



SPONSOR: Rep. Wilson-Anton & Rep. Longhurst & Sen. Pinkney  
Rep. Osienski; Sen. Poore

HOUSE OF REPRESENTATIVES  
151st GENERAL ASSEMBLY

HOUSE BILL NO. 481

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE DELAWARE HIGHER  
EDUCATION OFFICE AND APPROVAL OF POSTSECONDARY INSTITUTIONS.

1           WHEREAS, the higher education industry has expanded substantially to online and for-profit programs, leaving  
2 residents with little access to resources to evaluate the quality and validity of programs compared to traditional programs at  
3 postsecondary institutions; and

4           WHEREAS, institutional closure is on the rise across the country, leaving students without options to complete  
5 their credentials or obtain refunds for financial aid; and

6           WHEREAS, persons may choose to offer courses without incorporating in Delaware, leaving Delaware residents  
7 without a path to monitor quality and student protections; and

8           WHEREAS, the Delaware Higher Education Office has integrated into the Department of Education and aligned  
9 its priorities to support students in the transition into post-secondary education such that several of the Office's previous  
10 responsibilities are no longer under its purview; and

11           WHEREAS, students enrolled in postsecondary education want a transparent system that offers high quality  
12 courses and protections in the event of school closure; and

13           WHEREAS, Delaware has seen a rise of persons opening postsecondary institutions without incorporating and  
14 without the Department's authorization, thereby exposing students to predatory practices and loan servicing.

15           NOW, THEREFORE:

16           BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all  
17 members elected to each house thereof concurring therein):

18           Section 1. Amend Chapter 1, Title 14 of the Delaware Code by making deletions as shown by strike through and  
19 insertions as shown by underline as follows:

20           Subchapter II. Powers and Duties

21           § 121. General powers of the Department of Education.

22           (a) The Department shall exercise general control and supervision over the public schools of the State, including:

23 (16) ~~Determining criteria to be met and procedures to be followed by institutions of postsecondary education~~  
24 ~~that offer courses, programs of courses, or degrees within the State but that are not institutions either incorporated in~~  
25 ~~Delaware or located in Delaware except for the purpose of offering the particular courses, programs of courses, or~~  
26 ~~degrees referred to above. The administration of the authority herein granted shall be carried out according to rules and~~  
27 ~~regulations of the Department as authorized in § 122 of this title; and Establishing the criteria for and approving the~~  
28 ~~operation of postsecondary institutions in the State that are not established by law and authorizing postsecondary~~  
29 ~~institutions that are not established by law to confer degrees;~~

30 (17) ~~Collecting, integrating-integrating, and reporting longitudinal student and educator data for such purposes~~  
31 ~~as implementing federal- or state-required education performance accountability measures; conducting research and~~  
32 ~~evaluation regarding federal, state and local education-education, and training programs; and conducting audits and~~  
33 ~~ensuring compliance of those programs with applicable federal and state requirements-requirements; and~~

34 (18) Approving Delaware colleges for Veteran's Administration programs.

35 § 122. Rules and regulations.

36 (b) The Department shall prescribe rules and regulations:

37 (8) ~~Providing for the licensing of any institution of higher education, public or private, which is not~~  
38 ~~incorporated in the State or which is not established according to Delaware law, whether the main office of that~~  
39 ~~institution is located within the State or in any state of the United States or in any nation of the world, if that institution~~  
40 ~~offers any course, program of courses, or degree at a location within the State or by correspondence to residents of the~~  
41 ~~State. Regulations on this subject shall include provisions for the identification and licensing of any agent of such an~~  
42 ~~institution who contacts persons within the State, in person or by correspondence, for the purpose of soliciting~~  
43 ~~enrollment by a permanent or temporary resident of the State in any such course, program of courses, or degree. The~~  
44 ~~Department shall also determine the minimum requirements for the presentation of any course or program of courses~~  
45 ~~and for the issuing of academic, normal school, collegiate, professional or university degrees of any level by such~~  
46 ~~institutions as are not otherwise authorized by Delaware law to determine such requirements. Rules and regulations~~  
47 ~~pursuant to this paragraph shall be proposed by the Secretary subject to approval by the State Board of Education;~~  
48 Implementing the Delaware Higher Education Office's purpose and responsibilities, governing postsecondary  
49 institutions that are not established according to Delaware law, and administering student assistance programs. Rules  
50 and regulations adopted pursuant to this subsection are subject to the approval of the State Board of Education;

