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HOUSE BILL NO. 1542

Offered January 19, 2018

A *BILL to amend and reenact § 23.1-215 of the Code of Virginia, relating to the State Council of Higher Education for Virginia; postsecondary schools; closure.*

Patron—Murphy

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-215 of the Code of Virginia is amended and reenacted as follows:

§ 23.1-215. Authority of the Council; regulations; standards for postsecondary schools; delegation of authority to director.

A. The Council shall adopt, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), such regulations as may be necessary to implement the provisions of this article, including (i) procedures by which a postsecondary school may apply for Council approval to confer degrees in the Commonwealth; (ii) measures designed to ensure that all postsecondary schools that are subject to the provisions of this article meet the minimal standards established pursuant to subsection B; (iii) protections for students pursuing postsecondary education opportunities in postsecondary schools subject to the provisions of this article; and (iv) information to assist persons who rely on postsecondary degrees or certificates to judge the competence of individuals in receipt of such degrees or certificates.

B. The Council shall establish minimal standards for postsecondary schools that include standards for faculty preparation and experience, educational programs, physical plants, additional locations, finances, guaranty instruments, advertising and publications, maintenance of student records, personnel qualifications, student services, the method for collecting and refunding tuition and fees, library resources and services, organization and administration, changes of ownership or control, procedures for student admission and graduation, agent or solicitor requirements, consistency of a postsecondary school's stated purpose with the proposed offerings, reporting requirements, and any other relevant standards or requirements adopted by an accrediting agency recognized by the U.S. Department of Education.

C. *The Council shall adopt regulations to secure adequate funds to manage financial liabilities resulting from the closure of certified postsecondary schools. Such regulations shall provide for the following:*

1. *Procedures governing the administration of a student tuition guaranty fund that may be utilized upon closure of a certified postsecondary school to provide refunds of tuition and fees to students enrolled in or on an approved leave of absence from such school at the time of its closure.*

2. *Procedures to ensure funds are available to pay for expenses borne by the Council as a result of the closure of a certified postsecondary school, including charges for securing student records, administering teach out plans, and storage. Such procedures may provide for requirements for certified postsecondary schools to contribute funds for such expenses through a student tuition guaranty fund, surety bonds, or irrevocable letters of credit or any combination thereof.*

D. The Council shall prescribe the manner, conditions, and language to be used by a postsecondary school or agent of such school to disclose or advertise that the postsecondary school has received certification from the Council to offer postsecondary programs in the Commonwealth.

~~D.~~ E. The Council may establish separate certification criteria for various postsecondary school classifications.

~~E.~~ F. The Council may grant to its director the authority to take specific actions on its behalf in furtherance of the provisions of this article.

INTRODUCED

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