

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 7-217

"Educational Institution Licensure Commission  
Amendments Act of 1988".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 7-86 on first and second readings November 29, 1988, and December 13, 1988, respectively. Following the signature of the Mayor on January 6, 1989, this legislation was assigned Act No. 7-292 published in the January 20, 1989, edition of the D.C. Register, (Vol. 36 page 523) and transmitted to Congress on January 23, 1989 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 7-217, effective March 16, 1989.

DAVID A. CLARKE  
Chairman to the Council

Dates Counted During the 30-day Congressional Review Period:

January 24,25,26,27,30,31  
February 1,2,3,6,7,8,9,21,22,23,24,27,28  
March 1,2,3,6,7,8,9,10,13,14,15

EFFECTIVE DATE MAR 16 1988

Codification,  
District of Columbia Code  
(1989 Supp.)

AN ACT

D.C. ACT 7 - 292

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JAN 06 1989

To amend the Education Licensure Commission Act of 1976.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,  
That this act may be cited as the "Educational Institution  
Licensure Commission Amendments Act of 1988".

Sec. 2. The Education Licensure Commission Act of  
1976, effective April 6, 1977 (D.C. Law 1-104; D.C. Code,  
sec. 31-1601 et seq.), is amended as follows:

(a) Section 101 (D.C. Code, sec. 31-1601) is amended  
to read as follows:

Section  
31-1601

"The purpose of this act is to provide for the  
protection, education, and welfare of the citizens of the  
District of Columbia and its students, by:

(1) Establishing minimum standards concerning the  
quality of postsecondary education, ethical and business  
practices, health and safety, and fiscal responsibility, to  
protect against substandard, transient, unethical,  
deceptive, or fraudulent postsecondary educational  
institutions and practices;

"(2) Prohibiting the granting of false or  
misleading postsecondary educational credentials;

"(3) Prohibiting misleading literature,  
advertising, solicitation, or representation by  
postsecondary educational institutions or their agents;

"(4) Providing for the preservation of essential  
academic records;

"(5) Providing for a commission to advise the  
Mayor and Council of the District of Columbia as to the  
postsecondary educational needs of the District of Columbia;  
and

"(6) Providing for a commission to serve as the  
State Approving Agency for veterans benefits."

(b) Section 201 (D.C. Code, sec. 31-1602) is amended  
as follows:

Section  
31-1602

(1) A new subsection (a-1) is added to read as follows:

"(a-1) "Accredited" means approved by an accrediting association recognized by the United States Department of Education."

(2) Subsection (d) (D.C. Code, sec. 31-1602(4)) is amended to read as follows:

"(d) "Educational institution" means: (1) Any entity or person organized or chartered in the District; (2) Any branch, extension or facility of an entity operating in the District, but organized or chartered outside of the District, that furnishes or offers to furnish in the District instruction or educational services leading toward a postsecondary degree, diploma, or certificate; or (3) An entity that is organized or chartered and that operates outside of the District of Columbia, but through agents offers instruction or educational services to residents of the District."

(3) A new subsection (d-1) (D.C. Code, sec. 31-1602) is added, to read as follows:

"(d-1) "Certificate" or "diploma" means a document, designation, mark, appellation, series of letters or words, academic or honorary title, or other symbol that signifies, purports or is generally taken to signify satisfactory completion of the requirements of an academic, educational, vocational or professional program of study at the postsecondary level, but does not include completion of a program for a degree."

(4) Subsection (e) (D.C. Code, sec. 31-1602(5)) is amended to read as follows:

"(e) "Degree" means a document, designation, mark, appellation, series of letters or words, academic or honorary titles, or other symbol that signifies, purports or is generally taken to signify satisfactory completion of the requirements of an academic, educational, or professional program of study for the Associate, Bachelor, Master or Doctor level of college or university education."

(5) Subsection (g) (D.C. Code, sec. 31-1602(7)) is amended to read as follows:

"(g) "Education", "educational services", or a like term means a class, course, or program of training, supervision, instruction, or study at the postsecondary level in whatever form, manner or medium provided."

(6) Subsection (j) (D.C. Code, sec. 31-1602(10)) is amended by striking the phrase "Educational Institution" and inserting the word "Education" in its place.

(7) Subsection (k) (D.C. Code, sec. 31-1602(11)) is amended by adding the phrase "organized or" before the word "chartered".