51 Subchapter V. Delaware Higher Education Office

52 § 181. Responsibilities.

53 The Office ~~shall~~ shall do all of the following:

54 (1) Ensure that state resources for higher education are targeted ~~on to~~ state priorities serving Delawareans;  
55 Delawareans.

56 (2) Ensure that higher education is accessible and affordable ~~to~~ for all Delaware students who qualify for  
57 admission by providing financial assistance and guidance ~~services~~; services.

58 (3) Strengthen the role and impact of higher education in elementary and secondary education reform,  
59 achievement of student performance ~~expectations~~ expectations, and teacher professional ~~development~~; development.

60 ~~(4) Ensure that higher education curricula and student achievement standards are aligned with Delaware's~~  
61 ~~workforce development needs; [Repealed.]~~

62 ~~(5) Ensure that higher education and elementary and secondary education curricula and student achievement~~  
63 ~~standards are aligned to facilitate student readiness to enter college; [Repealed.]~~

64 (6) Enhance the capacity for quality data collection and reporting to meet federal mandates, regional and  
65 interstate contractual agreements, and national data sharing ~~requirements~~; requirements.

66 (7) In cooperation with the Department of Education, identify and implement methods to ensure a seamless  
67 transition for Delaware residents from elementary and secondary education to postsecondary ~~education~~; education.

68 (8) Ensure that higher education services reflect changing needs and capabilities by exploring regional and  
69 national trends, and recommending implementation as ~~appropriate~~; appropriate.

70 (9) Promote student academic preparation for higher education and ~~facilitate families help educate~~  
71 Delawareans on saving for college; college.

72 (10) Expand education opportunities available through interstate ~~agreements~~ agreements, such as the Southern  
73 Regional Education Board (SREB), ~~the American Education Services (AES) and the State University of New York~~  
74 ~~(SUNY) Maritime College, (SREB) and the State Higher Education Executive Officers Association (SHEEO), and~~  
75 publicize and promote their ~~use~~; use.

76 ~~(11) Expand and promote use of quality technology opportunities in higher education, including distance~~  
77 ~~learning and Internet-based options; [Repealed.]~~

78 (12) Monitor and assist in resolution of consumer complaints related to student financial assistance, academic  
79 ~~credit~~ credit, and credit transfer; coordinate efforts as appropriate with the Department of Justice and private consumer  
80 protection ~~agencies~~; agencies.

81 ~~(13) Promote and help focus private sector giving for student financial assistance; [Repealed.]~~



112           (a) No person may operate a postsecondary institution without having obtained a certificate of approval from the  
113 Department. In order for the Department to issue a certificate of approval, a person must have the power to confer degrees  
114 from another state or territory, meet all of the statutory requirements in this subchapter, meet all of the regulatory  
115 requirements set forth in the Department's regulations adopted pursuant to this subchapter, and pay the application fee.  
116 Notwithstanding the foregoing, the Department may issue a certificate of approval to a person who has the power to confer  
117 degrees from another state or territory and meets the requirements of a reciprocity agreement to which the Department is a  
118 party. A certificate of approval is not transferrable.

119           (1) If a person does not have approval to confer degrees from another state or territory and the person wishes  
120 to confer degrees, the person must obtain approval to confer degrees from the Department as provided in § 125 of Title  
121 8.

