Chapter 250-61 WAC
REGULATIONS FOR THE DEGREE AUTHORIZATION ACT

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

250-61-150 Tuition recovery trust fund account requirements. [Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-150, filed 12/8/94, effective 1/8/95; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-150, filed 11/20/86.] Repealed by 98-08-005, filed 3/18/98, effective 4/18/98.

250-61-220 Hearings. [Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-220, filed 12/8/94, effective 1/8/95.] Repealed by 09-02-008, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 28B.76.120 and 28B.85.020.

WAC 250-61-010 Purpose. The Degree-Granting Institutions Act, chapter 28B.85 RCW requires that degree-granting institutions operating in Washington obtain authorization from the higher education coordinating board, unless specifically exempted from the authorization requirement by the act. This chapter is declared by the board as a supplement to the act in order to establish necessary regulations for the authorization of degree-granting institutions.

The purpose of the act is to ensure fair business practices and adequate quality among degree-granting institutions operating in the state of Washington and to protect citizens against substandard, fraudulent, and deceptive practices.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-02-008, § 250-61-010, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-010, filed 12/8/94, effective 1/8/95; 93-01-103, § 250-61-010, filed 12/17/92, effective 1/17/93; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-010, filed 11/20/86.]

WAC 250-61-020 Applicability. A degree-granting institution shall not operate, conduct business, grant or offer to grant any academic courses or degree programs unless the institution has obtained authorization from the board, been granted a waiver of the requirements of authorization, or been determined by the board to be exempt.

The act applies to:

(1) Institutions granting or offering to grant degree programs and/or academic credit courses either at or from a location within the state; and

(2) Institutions maintaining or advertising a Washington location, mailing address, or telecommunications number for any purpose or any function of a degree-granting institution other than contact with the institution's former students; and

(3) Institutions specifically targeting Washington citizens with promotion of their degree programs and/or academic credit courses.

The act does not apply to degree programs and academic credit courses offered exclusively from outside the state through individual and private interstate communication.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-20-033, § 250-61-020, filed 9/30/09, effective 10/31/09; 09-02-008, § 250-61-020, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-020, filed 12/8/94, effective 1/8/95; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-020, filed 11/20/86.]

WAC 250-61-030 Delegation and board supervision. Unless otherwise indicated, the board delegates authority for administering the act and these rules to the executive director.

Actions taken pursuant to these rules by the executive director or designee shall be subject to supervision by the board.

Such actions shall be reported periodically to the board for its review.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-02-008, § 250-61-030, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-030, filed 12/8/94, effective 1/8/95; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-030, filed 11/20/86.]

WAC 250-61-040 Duties of executive director. In addition to other administrative responsibilities vested in the executive director of the higher education coordinating board under the act and this chapter, the executive director shall carry out the following administrative responsibilities:

(1) Process authorization applications, fee payments, bonds or security deposits, to include the denial and issuance of authorization, signed by the executive director or designee.

(2) Cause the payment of any unsatisfied final judgment against an authorized institution, from the resources available through the institution's surety bond or other security deposit.

(3) Upon written notice from an authorized institution, release the surety on the institution's bond or return the institution's security deposit, as prescribed in RCW 28B.85.070.

(4) In the event of impaired liability of the security, notify the institution of suspension until the security liability in the required amount, unimpaired by unsatisfied judgment claims, shall have been furnished.

(5) To the extent that there is a payment, release the security to the extent of the payment.

(6) Establish and maintain all records called for under the provisions of the act and this chapter.

(7) Maintain a current inventory of degree-granting institutions authorized or exempted under this chapter, including student complaints against such institutions.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-02-008, § 250-61-040, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-040, filed 12/8/94, effective 1/8/95; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-040, filed 11/20/86.]

WAC 250-61-050 Definitions. The definitions set forth in this section are intended to supplement the definitions in chapter 28B.85 RCW and shall apply throughout this chapter.

(1) "Act" means the Degree-Granting Institutions Act, chapter 28B.85 RCW.

(2) "Board" means the Washington higher education coordinating board.

(3) "Executive director" means the executive director of the board or the executive director's designee.

(4) "Accrediting association" means a national or regional accrediting association that is recognized by the board and the Secretary of the U.S. Department of Education.

(5) "Degree-granting institution" means an entity that offers educational credentials, instruction, or services prerequisite to or indicative of a degree.

(6) "College" means an institution which offers two-year and/or four-year programs culminating with associate and/or baccalaureate degrees. In some instances, a college may also offer first professional degree programs and/or graduate programs culminating with master's degrees.

(7) "University" means a multiunit institution with varied educational roles including instruction, promotion of scholarship, preservation and discovery of knowledge, research and public service. Such institutions provide a wide range of undergraduate and graduate studies, programs in professional fields, and may also provide programs leading to a doctorate.

(8) "Private vocational school" means a nonpublic entity that offers postsecondary programs designed to prepare individuals with the skills and training required for employment in a specific trade, occupation, or profession related to the educational program.

