

SB0427/764336/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 427

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “schools” insert “and certain for-profit institutions of higher education”; strike beginning with “including” in line 7 down through “funds;” in line 8; and in line 15, after “circumstances;” insert “providing for the application of a certain provision of this Act;”.

AMENDMENT NO. 2

On page 2, in lines 8, 13, and 18, in each instance, after “SCHOOL” insert “**OR FOR-PROFIT INSTITUTION OF HIGHER EDUCATION**”; in line 8, strike “**10-101(J)**” and substitute “**10-101**”; in lines 10, 14, and 20, in each instance, after “LICENSURE” insert “**OR CERTIFICATION**”; strike in their entirety lines 15 through 17, inclusive; after line 17, insert:

“(2) THE STATE ENTITY THAT LICENSES OR CERTIFIES INDIVIDUALS IN THE FIELD REQUIRES AS A CONDITION OF LICENSURE OR CERTIFICATION THAT THE PRIVATE CAREER SCHOOL OR FOR-PROFIT INSTITUTION OF HIGHER EDUCATION ATTENDED BY THE INDIVIDUAL SATISFIES A STATUTORY OR REGULATORY REQUIREMENT, AND THE SCHOOL DOES NOT SATISFY THE REQUIREMENT; OR”;

in line 18, after “AWARE” insert “**OR REASONABLY SHOULD HAVE BEEN AWARE**”; in line 19, strike “**CHARACTERISTICS OF THE STUDENT OR OF THE PROGRAM**” and substitute “**FACTORS**”; in the same line, strike “**WOULD**” and substitute “**MAY**”; and in line 20, strike “**SEEK**” and substitute “**PURSUE**”.

AMENDMENT NO. 3

(Over)

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On page 3, strike in their entirety lines 16 through 30, inclusive; after line 30, insert:

“(2) (I) THE FOR-PROFIT INSTITUTIONS OF HIGHER EDUCATION FUND AND THE PRIVATE CAREER SCHOOL FUND SHALL BE USED:

1. IN THE EVENT OF A SCHOOL CLOSURE BY A FOR-PROFIT INSTITUTION OF HIGHER EDUCATION OR A PRIVATE CAREER SCHOOL, TO PROVIDE A FULL REFUND OF TUITION AND FEES INCURRED BY A STUDENT THAT HAVE NOT BEEN REIMBURSED OR DISCHARGED;

2. SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, TO PROVIDE A REFUND, AS DETERMINED BY THE SECRETARY, OF TUITION AND FEES INCURRED BY A STUDENT THAT HAVE NOT BEEN REIMBURSED OR DISCHARGED, IF A FOR-PROFIT INSTITUTION OF HIGHER EDUCATION OR A PRIVATE CAREER SCHOOL FAILS TO:

A. PERFORM FAITHFULLY ANY ENROLLMENT AGREEMENT OR CONTRACT WITH THE STUDENT; OR

B. COMPLY WITH ANY PROVISIONS OF THIS ARTICLE;
OR

3. FOR ANY OTHER REASON DIRECTLY RELATED TO THE ORIGINAL PURPOSE OF THE FUND DEEMED APPROPRIATE BY THE SECRETARY.”;

and in line 31, strike “(iii)” and substitute “**(II)**”.

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On page 4, in lines 14 and 20, strike “(iv)” and “(v)”, respectively, and substitute “(III)” and “(IV)”, respectively.

AMENDMENT NO. 4

On page 4, in line 25, after “CLAIM” insert “UNDER PARAGRAPH (2)(II)2 OF THIS SUBSECTION”; and in line 27, after “COMPLAINT” insert “FILED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH”.

AMENDMENT NO. 5

On page 6, after line 16, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That § 11-203(d)(2)(i)1 of the Education Article, as enacted by Section 1 of this Act, does not apply to a for-profit institution of higher education that underwent an orderly closure that included a teachout that was finalized on or before January 1, 2016.”;

and in line 17, strike “2.” and substitute “3.”.