122           (2) Postsecondary institutions located outside of the United States and its territories may be considered for  
123 approval to confer degrees from the Department only upon accreditation from an accrediting agency.

124           (b) The person's certificate of approval must be displayed on the person's website and made available to students  
125 upon request.

126           (c) A certificate of approval is issued for a five-year period. A person must submit an application to renew a  
127 certificate of approval prior to the certificate of approval expiring.

128           § 187. Application requirements and procedures.

129           (a) A person desiring to obtain a certificate of approval must submit a verified application to the Department  
130 setting forth all of the following information:

131           (1) The name of the postsecondary institution and ownership and controlling officers' information.

132           (2) The specific courses, programs of courses, or certificates or degrees that will be offered.

133           (3) The facility or facilities where instruction will be given, including all websites, applications, or technology  
134 through which courses will be offered.

135           (4) The educational and teaching qualifications of instructors and administrators.

136           (5) The defined mission with goals and objectives.

137           (6) The financial resources and records.

138           (7) The need to establish operations in the State.

139           (8) Insurance to maintain the postsecondary institution's solvency in case of loss by fire, fraud, or other causes  
140 to protect the postsecondary institution in liability matters, and to assure the postsecondary institution's continuity of  
141 operation.

- 142           (9) Funding in the event of closure.
- 143           (10) Accrediting agency.
- 144           (11) Organizational pattern and administrative structure.
- 145           (12) Student services.
- 146           (13) Admission, retention, and graduation standards.
- 147           (14) Evaluation of faculty, program, and facilities and resources.
- 148           (15) Learning resources.
- 149           (16) Catalog.
- 150           (17) The address of the person's registered office and the name and address of the person's registered agent  
151 for service of process in the State.
- 152           (18) The disclosure of any criminal history and violations of local, state, or federal law.
- 153           (b) The application must also contain all of the following commitments:
- 154           (1) The person will conduct the postsecondary institution in accordance with federal, state, and local law, and  
155 the rules and regulations established by the Department.
- 156           (2) The person has appointed and will maintain a registered office and registered agent for service of process  
157 in the State.
- 158           (3) The person has and will maintain sufficient funds or a surety bond issued by a company authorized to do  
159 business in the State in the amount required by the Department in its rules and regulations that will protect the  
160 contractual rights of students.
- 161           (4) The person has and will maintain a teach-out plan that includes any information required by the  
162 Department and states all of the following:
- 163           a. The postsecondary institution will make all reasonable efforts to ensure that any closure of the  
164 postsecondary institution complies with the requirements of § 192 of this title.
- 165           b. Any institutional financial aid agreement offered to a student must contain language stating that, in the  
166 event of a closure that is not in compliance with § 192 of this title, the institutional debt will be void and will not  
167 be recovered, collected, or enforced.
- 168           (5) The person has and will maintain a cancellation policy which must provide a full refund of moneys paid  
169 by a student if the student's enrollment was procured as a result of any misrepresentation in advertising, promotional  
170 materials of the postsecondary institution, or representations by the person or a representative of the postsecondary  
171 institution or other violation of § 193 of this title.

172           (6) The person will permit the Department to inspect the postsecondary institution and to make available to  
173 the Department information pertaining to the activities required for the administration of this subchapter.

174           (7) All advertising and solicitation, whether direct or indirect, will be free from misrepresentation, deception,  
175 or fraud, and no fraudulent or deceptive statements will be made as to possible future employment opportunities or  
176 wage expectations.

177           (c) The application must be signed by the person under oath.

178           (d) The application must be submitted to the Department with the applicable fee.

179           (e) The Department's regulations shall provide the criteria to be met for approval and the procedures to be  
180 followed by an applicant for a certificate of approval.

181           § 188. Restriction of certificate to fields indicated in application; supplementary applications.

