

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

EDUCATION LICENSURE COMMISSION

NOTICE OF FINAL RULEMAKING

The Education Licensure Commission (ELC) (Commission), pursuant to authority set forth in sections 6(b)(3) and 11 of the Education Licensure Commission Act of 1976 (the Act), effective April 6, 1977 (D.C. Law 1-104; D.C. Official Code §§ 38-1306(b)(3) and 38-1311 (2010 Supp.)), and Mayor’s Order 89-120, dated May 31, 1989; and the State Superintendent of Education pursuant to section 3(b) 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) (2010 Supp.)), hereby gives notice of final rulemaking action to amend Chapter 80, “Postsecondary Degree Granting Educational Institutions”, of Title 5, Subtitle A, “Office of the State Superintendent of Education”, of the District of Columbia Municipal Regulations (DCMR). The Office of the State Superintendent of Education is responsible for overseeing the functions and activities of the Commission. In this regard the Superintendent reviewed this rulemaking which was approved by the Commission at a public meeting on July 13, 2009. The rulemaking establishes a new licensing fee schedule, updates standards, and revises licensing requirements for postsecondary degree granting educational institutions located in the District of Columbia.

A Notice of Proposed Rulemaking was published in the *D.C. Register* (DCR) on July 9, 2010, at 57 DCR 5926. The Notice of Proposed Rulemaking was republished in the *D.C. Register* on September 24, 2010, at 57 DCR 8713, to allow an additional fifteen (15) day comment period because of substantive changes to the rules previously published.

A few technical changes have been made to the text of the proposed rules found at 57 DCR 8713 (September 24, 2010) including: correcting citation references and misspellings; re-wording phrases; renaming section 8024 and removing from this section references to “administrative law judge.” Additionally, the Postsecondary Degree Granting Educational Institutions Licensure Regulation Approval Resolution of 2010 was submitted to the Council as PR 18-1172 on November 4, 2010, re-designated as PR19-18, and re-circulated in the 19th Session of the Council on January 6, 2011. The Council neither approved nor disapproved the rulemaking during the required forty-five (45)-day period of Council review. They were deemed approved by the Council, pursuant to section 6(b) (3) of the Act, on January 26, 2011. These rules shall become effective on the date of publication of this notice in the *D.C. Register*.

Title 5, subtitle A of chapter 80, “Degree Granting Institutions”, of the DCMR is revised to read as follows:

**CHAPTER 80 POSTSECONDARY DEGREE GRANTING
 EDUCATIONAL INSTITUTIONS**

8000 GENERAL

8000.1 This chapter is promulgated pursuant to sections 6(b)(3) and 11 of the Education Licensure Commission Act of 1976, effective April 6, 1977 (D.C. Law 1-104; D.C. Official Code §§ 38-1306(b)(3) and 38-1311); and Mayor's Order 89-120, dated May 31, 1989.

8000.2 The purpose of this chapter is to set forth the criteria and fees for licensure of postsecondary degree granting educational institutions and their agents.

8001 LICENSURE REQUIREMENT

8001.1 This chapter applies to all postsecondary degree granting educational institutions which offer instruction that results in credit toward a postsecondary or college degree and to the agents of those institutions.

8001.2 A postsecondary degree granting educational institution is subject to this chapter if it is located, operates, or has an agent subject to licensure in the District of Columbia.

8001.3 No person or institution shall confer a postsecondary degree without having been issued a license by the Commission. A licensee shall not offer a program or degree which has not been approved under its license.

8001.4 A postsecondary degree granting educational institution shall apply for a license at least one hundred and eighty (180) days before the anticipated date of offering an educational program subject to licensure.

8001.5 The license of a postsecondary degree granting educational institution to offer a new program shall automatically expire if the institution fails to begin operation under the license within one (1) year after its issuance, or ceases to operate under the license for a period of six (6) consecutive months. A new provisional or amended application for licensure must be submitted to engage in educational activities subject to licensure.

8001.6 The Commission may authorize a postsecondary degree granting educational institution to grant one (1) or more honorary degrees. All other degrees shall be earned degrees. Remedial, deficiency, and refresher courses shall not be credited toward any degree.

8001.7 Each postsecondary degree granting educational institution license shall specify the degrees that the postsecondary degree granting educational institution is authorized to grant.

8002 CONDITIONAL EXEMPTION

8002.1 A postsecondary degree granting educational institution seeking a conditional exemption under section 10(b) of the Education Licensure Commission Act of

1976, effective April 6, 1977 (D.C. Law 1-104; D.C. Official Code § 38-1310(b)) shall submit a written request to the Commission with evidence of compliance with the requirements of law and this chapter.

8002.2 A conditional exemption shall not be granted for more than five (5) years. After five (5) years, the postsecondary degree granting educational institution may submit a new application for conditional exemption to the Commission.

8002.3 A postsecondary degree granting educational institution which has a conditional exemption shall report to the Commission any changes in its program offerings which may change its licensure status. The Commission may determine based on the changes if a license is required.

8002.4 A conditional exemption shall be void if the postsecondary degree granting educational institution:

- (a) Offers a course that has not been identified in its application nor reported to or authorized by the Commission; or
- (b) Conducts business in a manner that requires licensure.

8003 PROHIBITED ACTIVITIES AND REPRESENTATIONS

8003.1 A postsecondary degree granting educational institution shall not engage in an activity requiring licensure or make a representation suggesting that it is licensed:

- (a) Prior to issuance of an initial license;
- (b) During a period of license suspension; or
- (c) If the postsecondary degree granting educational institution's license has lapsed or been revoked.

8004 STANDARDS FOR LICENSURE

8004.1 Basic Requirements. In order to qualify for a license, a postsecondary degree granting educational institution shall file a standard application form issued by the Commission, meet the minimum standards set forth in this chapter and other applicable District of Columbia and federal laws and regulations, including any conditions for a tax exemption and standards for the receipt of student or other financial assistance from a public agency, and shall be in compliance with the conditions of any license or permit. These requirements shall apply to the postsecondary degree granting educational institution subject to licensure by the Commission and to any facility or program operating under authority of the license of the postsecondary degree granting educational institution.

- 8004.2 Integrity. In order to qualify for a license, a postsecondary degree granting educational institution shall show that it has and will (in the case of an existing postsecondary degree granting educational institution) or will (in the case of a new educational institution) conduct its business in conformance with generally accepted accounting principles and business practices and demonstrate honesty and fair dealing with its employees, its students, the government, and the public.
- 8004.3 Mission and Purpose. In order to qualify for a license, a postsecondary degree granting educational institution shall have a written statement which clearly describes its mission and purpose. The statement shall describe the goals of the institution with regard to the instruction of students, specialized research and public service, and any specialized constituencies that it serves. In addition, a postsecondary degree granting educational institution shall have an established procedure for evaluating the outcomes and effectiveness of its educational programs in terms of its mission and goals.
- 8004.4 Governance. In order to qualify for a license, a postsecondary degree granting educational institution shall clearly delineate the governance structure of the institution and the responsibilities for control of the operation of the institution and its programs. The postsecondary degree granting educational institution shall identify the governance policies established or to be established, severally or jointly, by the following:
- (a) Its governing body;
 - (b) The chief executive officer;
 - (c) Other administrative officers;
 - (d) Faculty members; and
 - (e) Others, if applicable.
- 8004.5 Key Persons. In order to qualify for a license, a postsecondary degree granting educational institution shall:
- (a) Provide the names of the owners, officers, members of the board of directors, and managing employees of the postsecondary degree granting educational institution. If any of these individuals has or had an affiliation with a licensed educational institution in the District of Columbia (current or closed), the postsecondary degree granting educational institution applying for the license shall provide the name and location of the other educational institution and the timeframe of the individual's affiliation with the other educational institution;

