

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

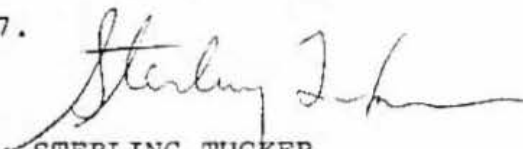
April 13, 1977

D.C. Law 1-104

"Education Licensure Commission
Act of 1976".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, (PL 93-198) the Act, the Council of the District of Columbia adopted Bill No. 1-293 on first and second readings September 15, 1976 and October 12, 1976, respectively. Following expiration of the ten-day period provided the Mayor, in which no action was taken, pursuant to Section 404(e) of the Act, this legislation was assigned Act No. 1-177, published in the December 10, 1976, edition of the D.C. Register and transmitted to both Houses of Congress 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 the following legislation as D.C. Law 1-104, effective April 6, 1977.


STERLING TUCKER
Chairman of the Council

(Ref. 23, D.C. Reg., 3731, December 10, 1976)

D. C. LAW

1-104

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 6, 1977

To establish a Commission in the District of Columbia and vesting the same with the power to authorize and regulate private educational institutions and agents thereof in the District of Columbia; assigning powers and duties to such agency; regulating the granting of academic degrees and the naming of educational institutions; providing for the preservation of records; and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
That this act may be cited as the "Education Licensure Commission Act of 1976".

TITLE I - STATEMENT OF PURPOSE

Sec. 101. The purpose of this legislation is to provide for the protection, education, and welfare of the citizens of the District of Columbia, its private educational institutions, and its students, by:

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

(b) prohibiting the granting of false or misleading educational credentials;

(c) regulating the use of academic terminology in naming or otherwise designating educational institutions;

(d) prohibiting misleading literature, advertising, solicitation, or representation by educational institutions or their agents;

(e) providing for the preservation of essential academic records;

(f) advising the Mayor and Council of the District of Columbia periodically as to the educational and vocational training needs of the District of Columbia; and

(g) serving as the state approving agency for veterans benefits.

TITLE II - DEFINITIONS

Sec. 201. For the purposes of this act:

(a) "Agent" - Any person owning any interest in, employed by, or representing for remuneration, an educational institution, whether such institution is located within or outside the District, and who solicits or offers to enroll in the District students or enrollees for such institution, or who holds himself or herself out to residents of the District of Columbia as representing an educational institution for any such purpose.

(b) "District" - The District of Columbia.

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(c) "Person." - Includes, but is not limited to any individual, group of individuals, firm, partnership, corporation, association, company, society, trust, or any other entity whatsoever.

(d) "Educational Institution" - A private-school, high school, middle school, elementary school, academy, institute, junior college, college, university, or proprietary school in the District, or any branch, extension or facility operating in the District, of an institution chartered elsewhere, or, any branch, extension or facility operating elsewhere of a facility chartered in the District, which furnishes or offers to furnish instruction or educational services leading toward a high school diploma degree; or purporting to lead to college level credit, or prerequisite to an academic, business or professional degree beyond the secondary school level; or which offers for consideration, resident or correspondence courses or training or instruction for the purpose of enabling an individual to improve his intellectual aptitude, or which purports to prepare or qualify individuals for employment in any occupation or trade or work requiring mechanical, technical, artistic, or clerical skills; except that such term shall not include:

(1) Any course or instruction offered by the District or Federal Government or any instrumentality thereof.

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(2) Schools conducted by any person solely for the training of the employees of the person, and for which no fee is charged.

(3) Education solely avocational or recreational in nature, as determined by the Commission, and institutions offering such education exclusively.

(4) Education offered by eleemosynary institutions, organizations, or agencies, so recognized by the Commission, provided no fee is charged for such education and such education is not advertised or promoted as leading toward educational credentials.

(e) "Degree" - Any designation, mark, appellation, series of letters or words, academic or honorary title, diploma, certificate, or other symbols which signify, purports or is generally taken to signify satisfactory completion of the requirements of an academic, educational, vocational or professional program of study beyond the secondary level.

(f) "To Grant or to confer" - Includes awarding, selling, conferring, bestowing, or giving.

(g) "Education" or "educational services" or like term - Includes but is not limited to, any class, course, or program of training, supervision, instruction or study.

(h) "To offer" - Includes, in addition to its usual meanings, advertising, publicizing, soliciting, or

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encouraging any person, directly or indirectly, in any form, to perform the act described.

(i) "Chairman of Council" - Chairman of the Council of the District of Columbia.

(j) "Commission" - Educational Institution Licensure Commission.