182           A person's certificate of approval is restricted to the courses, programs of courses, and programs that lead to a  
183 certificate or degree that are specified in the person's application for the certificate of approval. The holder of a certificate  
184 of approval must submit a supplemental application to the Department for approval of additional courses, programs of  
185 courses, and programs that lead to a certificate or degree it desires to offer during the effective period of the certificate of  
186 approval.

187           § 189. Fees.

188           The Department may establish application fees for approval and renewal of a certificate of approval. The  
189 Department shall set the fees in an amount that approximately and reasonably reflect the costs of administering this  
190 subchapter. An application fee may not be refunded in the event that the certificate of approval is denied or revoked. Fees  
191 must be deposited in the General Fund of the State.

192           § 190. Denial of certificates of approval.

193           (a) The Department may deny an application for a certificate of approval or an application to renew a certificate of  
194 approval for any of the following causes:

195           (1) Violating this subchapter or any rule or regulation made by the Department.

196           (2) Furnishing false, misleading, or incomplete information to the Department or failure to furnish information  
197 requested by the Department.

198           (3) Any person, who signed an application, entered a plea of nolo contendere to, or was found guilty of any  
199 crime involving moral turpitude.

200           (4) Any person who signed an application, is found by competent medical authority to be addicted to the use  
201 of any narcotic drug, other than a drug currently prescribed for treatment, or is found mentally incompetent.

202           (5) Violating any commitment made in the application for a certificate of approval.

203           (6) Presenting or causing to be presented to prospective students information that is false, misleading, or  
204 fraudulent.

205           (7) Failing to provide or maintain premises or equipment in a safe and sanitary condition as required by laws,  
206 regulations, or ordinances applicable to the location of the postsecondary institution.

207           (8) Failing to maintain financial resources adequate for the satisfactory conduct of the courses or programs  
208 offered or to retain sufficient and qualified instructional and administrative staff.

209           (9) Offering a course, program of courses, or program that leads to a certificate or degree that has not been  
210 approved by the Department.

211           (10) Failing to meet the criteria for approval.

212           (11) Failing to maintain state licensing requirements for applicable offerings.

213           (12) An act or practice by a person or an agent of the person that violates local, state, or federal law.

214           (b) Whenever the Department proposes to deny an application for a certificate of approval or an application for the  
215 renewal of a certificate of approval, it shall first give written notice to the applicant of the reasons for denial and the  
216 opportunity for a hearing before the Secretary. The applicant must be afforded at least 20 calendar days from the date the  
217 notice is mailed to request a hearing. If no written request for a hearing is received by the Secretary, the applicant's  
218 application is deemed denied as set forth in the notice and the Department shall notify the applicant the application is  
219 denied.

220           (c) Any hearing before the Secretary must be held within 90 calendar days of the date the Secretary receives a  
221 request for a hearing. Notice of the hearing must be given at least 20 calendar days before the day it is held.

222           (d) All hearings must be conducted by the Secretary or the Secretary's designee, who must prepare a proposed  
223 order for the Secretary's consideration. In connection with such hearings, the Secretary or the Secretary's designee has the  
224 power to administer oaths; issue subpoenas for witnesses and the production of books, accounts, papers, records, and  
225 documents; exclude plainly irrelevant, immaterial, insubstantial, cumulative, and privileged evidence; and limit unduly  
226 repetitive proof, rebuttal, and cross-examination.

227           (e) The burden of proof in a certificate of approval denial action is on the applicant to show by a preponderance of  
228 evidence that the applicant should not be denied a certificate of approval because the applicant meets the requirements to be  
229 issued a certificate of approval.

230           § 191. Revocation of Certificates of Approval.



231 (a) The Department may revoke a certificate of approval that has been issued to a person for any of the following  
232 causes:

233 (1) Violating this subchapter or any rule or regulation made by the Department.

234 (2) Furnishing false, misleading, or incomplete information to the Department or failure to furnish information  
235 requested by the Department.

236 (3) Violating any commitment made in the application for a certificate of approval.