- (b) State whether any of the individuals enumerated in paragraph (a) of this subsection has ever been affiliated with a postsecondary degree granting educational institution, licensed in the District or elsewhere, that has had a license suspended, denied, or revoked, or has had disciplinary action taken against it, and describe the nature of the affiliation and the nature of the license suspension, denial, or revocation or disciplinary action; and
- (c) If the postsecondary degree granting educational institution is a for-profit corporation, provide to the Commission the names of the owners, officers, members of the board of directors, managing employees, and any individual or business entity that has a ten percent (10%) or more ownership interest in the institution and the source and size of all loans that contribute to the capital structure of the organization.

8004.6 Administration. In order to qualify for a license, a postsecondary degree granting educational institution shall show that it is (for existing educational institutions) or will be (for new educational institutions) adequately managed to achieve its mission and goals. The institution shall provide as part of each license application the following:

- (a) An organizational chart showing the principal subdivisions of the institution and the title of the principal officer of each subdivision;
- (b) Documentation showing that there are sufficient types and numbers of administrative staff to support adequately the ownership, faculty, and students of the institution;
- (c) Written position descriptions for the administrative staff;
- (d) Clearly delineated, written administrative policies and procedures; and
- (e) A conflict of interest's policy.

8004.7 Finances. In order to qualify for a license, a postsecondary degree granting educational institution shall demonstrate that:

- (a) It is adequately capitalized overall;
- (b) It has sufficient working capital to support operations for six (6) months;
- (c) The governing body has authority to allocate the financial resources of the postsecondary degree granting educational institution;
- (d) The governing body is accountable for the financial resources of the institution;

- (e) It has a qualified, credentialed chief financial officer and qualified, credentialed financial staff;
- (f) Financial policies and procedures for budgeting and accounting in accordance with generally accepted accounting principles and procedures are in place;
- (g) Adequate arrangements to assure strict compliance with the institutional requirements related to any program for student or institutional financial assistance are in place;
- (h) An annual financial audit is conducted by an independent certified public accountant; and
- (i) It has corrective action plans adequately to address issues identified in any prior audits.

8004.8

Faculty. In order to qualify for a license, a postsecondary degree granting educational institution shall demonstrate that:

- (a) The faculty possess academic, scholarly, and teaching qualifications generally recognized as appropriate to their respective positions;
- (b) There are a sufficient number of full time or part time academic faculty appointments to ensure continuity and stability of the educational program at each location where each program is offered, as well as to provide adequate educational association between students and faculty;
- (c) Full-time faculty devotes a majority of their professional time as employees of the postsecondary degree granting educational institution as assigned;
- (d) The teaching assignments of faculty members permit adequate opportunity for classroom preparation, professional growth, and other appropriate functions;
- (e) Fair, clear, and adequate procedures for the appointment, promotion, evaluation, award of tenure, if applicable, disciplining, and dismissal of faculty members are in place;
- (f) Adequate policies and procedures to protect academic freedom are in place; and
- (g) An opportunity exists for the faculty to participate in the planning of and evaluation of the curriculum.

8004.9 Curriculum. In order to qualify for a license, a postsecondary degree granting educational institution shall meet the following requirements related to its curricula and programs:

- (a) Courses shall have a demonstrable relationship to the objectives of the postsecondary degree granting educational institution;
- (b) The postsecondary degree granting educational institution shall maintain:
 - (1) A description of sequences and courses required for each level of study, which shall include requirements for specified degrees and/or certificates of study;
 - (2) A current course syllabus describing course objectives including in which semester or quarter a course will be offered;
 - (3) Written policies and procedures for evaluating student performance; and
 - (4) A written procedure for the systematic review, evaluation, and modification of curricula and programs of study;
- (c) The standards for evaluation of student performance shall be fair and adequate;
- (d) All credits awarded for courses in degree programs shall be measured in credit hours;
- (e) A course or program offered by correspondence, extension, telecommunications, or internet, shall be consistent with the objectives and purposes of the institution and shall be consistent with and comparable in quality to courses offered to students regularly enrolled on a fulltime basis; and
- (f) If the postsecondary degree granting educational institution provides instruction in a field for which a professional or occupational license is required to practice in the District of Columbia, the instruction shall meet all applicable requirements of the professional or occupational licensure law, as determined by the Commission.

8004.10 Library. In order to qualify for a license, a postsecondary degree granting educational institution shall meet the following requirements for library resources:

- (a) The postsecondary degree granting educational institution shall provide access to an adequate collection of such books, periodicals, newspapers,

teaching aids, audio-visual material, internet access and resources, and other learning and reference resources as the Commission deems necessary for the programs and courses offered;

- (b) Branches or extensions of the postsecondary degree granting educational institution, which because of size cannot feasibly maintain such resources exclusively in an on-site library, shall demonstrate arrangements for students and faculty to have reasonable access to such resources; and
- (c) A postsecondary degree granting educational institution whose home campus is subject to licensure in conformance with this chapter shall, at the home campus:
 - (1) Maintain an on-site library with an adequate collection of resource materials;
 - (2) Provide for the continuous acquisition of appropriate additions to the collection;
 - (3) Employ a professional librarian to operate the library, and adequate supporting personnel; and
 - (4) Provide seating and work space for quiet study by a reasonable proportion of students and faculty.

8004.11 Admissions. In order to qualify for a license, a postsecondary degree granting educational institution shall:

- (a) Develop, publish, and apply a written statement clearly delineating fair and objective standards for the admission of students; and
- (b) Admit only such students to a degree granting program who shall have a high school diploma or equivalent, or who shall have demonstrated to the postsecondary degree granting educational institution, by a method which has received prior approval of the Commission, a reasonable ability to benefit from the proposed curriculum and successfully to complete the program in which the student is to be enrolled.

8004.12 Physical Plant, Equipment, and Facilities. In an order to qualify for a license, a postsecondary degree granting educational institution shall:

- (a) Provide and maintain in the District of Columbia a safe and sanitary physical plant, including classrooms, laboratories, housing, and libraries, as appropriate for the programs and levels of study offered, the size of the faculty, and the age and size of the student body;

- (b) Comply with applicable federal and District laws and regulations with respect to building and fire codes and zoning and housing regulations, and, where applicable, comply with such laws and regulations of the jurisdiction in which the facilities are located;
- (c) Assure residential facilities provided by the institution are safe, sanitary, and accessible to those housed;
- (d) Assure equipment is routinely inspected and certified in accordance with generally accepted standards of practice to assure the safety and well being of students, faculty, and other personnel; and
- (e) Assure that the facilities and equipment are of adequate size, quantity, and quality to accommodate the student population.

