

WAC 490-105-030 Definitions. In addition to the definitions in chapter 28C.10 RCW, the following definitions also apply in interpreting the act and the rules and regulations:

"Accreditation" is a status granted to a school by one or more of the accrediting organizations recognized and approved by the U.S. Secretary of Education. Accreditation is voluntary and does not imply automatic transfer of credits from one institution to another.

"Admission requirements" means the specific minimum criteria a school must use when accepting a student into the school.

"Auxiliary location" means a physical location where training occurs that is located at a reasonable distance from the main school address, for off-campus activities as part of a program. See WAC 490-105-060.

"Distance education" means education provided by written correspondence or any electronic medium for a student, who is enrolled in a private vocational school in pursuit of an occupational objective, does not include education provided primarily at an approved physical site or training establishment.

"Externship/internship" means an educational course which is offered as part of an educational program that includes on-the-job training.

"Fees" except when used in the context of fees assessed by the agency, means a charge assessed to students which are intended to cover noninstructional expenses. All fees as defined herein must be itemized.

"Just cause" means a reasonable and lawful basis for an agency action, supported by substantial evidence. Just cause requires a consideration of the following factors, with no single factor being determinative:

(a) Whether the school's conduct violated the Private Vocational Schools Act (chapter 28C.10 RCW), agency regulations (chapter 490-105 WAC), or other applicable legal requirements;

(b) Whether the school's conduct was consistent with its own policies, the terms of its catalogs or enrollment agreements, and other representations made by the school;

(c) Whether a violation was committed willfully, or with serious disregard for known risks;

(d) Whether the school has a history of substantiated violations;

(e) Whether the school's conduct was reasonable;

(f) Whether the school's conduct jeopardized the health, safety, or welfare of students or the public;

(g) Whether the school's conduct resulted in harm to persons or property;

(h) Whether there is an imminent risk of future harm to persons or property;

(i) Whether a complete investigation has been performed;

(j) Whether the agency's action is proportional to the school's conduct.

For the purpose of licensing, an "out-of-state" school is a school located outside of Washington that offers education solely outside of Washington or via distance education which solicits, recruits, and enrolls students in the state of Washington.

"Ownership" of a school means:

(a) In the case of a school owned by an individual, that individual sole proprietor;

(b) In the case of a school owned by a partnership, all full, silent, and limited partners having a ten percent or more ownership interest;

(c) In the case of a school owned by a corporation, the corporation, each corporate director, officer, and each shareholder owning shares of issued and outstanding stock aggregating at least ten percent of the total of the issued and outstanding shares;

"Physical presence" includes, but is not limited to, maintaining a mailing address within the state of Washington, the presence of a facility or equipment; the presence of electronic, paper, and other types of records; the presence of a speaking agent, manager, resident director, or similar administrator; the presence of direct advertising and marketing to Washington residents or field placements, including externships, clinicals, or practica as part of an educational program and taking place within the state of Washington.

"Private vocational school" is further defined to include instruction at the postsecondary level that is intended for use by individuals who have either completed high school or beyond the age of compulsory school attendance. Instruction or training offered to pre-kindergarten, kindergarten, elementary, or secondary school students is not encompassed by the act.

"Provisional license" means a short-term license issued with contingencies. The agency may issue a provisional license for good cause including, but not limited to:

- (a) Satisfying the conditions of a corrective action plan after an "at-risk" determination;
- (b) Protecting the health, safety, and welfare of students;
- (c) Remedying a hardship for the school or students.

"Revoke" as used in RCW 28C.10.050(3) means an agency action that terminates a school's license. The agency's executive director or designee may revoke a school's license for just cause.

"Sponsored student" means a student whose tuition and fees are being paid, in whole or in part, by a sponsoring agency or business.

"Sponsoring agency" any federal, state, or local government agency is a sponsoring agency when it contracts with a private vocational school in order to enroll an individual student in an educational program. An agency is not a sponsoring agency when it enters into a written arrangement with a private vocational school solely to: (a) Enroll a cohort of students; or (b) provide funding as a single sum for an undesignated number of students, whose eligibility for financial awards is determined by the private vocational school.

"Suspend" as used in RCW 28C.10.050(3) means an action by which the agency interrupts the school's authority to make offers of training. The agency's executive director or designee may suspend a school's license for just cause. An order of suspension prohibits the school from beginning instruction of new students for a maximum of thirty days. The school may remain in operation to continue training students in regular attendance on the date the suspension takes effect.

"Tuition" means the amount of money charged by schools to an individual student or their sponsor for an educational program. Monies paid pursuant to a written contract, negotiated between business organizations, to provide instruction exclusively to a cohort of an organization are not considered tuition, provided that costs are not charged to individuals.

"Washington resident" means an individual who has resided in Washington state for at least thirty days as determined by a driver's

license, identification card, utility bill, or other documentation acceptable to the agency.

[Statutory Authority: RCW 28.10.040 [28C.10.040]. WSR 15-24-088, § 490-105-030, filed 11/30/15, effective 12/31/15; WSR 08-04-110, § 490-105-030, filed 2/6/08, effective 3/8/08. Statutory Authority: RCW 28C.10.040(2). WSR 98-22-033, § 490-105-030, filed 10/29/98, effective 11/29/98.]