(8) New subsections (1-1) and (1-2) are added, to read as follows:

"(1-1) "Non-profit" means an organization or institution that is exempt from federal income tax under the provisions of section 501(c)(3) of the Internal Revenue Code of 1986 (100 Stat. 2085; 26 U.S.C. 501(c)(3)) and that meets the requirements of the District of Columbia Nonprofit Corporation Act, approved August 6, 1962 (76 Stat. 265; D.C. Code, sec. 29-501 et seq.).".

"(1-2) "Postsecondary" means the level of education beyond high school."

(9) Section 201(m) (D.C. Code, sec. 31-1602(13)) is amended as follows:

(A) By inserting the phrase "operated for a profit" after the phrase "means a privately-owned school";

(B) By striking the word "or" before the word "clerical" and by inserting the phrase "or other" after the word "clerical"; and

(C) By striking the period and adding at the end the following phrase, " or an entity organized or chartered and operating outside of the District, which through agents offers instruction or educational services to residents of the District."

(c) Section 3 (D.C. Code, sec. 31-1603) is amended to read as follows:

Section  
31-1603

"Sec. 3. There is established for the District of Columbia an Education Licensure Commission ("Commission") which shall license postsecondary educational institutions subject to this act and their agents, ensure authenticity and legitimacy of the educational institutions, serve as the State Approving Agency for veterans educational benefits, provide standards and criteria, and administer rules and regulations, including rules of procedure for the Commission to ensure adequate public notice of each meeting of the Commission.

(d)(1) Section 4(b) (D.C. Code, sec. 31-1604(b)) is amended as follows:

Section  
31-1604

(A) By striking the phrase "five years" and inserting the phrase "3 years" in its place; and

(B) By striking the second, third and fourth sentences and inserting in their place the following sentences:

"Members may not be appointed to serve for more than 2 consecutive terms. Any person appointed to fill a vacancy on the Commission shall be appointed to serve the remainder of the term in the same manner as the original selection. Persons appointed to fill the remainder of a term, where the remainder is less than one-half of the original term, may be reappointed to 2 full terms."

(2) Section 4(c) (D.C. Code, sec. 31-1604(c)) is amended to read as follows:

"(c) Any member of the Commission who is or has been, within 12 months of appointment, an officer, employee, student, trustee, or member of the governing board of an educational institution operating in the District of Columbia that is subject to licensure by the Commission or has a financial interest in an educational institution subject to licensure shall not participate in any matter before the Commission concerning the institution."

(e) Section 5(b) (D.C. Code, sec. 31-1605(b)) is amended to read as follows:

Section  
31-1605

"(b) Personnel shall be appointed and compensation fixed in accordance with the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.)."

(f)(1) Section (6)(b) (D.C. Code, sec. 31-1606(a)) is amended to read as follows:

Section  
31-1606

"(b)(1) The Commission shall license degree granting institutions and institutions that give instruction that result in credit toward a degree as follows:

"(A) A provisional license shall be awarded to every institution upon initial licensure, which shall be for such period as the Commission deems necessary before the institution is eligible for a permanent license. The award of the provisional license shall be based upon the Commission's determination that the institution complies, or can within a reasonable time comply with all requirements of this act, and shall be subject to conditions that the Commission deems necessary to achieve full compliance with this act.

"(B) Once a provisional license has been awarded, the Commission shall, if it determines the institution to be in full compliance with the provisions of this act, award a permanent license that shall be subject to periodic review by the Commission.

"(2) In accordance with procedures consistent with the provisions of the District of Columbia Administrative Procedure Act approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.), the Commission may suspend or revoke the license of an institution for failure to comply with the provisions of this act and regulations issued pursuant to this act may reduce a permanent license to a provisional license, and refuse to issue a license.

"(3) The Mayor shall, within 180 days of the effective date of the Educational Licensure Commission Amendments Act of 1988, issue rules to implement the provisions of the act pursuant to title I of the District of

Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.), that shall include, but not be limited to, a schedule of licensing fees and charges and standards and requirements for licensure of degree granting and non-degree granting programs. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays and days of Council recess. If the Council does not approve or disapprove the proposed rules in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved.

"(4) To the extent consistent with the Educational Institution Licensure Commission Amendments Act of 1988, the Commission shall utilize the rules of the Board of Higher Education entitled "Regulations Relating to the Licensing of Institutions Which Confer Degrees," issued July 1, 1970, until the rules are amended or repealed."