237 (4) Presenting or causing to be presented to prospective students information that is false, misleading, or  
238 fraudulent.

239 (5) Failing to provide or maintain premises or equipment in a safe and sanitary condition as required by laws,  
240 regulations, or ordinances applicable to the location of the postsecondary institution.

241 (6) Failing to maintain financial resources adequate for the satisfactory conduct of the courses or programs  
242 offered or to retain sufficient and qualified instructional and administrative staff.

243 (7) Offering a course, program of courses, or program that leads to a certificate or degree that has not been  
244 approved by the Department.

245 (8) Failing to meet the criteria for approval.

246 (9) Failing to maintain state licensing requirements for applicable offerings.

247 (10) An act or practice by a person or an agent of the person that violates local, state, or federal law.

248 (b) Whenever the Department proposes to revoke a certificate of approval, it shall first give written notice to the  
249 certificate holder of the reasons for revocation and the opportunity for a hearing before the Secretary. The applicant must be  
250 afforded at least 20 calendar days from the date the notice is mailed to request a hearing. If no written request for a hearing  
251 is received by the Secretary, the certificate holder's certificate is revoked as set forth in the notice and the Department shall  
252 notify the holder the holder's certificate is deemed revoked.

253 (c) Any hearing before the Secretary must be held within 90 calendar days of the date the Secretary receives a  
254 request for a hearing. Notice of the hearing must be given at least 20 calendar days before the day it is held.

255 (d) All hearings must be conducted by the Secretary or the Secretary's designee who must prepare a proposed  
256 order for the Secretary's consideration. In connection with such hearings, the Secretary or the Secretary's designee has the  
257 power to administer oaths; issue subpoenas for witnesses and the production of books, accounts, papers, records, and  
258 documents; exclude plainly irrelevant, immaterial, insubstantial, cumulative, and privileged evidence; and limit unduly  
259 repetitive proof, rebuttal, and cross-examination.

260 (e) The burden of proof in a certificate of approval revocation action is on the Department to show by a  
261 preponderance of evidence that there is cause for revoking a certificate of approval.

262 § 192. Ceasing operation.

263 (a) All postsecondary institutions that have been approved to confer degrees under this subchapter or private  
264 business and trade schools that have been approved to operate under Chapter 85 of this title shall perform all of the  
265 following duties prior to ceasing operation:

266 (1) Promptly notify the Department, in writing, of any known financial liabilities or risks that will likely result  
267 in the imminent closure of the institution or otherwise adversely affect the institution's ability to fulfill its obligations  
268 to admitted and currently enrolled students within 45 days of obtaining knowledge of any financial liability or risk.

269 (2) Promptly notify the Department and all admitted and currently enrolled students, in writing, of any  
270 decision to cease operation within 45 days of the institution's governing body deciding to close the institution.

271 (3) Provide the Department with monthly progress reports on the status of communications to students,  
272 faculty, and stakeholders as well as the development of arrangements for currently enrolled students via teach-out plan  
273 or articulation agreement, beginning 30 days after notifying the Department of the decision to cease operation and  
274 continuing every 30 days thereafter until the institution is closed.

275 (4) Notify all currently enrolled students and students enrolled during the five prior years, in writing, of the  
276 process for obtaining student records after the institution's closure and points of contact for transferring credits,  
277 financial aid, information about students' rights and responsibilities as student loan borrowers, athletics, and support  
278 services three months before the institution ceases operation.

279 (5) Notify all currently enrolled students of the potential to discharge any federal student loans under the  
280 federal Closed School Discharge program or other applicable federal law three months before the institution ceases  
281 operation.

282 (6) Identify a custodian of student records and notify the Department of the custodian and point of contact for  
283 student records three months before the institution ceases operation.

284 (7) Provide the Department with the institution's plan for providing monetary refunds to students and, if  
285 applicable, a copy of the institution's current surety bond three months before the institution ceases operation.