8004.13 Services and Resources. In order to qualify for a license, a postsecondary degree granting educational institution shall offer adequate, sufficient services for students in addition to educational instruction in the classroom and laboratory, including at a minimum:

- (a) Admissions, orientation, financial assistance, student records, and extracurricular activities;
- (b) Procedures for health emergencies;
- (c) Publication and distribution of information regarding procedures for health care to faculty, students, and other personnel on campus; and
- (d) An adequate program of educational, occupational, and personal counseling and guidance.

8004.14 Publication and Advertising. In order to qualify for a license, a postsecondary degree granting educational institution shall comply with the following requirements regarding publications and advertising:

- (a) A catalog or bulletin shall be published no less frequently than every two (2) years, which shall include:
 - (1) The institution's objectives and purposes;
 - (2) Names of the members of the institution's governing board, faculty, and chief executive officer(s);
 - (3) A list of degree programs of study;
 - (4) Admission and completion requirements;

- (5) A schedule of student costs and fees;
 - (6) Refund policies;
 - (7) Other regulations and requirements; and
 - (8) A description of the grading system and the minimum grade considered satisfactory;
- (b) Copies of the following shall be provided to the Commission upon request:
- (1) All advertising used by the institution, including written transcripts of any form of non-print advertising; and
 - (2) Foreign language advertising, which shall be submitted with an English translation;
- (c) All representations or claims made to prospective students about future employment, earnings, financial aid, or other benefits shall be based upon reasonable evidence maintained by the institution, which shall be made available for inspection by the Commission and all parties to whom the claims are made;
- (d) No representations shall be made to imply a guarantee of placement or employment for graduates, whether in an advertisement, an offer made to prospective students, or through any other means or media; and
- (e) Except as provided in section 8005, the postsecondary degree granting educational institution shall not advertise or otherwise imply that the institution is “supervised,” “recommended,” “endorsed,” “accredited,” or “approved” by the Commission or any other department or agency of the District of Columbia government.

8004.15 Student Records. In order to qualify for a license, a postsecondary degree granting educational institution shall comply with the following requirements regarding student records:

- (a) A postsecondary degree granting educational institution shall maintain accessible, secure, and accurate records for each student which, at a minimum, shall contain the information specified in this chapter, including, but not limited to:
 - (1) The name of the student;
 - (2) The title of the program(s) in which the student is or was enrolled;

- (3) The total number of hours of educational instruction received by the student in the program(s);
 - (4) The dates of the student's enrollment;
 - (5) The grade record of each course, lesson, or unit of instruction and the student's cumulative grade for the program; and
 - (6) The degree, diploma, certificate, or other credential awarded; and
- (b) The postsecondary degree granting educational institution shall establish procedures for providing upon request a true and accurate transcript and a policy for preserving the confidentiality of the student records.

8005 PERMISSIBLE LEGEND

- 8005.1 A licensed postsecondary degree granting educational institution may include in its advertising either of the following legends:
- (a) "This institution is licensed under the Degree Granting Institution Rules of the District of Columbia"; or
 - (b) "Licensed by the District of Columbia Education Licensure Commission".

8006 SURETY

- 8006.1 The Commission may require a postsecondary degree granting educational institution to provide a bond or surety, payable to the Commission, of no more than one hundred thousand dollars (\$100,000).
- 8006.2 The Commission may require the bond or surety at the time of licensure or at any time during the license period.
- 8006.3 The bond or surety shall be used for the purpose of protecting students in the event the institution declares bankruptcy, closes, or otherwise breaches its contract with its students by terminating an educational program without providing adequate student refund or teach-out arrangements.

8007 APPLICATION FOR PROVISIONAL LICENSURE

- 8007.1 A postsecondary degree granting educational institution shall submit to the Commission an application for provisional licensure in such form as the Commission may prescribe and shall not begin instruction until a license to do so is issued by the Commission.

8007.2 An application for provisional licensure shall contain a description of how the postsecondary degree granting educational institution complies with this chapter, or a statement requesting a waiver, in whole or part, by the Commission of any standard established by this chapter and describing the reasons such a waiver is warranted.

8007.3 An application for provisional licensure shall include, as appropriate, the following:

- (a) A letter of transmittal signed by an authorized official of the postsecondary degree granting educational institution certifying that the information in the application is current, true, and correct;
- (b) A resolution by the governing body of the postsecondary degree granting educational institution or a statement from the chief executive officer or owners of the institution authorizing the application and designating the persons who will maintain liaison with the Commission during the pendency of the application;
- (c) If incorporated, the articles of incorporation and bylaws of the corporation, a certificate of good standing from the Department of Consumer and Regulatory Affairs, and the address of principal place of business of the corporation;
- (d) If the postsecondary degree granting educational institution is a for-profit corporation, the names of the owners, officers, members of the board of directors, managing employees within the District of Columbia, and any person or business entity having a ten percent (10%) or more ownership interest in the institution and the source and size of all loans that contribute to the capital structure of the organization;
- (e) If the postsecondary degree granting educational institution is a non-profit corporation, the names of the members of the board of directors, officers, and managing employees;
- (f) The address of the place or places where instruction will be given and all offices and other facilities in the District of Columbia;
- (g) A copy of the most recent certified audited financial statement of the institution prepared by a certified public accountant within twelve (12) months of the application or, if the organization is a start up entity without such a statement, the applicant shall provide adequate certification with regard to all aspects affecting its financial resources;
- (h) A copy of the postsecondary degree granting educational institution's certificate of occupancy and the lease or title to the buildings to be used;

- (i) The estimated student enrollment and distribution by department or discipline;
- (j) A certification of non-discrimination, in conformance with the District of Columbia Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code §§ 2-1401.01, *et seq.*);
- (k) A statement of the accreditation status of the postsecondary degree granting educational institution which fully describes the following:
 - (1) Existing accreditation, if any, including the period of accreditation and the expiration date;
 - (2) The type and scope of accreditation;
 - (3) The name of the issuing association, organization, or agency;
 - (4) The status and scope of any pending applications for accreditation;
 - (5) Any probation or conditions of existing accreditation;
 - (6) Any revocation of accreditation or other action limiting accreditation during the ten (10) years preceding application to the Commission for licensure and the reasons for the revocation or other action limiting accreditation; and
 - (7) Any denial of an application for accreditation during the ten (10) years preceding the application for licensure to the Commission, and the reasons for the denial.
- (l) A statement describing any authorizations and licenses, other than accreditation, which a postsecondary degree granting educational institution has from another jurisdiction, which shall include the following:
 - (1) The type of certificate, license, or exemption;
 - (2) The name of the issuing agency;
 - (3) The term and expiration date of the certificate or license;
 - (4) Any conditions to which the certificate or license is subject;
 - (5) Any pending application for licensure;

- (6) Any revocation or other action limiting certification or licensure during the ten (10) years preceding application to the Commission for licensure and the reasons for the revocation or other action limiting certification or licensure;
- (7) Any denial of an application for a license or certificate during the ten (10) years preceding the application to the Commission for licensure, and the reasons for the denial;
- (m) Any licensure fees or surety bonds required by this chapter; and
- (n) Any other information the Commission may reasonably require, including, but not limited to:
 - (1) From a postsecondary degree granting educational institution located in the District of Columbia, a statement that it shall apply for accreditation from an accredited organization recognized by the U.S. Department of Education, the Council for Higher Education Accreditation, or the Commission, within three (3) years after receiving a provisional license, and obtain accreditation within six (6) years after licensure to maintain a license in the District.
 - (2) From a postsecondary degree granting educational institution located outside of the District of Columbia, a statement that it:
 - (A) Is licensed in good standing by the appropriate jurisdiction and that it shall ensure that it will continue to be licensed in good standing in that jurisdiction;
 - (B) Has been accredited by, and shall ensure that it will continue to remain accredited by, an organization recognized by the U.S. Department of Education, the Council for Higher Education Accreditation, or the Commission; and
 - (C) Will apply for representative(s) to hold agent's license(s) to operate in the District of Columbia pursuant to section 8011.