"(5) The Proprietary School Regulations, issued October 1, 1971 (Reg. 71-30; 16 DCMR 12), shall continue in effect until repealed or amended by rules adopted pursuant to subsection (b)(3)."

(2) Subsection (c) (D.C. Code, sec. 31-1606(b)) is amended to read as follows:

"(c)(1) The Commission may make an independent evaluation of an institution's facilities and programs in the District for the purposes of initial licensure, the periodic review of a licensee that is not accredited, and the periodic review of a branch or extension of an accredited licensee that is located outside of the District of Columbia."

"(2) The Commission may make an independent evaluation of an institution's facilities and programs outside the District for purposes of initial licensure of an institution that seeks to operate within the District and the periodic review of a licensee that is not accredited."

"(3) The Commission's periodic review of facilities and programs within the District of an accredited licensee shall, except as specified in paragraph (1) of this section, be made only by means of a Commission observer or an evaluation by a regional accrediting association, or, if the programs in the District are limited to a specialty, by a specialized accrediting association."

(3) Subsection (d) (D.C. Code, sec. 31-1606(c)) is amended to read as follows:

"(d) Nothing in this act shall be construed to invalidate a current license to operate an educational institution held by any person in the District of Columbia on the effective date of the Educational Institution Licensure Commission Amendments Act of 1988, except that every institution operating in the District of Columbia,

with or without a license, on the effective date of the act, shall come into compliance with the provisions of the act and rules issued pursuant to the act within a reasonable time, as provided in the rules."

(4) Subsection (e) (D.C. Code, sec. 31-1606(d)) is amended to read as follows:

"(e) The Commission is authorized to charge any degree granting institution that is licensed under this act for the costs of the Commission's independent evaluations of the institution's facilities and the Commission's observations of evaluations made by accrediting associations. Any institution operating an educational program within the District shall establish, to the satisfaction of the Commission, that the program offered will be in accordance with the educational standards of the Commission."

(g) Section 7 (D.C. Code, sec. 31-1607) is amended to read as follows:

Section  
31-1607

"In addition to those duties specified in other sections of this act, the Commission shall:

"(a) Advise the Mayor and the Council with respect to the postsecondary educational needs of the District of Columbia;

"(b) File with the Mayor and the Council quarterly reports relating to:

"(1) The educational institutions granted or denied licenses under this act during the reporting period; and

"(2) Other matters that come under the Commission's purview;

"(c) Receive, and cause to be maintained, copies of student academic records in conformity with the following provisions:

"(1) In the event an educational institution operating in the District, or any educational institution licensed under this act operating outside of the District, proposes to discontinue its operation, the Chief Administrative Officer, by whatever title designated, of the institution shall cause to be filed with the Commission the original or legible true copies of all records of the institution specified by the Commission. The records shall include, at a minimum, the academic records of each former student.

"(2) The Commission shall maintain and dispose of the records in accordance with the provisions of the District of Columbia Public Records Management Act of 1985, effective September 5, 1985 (D.C. Law 6-10; D.C. Code, sec. 1-2901 et seq.). Academic records shall be maintained for at least 50 years from the date the student attended the institution.

"(3) The Commission is authorized to charge an institution for all costs involved in the transfer of records."

"(d)(1) In the event it appears to the Commission that the records of an institution discontinuing its operations are in danger of being destroyed, secreted, mislaid, or otherwise made unavailable to the Commission, the Commission may apply to the Superior Court of the District of Columbia for an order authorizing the Commission to seize and take possession of the records.

"(2) Any chief officer or member of a governing board of an institution who willfully fails to comply with the provisions of this subsection or willfully aids and abets any person in a scheme to avoid the requirements of this subsection may be held personally liable for all costs and damages resulting from the conduct, in addition to other penalties provided by this act."

(h) Section 9 is redesignated as section 13 and the following new sections are added:

New, Section  
31-1609

"Sec. 9. No person or postsecondary educational institution incorporated in the District of Columbia or outside of the District of Columbia shall operate a postsecondary educational institution in the District of Columbia, offer postsecondary education, have the power to grant or confer or offer to grant or confer a postsecondary degree or a diploma or certificate, offer postsecondary courses for credit, or issue transcripts or other documents to reflect credit toward a postsecondary degree, diploma or certificate, unless:

"(1) The institution is granted a license to do so from the Commission or granted an exemption by the Commission in accordance with this act; and

"(2) The institution is either organized or chartered in the District of Columbia, or organized or chartered outside of the District of Columbia and is registered as a foreign corporation pursuant to section 64 of the District of Columbia Nonprofit Corporation Act, approved August 6, 1962 (76 Stat. 290; D.C. Code, sec. 29-565), or section 99 of the District of Columbia Business Corporation Act, approved June 8, 1954 (68 Stat. 219; D.C. Code, sec. 29-399), or is otherwise properly authorized to do business in the District of Columbia.