(9) "Seminary" means an institution which offers one or more professional programs to candidates for the ministry, rabbinate, or priesthood.

(10) "Degree" means any designation, appellation, letters, or words including but not limited to "associate," "bachelor," "master," "doctor," or "fellow" which signify or imply satisfactory completion of the requirements of an academic program of study at the postsecondary level.

(11) "Associate degree" means a lower division undergraduate degree that requires no fewer than 60 semester hours or 90 quarter hours.

(12) "Bachelor's degree" or "baccalaureate degree" means an undergraduate degree that requires no fewer than 120 semester hours or 180 quarter hours.

(13) "Master's degree" means a graduate degree that requires no fewer than 24 semester hours or 36 quarter hours beyond the baccalaureate degree.

(14) "Doctor's degree" or "doctorate" means a postgraduate degree that requires no fewer than 60 semester hours or 90 quarter hours beyond the baccalaureate degree.

(15) "False academic credential" means a document that signifies or implies satisfactory completion of the requirements of an academic program of study beyond the secondary level issued by a person or entity that:

(a) Is not accredited by a board-recognized accrediting association or does not have the international equivalent to such accreditation; or

(b) Is not authorized by the board; or

(c) Has not been exempted or granted a waiver from the requirements of authorization by the board.

Additionally, it can mean a credential falsely claimed to have been earned from an institution accredited by a board-recognized accrediting association; authorized by the board; or that has been exempted or granted a waiver by the board.

(16) "Program of study" means any course or grouping of courses prerequisite to or indicative of a degree.

(17) "Resident-based instruction" means a course or series of courses or degree programs which are taught by faculty at a specific location where students physically attend the course or program.

(18) "Distance learning" means a form of educational instruction other than classroom instruction, to include, but not limited to, correspondence, video-conferencing, television, internet transmission, or other electronic communication.

(19) "Credit" means the unit by which an institution measures its course work. The number of credit assigned to a course is generally defined by the number of hours per week in class and preparation and the number of weeks in a term. One credit is usually assigned for three hours of student work per week or its equivalent. The three hours of student work per week is usually comprised of a combination of one hour of lecture and two of homework or three hours of laboratory. Semester and quarter credits are the most common systems of measuring course work. A semester credit is generally based on at least a fifteen week calendar or 45 hours of student work. A quarter credit is generally based on at least a ten week calendar or 30 hours of student work.

(20) "Faculty" means personnel who are appointed by the institution for purposes of teaching, research, mentoring, advisory roles and/or other activities relating to the development and delivery of the instructional programs of the institution.

(21) "To operate" means but is not limited to the following:

(a) Offering courses for academic credit at any Washington location or via distance learning from a Washington location.

(b) Granting or offering to grant degrees in Washington for credit obtained within or outside the state.

(c) Maintaining or advertising a Washington location, mailing address, telecommunications number or internet server for any purpose or any other function of a degree-granting institution, other than contact with the institution's former students for any legitimate purpose related to their having attended.

(d) Advertising, promoting, publicizing, soliciting or recruiting for the institution or its offerings that is targeted

specifically at Washington citizens, excluding multi-institutional college fairs.

(22) "Suspend" means that, due to deficiencies, the board interrupts for a stated time the institution's authority to recruit and enroll new students, but it may continue serving currently enrolled students for the remainder of the term. Authorization or exemption may be reinstated, provided the deficiencies have been resolved to the satisfaction of the board.

(23) "Withdraw" means that, due to significant deficiencies or failure to meet the criteria of authorization or exemption, the board has withdrawn the authorization or exemption granted to an institution. Upon withdrawal, the institution must cease all degree-granting operations immediately.

(24) "Accredited institution" means an institution that has been accredited by an accrediting association recognized by the board and the Secretary of the U.S. Department of Education.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-20-033, § 250-61-050, filed 9/30/09, effective 10/31/09; 09-02-008, § 250-61-050, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-050, filed 12/8/94, effective 1/8/95; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-050, filed 11/20/86.]

WAC 250-61-060 Exemption criteria. No exemption from the requirements for degree authorization is considered to be permanent. The exemption granted is dependent upon the institution's maintenance of the conditions under which the exemption was granted.

The provisions of this chapter do not apply to:

(1) Honorary credentials clearly designated as such on the front side of the diploma or certificate and awarded by institutions offering other educational credentials in compliance with state law.

(2) Any public college, public university, public community college, or public technical college or institute operating as part of the public higher education system of this state.

(3) Institutions that have received institutional accreditation from an association recognized by the board and the Secretary of the U.S. Department of Education, Provided:

(a) The institution has been continuously offering degree program(s) in Washington for fifteen years or more; and

(b) The institution was established originally within the state of Washington and has operated as the same organization continuously from that date until the present. An institution is considered to have operated as the same organization continuously if it has no significant alteration of primary location, ownership, or incorporation and no closure involving cessation of substantially all organized instructional and administrative activity; and

(c) The institution has been accredited as a degree-granting institution for ten years or more by an accrediting association recognized by the board and the Secretary of the U.S. Department of Education, and maintains such accreditation status; and

(d) The institution maintains eligibility to participate in Title IV financial aid programs.