8008 APPLICATION FOR PROVISIONAL LICENSE RENEWAL

8008.1 Sixty (60) days before the expiration of a provisional license, or at such other time as the Commission may require, a licensee wishing to renew the license shall submit to the Commission an application for renewal in such form as the Commission may require. The institution's license shall continue in effect until the Commission takes action on the renewal application.

- 8008.2 An application for renewal of a provisional license shall include:
- (a) A description of any changes or differences in the institution's organization, program, officers, or faculty since the previous licensure action by the Commission;
 - (b) A description of any proposed changes in the institution's organization, program, officers, or faculty during the period of license renewal;
 - (c) If the Commission imposed conditions on the then-current provisional license of the institution, a description of how the institution satisfied the conditions or a statement justifying the renewal of the license although the conditions having not been satisfied;
 - (d) A copy of the most recent certified audited financial statement of the institution, prepared within twelve (12) months of the application date by a certified public accountant;
 - (e) Any licensure fees or surety bonds required by this chapter; and
 - (f) Any other information as the Commission may require.

8008.3 If a postsecondary degree granting educational institution allows its provisional license to expire, the license shall be void. At the discretion of the Commission, the Commission may require the institution to apply for a new license as if the institution had never been licensed. An application for reinstatement shall not be considered prior to six (6) months after the date of expiration of the license.

8009 APPLICATION FOR CONVERSION OF A PROVISIONAL LICENSE TO PERMANENT LICENSE

8009.1 Sixty (60) days before the expiration of a provisional license, or at such other time as the Commission may require, a licensee wishing to convert the license to a permanent license shall submit to the Commission an application for conversion of the license, in such form as the Commission may require. The institution's provisional license shall continue in effect until the Commission takes action on the conversion application.

8009.2 To be eligible for a permanent license, a postsecondary degree granting educational institution shall be:

- (a) Compliant with applicable District of Columbia laws and regulations;
- (b) Licensed and in good standing in the District of Columbia for at least five (5) years;

- (c) Accredited by an accrediting organization recognized by the United States Department of Education, the Council on Higher Education Accreditation, or the Commission; and
- (d) Demonstrate that it is appropriately capitalized as a financially sound educational institution.

8009.3 An application for conversion to a permanent license shall include the information about accreditation specified in subsection 8007.3(k) of this chapter and the information required for an application for renewal of a license by subsection 8008.2 of this chapter.

8010 APPLICATION FOR LICENSE AMENDMENT; CHANGED CONDITIONS

8010.1 An institution licensed by the Commission shall submit an application for an amended license if:

- (a) A change in ownership is proposed;
- (b) A change in accreditation status occurs;
- (c) There is a material change affecting the postsecondary degree granting educational institution, or the degrees, diplomas, or certificates offered by the institution;
- (d) The postsecondary degree granting educational institution proposes to offer a new degree or program of study;
- (e) The postsecondary degree granting educational institution proposes to provide educational instruction at a new facility in the District, whether at existing or new premises; or
- (f) Any other changes which, in the discretion of the Commission, may require an amendment.

8010.2 A postsecondary degree granting educational institution shall not implement a change described in subsection 8010.1, nor offer a new degree or program or provide instruction at a new facility, without the prior approval of the Commission.

8010.3 An application for an amended license to authorize a new degree or program shall include:

- (a) The reason for offering the new degree or program;

- (b) An outline of the curriculum for the new degree or program;
- (c) A listing and summary of courses required for the new degree or program;
- (d) The qualifications of the faculty to be involved in the new degree or program;
- (e) The anticipated enrollment for the new degree or program;
- (f) The financial resources to support the new degree or program;
- (g) A description of how the new degree or program relates to the objectives of the institution;
- (h) Any licensure fee and surety bond required by this chapter; and
- (i) Any other information as the Commission may reasonably require.

8010.4 An application for amendment of an existing license shall be subject to the same Commission review and requirements as an application for an initial license, including a site evaluation if the Commission deems it necessary or useful.

8010.5 The Commission shall not amend a license to approve a new program, new facility, or new location of a postsecondary degree granting educational institution if the Commission finds that the amendment is likely to affect adversely the postsecondary degree granting educational institution's resources or ability to comply with this chapter.

8011 AGENT LICENSES

8011.1 A licensed accredited, degree granting educational institution in good standing, which operates outside of the District of Columbia, may apply for a representative to hold an agent's license.

8011.2 Grant of an agent's license by the Commission shall be subject to the following:

- (a) The institution shall submit an application in such form as the Commission may require;
- (b) The institution shall certify that the agent is a person of good character, who understands and can present to prospective students complete and accurate information about the institution, its admission and enrollment policies, and its educational programs and offerings;
- (c) The institution shall obtain and submit to the Commission a criminal background check for each agent application;

- (d) The postsecondary degree granting educational institution shall pay an application fee required by subsection 8030.3; and
- (e) The postsecondary degree granting educational institution shall file the agent's surety bond required by subsection 8011.14.

8011.3 If an agent represents more than one (1) educational institution, a license must be obtained by each institution that the agent represents.

8011.4 The Commission may deny an agent's license if the postsecondary degree granting educational institution or the proposed agent has violated a law or regulation of the District of Columbia or another jurisdiction. The Commission may also deny an agent's license if there are complaints against the postsecondary degree granting educational institution which indicate that the institution does not operate in either a sound or ethical manner or there are complaints against the proposed agent that indicate that the proposed agent does not possess the good character required of an agent.

8011.5 The Commission, upon approval of an application for an agent's license, shall prepare and deliver to each agent a dated identification card, valid for one (1) year, containing the name and address of the agent and the employing educational institution, certifying that the person whose name appears on the card is an authorized agent of the postsecondary degree granting educational institution.

8011.6 An agent shall carry the identification card and show it to prospective students upon request.

8011.7 Each educational institution shall be liable for the acts of its agent(s).

8011.8 An agent and the postsecondary degree granting educational institution must notify the Commission within forty-eight (48) hours after an agent is convicted of a felony. Whether or not appropriate notice is provided, the agent's license shall be deemed revoked automatically upon his or her conviction. The Commission may, upon the application of the postsecondary degree granting educational institution, consider reinstatement of the license of an agent convicted of a felony.

8011.9 An agent's license does not authorize a postsecondary degree granting educational institution to operate or confer degrees in the District of Columbia.

8011.10 A postsecondary degree granting educational institution's representative with an agent's license may only conduct recruiting and enrollment activities.

