points	0 Points
Length of program	5 Points	2.5 Points	0 Points

**Explanation:**

The Oklahoma State Regents for Higher Education Policy and Procedures Manual (at 3.1.4(D)(6)) states that each institution should publish and make available to potential students a catalog describing courses and curriculum, tuition and refund policies, and other matters. An additional appropriate publication is the student handbook. Policies included in the student handbook should include student rights and responsibilities, including academic honesty, redress of grievances and complaints, and procedural rights. The student handbook should be well-publicized, readily available, and implemented in a fair and consistent manner.

The Manual further states (at 3.1.7) that all institutions operating in Oklahoma shall detail prominently in all appropriate publications and promotional materials its current and complete accreditation status. Institutions shall not make misleading, deceptive, and/or inaccurate statements in brochures, catalogs, web sites, or other publications. Disclosure of the institution's complete accreditation status shall be in boldface print and in a manner reasonably calculated to draw the attention of the reader. Such disclosure must also include information about the transferability of courses.

The language states that the institutions should make the specified publications and information available to potential students, but the language does not *require* institutions to disclose the information, so the state receives partial credit here.

## V. REGULATION OF RECRUITING PRACTICES: 62.5/100 POINTS

### A. HAS THE STATE PUT INTO LAW A LIST OF PROHIBITED ACTS REGARDING ADVERTISING AND RECRUITING?

**62.5/100 POINTS\***

*\*points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes, strong regulation	Yes, moderate regulation	Yes, weak regulation	No list of prohibited acts
<b>Type 1</b>	100 Points	75 Points	50 Points	0 Points
<b>Type 2</b>	100 Points	75 Points	50 Points	0 Points

#### PROHIBITED ACTS

Included in list of prohibited acts	Type 1	Type 2
Misleading representations using the word “college” or “university”	/	
Misleading institution affiliations (e.g., military, public institution, businesses)	X	
Promise of employment	X	
Compensation for enrollment		
Compensation or “bounty” to recruiters		
Deception (broad prohibition)	X	X
Misrepresentation (broad prohibition)	X	X
Misleading representations re: accreditation		X

*1-3=Weak; 3.5-6=Moderate; 6.5-8=Strong*

**Explanation:**

**Type 1: Private postsecondary vocational schools.** The overall impact of Oklahoma’s advertising regulations found at O.A.C. § 565:10-11-6 is to prohibit private postsecondary schools from making misrepresentations, or false or deceptive claims. The state specifically prohibits promises of employment (O.A.C. § 565:10-11-5(a), O.A.C. § 565:10-11-6(i)) and misleading institutional affiliations. (O.A.C. § 565:10-11-6(d).) While the language does not specifically prohibit institutions from misleading representations using the word “college” or “university,” the prohibition on the use of any name, title, or other designation by way of advertising or otherwise, that is misleading or deceptive as to character of the

institution would necessarily include the misuse of “college” or “university.” Thus, the state receives partial credit for the element.

**Type 2: Degree-granting private postsecondary institutions.** The Oklahoma State Regents for Higher Education Policy and Procedures Manual, Chapter 3 (at 3.1.7 Publications) prohibits institutions from making misleading, deceptive, or inaccurate statements in publications. The policy specifically prohibits misleading statements about accreditation.

## VI. COMPLAINT PROCESS AND RELIEF FOR STUDENTS:

**33.5/100 POINTS**

A. DOES THE STATE REQUIRE A BOND OR FUND  
AS A CONDITION OF AUTHORIZATION?

**10/20 POINTS**

*\*points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes	No
<b>Type 1</b>	<b>20 Points</b>	0 Points
<b>Type 2</b>	20 Points	<b>0 Points</b>

**Explanation:**

**Type 1: Private postsecondary vocational schools.** Oklahoma law requires private postsecondary institutions to file a corporate surety bond or a certificate of deposit as a condition of licensure. (70 Okl. St. § 21-106; O.A.C. § 565:10-3-1(3).)

**Type 2: Degree-granting private postsecondary institutions.** Oklahoma law does not require degree-granting private postsecondary institutions to post a bond as a condition of authorization or accreditation.

B. DOES THE STATE REQUIRE A REFUND OF TUITION IF A STUDENT  
ENROLLS AS THE RESULT OF MISREPRESENTATION?

**0/20 POINTS\***

*\*points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes, full refund	Yes, partial refund	No refund required
<b>Type 1</b>	20 Points	10 Points	<b>0 Points</b>
<b>Type 2</b>	20 Points	10 Points	<b>0 Points</b>

**Explanation:**

**Type 1: Private postsecondary vocational schools.** Oklahoma law does not explicitly require a refund of tuition if a student enrolls in a private postsecondary vocational school as the result of misrepresentation.

**Type 2: Degree-granting private postsecondary institutions.** Oklahoma law does not explicitly require a refund of tuition if a student enrolls in a private postsecondary vocational school as the result of misrepresentation.