(4) A branch campus, extension center, or off-campus facility operating within the state of Washington, which is affiliated with an institution domiciled outside this state, Provided:

(a) It has continuously offered degree programs in Washington for fifteen years or more; and

(b) It has held separate institutional accreditation as a free-standing institution for ten years or more by an accrediting association recognized by the board and the Secretary of the U.S. Department of Education, and maintains such accreditation status; and

(c) It maintains eligibility to participate in Title IV financial aid programs.

(5) Institutions offering instruction on a federal enclave solely to federal employees and their dependents. If the institution offers or advertises instruction for other persons, the institution shall be subject to authorization.

(6) Tribally controlled Native American colleges.

(7) Institutions which offer program(s) of study whose sole stated objective is training in the religious beliefs of the controlling religious organization and/or preparation of students for occupations that are primarily church-related, Provided:

(a) The institution's mission reflects its religious nature; and

(b) The institution's degree program(s) in title and abbreviation, curriculum content, and objectives reflect the strictly religious nature of the institution; and

(c) The institution's program(s) require a prescribed program of study, which must be successfully completed prior to the granting of a degree; and

(d) The institution's program(s) of study are represented in an accurate manner in institutional catalogs, web sites, and other official published materials; and

(e) The institution does not claim or publicize accreditation from an accrediting association that is not recognized by the board and the Secretary of the U.S. Department of Education.

(8) In the case of institutions which offer both religious and secular programs, the secular programs shall be subject to the requirements of chapter 28B.85 RCW.

(9) Institutions not otherwise exempt which offer only workshops and seminars and institutions offering only credit-bearing workshops or seminars lasting no longer than three calendar days.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-20-033, § 250-61-060, filed 9/30/09, effective 10/31/09; 09-02-008, § 250-61-060, filed 12/29/08, effective 1/29/09. Statutory Authority: Chapter 28B.85 RCW. 99-06-022, § 250-61-060, filed 2/22/99, effective 3/25/99. Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-060, filed 12/8/94, effective 1/8/95; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-060, filed 11/20/86.]

WAC 250-61-063 Exemption requirements. In order to apply for and maintain an exemption from the requirements for degree authorization, an institution must comply with the following:

(1) The chief academic officer of the institution shall contact board staff and arrange for a preliminary conference to discuss the exemption criteria and procedures pertaining to the request for exemption.

(2) Any institution granted exemption from the requirements for degree authorization may be subject to periodic review by the board to ensure that all criteria for the exemption continue to be met. The institution is to provide all infor-

mation requested by the board to assist in making this determination.

(3) The institution shall inform the board immediately of any proposed changes within the institution and/or its offerings that may affect the exemption granted.

(4) The executive director may suspend or withdraw the exemption granted to an institution that fails to maintain the conditions under which the exemption was granted; engages in false advertising; or allows misleading representations to be made on its behalf. Suspension shall allow the institution a prescribed period of time to address the issues that may have brought the suspension. Withdrawal shall require the institution to cease all degree-granting activities immediately.

(5) In the case of religious exemption, a religious institution shall be required to place the following statement in a prominent position within any catalog, general bulletins, web sites, and course schedules: "The Washington Higher Education Coordinating Board has determined that (name of institution) qualifies for religious exempt status from the Degree-Granting Institutions Act for the following programs: (List). The HECB makes no evaluation of the administration, faculty, business practices, financial condition or quality of the offerings by this institution. Any person desiring information about the requirements of the act or the applicability of those requirements to the institution may contact the HECB at P.O. Box 43430, Olympia, WA 98504-3430."

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-02-008, § 250-61-063, filed 12/29/08, effective 1/29/09.]

WAC 250-61-065 Waiver of requirements. The executive director or the director's designee may waive or modify the authorization requirements contained in this chapter for a particular institution if the executive director or the director's designee finds that such waiver or modification will not frustrate the purposes of this chapter and that literal application of this chapter creates a manifestly unreasonable hardship on the institution. No waiver granted under this chapter is permanent. The board will periodically review institutions granted waivers and continue the waiver only if the conditions under which the waiver was initially granted remain in effect.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-02-008, § 250-61-065, filed 12/29/08, effective 1/29/09.]

WAC 250-61-070 Applicability to private vocational schools. Degree-granting private vocational schools' programs shall be regulated pursuant to the terms of an interagency agreement between the higher education coordinating board and the work force training and education coordinating board. As stipulated in the interagency agreement, degree programs shall be regulated by the higher education coordinating board and nondegree programs shall be regulated by the work force training and education coordinating board. Copies of the agreement are available from either agency upon request.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-02-008, § 250-61-070, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-070, filed 12/8/94, effective 1/8/95; 93-01-103, § 250-61-070, filed 12/17/92, effective 1/17/93; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-070, filed 11/20/86.]

