

2015 HOUSE EDUCATION

HB 1045

2015 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Pioneer Room, State Capitol

HB 1045
1/12/2015
21821

- Subcommittee
 Conference Committee

Committee Clerk Signature

Donna Whetham

Explanation or reason for introduction of bill/resolution:

Relating to minimum standards to operate postsecondary educational institution and postsecondary career school course and program compliance with professional registration and certification requirements

Attachments # 1,2,3,4

Minutes:

Chairman Nathe: Opened the hearing on HB 1045.

Representative Mark Sanford: District 17 Grand Forks and I chaired the Interim Higher Ed committee this bill is the result of one of the reports that we received. (see Attachment #1). The 2013 Legislative Assembly enacted bill to provide the State Board of Higher Education with regulatory authority over private degree granting institutions of Higher Ed. The bill provided for the Board to report to the Legislative Management regarding the status of implementing the provisions of the bill (see Attachment #1) Purpose of this bill is when a private institution has some kind of variation from accreditation or some variation from curriculum offered. (See Attachment #1&2) (07:11)

Chairman Nathe: Any questions for Representative Sanford. Last session with the University of Phoenix, people were using that online course, if they were to change their procedures would that fall under this?

Representative Sanford: Yes. If they lost accreditation in the program, yes.

Chairman Nathe: Any questions? Seeing none. Any more support of HB1045.

Dr.Tanya Spilovoy: Regulator for post -secondary degree-granting institutions for the State of ND: Testifying in support for HB 1045 see (Attachment #3). We are trying to avoid any student from completing a program and then discovering the institution is not accredited, every institution should declare to the student whether or not their program meets state licensing board requirements. We do have institutions that do meet the law of

exemption status but don't meet the licensing board requirements for a particular program. North Dakota Board of Nursing does a great job, they actually review all of the programs that come to ND and apply, many other states licensing boards don't do that. This helps to protect our citizens from bad acting institutions, as I am. (See Attachment #3).

Chairman Nathe: Any questions? In regards to your in writing would that include email or are you talking hard copy letter sent to the student?

Dr. Tanya Spilovoy: You know I think the "in writing" is a very general and incomprehensible legal term, I looked at a few other states and the Sara agreement which has similar language in it, the (State Authorization Reciprocity Agreement) requires the same thing that I'm asking you to require is that institutions provide in writing. I'd like to say exactly how they have to provide the written statement but in the age of technology most institutions post it on their website, they say we enroll students but not in these states because we are not authorized and we won't enroll you in nursing because we aren't authorized in nursing in ND. Generally the written disclosure statement will be on their website.

Chairman Nathe: So is that sufficient for your estimation the disclosure statement?

Dr. Tanya Spilovoy: (16:34) As a person who is concerned for students and especially for consumer protection, I know that our students don't go out and try to find this information, there is never enough opportunities to educate a student on what accreditation is, what licensure requirements are, who they are really answering to for the states licensing. We possibly will miss a few students but at least I would sleep at night knowing that I am doing the best I can to get the students the information. A student called me and said Grand Canyon is trying to enroll be in their nursing program, but they aren't authorized by the state board of nursing. I said "how can I help you"? She answered, the school representatives said maybe I should enroll now and hopefully in the future they will be accredited. I said are you willing to take that kind of a risk with your money and time and your education, and she said "no".

Chairman Nathe: Any questions?

Rep Rohr: So nursing has this under control in ND, what programs are we talking about here?

Dr. Tanya Spilovoy: Nursing does a great job but there are other institutions out there and when you look at the sheer numbers of institutions that are coming here, they know we have money, they know we have a higher population, and so this is a great market place for institutions who are looking to serve our students and not all of them has checked in with the nursing board. What this would do would force them to check in with the Nursing Board and declare whether or not they meet those requirements.

Rep Rohr: (18:44) So we're just talking it will affect the nursing or are there other fields?

Dr. Tanya Spilovoy: This would impact all kinds of licensing boards in the state. All this does is make sure the institution tells the student prior to enrollment, whether or not their program meets state licensing meets state licensing for that program.

