

CERTIFICATION OF ENROLLMENT

SENATE BILL 5402

60th Legislature
2007 Regular Session

Passed by the Senate April 16, 2007
YEAS 45 NAYS 0

President of the Senate

Passed by the House April 4, 2007
YEAS 92 NAYS 3

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5402** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5402

AS AMENDED BY THE HOUSE

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By Senators Kilmer, Delvin, Shin and Rockefeller; by request of
Workforce Training and Education Coordinating Board

Read first time 01/18/2007. Referred to Committee on Higher Education.

1 AN ACT Relating to private vocational school programs; and amending
2 RCW 28C.10.020, 28C.10.050, and 28C.10.120.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 28C.10.020 and 1993 c 445 s 1 are each amended to read
5 as follows:

6 Unless the context clearly requires otherwise, the definitions in
7 this section apply throughout this chapter.

8 (1) "Agency" means the work force training and education
9 coordinating board.

10 (2) "Agent" means a person owning an interest in, employed by, or
11 representing for remuneration a private vocational school within or
12 without this state, who enrolls or personally attempts to secure the
13 enrollment in a private vocational school of a resident of this state,
14 offers to award educational credentials for remuneration on behalf of
15 a private vocational school, or holds himself or herself out to
16 residents of this state as representing a private vocational school for
17 any of these purposes.

18 (3) "Degree" means any designation, appellation, letters, or words
19 including but not limited to "associate," "bachelor," "master,"

1 "doctor," or "fellow" which signify or purport to signify satisfactory
2 completion of an academic program of study beyond the secondary school
3 level.

4 (4) "Education" includes but is not limited to, any class, course,
5 or program of training, instruction, or study.

6 (5) "Educational credentials" means degrees, diplomas,
7 certificates, transcripts, reports, or documents, (~~or letters of~~
8 ~~designation, marks, appellations, series of letters, numbers, or words~~
9 ~~which~~) that signify (~~or appear to signify enrollment, attendance,~~
10 ~~progress, or~~) satisfactory completion of the requirements or
11 prerequisites for any educational program.

12 (6) "Entity" includes, but is not limited to, a person, company,
13 firm, society, association, partnership, corporation, or trust.

14 (7) "Private vocational school" means any location where an entity
15 is offering postsecondary education in any form or manner for the
16 purpose of instructing, training, or preparing persons for any vocation
17 or profession.

18 (8) "Probation" means the agency has officially notified a private
19 vocational school in writing that the school or a program offered by
20 the school has been identified by the agency as at risk and has
21 deficiencies that must be corrected within a specified time period.

22 (9) "Program" means a sequence of approved subjects offered by a
23 school that teaches skills and fundamental knowledge required for
24 employment in a particular occupation.

25 (10) "To grant" includes to award, issue, sell, confer, bestow, or
26 give.

27 ((+9)) (11) "To offer" includes, in addition to its usual
28 meanings, to advertise or publicize. "To offer" also means to solicit
29 or encourage any person, directly or indirectly, to perform the act
30 described.

31 ((+10)) (12) "To operate" means to establish, keep, or maintain
32 any facility or location where, from, or through which education is
33 offered or educational credentials are offered or granted to residents
34 of this state, and includes contracting for the performance of any such
35 act.

36 **Sec. 2.** RCW 28C.10.050 and 2005 c 274 s 247 are each amended to
37 read as follows:

1 (1) The agency shall adopt by rule minimum standards for entities
2 operating private vocational schools. The minimum standards shall
3 include, but not be limited to, requirements ~~((for each))~~ to assess
4 whether a private vocational school is eligible to obtain and maintain
5 a license in this state.

6 (2) The requirements adopted by the agency shall, at a minimum,
7 require a private vocational school to:

8 (a) Disclose to the agency information about its ownership and
9 financial position and to demonstrate to the agency that the school is
10 financially viable and responsible and that it has sufficient financial
11 resources to fulfill its commitments to students. Financial
12 disclosures provided to the agency shall not be subject to public
13 disclosure under chapter 42.56 RCW;

14 (b) Follow a uniform statewide cancellation and refund policy as
15 specified by the agency;

16 (c) Disclose through use of a school catalog, brochure, or other
17 written material, necessary information to students so that students
18 may make informed enrollment decisions. The agency shall specify what
19 information is required;

20 (d) Use an enrollment contract or agreement that includes: (i) The
21 school's cancellation and refund policy, (ii) a brief statement that
22 the school is licensed under this chapter and that inquiries may be
23 made to the agency, and (iii) other necessary information as determined
24 by the agency;

25 (e) Describe accurately and completely in writing to students
26 before their enrollment prerequisites and requirements for (i)
27 completing successfully the programs of study in which they are
28 interested and (ii) qualifying for the fields of employment for which
29 their education is designed;