WAC 250-61-080 Authorization standards. These standards form the basis for the review of an institution by the board staff and guide the decisions of the executive director and the board. To receive authorization, the institution shall meet all of the specific requirements of this chapter.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-02-008, § 250-61-080, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-080, filed 12/8/94, effective 1/8/95; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-080, filed 11/20/86.]

WAC 250-61-085 Accreditation requirements. An institution operating in Washington shall:

(1) Be accredited by a board-recognized accrediting association; or

(2) Have applied for accreditation and such application is pending before the accrediting association; or

(3) Have been granted a temporary waiver by the board of the requirement for accreditation based upon submission of a plan for accreditation as outlined in the initial authorization application; or

(4) Have been granted an exemption by the board of the requirement for accreditation based upon the following condition: The school has filed, and kept current with appropriate amendments, at the higher education coordinating board an affidavit by each president of two separate accredited colleges or universities accredited by an accrediting association recognized by the board and the Secretary of the U.S. Department of Education stating that the majority of course credits offered by the unaccredited institution are generally acceptable or transferable to the accredited college or university which each president represents.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-20-033, § 250-61-085, filed 9/30/09, effective 10/31/09; 09-02-008, § 250-61-085, filed 12/29/08, effective 1/29/09.]

WAC 250-61-090 Administrative requirements. (1) Name. The official name of the institution shall be consistent with, and appropriate to, the program(s) of study offered.

(2) Purpose. The institution shall clearly define its purpose or mission in an official statement which describes its role in higher education. The statement shall reflect the practices of the institution.

(3) Administration and governance. The institution shall be governed by bylaws or policies defining a chain of authority and responsibility.

(a) Administrators shall normally be graduates of accredited institutions and have academic credentials and prior higher education administrative experience for their area of responsibility.

(b) The main campus of the institution shall have, as a minimum, personnel to adequately staff the following roles: A chief executive officer, academic officer, registrar, business officer, student services officer, library director, and, if financial aid services are offered, financial aid officer. These officers shall be accessible to students, faculty, and other personnel located at the main campus and at educational sites or centers in Washington. In the event that the proposed Washington site is a branch campus of an out-of-state institution, the branch campus shall also have sufficient personnel to adequately serve the students at that location.

(i) The chief executive and academic officers shall have at least a master's degree and experience in college-level management, teaching, and academic administration, unless the institution can demonstrate that these are not the normally accepted standards for an institution offering the same level of instruction.

(ii) The registrar shall have at least a baccalaureate degree from an accredited institution and college-level experience in admissions and student records, unless the institution can demonstrate that these are not the normally accepted standards for an institution offering the same level of instruction.

(iii) The business, student services, and financial aid officers and library director shall have at least a baccalaureate degree from an accredited institution and experience in their assigned areas, unless the institution can demonstrate that these are not the normally accepted standards for an institution offering the same level of instruction.

(c) The institution shall specify an individual who will serve as the principal contact person for each educational site or academic center in Washington.

(d) The institution shall have policies and provisions for the involvement of faculty in the academic affairs, curriculum development, and governance of the institution.

(e)The institution shall have policies and provisions for faculty selection, orientation, teaching load, supervision, evaluation, and professional development.

(4) The following conditions shall disqualify individuals as an administrator of a degree-granting institution:

(a) Conviction of a felony within the past ten years;

(b) Involuntary surrender of authorization or a license to operate a school in Washington;

(c) Having been served with a cease and desist order for activities in violation of the current *Washington Administrative Code*; or

(d) Denial of renewal of authorization or a license because of violation of the current *Washington Administrative Code*.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-20-033, § 250-61-090, filed 9/30/09, effective 10/31/09; 09-02-008, § 250-61-090, filed 12/29/08, effective 1/29/09. Statutory Authority: Chapter 28B.85 RCW. 99-06-021, § 250-61-090, filed 2/22/99, effective 3/25/99. Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-090, filed 12/8/94, effective 1/8/95; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-090, filed 11/20/86.]

WAC 250-61-100 Academic requirements. (1) Educational programs. Each program shall require the completion of a prescribed program of study leading to the attainment of competence in an interdisciplinary area or specific field of study. Programs shall generally meet the guidelines or standards of an accrediting association recognized by the board and the Secretary of the U.S. Department of Education that accredits similar programs of study.

(a) Associate degrees:

(i) An associate degree shall require at least ninety quarter credits or sixty semester credits.

(A)An associate degree intended for occupational preparation shall require, as a minimum, general education requirements that comprise a recognizable body of instruction in three program-related areas:

(I) Communications;

(II) Computation; and

(III) Human relations.

(B) The general education requirements of all other associate degrees shall be consistent with the current guidelines of the Washington inter-college relations commission.

(ii) The following associate degree designations shall be acceptable:

(A) The associate of arts (A.A.), and associate of science (A.S.) for programs which emphasize the liberal arts and sciences. These programs generally satisfy the general education requirements for a baccalaureate degree and are transfer oriented.