Chairman Nathe: Any other questions?

Rep Kelsh: (20:00) Why is the tribal college, Jamestown college and University of Mary exempt in law? Do they comply with what needs to be done or what was the reason they were exempted in law?

Dr. Tanya Spilovoy: That is a good question and it predates me as a regulator, the Legislative session set up the law to exempt those institutions, some states do exempt private post-secondary institutions and tribal colleges some states has some over site, it is how ND has decided to do this.

Rep Hunskor: Does this apply to the teaching profession then too?

Dr. Tanya Spilovoy: It does sir, yes.

Chairman Nathe: Any other questions, seeing none. Anyone else in support of 1045.

Debra Huber: (2100) State Board for Career and Technical Education: In Support of HB 1045, we support the parallel changes that we see in this bill with regard to private career schools. We have noted in the past that institutions had a practice of just offering a student a disclaimer that puts the responsibility on that student for figuring out whether or not an individual program will meet state licensing requirements. What his bill would do would strengthen student consumer protections by putting that responsibility on schools to understand and declare if they meet state requirements. (Attachment #4)

Chairman Nathe: In your opinion a disclaimer is enough versus having to send the student an email or anything else?

Debra Huber: (21:53) No what I meant to explain was, it has simply been a practice especially with schools who are seeking to do business in 50 different states. Rather than contact 50 different boards and discern whether or not those programs meet those requirements, they would like to publish a statement online or in their catalog that says if this program leads to licensure student please be advised that you must check with the state you are intended to be licensed in. How this would strengthen the student protection is that the school would actually have the responsibility on them to investigate all the requirements and then make a statement as to whether or not then need that or not. That would be a step up from a disclaimer. (See Attachment #4).

Chairman Nathe: Any questions? None.

Dr. Constance Kalanek: Executive Director of ND Board of Nursing: The Board reviews and surveys nursing programs in the state and that also includes all the Tribals and

University of Mary and Jamestown. The Board Nursing is accredited Department of Education to survey, review and approve nursing programs. We've worked hand in hand with the Career and Technical Ed in University System to meet the high standards in our state. One of the components required of all nursing programs in ND is that they have a clinical component across the lifespan. Why would you not have that? There are programs that do not require clinical and those are the programs if the student in ND wants to attend that program our board would not recognize that particular program. Nursing is a hands on profession and clinical is one of the primary components that is important in that education. We have rules that actually speaks to the requirement. With the number of programs coming in on line has created a heavy work load for our staff. We are recognizing 100's of programs that do meet the requirements. We have over a thousand students that are enrolled in programs that are not a ND program. We do feel that at this point we have a pretty good handle on it from the changes that have been made in the law in the past 4-5 years. Prior to that we had no idea who was here. That's when we had students that would apply to take the licensing exam and then would not meet the requirements to take the exam. (25:14) I recall a student a few years ago she was a veteran and she had taken a baccalaureate nursing program completed it and then applied to our state to sit for the licensing exam but that program was not accredited or approved anywhere. I agree with the recommendation in writing or some notation so the student will actually have that information.

Chairman Nathe: Any questions? None. Any further support for HB 1045.

Opposition: None.

Chairman Nathe: Closed the hearing on HB 1045.

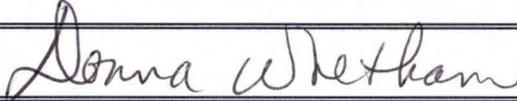
2015 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Pioneer Room, State Capitol

HB 1045
1/20/2015
22246

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to minimum standards to operate postsecondary educational institution and postsecondary career school course and program compliance with professional registration and certification requirements

Attachment # 1

Minutes:

Chairman Nathe : Reopened the hearing on HB 1045

Rep Rohr: You have the amendment before you, explained the amendment (See Attachment #1)

Chairman Nathe: Does the amendment go into section 4.

Rep Rohr: No, look at Section 1 shall give written notification and Section 2 has to do with the compliance. The second statement is for notifying for licensure or registration issue for certification. forjust to take into consideration of the people who testified, just for clarification (See Attachment #1).

Chairman Nathe: So this amended language would come in right after line 23 on the first page.