286 (8) Provide the Department with the institution's teach-out plan, report, and responses to the institution's  
287 accrediting agency upon submission to or receipt from the accrediting agency three months before the institution ceases  
288 operation.

289           (9) In the event of a merger with another institution that is authorized to operate under this subchapter, both  
290           institutions will coordinate with the Department to submit an application for a certificate of approval for the newly  
291           created institution.

292           (b) As used in this section, “student records” means all those documents that are necessary to provide a meaningful  
293           record of student performance and financial aid, including all of the following:

294                   (1) Academic records, including written evaluations and competency assessments.

295                   (2) Catalogues.

296                   (3) Change of grade forms.

297                   (4) Class lists, including original grade sheets.

298                   (5) Commencement programs/graduation lists.

299                   (6) Schedules of classes.

300                   (7) Financial aid transcripts and supporting documents.

301           § 193. Consumer fair practices and complaints.

302           (a) This section applies to all postsecondary institutions and private business and trade schools as defined in  
303           Chapter 85 of this title.

304           (b) All postsecondary institutions and private business and trade schools and their representatives are subject to the  
305           Consumer Fraud Act of subchapter II of Chapter 25 of Title 6. Recruitment, admissions, contractual agreements, student  
306           financial assistance, obligations to repay student loans, placement assistance, job placement rates, advertising, refund  
307           policies, accreditation, and transferability of credits are within the definition of “merchandise” in § 2511 of Title 6.

308           (c) A statement offering a program of study printed in the institutional catalog at the time of a student’s enrollment  
309           in the program is deemed to constitute a representation that the student has a reasonable expectation of completion of the  
310           program within the timeframe specified by the Department in regulation.

311           (d) No person, directly or through an agent, may use the terms “approval,” “approved,” “authorized,” “approved to  
312           operate,” “approval to operate,” “authorized to operate,” “approved to confer degrees,” “approval to confer degrees,”  
313           “authorized to confer degrees,” “certificate,” “certificate of approval,” “certified,” or similar language without having been  
314           issued a certificate of approval by the Department and, if applicable, approval to confer degrees from the Department as  
315           provided in § 125 of Title 8.

316           (e) No person, directly or through an agent, may make a statement that a postsecondary institution or its courses of  
317           instruction have been accredited unless the accrediting agency is identified.

318 (f) No person, directly or through an agent, may make a statement that a postsecondary institution or its courses of  
319 instruction have been approved by a state or the federal government unless the approval can be substantiated by a certificate  
320 or letter of approval issued by the approving agency of the state or federal government.

321 (g) A violation of subsection (c), (d), (e), or (f) of this section is an unlawful practice under § 2513 of Title 6 and a  
322 violation of subchapter II of Chapter 25 of Title 6.

323 (h) If a student enters into a financial agreement with an institution at a time the institution was not compliant with  
324 the requirements of § 186 or Chapter 85 of this title, the financial agreement is void. Any moneys paid to the institution  
325 under the agreement must be refunded to the student.

326 (i) Any written complaints alleging a violation of this subchapter that the Department receives will be reviewed by  
327 the Department. The Department will provide information on potential violations of this subsection or the Consumer Fraud  
328 Act to the Department of Justice.

329 (j) The Department's authority to act under this subsection is independent of a determination by the Department of  
330 Justice or a court that a person violated this subsection or the Consumer Fraud Act.

331 § 194. Regulations.

332 The Department of Education is authorized to adopt rules and regulations to implement this subchapter, subject to  
333 the State Board of Education's approval.

334 Section 3. Amend Chapter 85, Title 14 of the Delaware Code by making deletions as shown by strike through and  
335 insertions as shown by underline as follows and by redesignating accordingly:

336 § 8501. Definitions.