(k) "To operate" or "operating" - When applied to an educational institution mean to establish, keep, or maintain any facility or location in the District, or to establish, keep or maintain any facility or location chartered in the District where from or through which, education is offered or given, or educational credentials are offered or granted, and includes contracting with any person, group, or entity to perform any such act.

(l) "License" or "to license" - The granting of approval to operate by the Commission to any educational institution covered under this act. Such approval shall be contingent upon said educational institution's compliance with all rules, regulations and criteria promulgated by the Commission, as well as compliance with all other applicable D.C. laws and regulations.

(m) "Proprietary School" - A privately-owned school in the District, or any branch, extension, or facility in the District of a proprietary school located elsewhere, which offers for a consideration, resident or correspondence

courses or training or instruction for the purpose of enabling an individual to improve his appearance, social aptitude, social skills, intellectual aptitude, personality, or other personal attributes or which purports to prepare or qualify individuals for employment in any occupation or trade or in work requiring mechanical, technical, artistic, or clerical skills.

Sec. 3. There is hereby established for the District of Columbia an Educational Institution Licensure Commission (hereinafter in this act referred to as the "Commission") which shall license private educational institutions, and their agents, ensure authenticity and legitimacy of private educational institutions, serves as the state approving agency for veterans benefits, for persons choosing private educational institutions and programs, and provide and promulgate standards, criteria, rules and regulations therefor, including rules of procedure for the Commission which will ensure adequate public notice of each meeting of the Commission.

Sec. 4. (a) The Commission shall consist of five members who shall be appointed by the Mayor.

(b) Each member of the Commission shall be a bona fide resident of the District of Columbia and shall serve for a term of five years, except that of the members first appointed to the Commission, three members shall be

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appointed to serve for a term of two years and two members shall be appointed to serve for a term of three years, to be determined by lot. Members may be appointed to serve for only one term, except that the initial appointees may be reappointed to a second term. Any person appointed to fill a vacancy on the Commission shall be appointed only to fill the remainder of the term for which his or her predecessor was appointed and shall be appointed in the same manner as the original selection. Persons appointed to fill the remainder of a term, where such remainder is equal to less than one half of the original term, may be reappointed to fill one additional full term.

(c) No officer, employee, trustee, or member of the governing board of any educational institution operating in the District of Columbia who is currently serving or who has served in such capacity, for the last 12 months or any member of the Board of Education of the District of Columbia, or any individual having a substantial financial interest in any educational institution operating in the District of Columbia, shall be considered to serve as a member of the Commission.

(d) The Commission shall choose annually from among its members, a Chairperson and such other Officers as it deems necessary. All meetings of the Commission shall be called by the Chairperson or a majority of the members, except the

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first meeting of the Commission shall be called by the Mayor.

(e) Three members shall constitute a quorum of the Commission and no official action of the Commission shall be taken except in an open meeting of the Commission with a quorum present.

(f) Members of the Commission shall each be entitled to receive \$100 a day, prorated, for each day spent in conducting the business of the Commission, up to a maximum of \$4000.00 for any year. While away from their homes or regular places of business in the performance of the duties of the Commission, members, including the Chairperson of the Commission, shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703(b) of title 5, of the United States Code.

Sec. 5. (a) There shall be transferred to the Commission such positions and their funding that formerly were assigned to the Board of Higher Education for the approval and licensure of post-secondary institutions.

(b) The Commission may appoint such personnel as it deems necessary. Compensation shall be fixed in accordance with the merit promotion system of the Federal Civil Service Commission, established under sections 5335 and 5336 of

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title 5 of the United States Code, within the limits of funds available to the Commission, except that such positions shall be excepted.

(c) The Commission may set up panels of persons qualified to inspect, evaluate and make recommendations concerning the approval for licensure of the several kinds of institutions covered by this statute. These persons shall be employed on a per diem basis at rates to be set by the Commission in accordance with the provisions of title 5, of the United States Code.

Sec. 6. (a) The Act of March 3, 1901 (D.C. Code, secs. 29-101 et seq.) (relating to corporations in the District of Columbia) is amended as follows:

(1) Section 586b of such Act (D.C. Code, sec. 29-415) is amended by striking out "Board of Higher Education of the District of Columbia" and inserting in lieu thereof "Educational Institution Licensure Commission".

(2) Section 586c of such Act (D.C. Code, sec. 29-416) is amended by striking out "Board of Higher Education" each place in occurs in such section and inserting in lieu thereof in each such place "Educational Institution Licensure Commission".

(3) Section 586d of such Act (D.C. Code, sec. 29-417) is amended by striking out "Board of Higher Education" each place it occurs in such section and inserting in lieu

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institution held by any agent in the District of Columbia on the effective date of this act.

