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HOUSE BILL NO. 457

Offered January 8, 2020

Prefiled January 3, 2020

A BILL to amend and reenact § 23.1-219 of the Code of Virginia, relating to public institutions of higher education; distance learning reciprocity agreements; consumer protection.

Patron—Murphy

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:**1. That § 23.1-219 of the Code of Virginia is amended and reenacted as follows:****§ 23.1-219. Council certification; requirements and prohibitions.**

A. Without obtaining the certification of the Council or a determination that the activity or program is exempt from such certification requirements, no postsecondary school subject to the provisions of this article shall:

1. Use the term "college" or "university" or abbreviations or words of similar meaning in its name or in any manner in connection with its academic affairs or business;

2. Enroll students;

3. Offer degrees, courses for degree credit, programs of study leading to a degree, or courses for nondegree credit, either at a site or via telecommunications equipment located within the Commonwealth; or

4. Initiate other programs for degree credit or award degrees or certificates at a new or additional level.

B. All institutions of higher education and academic-vocational non-college degree schools subject to the provisions of this article shall be fully accredited by an accrediting agency recognized by the U.S. Department of Education.

C. All out-of-state academic-vocational non-college degree schools subject to the provisions of this article shall disclose their accreditation status in all written materials advertising or describing such school that are distributed to prospective or enrolled students or the general public.

D. No postsecondary school shall be required to obtain another certification from the Council to operate in the Commonwealth if it (i) was formed, chartered, or established in the Commonwealth or chartered by an Act of Congress; (ii) has maintained its main campus continuously in the Commonwealth for at least 20 calendar years under its current ownership; (iii) was continuously approved or authorized to confer or grant academic or professional degrees by the Council, the Board of Education, or an act of the General Assembly during those 20 years; and (iv) is fully accredited by an accrediting agency that is recognized by and has met the criteria for Title IV eligibility of the U.S. Department of Education. If the Council revokes an institution's authorization to confer or grant academic or professional degrees, the institution is required to seek recertification annually until it meets the criteria of this subsection.

E. In addition to such other requirements as are established in this article or the regulations of the Council, any out-of-state institution of higher education or academic-vocational non-college degree school shall provide verification that:

1. The institution or school is fully accredited by an accrediting agency recognized by the U.S. Department of Education;

2. All courses, degrees, or certificates offered at any site are also offered at an out-of-state campus of the institution or school;

3. All credits earned at any site are transferable to an out-of-state campus of the institution or school; and

4. The institution or school has complied with the requirements of either Article 17 (§ 13.1-757 et seq.) of Chapter 9 of Title 13.1 or Article 14 (§ 13.1-919 et seq.) of Chapter 10 of Title 13.1.

F. Any postsecondary school that seeks to conduct telecommunications activities from a site shall apply for Council approval to conduct such activity and shall comply with this article and the Council's regulations in the same manner as any other postsecondary school subject to this article.

G. Any degree-granting postsecondary school providing distance learning to residents of the Commonwealth from a location outside the Commonwealth shall be a participant in any interstate reciprocity agreement to which the Commonwealth belongs, in accordance with the Council's authority under § 23.1-211, for the purpose of consumer protection.

INTRODUCED

HB457