

2017 -- H 5661

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO EDUCATION -- PRIVATE SCHOOLS

Introduced By: Representatives Messier, Morin, Kazarian, McNamara, and Fellela

Date Introduced: March 01, 2017

Referred To: House Health, Education & Welfare

(Office of Postsecondary Commissioner)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 16-40-1 and 16-40-2 of the General Laws in Chapter 16-40
2 entitled "Private Schools [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]"
3 are hereby amended to read as follows:

4 **16-40-1. Approval of secondary and higher schools by board -- Certification to**
5 **secretary of state.**

6 (a) No academy, college, university, or other institution of secondary or higher education
7 shall be incorporated or established in this state or be permitted to transact business, unless
8 exempt pursuant to § 16-40-10, within this state unless and until:

9 (1) Suitable provision, approved by the council on elementary and secondary education
10 or the council on postsecondary education, shall be made that the academy, college, university, or
11 institution is in compliance with the provisions of this chapter and with the regulations and
12 standards for approval adopted by the appropriate council or full board to implement this chapter;
13 and

14 (2) For institutions offering an associates degree or higher, the institution has initiated
15 discussions, that are evidenced by a writing, with the New England Association of Schools and
16 Colleges (NEASC) regarding potential accreditation; ~~;~~ or

17 (3) For distance learning purposes only a degree granting institution has full accreditation
18 by a regional accrediting agency recognized by the United States Department of Education and
19 equivalent to NEASC.

1 (b) The secretary of state, upon the receipt by him or her under the provisions of the
2 general laws of articles of association purporting to establish an educational institution, shall
3 transmit the articles of association to the appropriate council and shall not issue the certificate of
4 incorporation provided by the general laws unless and until the commissioner of elementary and
5 secondary education or the commissioner of the office of post-secondary education shall file with
6 the secretary of state a certificate over his or her signature that the appropriate council has
7 approved the application for incorporation as complying with the requirements of this section.

8 **16-40-2. Authority to grant degrees not presumed.**

9 Authority to grant academic, collegiate, professional, or other degrees recognizing
10 learning, scholarship, or achievement shall not be included in, or presumed to be part of, the
11 functions of a corporation or of an institution of education unless its charter or the articles of
12 association shall specifically indicate that the institution is nonprofit and specifically indicate the
13 power to grant degrees and the nature of the degrees to be granted; and no corporation or
14 association shall grant academic, collegiate, professional, or similar degrees without specific
15 authorization; and for institutions offering an associates degree or higher, has received full New
16 England Association of Schools and Colleges (NEASC) accreditation [or for distance learning](#)
17 [purposes only a degree granting institution has full accreditation by a regional accrediting agency](#)
18 [recognized by the United States Department of Education and equivalent to NEASC](#) within five
19 (5) years of its incorporation or establishment within this state or five (5) years of being permitted
20 to transact business within this state unless exempt pursuant to § 16-40-10.

21 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION -- PRIVATE SCHOOLS

1 This act would require accreditation by a regional accrediting agency recognized by the
2 United States Department of Education for distance learning institutions to transact business or
3 grant degrees in Rhode Island.

4 This act would take effect upon passage.

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