Rep Rohr: I did talk with Representative Sanford who is part of the Higher Ed funding committee and he thought it would be ok to leave it and see how it would go, but with the testimony given I decided to go ahead with the amendment.

Chairman Nathe: In section 3 page2 line 22 and 23 it would then say school shall give written notification. Just want to make sure everyone is clear on the amendments.

Rep Rohr: When they go through the amendments during the session this is what will be given them on the floor.

Chairman Nathe : Yes it will on the 6th order.

Rep Mock: This just changes the language so it is written notice because it was just they shall notify which could just be a disclaimer on the bottom of a website?

Rep Rohr: Yes. Also it helps operationalize the bill.

Rep Schreiber Beck: Written notification, what is that, would a disclaimer be enough, from a legal standpoint?

Rep Rohr: The disclaimer already exists and that is not enough it has to be written notification to the student.

Chairman Nathe : Written notice may be an e-mail.

Rep Schreiber Beck: But a disclaimer in a legal sense would be in writing so that's my point. We may not be clearing up anything.

Rep Zubke: Each one of these is directed to a particular individual, from a legal standpoint I don't think a disclaimer would constitute giving written notice to the student.

Rep Rohr : Do you want to delay this another day?

Chairman Nathe: I am comfortable with that.

Rep Mock: I feel fairly comfortable because it is written notification to the individual and that they wanted written notification inserted in the bill, the intent of this is to provide a paper trail that is verified that the individual received the notification and we have the record I believe Rep Rohrs' intent is to provide the student or board written notification and that a disclaimer will not suffice. I do believe this would suffice.

Chairman Nathe : I agree, I think we are fine with what we have here.

Rep Olson: I concur with that.

Rep Ben Koppelman: I Move the amendment .

Rep Olson: Seconded.

Voice vote for amendment. All ayes. Motion Carried to amend.

Chairman Nathe : We now have an amended bill before us, your wishes?

Rep Olson: Moved Do Pass

Rep Ben Koppelman: seconded.

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Page 3

Chairman Nathe : Any other discussion on the bill as amended. Seeing none .

A Roll Call Vote was taken. Yes: 13 No: 0 Absent: 0

Rep Rohr: will carry the bill.

8/1-2015

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1045

Page 1, line 19, replace "notify" with "give written notification to"

Page 2, line 2, replace "notify" with "give written notification to"

Page 2, line 6, replace "notify" with "give written notification to"

Page 2, line 22, replace "notify" with "give written notification to"

Page 3, line 2, replace "notify" with "give written notification to"

Page 3, line 5, replace "notify" with "give written notification to"

Renumber accordingly

Date: 11/20/15
 Roll Call Vote #: 1

**2015 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1045**

House Education Committee

Subcommittee

Amendment LC# or Description: 15.0127.01001

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Rep Koppelman Seconded By Rep Olson

Representatives	Yes	No	Representatives	Yes	No
Chairman Nathe			Rep. Hunsakor		
Vice Chairman Schatz			Rep. Kelsh		
Rep. Dennis Johnson			Rep. Mock		
Rep. B. Koppelman					
Rep. Looyesen					
Rep. Meier					
Rep. Olson					
Rep. Rohr					
Rep. Schreiber Beck					
Rep. Zubke					

Void Vote!

Motion Carried

Total (Yes) _____ No _____

Absent _____

Floor Assignment Rep. Rohr

If the vote is on an amendment, briefly indicate intent:

Motion Carried to Adopt Amendment

Date: 11/20/15
 Roll Call Vote #: 2

**2015 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1045**

House Education Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Rep Olson Seconded By Rep Koppelman

Representatives	Yes	No	Representatives	Yes	No
Chairman Nathe	✓		Rep. Hunskor	✓	
Vice Chairman Schatz	✓		Rep. Kelsh	✓	
Rep. Dennis Johnson	✓		Rep. Mock	✓	
Rep. B. Koppelman	✓				
Rep. Looyesen	✓				
Rep. Meier	✓				
Rep. Olson	✓				
Rep. Rohr	✓				
Rep. Schreiber Beck	✓				
Rep. Zubke	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Rep Rohr

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1045: Education Committee (Rep. Nathe, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1045 was placed on the Sixth order on the calendar.