(B) The associate in applied technology (A.A.T.), associate in applied science (A.A.S.), associate of occupational science (A.O.S.) and other such applied or technology-related degree designations for programs which emphasize preparation for occupations at the technical level. These programs generally do not satisfy the general education requirements for a baccalaureate degree and are not transfer-oriented.

(b) Baccalaureate degrees: A baccalaureate degree shall require at least one hundred eighty quarter credits or one hundred twenty semester credits. The degree shall require a distinct major and, as a minimum, twenty-five percent of the program shall be in general education curricula.

(c) Master's degrees:

(i) A master's degree program shall require at least thirty-six quarter credits or twenty-four semester credits, specialization in an academic or professional area, and a demonstration of mastery.

(ii) The following master's degree designations shall be acceptable:

(A) The master of arts (M.A.) and master of science (M.S.) for programs which advance study and exploration in the discipline. The majority of credit for M.A. and M.S. degrees shall be at the graduate level in the major field.

(B) The master of business administration (M.B.A.), master of fine arts (M.F.A.), master of education (M.Ed.), etc. for programs which emphasize professional preparation.

(d) Doctoral degrees:

(i) Doctoral degree programs shall provide a broad range of advanced course offerings, faculty in ancillary and supporting fields, access to adequate laboratory and research facilities, and a wide range of current reference materials in the subject field. A doctoral degree shall require at least three full academic years of specialized postbaccalaureate study. To obtain a doctoral degree a student shall be required to demonstrate, through comprehensive examination, the ability to perform research at the level of the professional scholar or perform the work of a professional that involves the highest levels of knowledge and expertise.

(ii) The following doctoral degree designations shall be acceptable:

(A) The doctor of philosophy (Ph.D.) degree for programs which are oriented toward original research and require a dissertation.

(B) A professional doctoral degree (Ed.D., etc.) for programs which emphasize technical knowledge and professional competence and require either a research thesis or a project involving the solution of a substantial problem of professional interest.

(e) Distance learning program(s) of study must be comparable in content, faculty, and resources to those offered in residence, and include regular student-faculty interaction by computer, telephone, mail, or face-to-face meetings.

(f) Noncollegiate learning.

(i) Undergraduate credit for noncollegiate learning may be awarded when validated through a portfolio or similar procedure. The institution shall maintain copies of examinations, portfolios, and evaluations used in this process. Noncollegiate learning credit shall constitute no more than twenty-five percent of an undergraduate degree program.

(ii) Credit awarded for noncollegiate learning at the graduate level must be consistent with the minimum standards as published by the school's accrediting association.

(2) Faculty.

(a) Faculty shall be professionally prepared and graduates of accredited institutions and, as a group, the institutions from which they earned their degrees shall be diverse.

(b) Faculty shall be sufficient in number and kind and in the proportion of full-time and part-time positions to sustain rigorous courses, programs, and services.

(c) Faculty teaching academic courses at the undergraduate degree level shall have a master's degree in the assigned or related program area from an accredited institution. Faculty assigned to teach in vocational-technical subjects shall have educational credentials and experience compatible with their teaching assignment. Faculty assigned to teach general education courses within any undergraduate program shall have a master's degree in a related area from an accredited institution.

(d) Faculty teaching at the master's degree level in programs which emphasize advanced study and exploration in a discipline shall have an earned doctorate in a related field from an accredited institution and experience in directing independent study and research. Faculty teaching in master's programs which emphasize professional preparation shall have, as a minimum, a master's degree from an accredited institution and documented achievement in a related field.

(e) Faculty teaching at the doctoral level shall have an earned doctorate in a related field from an accredited institution and experience in teaching and directing independent study and research.

(3) Admissions. Admission requirements shall be based on the institution's objectives and consistently applied to each program of study. Through preenrollment assessments, testing and advising, the institution shall determine the readiness and ability of each student to succeed in his/her degree program. Institutions shall use only those tests reviewed and approved by the U.S. Department of Education.

High school graduation or the equivalent shall be required for undergraduate admission. A baccalaureate degree or the equivalent shall be required for admission into graduate programs. Special undergraduate admission may be granted, based on the applicant's general educational development.

(4) Enrollment contract. If an enrollment contract is utilized, the institution shall discuss all terms and provisions of the contract with the student prior to the student's execution of the contract. The contract shall contain an acknowledgement section directly above the student's signature blank for the student to acknowledge that the institution discussed all terms and provisions of the contract with the student and that the student understands all financial obligations and responsibilities.

(5) Evaluation. The institution shall provide evidence that it has procedures for continuing evaluation and improvement of educational programs, quality of instruction, and overall operations of the institution.

(a) Student, alumni, and employer evaluations of the effectiveness of the curricula shall be considered in these evaluations.

(b) The institution's chief academic officer or designee shall periodically evaluate all areas of the institution to determine their effectiveness in fulfilling institutional objectives and meeting the standards set forth in these regulations or implied in the statute. The results of those evaluations shall be submitted to board staff upon request.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-20-033, § 250-61-100, filed 9/30/09, effective 10/31/09; 09-02-008, § 250-61-100, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-100, filed 12/8/94, effective 1/8/95; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-100, filed 11/20/86.]