8011.11 No agent may use a title that misrepresents his or her duties and responsibilities.

8011.12 The Commission may deny or refuse to renew an agent's license if the representative or institution fails to comply with a law or regulation in the District of Columbia or another jurisdiction.

8011.13 The Commission shall not issue or review an agent's license until the postsecondary degree granting educational institution has filed with the Commission a corporate surety bond or other security approved by the Commission.

8011.14 The agent's surety bond required by subsection 8011.13 shall be:

(a) Payable to the Commission; and

(b) In the following amounts:

(1) In the amount of three thousand dollars (\$3,000), if the surety bond or other security covers a single agent; or

(2) In an amount determined by the Commission, but in no case greater than fifty thousand dollars (\$50,000), if the postsecondary degree granting educational institution provides a blanket security bond for all of its agents.

8011.15 The postsecondary degree granting educational institution must file an application for renewal of the agent's license sixty (60) days before the expiration date of the license. The application must include the applicable fee. The agent's license shall continue in effect until the Commission takes action on the renewal application.

8011.16 If an agent's license expires before a renewal application has been filed, the license shall be void. At the discretion of the Commission, the institution may be required to apply for a new license for its agent as if the agent had never been licensed. A reinstatement application will not be considered in less than six (6) months after the expiration date of the license.

8012 SITE EVALUATION VISITS

8012.1 The Commission may perform a site evaluation of a postsecondary degree granting educational institution and may require that the institution submit documents and information before the site evaluation visit.

8012.2 The purpose of a site visit shall be to verify information submitted by the applicant or to determine compliance with the terms of a license or requirements of applicable District of Columbia laws and regulations related to licensure of a postsecondary degree granting educational institution. The site evaluation may include:

- (a) Interviews with an institution's faculty, students, and staff;
- (b) Inspections of facilities, including, but not limited to, administrative offices, library facilities, counseling and health facilities, residential areas, laboratories, equipment, and other support facilities;
- (c) Reviews of records and record-keeping procedures; and
- (d) Reviews of any other relevant matters.

8012.3 The site evaluation may be performed by members of the Commission, staff members, or such independent evaluators as the Commission deems necessary or appropriate to assist the Commission in connection with its responsibilities and the regulation of the postsecondary degree granting educational institution.

8012.4 A Commission member or other duly appointed person may serve as an observer during a site visit.

8012.5 The Commission may in its sole discretion appoint to the evaluation team a person recommended by the postsecondary degree granting educational institution, when in the Commission's judgment the nominee would act as a qualified, impartial evaluator.

8012.6 A postsecondary degree granting educational institution shall cooperate with the evaluation team in making records and personnel available and shall comply with all reasonable requests by the evaluation team, including requests for private interviews and requests for the use of private meeting rooms.

8012.7 The evaluation team shall submit a written report with recommendations to the Commission after the site visit, and the Commission shall provide a reasonable opportunity for the postsecondary degree granting educational institution to review the report and provide written comments to the Commission.

8012.8 The Commission shall consider the evaluation team report as a basis for any action taken with regard to a license.

8013 REVIEW OF LICENSED INSTITUTIONS; ANNUAL DATA SURVEY

8013.1 The Commission shall review all licensed postsecondary degree granting educational institutions annually by requiring institutions to submit an annual data survey covering the prior academic year of the institution. The Commission shall periodically conduct more intensive reviews in connection with license renewals, license conversions, or reviews conducted by accrediting organizations.

8013.2 Each licensed educational institution and each institution with a conditional exemption shall submit annually to the Commission an annual data survey with

information in the form prescribed by the Commission by a date established by the Commission.

- 8013.3 The annual data survey shall be mailed to each institution on a date established by the Commission and shall require submission of certified copies of the postsecondary degree granting educational institution's most recent financial audit and catalog and any other information specified by the Commission.
- 8013.4 The Commission shall conduct site evaluations of licensed, accredited educational institutions that have a branch or extension in the District of Columbia at the discretion of the Commission.
- 8013.5 The Commission's periodic review of facilities in the District shall, to the extent possible, be made in connection with reviews and evaluations made by the regional accrediting association, or if the programs in the District of Columbia are limited to a specialty, by a specialized accrediting association.
- 8013.6 The Commission shall conduct a site evaluation of a licensed, unaccredited educational institution as part of the Commission's evaluation of the institution's application for renewal of the license.
- 8013.7 A licensed, unaccredited educational institution shall make provision for a Commission observer to accompany the evaluation team from an accrediting association when the association's evaluation team conducts its site visit in conjunction with the institution's application for accreditation or re-accreditation from the association.

8014 STUDENT COUNT

- 8014.1 The counting of full-time students or their equivalents, for purposes of the annual data survey required by section 8013, and of licensing fees required by section 8030, shall be conducted as specified in this section.
- 8014.2 The number of full-time students or their equivalents shall be reported as follows:
- (a) Educational institutions licensed by the Commission to operate within the District, but which are not organized or chartered within the District, shall report the number of students at their facilities within the District;
 - (b) Educational institutions licensed by the Commission to operate within or outside of the District, which are organized or chartered within the District, shall report separately the number of students at their facilities within the District and their facilities outside of the District; and
 - (c) Educational institutions awarded a conditional exemption from licensure by the Commission shall report:

- (1) As specified in paragraph (a) of this subsection, if not organized or chartered in the District; or
- (2) As specified in paragraph (b), of this subsection, if organized or chartered in the District of Columbia.

8014.3 Each count of full-time students reported shall be for the twelve (12) month academic year established by the Commission to be covered in the report by the individual postsecondary degree granting educational institution.

8014.4 Full-time students or their equivalents shall be calculated as follows:

- (a) Full-time undergraduate students: the total number of semester credit hours awarded to undergraduate students during the year, divided by twelve (12); or the total number of quarter hours awarded to undergraduate students during the year, divided by eighteen (18);
- (b) Full-time graduate students: the total number of semester credit hours awarded to graduate students during the year, divided by nine (9); and
- (c) Total number of full-time students: the sum of the undergraduate and graduate students calculated according to this subsection.

8014.5 The Commission may require other student counts such as the total enrollment of the postsecondary degree granting educational institution or the number of part time students at each facility of the postsecondary degree granting educational institution, whether located in the District or outside the District.

8015 FALSE DEGREES

8015.1 A postsecondary degree granting educational institution shall not employ staff, faculty, administrators, or accept students who have knowingly manufactured, produced, or used a false academic degree to obtain employment or admission to an institution of higher learning.

8015.2 A postsecondary degree granting educational institution shall not present, obtain, or produce, as genuine, a forged or altered degree, certificate, transcript, or license signifying educational completion, study, or professional experience of the faculty, administrators, staff, or students.

8015.3 A postsecondary degree granting educational institution or person shall not issue diplomas, certifications, academic transcripts, or other documents demonstrating completion of coursework or academic credit or degrees in the District of Columbia unless licensed to do so by the Commission.

8015.4 A postsecondary degree granting educational institution or person shall not issue academic credentials or degrees in the District of Columbia that are not authorized by the Education Licensure Commission as a bona fide educational institution.