30 (f) Comply with the requirements of RCW 28C.10.084;

31 (g) Assess the basic skills and relevant aptitudes of each
32 potential student to determine that a potential student has the basic
33 skills and relevant aptitudes necessary to complete and benefit from
34 the program in which the student plans to enroll, including but not
35 limited to administering a United States department of education-
36 approved English as a second language exam before enrolling students
37 for whom English is a second language unless the students provide proof
38 of graduation from a United States high school or proof of completion

1 of a GED in English or results of another academic assessment
2 determined appropriate by the agency. Guidelines for such assessments
3 shall be developed by the agency, in consultation with the schools(~~(-~~
4 ~~The method of assessment shall be reported to the agency. Assessment~~
5 ~~records shall be maintained in the student's file))~~);

6 (h) Discuss with each potential student the potential student's
7 obligations in signing any enrollment contract and/or incurring any
8 debt for educational purposes. The discussion shall include the
9 inadvisability of acquiring an excessive educational debt burden that
10 will be difficult to repay given employment opportunities and average
11 starting salaries in the potential student's chosen occupation(~~(-~~);

12 ~~((2) Any enrollment contract shall have))~~ (i) Ensure that any
13 enrollment contract between the private vocational school and its
14 students has an attachment in a format provided by the agency. The
15 attachment shall be signed by both the school and the student. The
16 attachment shall stipulate that the school has complied with
17 ~~((subsection (1))~~(h) of this ~~((section))~~ subsection and that the
18 student understands and accepts his or her responsibilities in signing
19 any enrollment contract or debt application. The attachment shall also
20 stipulate that the enrollment contract shall not be binding for at
21 least five days, excluding Sundays and holidays, following signature of
22 the enrollment contract by both parties(~~(-~~

23 ~~(3) The agency shall deny, revoke, or suspend the license of any~~
24 ~~school that does not meet or maintain the minimum standards))~~; and

25 (j) Comply with the requirements related to qualifications of
26 administrators and instructors.

27 (3) The agency may deny a private vocational school's application
28 for licensure if the school fails to meet the requirements in this
29 section.

30 (4) The agency may determine that a licensed private vocational
31 school or a particular program of a private vocational school is at
32 risk of closure or termination if:

33 (a) There is a pattern or history of substantiated student
34 complaints filed with the agency pursuant to RCW 28C.10.120; or

35 (b) The private vocational school fails to meet minimum licensing
36 requirements and has a pattern or history of failing to meet the
37 minimum requirements.

1 (5) If the agency determines that a private vocational school or a
2 particular program is at risk of closure or termination, the agency
3 shall require the school to take corrective action.

4 **Sec. 3.** RCW 28C.10.120 and 1993 c 445 s 3 are each amended to read
5 as follows:

6 (1) Complaints may be filed under this chapter only by a person
7 claiming loss of tuition or fees as a result of an unfair business
8 practice. The complaint shall set forth the alleged violation and
9 shall contain information required by the agency on forms provided for
10 that purpose. A complaint may also be filed with the agency by an
11 authorized staff member of the agency or by the attorney general.

12 (2) The agency shall investigate any complaint under this section
13 and shall first attempt to bring about a negotiated settlement. The
14 agency director or the director's designee may conduct an informal
15 hearing with the affected parties in order to determine whether a
16 violation has occurred.

17 (3) If the agency finds that the private vocational school or its
18 agent engaged in or is engaging in any unfair business practice, the
19 agency shall issue and cause to be served upon the violator an order
20 requiring the violator to cease and desist from the act or practice and
21 may impose the penalties provided under RCW 28C.10.130. If the agency
22 finds that the complainant has suffered loss as a result of the act or
23 practice, the agency may order the violator to pay full or partial
24 restitution of any amounts lost. The loss may include any money paid
25 for tuition, required or recommended course materials, and any
26 reasonable living expenses incurred by the complainant during the time
27 the complainant was enrolled at the school.

28 (4) The complainant is not bound by the agency's determination of
29 restitution. The complainant may reject that determination and may
30 pursue any other legal remedy.

31 (5) The violator may, within twenty days of being served any order
32 described under subsection (3) of this section, file an appeal under
33 the administrative procedure act, chapter 34.05 RCW. Timely filing
34 stays the agency's order during the pendency of the appeal. If the
35 agency prevails, the appellant shall pay the costs of the
36 administrative hearing.

1 (6) If a private vocational school closes without providing
2 adequate notice to its enrolled students, the agency shall provide
3 transition assistance to the school's students including, but not
4 limited to, information regarding: (a) Transfer options available to
5 students; (b) financial aid discharge eligibility and procedures; (c)
6 the labor market, job search strategies, and placement assistance
7 services; and (d) other support services available to students.

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