Page 1, line 19, replace "notify" with "give written notification to"

Page 2, line 2, replace "notify" with "give written notification to"

Page 2, line 6, replace "notify" with "give written notification to"

Page 2, line 22, replace "notify" with "give written notification to"

Page 3, line 2, replace "notify" with "give written notification to"

Page 3, line 5, replace "notify" with "give written notification to"

Renumber accordingly

2015 SENATE EDUCATION

HB 1045

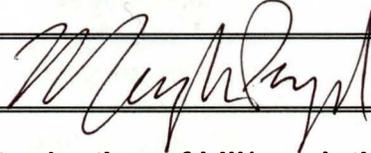
2015 SENATE STANDING COMMITTEE MINUTES

Education Committee
Missouri River Room, State Capitol

HB 1045
2/11/2015
Job # 23651 (16)

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

INITIAL HEARING

relating to postsecondary educational institution and career school course

Minutes:

2 attachments

Mark Sanford, District 17 Representative

Representative Sanford: The 2013 Legislative Assembly enacted a bill to provide the state board of higher education with regulatory authority over private degree granting institutions of higher education. The bill provided that the board would report to legislative management regarding the status of implementing the provisions of the bill. The committee received that report and learned that the duty of regulating private, post-secondary institutions is split between the state board of higher education and the board of career and tech education. The board of higher education regulates the private schools offering associates and arts degrees or higher while the board of career and tech education regulates private schools offering credentials below the associate's level. When we received the report, a representative of the University System expressed concern that some program curriculum offered by private institutions in the state does not correspond with the licensing requirements of a certain profession. For example a student who completes a private school nursing program may not meet all of the requirements in order to be licensed as a nurse in the state. The University System requested that the committee consider a bill to address that type of issue.

There are 4 sections in the bill. The first two sections relate to the state board of higher education and the last two relate to the board of career and tech education. Sections 1 and 3 are similar and essentially require private institutions to notify the appropriate board when they have a change in accreditation. Sections 2 and 4 require private institutions to notify both enrolled and potential students of course compliance with the registration or certification requirements of the appropriate professional board in the state.

This is a two year old law and so I wonder how many this has affected. Between August of 2013 and April of 2014, 290 institutions submitted an application for an authorization or exemption from these requirements. Of those 8 had been authorized, 103 have received an

exemption, and the remainder are being reviewed. It was not a bill that wasn't there without a good cause.

(6:30) Tanya Spilovoy, NDUS (see attachment #1)

Spilovoy: I support this draft. If you look at the different layers of regulation in the state, we gave institutions that are regulated by post-secondary degree granting institutions. Associates and higher go to the North Dakota University system and I am the regulator for that. I do not have the purview to see if institutions meet all of the licensing requirements for all the different licensing boards in the state. We may run into an institution could possibly meet all of the state laws to have an exemption in the state but offer a program such as nursing and not meet the licensing requirements set by that state board. We would like to make the institution do their work. Prior to enrolling the student, an institution's website needs to say we either meet the North Dakota standards, do not meet the standards, or we don't know. I support this bill, and ask one minor change from a regulatory standpoint. I would like to see it in writing for evidence.

Chairman Flakoll: That is already amended.

Spilovoy: Yes, I see. The House must have already amended it. That is covered then.

Senator Davison: How long have you been with the University system?

Spilovoy: 2 years.

Senator Davison: Was the university system late in the strategic planning?

Spilovoy: I don't know the answer to that. This bill deals with accreditation for institutions outside of the University System such as Rasmussen, Capella or University of Montana.

Chairman Flakoll: It does not regulate Dickenson state for instance.

Spilovoy: That is correct.

Debra Huber, ND Department of Career and Technical Education (see attachment #2)

Chairman Flakoll closes the hearing.

Senator Oban moves a DO PASS on engrossed HB 1045.

Senator Davison seconds the motion.

A vote was taken: Yes: 5, No: 0, Absent: 1

Vice Chairman Rust later votes "Yes".