8015.5 No person shall offer, purport to offer, or confer any academic degree unless authorized by the Commission.

8016 CLOSING AN INSTITUTION

8016.1 A postsecondary degree granting educational institution which closes shall make arrangements for its students and for the safekeeping of its records, as set forth in this section.

8016.2 A postsecondary degree granting educational institution licensed under this chapter shall not close without the prior approval of the Commission.

8016.3 Closure of an institution shall be conducted in accordance with a written plan which is submitted for approval to the Commission not less than ninety (90) days before the date of closure. The plan shall describe with specificity how the institution will comply with the requirements of this section.

8016.4 In closing a postsecondary degree granting educational institution, the institution shall:

- (a) Cease all recruitment activities and bar all new student enrollments;
- (b) Provide all enrolled students an opportunity to complete their program of studies at the institution or receive maximum assistance for the orderly transfer to another educational institution acceptable to the student;
- (c) Notify all enrolled students of the phase-out plan by letter, electronic mail, the Commission's website, or direct notification from the Commission as the Commission may determine. The notification shall describe the students' financial obligations, their rights to a refund or adjustment, provisions made for assistance toward completion of their academic program, and how students may obtain official copies of records or transcripts;
- (d) Provide the Commission with copies of the closing or phase-out notices and all other communications sent to students regarding the closing or phase-out;
- (e) Make provisions for transferring all official student records to the Commission;

- (f) Notify students of the arrangements for the transfer of their records to the Commission, including information on how to obtain official copies of the records;
- (g) Notify the Corporations Division of the District of Columbia Department of Consumer and Regulatory Affairs and other appropriate authorities of the status of the postsecondary degree granting educational institution or corporation, including the filing of a final report, if appropriate; and
- (h) Describe steps being taken to protect the rights of staff, suppliers, and creditors.

8016.5 During the phase-out process, the postsecondary degree granting educational institution shall submit periodic progress reports to the Commission within the timeframes specified and approved by the Commission, including specific information specified in the closure plan and how unanticipated or serious problems have been addressed in the process.

8016.6 The Commission shall monitor the phase-out and closure of the institution and require the postsecondary degree granting educational institution to comply with the objectives as well as the specific provisions of the approved closure plan.

8017 TRANSFER OF RECORDS OF CLOSED INSTITUTION

8017.1 If a postsecondary degree granting educational institution licensed under this chapter, or granted a conditional exemption under this chapter, discontinues its operations, 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.

8017.2 The records deposited with the Commission shall include, at a minimum, the academic records of each former student specified in subsection 8004.15.

8017.3 The institution shall pay for the costs of the transfer of records to the Commission and for the costs of maintaining the records.

8017.4 The Commission shall issue certified copies of transcripts of student courses and grades and of other documents in the records; shall furnish other official information from the records to former students and educational institutions to which the student applies; and may furnish copies to others who have a right to disclosure under law or regulation.

8018 DENIAL, REDUCTION, SUSPENSION, AND REVOCATION OF A LICENSE

8018.1 The Commission, in accordance with procedures consistent with the provisions of the District of Columbia Administrative Procedures Act, approved October 21, 1968 (82 Stat.1204; D.C. Official Code §§ 1-1501, *et seq.*), may deny, suspend or revoke the license of an institution, or may reduce a permanent license to a provisional license, if an institution:

- (a) Furnishes false, misleading, or incomplete information to the Commission;
- (b) Fails to comply with a Commission request;
- (c) Fails to provide and maintain safe conditions at any facility;
- (d) Fails to respond to the Commission regarding a complaint;
- (e) Grants a false degree;
- (f) Fails to comply with any District of Columbia law or regulation; or
- (g) Fails to comply with any provision of this chapter.

8019 COMPLAINTS

8019.1 If the Commission has reason to believe that an applicant or licensed institution may not be in compliance with the requirements of law or this chapter, the Commission may conduct an investigation, including a site evaluation visit, as it deems necessary. If expertise outside of the scope of the Commission is required to complete the investigation, the Commission may require the institution to pay for any expenses incurred by the Commission for outside services.

8019.2 The Commission may initiate an investigation:

- (a) On its own motion;
- (b) After receipt of a complaint submitted in accordance with this section which, if proven, would constitute sufficient grounds for denial, reduction, suspension, or revocation of the license or application of an institution; or
- (c) Based on information obtained from a Commissioner, Commission staff member, government agency, or other reliable person or entity.

8019.3 A person who desires to file a complaint (hereinafter “complainant”) against an applicant or licensee (hereinafter “respondent”) shall:

- (a) Submit the complaint in writing;
- (b) State the facts or circumstances that form the basis of the complaint;
- (c) State the complainant's name and address;
- (d) Sign the complaint; and
- (e) Mail or deliver the complaint to the Commission.

8019.4 The Commission may request that the respondent respond in writing to the allegations contained in the information or complaint which has come to the Commission's attention. If the Commission requests such a response, it shall inform the respondent that the Commission may send a copy of the response to the complainant.

8019.5 If the Commission receives a written response from the respondent, it may send a copy of the response to the complainant and request a written reply within a time period determined by the Commission.

8019.6 After considering information or a complaint against a respondent, the response from the respondent, if any, and the written reply of the complainant, if any, the Commission may:

- (a) Initiate an investigation of the information or complaint;
- (b) Mandate corrective actions by the respondent and monitoring of the implementation of the corrective actions;
- (c) Proceed in accordance with section 8018; or
- (d) Dismiss the complaint.

8019.7 If the Commission dismisses a complaint, it shall give the complainant notice of the dismissal in writing, sent by first class mail within thirty (30) days after the dismissal.

8020 NOTICE OF INVESTIGATIONS; SERVICE; COMMENCEMENT OF HEARINGS

8020.1 A written notice shall be served by the Commission pursuant to this section to an applicant or licensee ("respondent") at the initiation of an investigation, or if the Commission proposes to deny, suspend, reduce, or revoke a license.

8020.2 The notice shall contain the following information:

- (a) A description of the institution's alleged non-compliance with requirements of law or of this chapter which are being considered by the Commission with respect to the postsecondary degree granting educational institution;
- (b) The range of proposed decisions or actions which may be considered by the Commission;
- (c) The bases for the proposed decisions or actions;
- (d) That any of the proposed decisions or actions may be taken if no hearing is requested or if the applicant or licensee fails to appear at a requested hearing; and
- (e) The respondent's right to request a hearing before a hearing officer appointed by the Commission, or the Commission, in the discretion of the Commission, and that the request must be filed with the Commission within ten (10) days after service of the notice.

8020.3 Service of the notice, an order, or decision required by this chapter to be served upon a respondent or other party shall be served upon the party or upon the representative designated by the party or by law or regulation to receive service of papers and shall be directed to the last known address on file with the Commission and shall be completed by one (1) of the following methods:

- (a) By handing it to the respondent or party;
- (b) By leaving the relevant document at a party's office as indicated on the application, license, or motion with a clerk or other person in charge or, if no one is in charge, in a conspicuous place in the office;
- (c) If the office of the institution or party to be served has no office or the office has been closed, by leaving the relevant document at the place of residence with a person sixteen (16) years of age or older residing at the residence;
- (d) By certified mail, return receipt requested; or
- (e) In conformity with an order of the Commission.