"(b) No person shall state or imply that its educational program or course of instruction is approved for veteran's training in the District by the District of Columbia State Approving Agency or by the United States Veterans Administration, unless that person has obtained proper approval from the Commission.

"(c) Except as provided for in this act, no person shall sell, barter, or exchange for any consideration, or



attempt to sell, barter, or exchange for any consideration degree, diploma or certificate.

"(d) The Commission, before granting any license, may require satisfactory evidence:

"(1) That, in the case of an individual, unincorporated group of individuals, or incorporated institution, the individual, a majority of the group, or a majority of the trustees, directors, or managers of the incorporated institution are persons of good repute and qualified to conduct an institution of learning; and

"(2) That no degree shall be awarded by an institution that is not accredited if more than one-half of the requirements for the degree are earned by correspondence or extramural study, unless this fact is conspicuously noted upon the degree conferred.

"(e) No degree shall be granted in medicine or any healing art, or in dentistry, for study pursued or work done by correspondence."

"Sec. 10. The following types of educational institutions or activities are excluded from the coverage of this act:

New, Sectio.  
31-1610

"(1) Courses of instruction not purporting to lead to a degree conducted by any person solely for the training of the employees of the person, and for which no fee is charged;

"(2) Education offered by the District or Federal government or any instrumentality of the governments, except course approval for veterans under An Act to amend chapter 35 of title 38, United States Code, to provide that after the expiration of the Korean conflict veterans' education and training program, approval of courses under the war orphan's educational assistance program shall be by State approving agencies, approved September 23, 1963 (77 Stat. 158; 38 U.S.C. 3500 et seq.)

"(3) Education solely avocational or recreational in nature and not leading to a degree and institutions offering the education exclusively, as determined by the Commission;

"(4) Education offered by eleemosynary or non-profit institutions, organizations, or agencies, if no fee is charged for the education and the education is not advertised or promoted as leading toward a degree, diploma or certificate;

"(5) Courses or programs of instruction given by or approved by a professional body, fraternal organization, civic club, or benevolent order principally for the professional education of its own members or advancement or similar purpose and for which no degree or degree credit is awarded and for which there is no public advertising; and

"(6) An educational institution that is organized or chartered outside of the District of Columbia and does not operate in the District of Columbia, except that any agent of an institution who operates in the District shall not be exempt, and the Commission may apply the standards of this act to the institution in determining whether to license an agent.

"(b) A degree-granting institution shall be entitled to a conditional exemption from all other provisions of this act if, upon request to the Commission:

"(1) It can show that it has been authorized by the Congress of the United States to grant degrees; and

"(2) It is now and has been continuously and unconditionally accredited by an accrediting association recognized by the United States Department of Education; and

"(3) It files annually with the Commission the following:

(A) A current audited financial statement of the institution;

(B) A certified statement as to the institution's accreditation status, including whether any conditions have been imposed and whether any action has been taken toward revoking or limiting that status; and

(C) A copy of each course catalogue and a response to the Commission's annual data survey;

"(4) It makes provision for a representative of the Commission to serve as an observer on all visits to the institution by evaluators from a regional accrediting association; and

"(5) It furnishes to the Commission a copy of all reports submitted to and received from the accreditation association, including the reports of an evaluation submitted to the institution by the accrediting association and notices of accrediting association action regarding accreditation of the institution.

"(c) An institution entitled to a conditional exemption under subsection (b) of this section that is required by an accrediting association to show cause why its accreditation should not be revoked, or that has had its accreditation withdrawn, shall notify the Commission immediately of the action by the accrediting association. The exemption shall expire and the institution shall become fully subject to the licensing requirements of this act as of the date it receives notice of the withdrawal of accreditation status.

"(d) The Commission, upon request, may reinstate an institution's conditional exemption once accreditation is re-established and the Commission has determined that it meets the provisions of this act appropriate to the exempt status.

"(e) A conditional exemption authorized by this section extends only to programs or courses within the scope of the institution's accreditation as certified by the accrediting association.