WAC 250-61-110 Student services and instructional resources requirements. (1) Student services. The institution shall provide adequate services for students in addition to formal instruction. These services shall normally include admissions, advising and guidance, financial assistance, student records, and disability accommodation.

(a) Advising and guidance services shall be readily available to students to assist them in program planning, course selection, and other academic activities.

(b) Financial aid administration and distribution, if provided, shall be performed according to institutional, state, and federal policies.

(c) Student records shall be maintained in accordance with the guidelines established by the U.S. Department of Education.

(d) Students with disabilities shall have access to, and reasonable accommodations in, all programs for which they are qualified consistent with the provisions of the Americans with Disabilities Act.

(e) Placement services and employment opportunities, if provided, shall be accurately described.

(2) Facilities for site-based instruction.

(a) The institution shall have adequate space, facilities and equipment, instructional materials, and staff to support quality education and services.

(b) The institution shall comply with all applicable ordinances, laws, codes, and regulations concerning the safety, health, and access of all persons on its premises.

(3) Disability accommodations. The institution shall provide reasonable accommodations for students and employees with disabilities. The institution shall inform students and employees of local, state, and federal laws regarding discrimination against people with disabilities.

(4) Library. The institution shall provide adequate and accessible library resources and facilities to support the educational needs of students and faculty. If the institution, educational site, or academic center does not maintain its own library on site, it must demonstrate that it can provide sufficient library resources to meet the needs of the program(s)

through a written agreement with another institution or organization, or through other mechanisms.

(5) Financial resources.

(a) The institution shall have adequate financial resources necessary to sustain its purpose and commitment to students.

(b) In the case of an institution seeking initial authorization, it shall have sufficient financial resources to sustain itself for one full academic year without the assistance of revenue from tuition and fees.

(6) Financial records.

(a) The institution shall maintain financial records in conformity to generally accepted accounting principles.

(b) The institution shall be audited annually by an independent certified public accountant according to generally accepted auditing standards.

(c) Such records shall be made available to the board upon request.

(7) Recruitment and publications. All publications relating to the institution, including advertisements, catalogs, and other communications shall be accurate and not misleading. Any catalog and/or web site that is made available to students describing the educational services offered shall include the statement of authorization as provided by the board upon the granting of authorization.

Authorized institutions shall not advertise or publicize that they are approved, recommended, accredited, or otherwise endorsed by the board. Such institutions may only state that they are authorized by the board.

(8) Transcripts and academic credentials. The institution shall provide accurate and appropriate transcripts of credit for enrolled students and diplomas for graduates.

(a) For each student, the institution shall maintain and make available a transcript that specifies the name of the institution, the name of the student, all courses completed, and an explanation of the institution's evaluation system. Each course entry shall include a title, the number of credits awarded, and a grade or written evaluation. The transcript shall distinguish credits awarded by transfer, for prior learning experience, and credit by examination.

(b) The institution shall not be required to make copies of transcripts available unless all tuition and fees and other expenses owed by the student to the institution have been paid.

(c) In addition to transcripts, the institution shall maintain records to document the performance and progress of each student, including, but not limited to: Financial transactions, admissions records, and records of interruption for unsatisfactory progress or conduct. Transcripts shall be kept permanently after a student has discontinued enrollment. All other records and accounts shall be kept for a minimum of six years after a student has discontinued enrollment.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-02-008, § 250-61-110, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-110, filed 12/8/94, effective 1/8/95; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-110, filed 11/20/86.]

WAC 250-61-120 Catalog requirements. (1) An institution granted authorization shall publish a catalog supplemented as necessary by other published materials, providing sufficient information for students to obtain an adequate understanding of the institution, its programs, policies and procedures. Institutional catalogs shall be published at least once every two years and be provided to students at the time of their enrollment. Electronic catalogs must be archived and students must have access to the archived information.

(2) An institution granted authorization shall print a statement in a prominent position in the catalog and on its web site that reads: "(Name of institution) is authorized by the Washington higher education coordinating board (HECB) and meets the requirements and minimum educational standards established for degree-granting institutions under the Degree-Granting Institutions Act. This authorization is subject to periodic review and authorizes (name of institution) to offer the following degree programs: (List). Authorization by the HECB does not carry with it an endorsement by the board of the institution or its programs. Any person desiring information about the requirements of the act or the applicability of those requirements to the institution may contact the HECB at P.O. Box 43430, Olympia, WA 98504-3430."

(3) The catalog shall include elements as required by the board in application materials such that a prospective student may become reasonably informed about the institution, its offerings, policies and procedures.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-20-033, § 250-61-120, filed 9/30/09, effective 10/31/09; 09-02-008, § 250-61-120, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-120, filed 12/8/94, effective 1/8/95; 93-01-103, § 250-61-120, filed 12/17/92, effective 1/17/93; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-120, filed 11/20/86.]