8020.4 If service is made by a method set forth in paragraphs (a) through (e) of subsection 8020.3, the representative of the Commission shall cause a certificate of service to be filed stating the date, time, and manner of service and the person, if any, served.

- 8020.5 If service is by certified mail, service shall be deemed to have been made on the date shown on the return receipt showing delivery of the notice to the party or refusal of the party to accept delivery.
- 8020.6 If the party is no longer at the last known address as shown by the records of the Commission, no forwarding address is available, and the notice, order, or decision was sent by certified mail, return receipt requested, to the last known address as shown by the records of the Commission, service shall be deemed to have been made on the date the return receipt bearing a notification that delivery could not be made to the addressee is received by the party attempting service.
- 8020.7 If a respondent requests a hearing, the Commission shall, within thirty (30) days after receipt of the request, provide notification of the date, time, and place of the hearing to the respondent.
- 8020.8 The Commission shall hold the hearing not less than fifteen (15) days after the date of service of the notification pursuant to subsection 8020.7, unless the Commission and the respondent agree to hold the hearing at an earlier date.
- 8020.9 The Commission may, without a hearing, take any action or make any decision described in the notice if:
- (a) A respondent who was sent a notice of a proposed action under subsection 8020.1 does not mail or deliver a request for a hearing pursuant to subsection 8020.3; or
 - (b) A respondent who has been provided notification of a hearing pursuant to subsection 8020.7 does not appear for the hearing, and no continuance is granted.
- 8020.10 The Commission shall inform the respondent of an action taken pursuant to subsection 8020.9.

8021 HEARING OFFICER; PARTIES

- 8021.1 The Commission may authorize a hearing officer, including the District of Columbia Office of Administrative Hearings, pursuant to the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code §§ 2-1831.01, *et seq.*), to conduct a hearing authorized under this chapter.
- 8021.2 The hearing officer may:
- (a) Administer oaths;
 - (b) Receive and exclude evidence;

- (c) Issue subpoenas to compel witnesses to appear and testify or produce relevant materials. The subpoenas shall be in the name of the Mayor of the District of Columbia; and
- (d) Issue a recommended decision.

8021.3 The hearing officer may not render a final decision.

8021.4 A party entitled to a hearing has the following rights:

- (a) The right to be represented by an attorney;
- (b) The right to present all relevant evidence;
- (c) The right to examine opposing witnesses; and
- (d) The right to have subpoenas issued to compel the attendance of witnesses and the production of relevant materials.

8021.5 The Commission or respondent may move to join other parties who are necessary for a just adjudication of the respondent's application or licensing.

8022 BURDEN OF PROOF

8022.1 In a hearing resulting from a proposed action to reduce, suspend, or revoke a license, the Commission has the burden of proving by a preponderance of the evidence that the proposed action should be taken.

8022.2 In a hearing resulting from the denial of a license application, the applicant has the burden of satisfying the Commission of the applicant's qualifications by a preponderance of the evidence.

8023 CONDUCT OF HEARINGS AND RECORD

8023.1 All hearings before the Commission or a hearing officer shall be open to the public, unless the Commission in its discretion directs that some or a portion of the hearing to be closed.

8023.2 All testimony at a hearing shall be under oath or affirmation.

8023.3 The Commission or a hearing officer shall exclude irrelevant, immaterial, and unduly repetitious evidence as it deems appropriate.

8023.4 All persons at a hearing shall maintain decorum and good order at all times. The Commission may exclude or have removed from the hearing room any person deemed disruptive to the hearing process.

- 8023.5 All hearings shall be recorded and the Commission shall compile a complete record of all evidence presented during the course of a hearing.
- 8023.6 The Commission shall make a transcript of a hearing upon the request of a party.
- 8023.7 If the Commission does not make a transcript of the hearing, it shall maintain an electronic copy of the hearing as part of the record.
- 8023.8 The Commission shall provide a copy of an approved transcript or recording of a hearing to any person requesting it, upon payment of the required fee.
- 8023.9 If a dispute arises with respect to the record, the hearing officer or the Commission shall settle the record and rule on all contested motions to correct the record.
- 8023.10 The hearing record shall be closed at the conclusion of the hearing. However, when the Commission or hearing officer allows the parties to submit arguments, briefs, or documents, the record shall be left open for such time as the Commission or hearing officer grants for that purpose.
- 8023.11 The hearing record shall be closed on the date set by the Commission or hearing officer as the final date for the receipt of submissions of the parties.

8024 RECOMMENDED AND FINAL DECISIONS

- 8024.1 The hearing officer shall submit a recommended decision to the Commission and the parties within sixty (60) days after the closing of the record.
- 8024.2 A recommended decision of a hearing officer shall contain:
- (a) Findings of fact;
 - (b) Conclusions of law based on the findings of fact and application of the laws; and
 - (c) A recommended order.
- 8024.3 The Commission may adopt the decision recommended by the hearing officer in whole or in part or may reject the recommended decision in its entirety.
- 8024.4 After receipt of a recommended decision the parties may submit, within time limits established by the Commission, proposed findings of fact, proposed conclusions of law, a proposed order, and memoranda of law.

- 8024.5 The Commission, within sixty (60) days after the date of the receipt of the recommended decision, shall render a final decision and notify the parties of the action.
- 8024.6 The Commission may, with the agreement of all parties, extend the sixty (60) day period in which it is required to render a decision.
- 8024.7 A final decision shall contain:
- (a) Findings of fact;
 - (b) Conclusions of law based upon the findings of fact and application of the laws;
 - (c) An order, including any date for compliance; and
 - (d) A statement informing the respondent of the right to petition the District of Columbia Court of Appeals for review of the final decision pursuant to section 11 of the District of Columbia Administrative Procedures Act, approved October 21, 1968 (82 Stat. 1209; D.C. Official Code § 2-502(10)), and that, pursuant to Rule 15(b) of the Rules of the District of Columbia Court of Appeals, a petition for review must be filed with the District of Columbia Court of Appeals within no later than thirty (30) days after notice of the final decision has been given.
- 8024.8 The Chair of the Commission, or a duly authorized designee, shall sign the final decision, order, or other document of the Commission on behalf of the Commission; provided that the Commission by majority vote may designate another member to sign.
- 8024.9 Within five (5) days after a final decision is rendered, the Commission shall serve a copy of the written decision upon each party or the party's counsel of record.
- 8025 STAY**
- 8025.1 The Commission, on motion by a party or on its own initiative, may stay the imposition of an order pending appeal or reconsideration.
- 8025.2 Neither the filing nor the granting of a motion for reconsideration shall operate as a stay of a decision ordered by the Commission.
- 8025.3 The Commission may grant a stay based only upon good cause shown. Good cause shall be determined based on the likelihood of decisional error, irreparable harm to the moving party, the harm to other parties, and the public interest.

8026 REOPENING A HEARING

- 8026.1 Within fifteen (15) days after the date of service of a final decision, a party may file a motion to reopen a hearing, which the Commission may grant or deny in whole or in part in its discretion. The moving party shall serve a copy of the motion on each party.
- 8026.2 The Commission may reopen a hearing for any cause sufficient to the Commission if no appeal is pending before a court or has been decided by a court.
- 8026.3 If the Commission finds good cause to reopen a hearing, the Commission shall, as soon as practicable, fix a time and place for a hearing and give the parties notice of the hearing.