C. DOES THE STATE REQUIRE INSTITUTIONS TO REFUND TUITION IN THE EVENT OF CLOSURE?

**5/20 POINTS\***

*\*points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes, full refund	Yes, partial refund	Yes, refund in limited circumstances	No refund required
<b>Type 1</b>	20 Points	15 Points	<b>10 Points</b>	0 Points
<b>Type 2</b>	20 Points	15 Points	10 Points	<b>0 Points</b>

**Explanation:**

**Type 1: Private postsecondary vocational schools.** Oklahoma law does not explicitly require institutions to refund tuition in the event of closure. However, there are provisions in place that would likely allow students to obtain a refund in certain circumstances. The state requires schools all monies (student loan, grant, and etc.) paid on behalf of students enrolled in a class at the time it is discontinued to be refunded to the entity legally entitled to the refund if a class is discontinued by a school while students are still enrolled in that class, and the school is still offering training in other areas (which, as the regulation reads, would apply only if a program closed, not the entire school). (O.A.C. § 565:10-11-3(b)(9).)



**NOTE:** Oklahoma repealed its Tuition Recovery Fund and converted it into the Oklahoma Board of Private Vocational Schools Revolving Fund, which consists of all monies received by the Oklahoma Board of Private Vocational Schools from all fees and penalties collected by the Board. Instead of using these funds toward tuition recovery, monies from this fund are used “exclusively for the purpose of operations and functions” of the Board. (70 Okl. St. Ann. § 21-116.)

**Type 2: Degree-granting private postsecondary institutions.** While degree-granting private postsecondary institutions are required to have a teach-out plan in the event of a school closure, there is no requirement that these institutions refund tuition to students.

D. DOES THE STATE ALLOW STUDENTS AMPLE TIME TO MAKE A COMPLAINT?

**10/10 POINTS\***

*\*points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	2 years or more (or no deadline)	1-2 years	Under 1 year	Not applicable
<b>Type 1</b>	<b>10 Points</b>	5 Points	1 Point	0 Points
<b>Type 2</b>	<b>10 Points</b>	5 Points	1 Point	0 Points

**Explanation:**

**Type 1: Private postsecondary vocational schools.** Oklahoma law does not specify a mandatory deadline or timeframe in which students at private postsecondary vocational institutions must file complaints.

**Type 2: Degree-granting private postsecondary institutions.** Oklahoma law does not specify a mandatory deadline or timeframe in which students at degree-granting private postsecondary institutions must file complaints.

E. DOES THE STATE REQUIRE INSTITUTIONS TO DISCLOSE INFORMATION ABOUT FILING A COMPLAINT WITH THE STATE OVERSIGHT BODY?

**3.5/20 POINTS\***

*\*points for Type 1 and Type 2 schools have been averaged to calculate the above score*

**Type 1: Private postsecondary vocational schools**

Medium	Mandatory	Discretionary	Not specified
Catalog	10 Points	5 Points	<b>0 Points</b>
Website	5 Points	2.5 Points	<b>0 Points</b>
Enrollment contract	5 Points	2.5 Points	<b>0 Points</b>

**Explanation:**

Oklahoma law does not require private postsecondary vocational institutions to disclose information about filing a complaint with the OBPVS.

**Type 2: Degree-granting private postsecondary institutions**

Medium	Mandatory	Discretionary	Not specified
Catalog	10	<b>5</b>	<b>0</b>
Website	5	<b>2.5</b>	<b>0</b>
Enrollment contract	5	2.5	<b>0</b>

**Explanation:**

OSRHE does not require institutions to disclose information about filing a complaint with the state oversight body. The Oklahoma State Regents for Higher Education Policy and Procedures Manual, Chapter 3 (at 3.1.8 Student Complaint Process) requires institutions to include student complaint procedures and a complaint appeal process in the student handbook or other student information documents and to provide enrolled and prospective students living in Oklahoma with contact information, upon request, for filing complaints against the institution at the institutional level. Further, OSRHE requires institutions to provide enrolled and prospective students living in Oklahoma with contact information, upon request, for filing complaints with the appropriate state agency or with the institution's accrediting body. The state receives partial credit for requiring the information to be included in the student handbook or other student information documents, which may include the website.

F. IS THE COMPLAINT PROCESS READILY ACCESSIBLE AND AVAILABLE ON THE STATE OVERSIGHT BODY'S WEBSITE?

**5/10 POINTS\***

*\*points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes, with address	Yes, with phone #	Yes, with email address	Yes, with electronic form	No
Type 1	2 Points	2 Points	3 Points	3 Points	<b>0 Points</b>
Type 2	<b>2 Points</b>	<b>2 Points</b>	<b>3 Points</b>	<b>3 Points</b>	0 Points

**Explanation:**

**Type 1: Private postsecondary vocational schools.** The complaint process is not readily available or easily accessible on the OBPVS website. There is general contact information including a phone number, an address, and an email address, but there is no information clearly enumerating the complaint process or any specific information with regard to a contact for student complaints.