337 ~~As used in this chapter, unless the context otherwise requires~~ For purposes of this chapter:

338 (1) "Agent" means a person employed by a school as defined herein, whether such school is located within or  
339 outside Delaware, to act as an agent, solicitor, ~~broker~~ broker, or independent contractor to directly procure students or  
340 enrollees for such school by solicitation in any form made at any place in this State other than the office or place of  
341 business of the school.

342 (2) ~~"Board" means the State Board of Education.~~ [Repealed.]

343 § 8526. Penalty.

344 (a) ~~Any person or corporation found to be violating this chapter shall, if a person, an individual, be punished by a~~  
345 ~~fine not to exceed of a minimum of \$500 for each offense,~~ or by imprisonment for a period not to exceed 1 year, or ~~both~~  
346 ~~both; such fine and imprisonment;~~ and, if a ~~corporation,~~ an artificial entity, shall be punished by a ~~fine not to exceed of a~~  
347 ~~minimum of \$1,000 for each offense.~~ Any ~~officer or agent of a corporation or member or agent of a copartnership or~~

348 ~~association, organization or representative of an organization shall be is~~ subject to the penalties herein prescribed for  
349 ~~individuals; individuals.~~ and the State's attorney for the county where such offense is committed shall prosecute all persons  
350 ~~violating this chapter upon proper complaint being made.~~

351 § 8530. ~~Disposition of student records by postsecondary institutions~~ Ceasing operation.

352 ~~(a) Notwithstanding any exemptions to the contrary in this chapter, all postsecondary institutions authorized,~~  
353 ~~approved or licensed by the Department of Education to operate in the State under this chapter or under § 125 of Title 8~~  
354 ~~prior to discontinuing operation shall perform the following duties:~~

355 ~~(1) Notify in writing the Department of Education and all currently enrolled students of the decision to cease~~  
356 ~~operation;~~

357 ~~(2) Notify in writing all currently enrolled students, and students enrolled during the 5 prior years, that~~  
358 ~~information concerning student records may be obtained from the Department of Education;~~

359 ~~(3) Convey all student records to the Department of Education, or to another location designated by the~~  
360 ~~Department, for safekeeping and for reproduction as requested by the students.~~

361 ~~(b) As used in this section, "student records" shall mean all those documents that are necessary to provide a~~  
362 ~~meaningful record of student performance and financial aid and shall include, but not be limited to, the following:~~

363 ~~(1) Academic records, including written evaluations, competency assessments, etc.;~~

364 ~~(2) Catalogues;~~

365 ~~(3) Change of grade forms;~~

366 ~~(4) Class lists, including original grade sheets;~~

367 ~~(5) Commencement programs/graduation lists;~~

368 ~~(6) Schedules of classes;~~

369 ~~(7) Financial aid transcripts and supporting documents.~~

370 All schools that have been approved to operate under this chapter shall perform the duties set forth in § 192 of this  
371 title prior to ceasing operation.

#### SYNOPSIS

This Act will amend the Delaware Code relating to the powers of the Delaware Higher Education Office and the state authorization of private postsecondary institutions. The intent of the Act is to increase consumer protections for students enrolled in private postsecondary institutions as it relates to student loans, distance education, and predatory practices. The Act will also clarify the current functions of the Delaware Higher Education Office relating to student support for transitions into postsecondary education and execution of state financial aid programs through the elimination of functions that are no longer under the purview of the Delaware Higher Education Office. This Act establishes responsibilities for certain postsecondary institutions, private schools, and trade schools prior to ceasing operation.

This Act changes the penalty for an individual violating chapter 85 from a fine not to exceed \$500 to a fine of a minimum of \$500 for each offense and changes the penalty for a person violating chapter 85 from a fine not to exceed \$1,000 to a fine of a minimum of \$1000 for each offense.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Finally, this Act requires a greater than majority vote for passage because § 11 of Article VIII of the Delaware constitution requires the affirmative vote of three-fifths of the members elected to each house of the General Assembly to impose a fee.