



2014 NOV 26 PM 12:05

OFFICE OF THE
SECRETARY

VINCENT C. GRAY
MAYOR

NOV 26 2014

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
1350 Pennsylvania Avenue, NW, Suite 504
Washington, DC 20004

Dear Chairman Mendelson:

I have enclosed, for consideration by the Council of the District of Columbia, emergency legislation "Education Licensure Commission Emergency Amendment Act of 2014" and accompanying declaration and temporary version.

Approval of this legislation is necessary to extend authority to the Education Licensure Commission to require institutions physically located outside the District of Columbia offering postsecondary degree granting or non-degree granting online programs or courses to District of Columbia residents to be licensed in the District of Columbia; and to provide the Commission with the authority to enter into reciprocity agreements with regards to online course.

As always, I am available to discuss any questions you may have regarding the proposed contract agreement. In order to facilitate a response to any questions concerning this proposed contract agreement, please have your staff contact Christina Setlow at (202) 724-1513.

I look forward to your favorable consideration of this proposed legislation.

Sincerely,

A handwritten signature in black ink that reads "Vincent C. Gray".
Vincent C. Gray


Chairman Phil Mendelson at the request
of the Mayor

A RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to amend the District of Columbia Education Licensure Act of 1976 to extend authority to the Commission to require institutions physically located outside the District of Columbia offering postsecondary degree granting or non-degree granting online programs or courses to District of Columbia residents to be licensed in the District of Columbia; and to provide the Commission with the authority to enter into reciprocity agreements with regards to online course.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Education Licensure Commission Emergency Declaration Resolution of 2014".

Sec. 2. (a) The District of Columbia seeks to ensure that a wide array of post-secondary learning opportunities is available for our residents. Across the country, at least seven million students are using online technology to access post-secondary courses. Post-secondary online distance education expands learning opportunities by providing flexible, accessible methods to acquiring new skills and fulfilling degree requirements.

(b) The rapid growth of distance education has brought to the forefront the need to provide a coherent and comprehensive structure that focuses on consumer protection and security while maintaining the unique features of online distances learning. Students in online distance

1 education programs require stronger protections because they are completing their courses and
2 programs outside of the visibility of traditional oversight and monitoring structures. Many other
3 states have already taken the step to protect their residents and the District must move forward to
4 keep up with best practices in postsecondary licensing.

5 (c) Since the current Education Licensure Commission law does not specifically require
6 schools outside the of the District offering online distance education programs to DC residents to
7 be licensed, District residents are left unprotected against unethical practices by false or
8 misleading postsecondary entities. Therefore, a need exists to protect District residents who may
9 be unable to assess the legitimacy, quality, or legality of a post-secondary educational institution.

10 (d) Currently, over 100 postsecondary institutions outside of the District are already
11 providing distance education to District residents and have inquired with the Education
12 Licensure Commission about getting licensed. Until the changes proposed in this emergency
13 legislation are made, there is no guidance that the Education Licensure Commission can provide
14 to these institutions and no basic standards or safeguards that the Education Licensure
15 Commission can require of these institutions.

16 (e) Furthermore, District-based postsecondary institutions that are engaging in distance
17 education in other jurisdictions must navigate multiple state licensing requirements which are
18 both cumbersome and costly. The changes in this emergency legislation will allow the
19 Education Licensure Commission to enter into reciprocity agreements with other jurisdictions
20 regarding licensing online distance education programs, which would result in ensuring security
21 and consumer protections while making the process and costs for providing distance education
22 far less involved. The Education Licensure Commission is already in discussion to enter into a
23 State Authorization Reciprocity Agreement (SARA) but cannot move forward with this until it
24 has the legal authority to license distance education programs.

1 (f) Without this emergency legislation, private and public higher education institutions in
2 the District, including the University of the District of Columbia (UDC), will have to pay fees to
3 each state to conduct online learning programs in their respective states. This is extremely
4 expensive and burdensome for the District’s institutions of higher learning. Thus, this
5 emergency legislation, through the SARA, will save both UDC and the District’s private higher
6 education institutions in the District tens of thousands of dollars in fees in the coming months.

7 Sec. 3. The Council of the District of Columbia determines that the circumstances
8 enumerated in section 2 constitute emergency circumstances making it necessary that the
9 “Education Licensure Commission Emergency Amendment Act of 2014” be adopted after a
10 single reading.

11 Sec. 4. This resolution shall take effect immediately.