**Type 2: Degree-granting private postsecondary institutions.** OSRHE maintains a webpage with information for students wishing to file a complaint. The webpage contains instructions and a link to an electronic form, which can be completed and submitted online. The page also includes (at the bottom, in small print) an address, phone number and a “contact details” link which provides email addresses.

**VII. ENFORCEMENT: 17.5/100 POINTS**

A. IS THERE LOSS OF STATE AID FOR SCHOOLS THAT REPEATEDLY PRODUCE SUBSTANDARD GRADUATION RATES, JOB PLACEMENT RATES, AND/OR COHORT DEFAULT RATES?

**0/30 POINTS\***

*\*points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes, required	Yes, required but limited	Yes, discretionary	Yes, discretionary but limited	No
<b>Type 1</b>	30	20	15	5	<b>0</b>
<b>Type 2</b>	30	20	15	5	<b>0</b>

**Explanation:**

**Type 1: Private postsecondary vocational schools.** Oklahoma law does not explicitly require loss of state aid for private postsecondary vocational schools that repeatedly produce substandard graduation rates, job placement rates, and/or cohort default rates.

**Type 2: Degree-granting private postsecondary institutions.** Oklahoma law does not explicitly require the loss of state aid for degree-granting private postsecondary institutions that repeatedly produce substandard graduation rates, job placement rates, and/or cohort default rates.

B. DOES STATE LAW EXPLICITLY AUTHORIZE A PRIVATE RIGHT OF ACTION FOR STUDENTS AGAINST INSTITUTIONS THAT HAVE VIOLATED THE LAWS AND REGULATIONS IN PLACE TO GOVERN THEM?

**0/30 POINTS\***

*\*points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes	Limited circumstances	No
<b>Type 1</b>	30 Points	15 Points	<b>0 Points</b>
<b>Type 2</b>	30 Points	15 Points	<b>0 Points</b>

**Explanation:**

**Type 1: Private postsecondary vocational schools.** Oklahoma law does not explicitly authorize a private right of action for students against private postsecondary vocational schools that have violated the laws and regulations in place to govern them.

**Type 2: Degree-granting private postsecondary institutions.** Oklahoma law does not explicitly authorize a private right of action for students against degree-granting private postsecondary institutions that have violated the laws and regulations in place to govern them.

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C. DOES STATE LAW EXPLICITLY ALLOW ATTORNEY FEE AWARDS FOR STUDENTS WHO PREVAIL IN LITIGATION AGAINST PRIVATE FOR-PROFIT POSTSECONDARY INSTITUTIONS?

**0/20 POINTS\***

*\*points for Type 1 and Type 2 schools have been averaged to calculate the above score.*

	Yes	Limited	No
Type 1	20 Points	15 Points	0 Points
Type 2	20 Points	15 Points	0 Points

**Explanation:**

**Type 1: Private postsecondary vocational schools.** Oklahoma law does not explicitly allow attorney fee awards for students who prevail in litigation against private postsecondary vocational schools that have violated the laws and regulations in place to govern them.

**Type 2: Degree-granting private postsecondary institutions.** Oklahoma law does not explicitly allow attorney fee awards for students who prevail in litigation against degree-granting private postsecondary institutions that have violated the laws and regulations in place to govern them.

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D. DOES STATE LAW EXPLICITLY AUTHORIZE ATTORNEY GENERAL INVOLVEMENT?

**17.5/20 POINTS\***

*\*points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes	Limited circumstances	No
Type 1	20 Points	10 Points	0 Points
Type 2	<del>20</del> 15 Points	10 Points	0 Points

**Explanation:**

**Type 1: Private postsecondary vocational schools.** Oklahoma law explicitly authorizes attorney general involvement in enforcing the statutes and regulations governing private postsecondary vocational schools. (70 Okl. St. § 21-109.)

**Type 2: Degree-granting private postsecondary institutions.** The Policy and Procedures Manual outlines several instances in which the Attorney General is involved in enforcement. (Oklahoma State Board of



Regents for Higher Education Policy and Procedures Manual, chapter 2.) However, because this provision is not set in statute, the state loses five points.

## BONUS POINTS:

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Oklahoma does not receive any bonus points.



## ILLUMINATING INFORMATION

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## RECIPROCITY AGREEMENTS

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Oklahoma is a member of the State Authorization Reciprocity Agreements (SARA).

## LITIGATION, INVESTIGATIONS, AND ACTIONS INVOLVING PRIVATE FOR-PROFIT EDUCATIONAL INSTITUTIONS IN OKLAHOMA

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For information about pending and recent federal and state government investigations and actions regarding for-profit colleges see David Halperin's compilation at <http://www.republicreport.org/2014/law-enforcement-for-profit-colleges/#sthash.1vc4HmPw.dpuf>.