Motion passes 6:0

Senator Oban will carry the bill.

**2015 SENATE EDUCATION COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1045**

Senate Education Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Senator Oban Seconded By Senator Davison

Senators	Yes	No	Senators	Yes	No
Chairman Flakoll	X		Senator Marcellais	X	
Vice Chairman Rust	X		Senator Oban	X	
Senator Davison	X				
Senator Schaible	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Oban

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1045, as engrossed: Education Committee (Sen. Flakoll, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1045 was placed on the Fourteenth order on the calendar.

2015 TESTIMONY

HB 1045

HOUSE BILL NO. 1045

Attac... # 1 HB
1045
1/12/15

The 2013 Legislative Assembly enacted a bill to provide the State Board of Higher Education with regulatory authority over private degree granting institutions of higher education. The bill provided for the board to report to the Legislative Management regarding the status of implementing the provisions of the bill.

The committee received a report from the University System and learned the bill provisions have been implemented. The committee also learned that the duty of regulating private postsecondary institutions is split between the State Board of Higher Education and Board of Career and Technical Education. The Board of Higher Education regulates private schools offering associate's in arts degrees or higher while the Board of Career and Technical Education regulates private schools offering credentials below the associate's level.

While receiving the report, a representative of the University System expressed concern that some program curriculum offered by private institutions in the state does not correspond with licensing requirements for the profession. For example, a student that completes a private school nursing program may not meet all of the educational requirements required to be licensed as a nurse in the state. The University System requested that the committee consider a bill to address this issue. As a result, the committee reviewed the issues and recommended House Bill No. 1045.

The bill has four sections - the first two sections relate to the State Board of Higher Education and Sections 3 and 4 relate to the Board of Career and Technical Education. Section 1 and 3 are the similar and require private institutions to notify the appropriate board within 30 days of any changes to the institution's accreditation status. Sections 2 and 4 require private institutions to notify both enrolled and potential students of course compliance with the registration or certification requirements of the appropriate professional board in the state. Using my previous example regarding nursing students, this bill would require students to be notified that the program they are considering does not comply with the licensing requirements of the State Board of Nursing.

As I mentioned before this bill was requested by representatives of the University System so I'll conclude my comments and let the University System further explain the needs of this bill.

Note: Certain private institutions are exempt from registering with the SBHE or CTE board including tribal colleges and private institutions operating in the state that were first chartered before July 1, 1977 (Jamestown, Mary).

Attachment 2
HB 1045 11/2/15

AUTHORIZATION TO OPERATE PRIVATE POSTSECONDARY INSTITUTIONS

Chapter 15-18.1 as enacted by 2013 House Bill No. 1103 provides the State Board of Higher Education with regulatory authority over private degree granting institutions of higher education. The board is to establish and require compliance with minimum standards for postsecondary institutions and adopt policies to implement the standards. The standards and criteria must include quality of education; ethical and business practices; and health, safety, and fiscal responsibility. Section 15 of 2013 House Bill No. 1103 required the State Board of Higher Education to provide a report to a Legislative Management interim committee regarding the process of the board in implementing and administering the provisions of the bill.

Report

Representatives of the University System provided a report to the committee regarding the implementation and administration of requirements to operate private postsecondary institutions in the state. The committee learned the University System has implemented the provisions of Chapter 15-18.1 and is requiring private postsecondary institutions operating in the state to register with the board unless the institution has an exemption. The committee learned that from August 2013 through April 2014, 290 institutions submitted an application for authorization or exemption. Of these, 8 have been authorized, 103 have received an exemption, and the remainder are being reviewed.

Committee Recommendation

The committee recommends House Bill No. 1045 to require private postsecondary institutions to notify the State Board of Higher Education or Board of Career and Technical Education of any changes to the institution's accreditation status. The bill also requires private postsecondary institutions to notify current or potential students if a program or course complies with the certification requirements of the appropriate professional board in the state.

