

**TITLE 610. STATE REGENTS FOR HIGHER EDUCATION  
CHAPTER 10. ACADEMIC AFFAIRS**

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. Private and Out-of-state Public Institutions [NEW]

610:10-1-1. Purpose [NEW]

610:10-1-2. Definitions [NEW]

610:10-1-3. Authorization according to OSRHE policies and procedures [NEW]

610:10-1-4. Fees for application and authorization [NEW]

610:10-1-5. Tuition Recovery Revolving Fund [NEW]

610:10-1-6. Non-approval or revocation of authorization [NEW]

**SUMMARY:**

In Spring 2023, Senator Ally Seifried introduced Senate Bill 550 during the 2023 Oklahoma legislative session to create additional safeguards for Oklahoma students at all non-exempt private and out-of-state public institutions. Signed by the Governor on April 28, 2023, the legislation revised 70 O.S. § 4103 by modifying standards for all non-exempt private and out-of-state public institutions that offer distance education degree courses and programs to students in Oklahoma to be authorized by the Oklahoma State Regents for Higher Education (OSRHE). The bill also requires all non-exempt private and out-of-state public institutions to pay an annual authorization fee to offset the administrative costs of authorization and to make payments into a student tuition recovery fund to protect students from financial loss in the event of a sudden closure. Additionally, the legislation expands the scope of OSRHE responsibilities and authority to ensure that all non-exempt private and out-of-state public institutions operating in Oklahoma meet the same standards of academic quality and fiscal responsibility required for institutions in the state system, and to deny, not renew, or revoke the authorization of institutions that do not. Finally, SB 550 directs the State Regents to promulgate rules to implement the new requirements.

The proposed rules set authorization fees and establish the formula to calculate payments into the Tuition Recovery Revolving Fund, and require the State Regents to establish policies and procedures to assess and administer the fees and payments as well as policies and procedures to ensure that non-exempt private and out-of-state public institutions operating in Oklahoma by any modality meet the same standards of academic quality and fiscal responsibility required for institutions in the state system. The proposed permanent rules are necessary to comply with 70 O.S. § 4103, and to ensure that Oklahoma citizens are appropriately protected from academic and/or financial loss in the event of a sudden closure of a non-exempt private or out-of-state public institution.

**AUTHORITY:**

Oklahoma State Regents for Higher Education; 70 O.S. §§ 3206 and 4103

**COMMENT PERIOD:**

Interested persons may submit written comments to Chris Turner Jr., Associate General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK 73104, [cturner@osrhe.edu](mailto:cturner@osrhe.edu), by 9:30 a.m., February 1, 2024.

**PUBLIC HEARING:**

A public hearing has not been scheduled; however, pursuant to 75 O.S. § 303(B)(9), "persons may demand a hearing" by contacting Chris Turner Jr., Associate General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK 73104, 405-225-9289, [cturner@osrhe.edu](mailto:cturner@osrhe.edu), by 9:30 a.m., February 1, 2024.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Chris Turner Jr. at the above email or mailing address during the above comment period from January 2, 2024 to February 1, 2024.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules will be made available at the office of the Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK 73104, and on the agency's website at <https://www.okhighered.org> on or before January 2, 2024.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be made available on the agency's website at <https://www.okhighered.org> on or before January 15, 2024.

**CONTACT PERSON:**

Chris Turner Jr., Associate General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK 73104, 405-225-9289, [cturner@osrhe.edu](mailto:cturner@osrhe.edu).