

House Bill 184 (COMMITTEE SUBSTITUTE) (AM)

By: Representatives Casas of the 107th, Golick of the 40th, Allison of the 8th, Ehrhart of the 36th, and Brockway of the 102nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 20-3-250.8 of the Official Code of Georgia Annotated, relating to
2 applications to operate or conduct postsecondary activities under the "Nonpublic
3 Postsecondary Educational Institutions Act of 1990," so as to provide for authorization to
4 operate by means of accreditation for nonpublic postsecondary institutions that meet certain
5 requirements; to provide for fees based on enrollment of students; to provide for related
6 matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 20-3-250.8 of the Official Code of Georgia Annotated, relating to applications
10 to operate or conduct postsecondary activities under the "Nonpublic Postsecondary
11 Educational Institutions Act of 1990," is amended by revising subsection (a) as follows:

12 "(a)(1) Each nonpublic postsecondary educational institution desiring to operate or
13 conduct postsecondary activities in this state shall make application to the commission,
14 upon forms to be provided by the commission. Such application shall be accompanied by
15 ~~a catalog~~ such a catalogue or other written description published, or proposed to be
16 published, by ~~the~~ nonpublic postsecondary educational institution, containing the
17 information specified in subparagraph (a)(1)(D) of Code Section 20-3-250.6, including
18 information required by rules and regulations of the commission. Such application shall
19 also be accompanied by evidence of a surety bond if required by Code Section
20 20-3-250.10 and subsection (c) of Code Section 20-3-250.27 and shall be accompanied
21 by payment of the fees specified in Code Section 20-3-250.11; provided, however, that
22 when making application to the commission for authorization to operate, those nonpublic
23 postsecondary educational institutions exempt from certain provisions of this part
24 pursuant to the provisions of paragraph (10) of subsection (a) of Code Section 20-3-250.3
25 or subsection (c) of Code Section 20-3-250.3 shall be required to submit only those

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26 documents pertaining to provisions of this part from which such nonpublic postsecondary
27 educational institutions are not exempt.

28 (2)(A) Notwithstanding paragraph (1) of this subsection, a nonprofit nonpublic
29 postsecondary educational institution that meets the following criteria may apply for
30 an authorization to operate by means of accreditation from the commission:

31 (i) Such institution has operated legally in this state for at least five consecutive
32 years;

33 (ii) Such institution holds institutional accreditation by an accrediting agency that is
34 recognized by either the Council for Higher Education Accreditation or the United
35 States Department of Education; and

36 (iii) Such institution has no formal complaints or actions against it by the commission
37 in the past 12 months which have been unresolved for more than 45 days.

38 (B) The commission may not require an institution granted an authorization to operate
39 by means of accreditation pursuant to this paragraph to submit information or reports
40 that differ from the information or reports required by its accrediting association;
41 provided, however, that each such institution shall file with the commission an
42 application for renewal which shall be accompanied by payment of fees as provided
43 herein and shall follow all other applicable requirements of this part. Such fees shall
44 be collected by the executive director and established by the commission and shall be
45 based on the number of students enrolled in such institution, but in no event shall such
46 fees exceed \$2.00 per student enrolled. All fees collected pursuant to this paragraph
47 shall be deposited in the state treasury to the credit of the general fund, and no fees
48 collected pursuant to this paragraph shall be subject to refund.

49 (C) An institution granted an authorization to operate by means of accreditation
50 pursuant to this paragraph shall be required to apply for and obtain a regular
51 authorization to operate for any new or existing program which exceeds the level or
52 scope of such institution's accreditation.

53 (3)(A) Notwithstanding paragraph (1) of this subsection, a for profit nonpublic
54 postsecondary educational institution that meets the following criteria may apply for
55 an authorization to operate by means of accreditation from the commission:

56 (i) Such institution has operated legally in this state for at least ten consecutive years;

57 (ii) Such institution holds institutional accreditation by an accrediting agency that is
58 recognized by either the Council for Higher Education Accreditation or the United
59 States Department of Education; and

60 (iii) Such institution has no formal complaints or actions against it by the commission
61 in the past 12 months which have been unresolved for more than 45 days.

62 (B) The commission may not require an institution granted an authorization to operate
63 by means of accreditation pursuant to this paragraph to submit information or reports
64 that differ from the information or reports required by its accrediting association;
65 provided, however, that each such institution shall file with the commission an
66 application for renewal which shall be accompanied by payment of fees as provided
67 herein and shall follow all other applicable requirements of this part. Such fees shall
68 be collected by the executive director and established by the commission and shall be
69 based on the number of students enrolled in such institution, but in no event shall such
70 fees exceed \$2.00 per student enrolled. All fees collected pursuant to this paragraph
71 shall be deposited in the state treasury to the credit of the general fund, and no fees
72 collected pursuant to this paragraph shall be subject to refund.
73 (C) An institution granted an authorization to operate by means of accreditation
74 pursuant to this paragraph shall be required to apply for and obtain a regular
75 authorization to operate for any new or existing program which exceeds the level or
76 scope of such institution's accreditation."

77 **SECTION 2.**

78 All laws and parts of laws in conflict with this Act are repealed.