

The House Committee on Higher Education offers the following substitute to HB 184:

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

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 the cost of tuition of one credit hour per student enrolled. All fees collected  
47 pursuant to this paragraph shall be deposited in the state treasury to the credit of the  
48 general fund, and no fees 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 the cost of tuition of one credit hour per student enrolled. All fees collected  
71 pursuant to this paragraph shall be deposited in the state treasury to the credit of the  
72 general fund, and no fees 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.