"(f) The Commission shall issue a conditional exemption to an off-campus program offered within the District of Columbia by an unconditionally accredited degree granting institution or group of institutions. All other requirements of conditional exemptions under this section shall apply to the programs, when the Commission determines that:

"(1) The local offering is for the institution's own students, regularly enrolled on its home campus and does not fulfill more than 25% of the normal degree requirements; or

"(2) The local offering is open only to employees of a person, and there is no cost to the employee.

"(g) Nothing shall be stated or implied, in any diploma, degree, certificate, or document evidencing same, or elsewhere in the publications or correspondence of the institution that a program excluded from the requirements of this act has been reviewed, approved, or authorized by the Commission, the District government or any officer of the District government.

"Sec. 11. The Mayor may promulgate rules, subject to review by the Council as provided in section 6(b), to establish a bond or surety requirement not to exceed \$250,000 per institution based on the number of students and cost of instruction and \$3,000 per agent. The bond or security for the institution shall be for the purpose of protecting students should an institution breach its contract with its students, declare bankruptcy or otherwise terminate its educational program without providing adequate student refunds. The bond or security for the agent shall be for the purpose of protecting students from misrepresentation of the education or credentials to be received.

New, Section  
31-1611

"Sec. 12(a) Any person or persons who, directly or indirectly, participate in, aid, or assist in offering postsecondary education or the operation of a postsecondary educational institution by any unlicensed individual or individuals, association, or institution, or by any individual or individuals, association, or institution whose license has been revoked, who advertises or claims any authority to offer education, except pursuant to the provisions of this act, or who violates a provision of this act shall be guilty of a misdemeanor, and upon conviction in the Superior Court of the District of Columbia shall be punished by a fine of not more than \$500.

New, Sect  
31-1612

"(b) Each day of non-compliance shall constitute a separate violation of this act.


"(c) Violations of this act shall be prosecuted in the District of Columbia Superior Court by the Corporation Counsel of the District of Columbia.

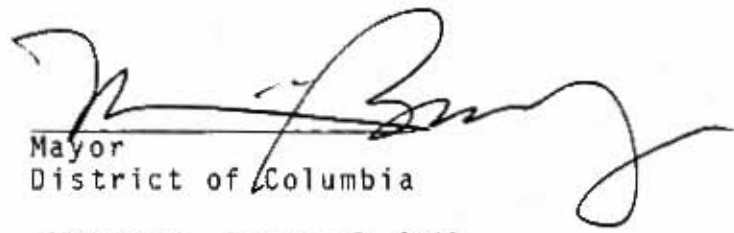
"(d) Nothing contained in this act shall preclude any person from being subject to a penalty under provisions of the District of Columbia Consumer Protection Procedures Act, effective July 22, 1976 (D.C. Law 1-76; D.C. Code, sec. 28-3904), if the person engages in an unlawful trade practice."

Sec. 4. The amendments made by section 2(d) of the Educational Institution Licensure Commission Amendments Act of 1988 shall be effective with respect to appointments made after the effective date of the Educational Institution Licensure Commission Amendments Act of 1988.

Note, Section  
16-1304

Sec. 5. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia

APPROVED: January 6, 1989



**COUNCIL OF THE DISTRICT OF COLUMBIA**  
Council Period Seven

**RECORD OF OFFICIAL COUNCIL VOTE**

DOCKET NO: B7-86

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 11-29-88

VOICE VOTE: Approved

Recorded vote on request

Absent: Rolark

ROLL CALL VOTE: -- RESULT \_\_\_\_\_

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					NATHANSON					THOMAS SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

**CERTIFICATION RECORD**

*Rosemary Smith*  
Secretary to the Council

12-22-88  
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 12-13-88

VOICE VOTE: Approved

Recorded vote on request

Absent: Wilson and Smith

ROLL CALL VOTE: -- RESULT \_\_\_\_\_

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					NATHANSON					THOMAS SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

**CERTIFICATION RECORD**

*Rosemary Smith*  
Secretary to the Council

12-22-88  
Date

Item on Consent Calendar

ACTION & DATE: \_\_\_\_\_

VOICE VOTE: \_\_\_\_\_

Recorded vote on request

Absent: \_\_\_\_\_

ROLL CALL VOTE: -- RESULT \_\_\_\_\_

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					NATHANSON					THOMAS, SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

**CERTIFICATION RECORD**

Secretary to the Council

Date