3 HB 1045
1/12/15

Good Morning Chairman and Members of the Committee:

My name is Tanya Spilovoy and I serve as the regulator for post-secondary degree-granting institutions for the State of North Dakota. Currently, there are 420 institutions that have applied for authorization to operate in North Dakota. Some institutions have a building or classroom space in North Dakota, and others operate solely online. It is important that all institutions operating in North Dakota meet accreditation and financial stability standards and adhere to state laws. It is also important that consumers know whether or not offered programs meet state licensure board requirements. For example, it would be devastating for a student to complete a laboratory tech program only to find out that the program does not meet the North Dakota Board of Clinical Laboratory Practice standards.

I am in support of HB 1045. However, I believe the current language might be difficult to regulate for compliance. My recommendation is to add two words. "In Writing" so that there is documented evidence that an institution has complied with this proposed law.

Compliance with professional board registration and certification requirements.

A postsecondary career school shall notify potential students [in writing] applying for enrollment in a course or program that customarily leads to professional registration or certification of the status of the course or program compliance with the registration or certification requirements of the appropriate professional board in the state. A postsecondary career school shall notify all students [in writing] enrolled in a program or course that customarily leads to professional registration or certification of any change in the status of the course or program compliance with the registration or certification requirements of the appropriate professional board in the state.

1/12/15
Attachment #5
HB 1045

HB 1045

Testimony

House Education Committee

January 12, 2015

Mr. Chairman and Members of the Committee:

My name is Debra Huber and I am employed by the North Dakota Department of Career and Technical Education. The North Dakota State Board for Career and Technical Education is responsible for the oversight of private career schools seeking to operate in North Dakota. I am here to speak in support of HB 1045.

The bill would strengthen existing student-consumer protections by mandating that private career schools provide timely notification regarding any changes to their accreditation status. In addition, the bill would mandate private career schools to notify students regarding a program's level of compliance with North Dakota's professional licensing boards' requirements. In practice, many schools have simply offered potential students a disclaimer, notifying them to do their own research with regard to whether a program meets licensing requirements. This change correctly places the responsibility of understanding (and ultimately, meeting) state licensing requirements with the school.

We support these changes that will ultimately benefit our State's student-consumers.

#1 HB1045
Proposed amendment
1/20/15

15.0127.01000

Sixty-fourth

Legislative Assembly

of North Dakota

Introduced by

Legislative Management

(Higher Education Funding Committee)

A BILL for an Act to create and enact a new section to chapter 15-18.1 and a new section to chapter 15-20.4 of the North Dakota Century Code, relating to postsecondary educational institution and postsecondary career school course and program compliance with professional registration and certification requirements; and to amend and reenact sections 15-18.1-05 and 15-20.4-04 of the North Dakota Century Code, relating to minimum standards to operate postsecondary education institutions and postsecondary career schools.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-18.1-05 of the North Dakota Century Code is amended and reenacted as follows:

15-18.1-05. Minimum standards.

All postsecondary educational institutions must be accredited by national or regional accrediting agencies recognized by the United States department of education. The board may additionally require such further evidence and make such further investigation as in its judgment may be necessary. Any postsecondary educational institution operating in this state seeking its first authorization to operate may be issued a provisional authorization to operate on an annual basis until the institution becomes eligible for accreditation by a recognized accrediting agency. Institutions issued a provisional authorization to operate must demonstrate a substantial

good-faith showing of progress toward such status. Only upon accreditation may an institution become eligible for a regular authorization to operate. An institution shall ~~notify~~ give written notification to the board within thirty days of any change to the institution's accreditation status.

Page No. 1

15.0127.01000

Sixty-fourth

Legislative Assembly

SECTION 2. A new section to chapter 15-18.1 of the North Dakota Century Code is created and enacted as follows:

Compliance with professional board registration and certification requirements.

A postsecondary educational institution shall ~~notify~~ give written notification to potential students applying for enrollment in a course or program that customarily leads to professional registration or certification of the status of the course or program compliance with the registration or certification requirements of the appropriate professional board in the state. A postsecondary educational institution shall ~~notify~~ give written notification to all students enrolled in a program or course that customarily leads to professional registration or certification of any change in the status of the course or program compliance with the registration or certification requirements of the appropriate professional board in the state.