8027 RECONSIDERATION

- 8027.1 Within fifteen (15) days after the date of the service of a final decision, a party may file a motion requesting that the Commission reconsider the final decision based on reasons of mistake, surprise, excusable neglect, newly discovered information, fraud or misrepresentation by an opposing party, or that the order has been satisfied. The moving party shall serve a copy of the motion on each party.
- 8027.2 If a motion is based in whole or in part on new information, the information shall be set forth in an affidavit, containing a statement that the moving party could not with due diligence have known or have discovered the new information prior to the hearing.
- 8027.3 The Commission may, in the Commission's discretion, permit or require oral argument upon a motion for reconsideration.
- 8027.4 The Commission shall grant or deny a motion for reconsideration within forty-five (45) days after the filing of the motion. If the Commission does not grant the motion within the forty-five (45) day period, the motion shall be deemed denied.

8028 COMPUTATION OF TIME

- 8028.1 In computing a period of time specified in this chapter:
- (a) "Day" shall mean calendar day;
 - (b) The day of the act, event, or default shall not be counted, and the last day of the period shall be counted unless it is a Saturday, Sunday, legal holiday, or day on which the Commission is officially closed, in which event the time period shall continue until the next day that is not a Saturday, Sunday, legal holiday, or day on which the Commission is officially closed.

8029 IMPLEMENTATION

8029.1 The Commission may issue one (1) or more handbooks setting forth administrative procedures, guidelines, and forms to be used to carry out the rules of this chapter.

8030 FEES

8030.1 A postsecondary degree granting educational institution may be assessed fees to achieve the purposes of the Education Licensure Commission Act of 1976, effective April 6, 1977 (D.C. Law 1-104; D.C. Official Code §§ 38-1301, *et seq.*).

8030.2 All fees shall be payable to the District of Columbia Treasurer by certified check, money order, cashier's check, or electronic payment.

8030.3 The following fees shall apply to a postsecondary degree granting educational institution or agent:

- (a) Two hundred dollars (\$200) for a new applicant workshop;
- (b) Five thousand dollars (\$5,000) for each application for licensure;
- (c) Two thousand five hundred dollars (\$2,500) for an application for renewal of a provisional license;
- (d) One thousand dollars (\$1,000) per person for an application for an agent's license;
- (e) One thousand five hundred dollars (\$1,500) for an application for conditional exemption from licensure; and
- (f) One thousand five hundred dollars (\$1,500) for an application to convert a provisional license to a permanent license.

8030.4 There shall be a fee of three thousand five hundred dollars (\$3,500) for an application for reinstatement of a license. Receipt of the reinstatement application fee by the Commission shall not constitute approval of the application.

8030.5 Fees for amendments to a current license shall be assessed as follows:

- (a) Three hundred dollars (\$300) for each new program of study or change of an existing program of study;
- (b) Two hundred dollars (\$200) for each new facility where educational instruction is to be offered;

(c) One hundred fifty dollars (\$150) for a change of name of the institution; and

(d) Five hundred dollars (\$500) for a change of ownership.

8030.6 Licensed educational institutions and educational institutions exempt from licensure shall pay a fee based upon the total number of the institution's full time students or their equivalents, as calculated pursuant to sections 8013 and 8014. The fee shall be as follows:

(a) One hundred fifty dollars (\$150) for one (1) to (100) full-time students or their equivalents;

(b) Two hundred fifty dollars (\$250) for one hundred one (101) to two hundred fifty (250) full-time students or their equivalents;

(c) Three hundred fifty dollars (\$350) for two hundred fifty-one (251) to one thousand (1,000) full-time students or their equivalents;

(d) Six hundred fifty dollars (\$650) for one thousand one (1,001) to one thousand five hundred (1,500) full-time students or their equivalents; and

(e) One thousand dollars (\$1,000) for more than one thousand five hundred (1,500) full-time students or their equivalents.

8030.7 An application fee shall be paid at the time the application is submitted to the Commission.

8030.8 An additional fee of five hundred dollars (\$500) shall be applied to an application received after the license expiration date.

8030.9 An application or other data submission requiring payment of a fee shall be deemed incomplete, and will not be logged as received, if the application does not include the fee(s).

8030.10 The fee for a site evaluation for a licensed institution shall be not less than eight hundred dollars (\$800) and may in the discretion of the Commission be increased by a reasonable amount based upon the time and complexity of the evaluation.

8030.11 There shall be a fee of ten dollars (\$10) for each student transcript and five dollars (\$5) per page for other documents in the student record that are furnished by the Commission.

8030.12 There shall be a fee of thirty-five dollars (\$35) for each duplicate license.

8030.13 The fees established by this section shall be non-refundable.

8030.14 The Commission, for good cause, may waive a fee or any portion of a fee upon receipt of a written request.

8031 WAIVERS

8031.1 The Commission may for good cause waive in whole or in part one (1) or more of the requirements of this chapter in granting a license to a postsecondary degree granting educational institution; except, that the Commission may not waive a requirement of any statute.

8099 DEFINITIONS

When used in this chapter, the following terms shall have the meanings ascribed.

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

Commission - the Education Licensure Commission (ELC).

Diploma or Certificate – shall have the meaning ascribed in section 201(4a) of the Education Licensure Commission Act of 1976, effective April 6, 1977 (D.C. Law 1-104; D.C. Official Code § 38-1302(4a)).

Degree – shall have the meaning ascribed in section 201(5) of the Education Licensure Commission Act of 1976, effective April 6, 1977 (D.C. Law 1-104; D.C. Official Code § 38-1302(5)).

District - the District of Columbia.

Educational institution - shall have the meaning ascribed in section 201(4) of the Education Licensure Commission Act of 1976, effective April 6, 1977 (D.C. Law 1-104; D.C. Official Code § 38-1302(4)).

Education – a class, course, or program of instruction or study at the postsecondary level in whatever form, manner, or medium provided, whether by personal attendance or correspondence.

Facility – shall have the meaning ascribed in section 201(14) of the Education Licensure Commission Act of 1976, effective April 6, 1977 (D.C. Law 1-104; D.C. Official Code § 38-1302(14)).

Grant - awarding, selling, conferring, bestowing, or giving.

License - shall have the meaning ascribed in section 201(12) of the Education Licensure Commission Act of 1976, effective April 6, 1977 (D.C. Law 1-104; D.C. Official Code § 38-1302(12)).

Non-profit – 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 1954, approved August 16, 1954 (68A Stat. 163; 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. Official Code § 29-301 *et seq.*).

Offer - in addition to its usual meaning, includes advertising, publicizing, soliciting, or encouraging any person, directly or indirectly, in any form, to perform the act described.

Operate – shall have the meaning ascribed in section 201(11) of the Education Licensure Commission Act of 1976, effective April 6, 1977 (D.C. Law 1-104; D.C. Official Code § 38-1302(11)).

Party - shall have the meaning ascribed in section 3(10) of the District of Columbia Administrative Procedures Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-502(10)).

Postsecondary - a level of education beyond high school.

Person - an individual, group of individuals, firm, partnership, corporation, association, company, society, trust, educational institution, or any other entity.