

AN ACT

Bill 20-1010

Emergency
Declaration
Res. 20-718
20 DCStat 4652Codification
District of
Columbia
Official Code
2001 Edition

To amend, on an emergency basis, the Education Licensure Commission Act of 1976 to extend authority to the commission to require an educational institution physically located outside the District of Columbia offering postsecondary degree-granting or non-degree-granting online programs or courses to District of Columbia residents to be licensed in the District of Columbia, and to provide the commission with the authority to enter into reciprocity agreements in regard to online instruction; and to amend the State Education Office Establishment Act of 2000 to designate the Office of the State Superintendent of Education the state portal agency for state authorization reciprocity.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Education Licensure Commission Emergency Amendment Act of 2014”.

Sec. 2. The Education Licensure Commission Act of 1976, effective April 6, 1977 (D.C. Law 1-104; D.C. Official Code § 38-1301 *et seq.*), is amended as follows:

(a) Section 201 (D.C. Official Code § 38-1302) is amended as follows:

Note,
§ 38-1302

(1) Paragraph (7) is amended by striking the phrase "by personal attendance or correspondence." and inserting the phrase "by personal attendance, online instruction, or by other means." in its place.

(2) New paragraphs (15) and (16) are added to read as follows:

“(15)(A) "Online instruction" means education, whether known as virtual class, correspondence course, distance learning, or other like term, where the learner and instructor are not physically in the same place at the same time, that is delivered through an electronic medium such as the Internet, Web-based form, real time, or recorded video or digital form, and offered or provided by an educational institution to District residents who are physically present in the District.

“(B) The education provided pursuant to subparagraph (A) of this paragraph shall be deemed delivered through an online presence in the District.

“(16) "Online presence" means the delivery of online instruction by an educational institution.”.

(b) Section 6 (D.C. Official Code § 38-1306) is amended by adding a new subsection (c-1) to read as follows:

Note,
§ 38-1306

“(c-1) An educational institution licensed by the Commission shall be subject to the laws and regulations that govern degree-granting and non-degree-granting institutions in the District, including those governing the complaint process.”.

(c) Section 7 (D.C. Official Code § 38-1307) is amended as follows:

Note,
§ 38-1307

(1) Paragraph (3) is amended by striking the word “and” at the end.

(2) Paragraph (4) is amended by striking the period and inserting a semicolon in its place.

(3) New paragraphs (5) and (6) are added to read as follows:

“(5) Have the authority to enter into agreements with other jurisdictions as it relates to the licensing of postsecondary educational institutions that provide degree-granting or non-degree-granting online instruction to residents of the District; and

“(6) Enter into agreements with degree-granting educational institutions operating in the District of Columbia that are otherwise conditionally exempt pursuant to section 10 for the purpose of ensuring consistent consumer protection in the interstate distance education delivery of higher education.”.

(d) Section 9 (D.C. Official Code § 38-1309) is amended as follows:

**Note,
§ 38-1309**

(1) Subsection (a)(2) is amended by striking the phrase “§ 29-101.99 or § 29-301.64,” and inserting the phrase “§ 29-101.01 *et seq.*,” in its place.

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

“(a-1) An educational institution that is providing degree-granting or non-degree-granting online instruction to residents of the District through an online presence shall be deemed to be operating in the District and shall be licensed by the Commission.”.

(3) Subsection (d) is amended as follows:

(A) Paragraph (1) is amended by striking the phrase “; and” and inserting a period in its place.

(B) Paragraph (2) is repealed.

(4) Subsection (e) is amended by striking the phrase “done by correspondence.” and inserting the phrase “done solely through online instruction.” in its place.

Sec. 3. Section 3(b)(6) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)(6)), is amended by striking the semicolon and inserting the phrase “, including acting as the state portal agency for the purposes of state authorization reciprocity;” in its place.

**Note,
§ 38-2602**

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).