(e) In the case of an educational institution which is licensed under this act, and is operating an educational facility pursuant to such license in a location outside of the District of Columbia, such educational institution shall be responsible for paying the costs of the Commission in conducting its periodic review of such facility and shall establish to the satisfaction of the Commission that the program offered will be in accordance with the educational standards of the jurisdiction in which it is operated and in no case lower than the educational standards of the District of Columbia.

Sec. 7. In addition to those duties specified in section 5 of this act, the Commission shall:

(a) Advise the Mayor and the Council periodically with respect to the educational and vocational training needs of the District of Columbia;

(b) File with the Council and the Mayor quarterly reports (the first such report being filed within 90 days after the effective date of this act) relating to -

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

(2) such other matters as come under the Commission's purview;

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(c) As soon as possible after the effective date of this act, submit recommendations to the Council of appropriate penalties that should be enacted relating to violations of the provisions of this act and to violations of any regulations or orders of the Commission;

(d) As soon as possible after the effective date of this act, submit to the Council a proposed fee schedule for the administration of this act; and

(e) Receive and cause to be maintained as a permanent file, copies of academic and institutional records in conformity with the following provisions: In the event any educational institutions now or hereafter operating in the District, or any educational institution licensed under this act now or hereafter operating elsewhere, proposes to discontinue its operation, the Chief Administrative Officer, by whatever title designated, of such institution shall cause to be filed with the Commission the original or legible true copies of all such academic and fiscal records of such institution as may be specified by the Commission. Such records shall include, at a minimum, such academic information as is customarily required by educational institutions when considering students for admission and, as a separate document, the academic record of each former student. In the event it appears to the Commission that any such records of an institution discontinuing its operations

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thereof in each such place "Educational Institution Licensure Commission".

(4) Section 586e of such Act (D.C. Code, sec. 29-418) is amended by striking out "Board of Higher Education" both places it occurs in such section and by inserting in lieu thereof in each such place "Educational Institution Licensure Commission".

(b) Any regulation promulgated by the Commission on or after the effective date of this act shall be submitted by the Chairperson of the Commission to the Council. Such regulation shall become effective at the end of a 30 day period beginning on the date of transmission, unless during such period the Council disapproves such regulation by resolution.

(c) The Commission shall establish policies and procedures which shall be applied by the Commission in conducting periodic on-site reviews of the educational institutions operating under licenses granted by the Commission, or operating under licenses granted prior to the effective date of this act by either the Board of Education, or the Board of Higher Education, the Department of Economic Development, or operating with no license at all.

(d) Nothing in this act shall be construed as invalidating the current license to operate an educational

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are in danger of being destroyed, secreted, mislaid, or otherwise made unavailable to the Commission, the Commission may seize and take possession of such records, on its own motion, and without order of court. The Commission shall maintain or cause to be maintained a permanent file of such records coming into its possession.

Sec. 8. The Mayor and the Council shall be authorized to obtain supplemental funding for the Commission. The Council shall approve the receipt of any such supplemental funding.

Sec. 9. This act, including the amendments made by this act, shall become law according to the provisions of section 602(c) of the District of Columbia Self-Government and Governmental Reorganization Act.

Considered in Council September 15, 1976

First Vote September 15, 1976

RECORD OF COUNCIL VOTE

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
TUCKER	X				DIXON	X				SPAULDING	X			
MOORE, D.	X				HARDY	X				WILSON	X			
BARRY	X				HOBSON	X				WINTER	X			
CLARKE	X				MOORE, J.	X								
COATES				X	SHACKLETON	X								

X—Indicates Vote A. B.—Absent N. V.—Not Voting

Robert Williams

(Secretary of the Council)

Final Vote in Council October 12, 1976

RECORD OF COUNCIL VOTE

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
TUCKER	X				DIXON	X				SPAULDING	X			
MOORE, D.	X				HARDY	X				WILSON		X		
BARRY	X				HOBSON	X				WINTER	X			
CLARKE	X				MOORE, J.	X								
COATES	X				SHACKLETON	X								

X—Indicates Vote A. B.—Absent N. V.—Not Voting

Robert Williams

(Secretary of the Council)

Presented to the Mayor NOV 4 1976

Robert Williams

(Secretary of the Council)

I HEREBY CERTIFY THAT Council Bill 1-293 was presented to the Mayor of the District of Columbia on November 4, 1976, and that the Mayor neither approved nor disapproved the Bill within the ten-day period specified in Section 404(e) of the District of Columbia Self-Government and Governmental Reorganization Act (Public Law 93-198) of December 24, 1973.

Date: November 18, 1976

Robert S. Moore