WAC 250-61-130 Cancellation and refund requirements. (1) Each institution shall publish its cancellation and refund policies in clear language that can be easily understood by prospective students. No student shall be enrolled without having received the explanatory materials. These policies shall apply to all terminations for any reason, by either party.

(2) The refund policy shall comply with the federal guidelines established by the U.S. Department of Education and the standards established by the accrediting association which accredits the institution or from which the institution is seeking accreditation.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-20-033, § 250-61-130, filed 9/30/09, effective 10/31/09; 09-02-008, § 250-61-130, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-130, filed 12/8/94, effective 1/8/95; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-130, filed 11/20/86.]

WAC 250-61-140 Security requirements. The institution is required to have on file with the board an original surety bond or other security acceptable to the board in lieu of the bond.

(1) For institutions seeking initial authorization, the surety bond or security amount for the initial period of authorization shall be twenty-five thousand dollars.

(2) For institutions seeking renewal authorization, the surety bond or security amount shall be ten percent of the preceding fiscal year's total tuition and fee revenue received for educational services in Washington, but not less than twenty-five thousand dollars nor more than two hundred fifty thousand dollars. For private vocational schools that offer nonde-

gree programs as well as degree programs, the amount required shall be based only on the degree program portion of its revenue from tuition and fees.

(3) Release of surety bonds and other securities shall be made in compliance with chapter 28B.85 RCW.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-02-008, § 250-61-140, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-140, filed 12/8/94, effective 1/8/95; 93-01-103, § 250-61-140, filed 12/17/92, effective 1/17/93; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-140, filed 11/20/86.]

WAC 250-61-160 Discontinuance or closure requirements. (1) In the event an institution chooses to discontinue a program and/or site currently available to Washington residents, but maintain other operations, it shall notify the board well in advance of any such proposed action and provide information to the board pertaining to accommodations to be made for any currently enrolled students to ensure they are provided the opportunity to complete their studies.

(2) In the event an institution proposes to discontinue all its operation, the chief administrative officer of the institution shall:

(a) Notify the executive director immediately by certified mail; and

(b) Furnish enrolled students with a written notice explaining the reasons for closure and what procedures they are to follow to secure refunds and their official records, and what arrangements have been made for providing continuing instruction at other institutions; and

(c) The institution shall make all reasonable efforts to ensure that current students are provided with alternative opportunities to complete their studies; and

(d) Provide for the permanent maintenance of official records in a manner acceptable to the executive director.

In the event it appears to the executive director that the official records of an institution discontinuing its operation are in danger of being destroyed, secreted, mislaid, or otherwise made unavailable to the students and the board, the executive director may seek a court order to take possession of the records and provide for their permanent maintenance.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-02-008, § 250-61-160, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-160, filed 12/8/94, effective 1/8/95; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-160, filed 11/20/86.]

WAC 250-61-170 Application requirements. (1) Initial application.

(a) Institutions seeking initial authorization shall contact the board staff to arrange for a preliminary conference to discuss the authorization criteria, application procedures and the review process.

(b) An institution shall submit a fully completed application packet using forms provided by board staff. The application packet will not be considered complete until all required elements have been received by the board.

(c) An initial application fee in the amount of two thousand dollars is to be submitted along with the application packet. The check is to be made payable to the Washington state treasurer.

(2) Renewal application.

(a) Authorized institutions must submit an application for renewal of authorization on a biennial basis when requested by board staff.

(b) No later than the due date provided by the board, an institution seeking renewal must submit a fully completed renewal application packet using the forms provided by board staff. Failure to provide all requested materials by the due date may result in temporary suspension of the institution's authorization.

(c) A renewal application fee in the amount of one thousand dollars is to be submitted along with the application packet. The check is to be made payable to the Washington state treasurer.

(3) Additional program(s).

(a) If an institution proposes to offer additional program(s) of study during the current authorization period, the institution shall submit a new program application well in advance of the proposed offering.

(b) The program(s) of study may not be offered, advertised or promoted prior to the granting of authorization.

(4) Additional site(s).

(a) If an institution proposes to offer programs at a new site in Washington, the institution shall submit a new site application well in advance of the proposed start of operations at that site.

(b) The site may not be utilized, advertised or promoted prior to the granting of authorization.

(5) Change of ownership or control. A significant change of ownership or control of an institution shall nullify any previous authorization. The chief administrator, representing the new owner(s), shall notify the board as soon as the change is known. If the chief administrator asserts in a written statement that all conditions set forth in the act and these rules are being met or will be met before offering instruction, the executive director may issue a temporary certificate of authorization for a maximum of one hundred eighty days. The new ownership shall complete an application for initial authorization and submit the application to the board no later than sixty days prior to the expiration of the temporary certificate of authorization.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-20-033, § 250-61-170, filed 9/30/09, effective 10/31/09; 09-02-008, § 250-61-170, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-170, filed 12/8/94, effective 1/8/95; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-170, filed 11/20/86.]