SECTION 3. AMENDMENT. Section 15-20.4-04 of the North Dakota Century Code is amended and reenacted as follows:

15-20.4-04. Minimum standards - Exceptions.

1. All postsecondary career schools must be accredited by national or regional accrediting agencies recognized by the United States department of education. The board may additionally require such further evidence and make such further investigation as in its judgment may be necessary. Any postsecondary career school

operating in this state seeking its first authorization to operate may be issued a provisional authorization to operate on an annual basis until the school becomes eligible for accreditation by a recognized accrediting agency. Schools issued a provisional authorization to operate must demonstrate a substantial good-faith showing of progress toward such status. Only upon accreditation shall a school become eligible for a regular authorization to operate. A school shall ~~notify~~ give written notification to the board within thirty days of any change to the school's accreditation status.

2. This section does not apply to postsecondary career schools operating in this state that do not grant degrees and that offer mainly hands-on training in low census occupations, as determined by the board. "Degree" as used in this subsection means a document that provides evidence or demonstrates completion of a course of instruction that results in the attainment of a rank or level of associate or higher.

SECTION 4. A new section to chapter 15-20.4 of the North Dakota Century Code is created and enacted as follows:

Page No. 2

15.0127.01000

Sixty-fourth

Legislative Assembly

Compliance with professional board registration and certification requirements.

A postsecondary career school shall ~~notify~~ give written notification to potential students applying for enrollment in a course or program that customarily leads to professional registration or certification of the status of the course or program compliance with the registration or certification requirements of the appropriate professional board in the state. A postsecondary career school shall ~~notify~~ give written

notification to all students enrolled in a program or course that customarily leads to professional registration or certification of any change in the status of the course or program compliance with the registration or certification requirements of the appropriate professional board in the state.

#1
2/11/15

HB1045

Senate Education Committee
February 10, 2015
Tanya Spilovoy, Ed. D.
701.224.2498 | tanya.spilovoy@ndus.edu

Good Morning Chairman and Members of the Committee:

My name is Tanya Spilovoy and I serve as the regulator for post-secondary degree-granting institutions for the State of North Dakota. Currently, there are 420 institutions that have applied for authorization to operate in North Dakota. Some institutions have a building or classroom space in North Dakota, and others operate solely online. It is important that all institutions operating in North Dakota meet accreditation and financial stability standards and adhere to state laws. It is also important that consumers know whether or not offered programs meet state licensure board requirements. For example, it would be devastating for a student to complete a laboratory tech program only to find out that the program does not meet the North Dakota Board of Clinical Laboratory Practice standards.

I am in support of HB 1045. However, I believe the current language might be difficult to regulate for compliance. My recommendation is to add two words. "In Writing" so that there is documented evidence that an institution has complied with this proposed law.

Compliance with professional board registration and certification requirements.

A postsecondary career school shall notify potential students [in writing] applying for enrollment in a course or program that customarily leads to professional registration or certification of the status of the course or program compliance with the registration or certification requirements of the appropriate professional board in the state. A postsecondary career school shall notify all students [in writing] enrolled in a program or course that customarily leads to professional registration or certification of any change in the status of the course or program compliance with the registration or certification requirements of the appropriate professional board in the state.

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Testimony

Senate Education Committee

February 11, 2015

Mr. Chairman and Members of the Committee:

My name is Debra Huber and I am employed by the North Dakota Department of Career and Technical Education. The North Dakota State Board for Career and Technical Education is responsible for the oversight of private career schools seeking to operate in North Dakota.

HB 1045 would strengthen existing student-consumer protections by requiring that private career schools provide timely notification regarding any changes to their accreditation status. In addition, the bill would mandate private career schools to notify students regarding a program's level of compliance with North Dakota's professional licensing boards' requirements. In practice, many schools have simply offered potential students a disclaimer, advising them to do their own research with regard to whether a program meets licensing requirements. This change correctly places the responsibility of understanding (and ultimately, meeting) state licensing requirements with the school.

We support these changes that will ultimately benefit our state's student-consumers, and thank you for your consideration.