WAC 250-61-180 Application review procedures. (1) Staff analysis. Following receipt of a fully completed application, board staff shall review and analyze the material submitted.

(2) Additional documentation and site visit. If board staff determines it is necessary to verify or supplement the information provided in the application, the staff may require additional written documentation and/or arrange for a site visit. The expense for any site visits shall be paid by the institution applying for authorization.

(3) External consultants. At the discretion of the executive director, the expertise of other higher education experts may be used to assist in the evaluation of the documentation submitted. The cost for the services of the evaluation expert(s) shall be paid by the institution applying for authori-

zation. The fee for such services is five hundred dollars per program per consultant, to be submitted by the institution upon request by the board during the review process. The check is to be made payable to the higher education coordinating board.

(4) Comment period. Upon completion of a preliminary review, the board shall post a notification of the request for authorization on its web site for a set period of time. Any persons having knowledge as to why the institution or its program(s) may not meet the requirements for degree authorization may provide comment to the board on the proposal.

(5) Staff recommendations. After the final review has been completed, board staff shall summarize its findings and develop a recommendation to the executive director regarding the application. This recommendation will take one of the following forms:

(a) That the institution be granted authorization, subject to biennial reporting and maintenance of the conditions under which authorization has been granted.

(b) That the institution be granted conditional authorization, subject to additional conditions as established by the board, and maintenance of the conditions under which authorization has been granted.

(c) That the institution be denied authorization.

(6) Notification. Following the executive director's decision to authorize or deny the institution's request, a letter signifying the action shall be sent from the executive director to the chief administrative officer of the institution.

(a)The letter of authorization will serve as official authorization for the institution to operate in Washington for the specific programs and locations designated in the letter.

(b) An institution denied authorization shall be provided with an explanation as to how the institution and/or its programs failed to meet the criteria for authorization. Any institution denied authorization that wishes to reapply within one year of the denial date may submit a new fully completed initial application packet and pay a reapplication fee of one thousand dollars. The check is to be made payable to the Washington state treasurer.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-02-008, § 250-61-180, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-180, filed 12/8/94, effective 1/8/95; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-180, filed 11/20/86.]

WAC 250-61-190 Complaints. A student with a complaint against an authorized institution concerning loss of tuition and/or fees due to unfair or deceptive business practices by the institution shall make a reasonable effort to resolve the complaint directly with the institution. If a mutually satisfactory solution cannot be reached, the following procedure shall be pursued:

(1) Upon receipt of a written complaint that an institution has failed or is failing to comply with the provisions of the act or this chapter, and documentation that the student has made a reasonable effort to resolve the complaint directly with the institution, the executive director shall notify the institution by mail of the nature of the complaint and shall conduct an investigation.

(2) If preliminary findings indicate that a violation(s) may have occurred or are occurring, the executive director shall attempt, through mediation and conciliation, to effect compliance and bring about a settlement.

(3) If no agreement is reached, the executive director shall file a formal complaint with the board and notify the institution of the conduct which warrants the complaint. Final resolution of the complaint shall be subject to hearing procedures provided for in this chapter and the institution may be subject to a summary suspension of its authorization, pending further proceedings for suspension, withdrawal or other actions deemed proper after the hearing.

(4) Any complaints must be filed within one year after the student's last recorded date of attendance in order to be considered by the board. Only the student or the student's legal guardian may file a complaint on behalf of the student.

(5) Complaints may also be filed with the board by an authorized staff member of the board or by the attorney general.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-02-008, § 250-61-190, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-190, filed 12/8/94, effective 1/8/95; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-190, filed 11/20/86.]

WAC 250-61-200 Suspension or withdrawal of authorization. (1) The executive director may suspend or withdraw an institution's authorization if it finds that:

(a) Any statement contained in the application for authorization is untrue; or

(b) The institution has failed to maintain the standards for authorization as detailed in the act and this chapter; or

(c) Advertising or representations made on behalf of, and sanctioned by, the institution is deceptive or misleading; or

(d) The institution has violated any provision of this chapter.

(2) The executive director may suspend the institution's authorization for a period of time if, in the executive director's judgment, the deficiencies can be corrected within the given time period. Upon suspension, the institution must immediately cease the recruitment and/or enrollment of new students. The institution may continue serving currently enrolled students for the remainder of the term. Authorization may be reinstated after any deficiencies have been resolved to the satisfaction of the board.

(3) Authorization shall be withdrawn only after the institution has been informed in writing of its deficiencies and been given reasonable time to meet the required standards. Upon withdrawal, the institution must immediately cease all degree-granting operations. To seek reinstatement of authorization, the institution must apply for initial authorization.

(4) The executive director's and board's actions are subject to due process hearing procedures of the Washington Administrative Procedure Act.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-02-008, § 250-61-200, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-200, filed 12/8/94, effective 1/8/95.]

WAC 250-61-210 Hearing process. (1) A party subject to the following actions may request a hearing:

(a) A denial of exemption from the Degree-Granting Institutions Act;

(b) A denial of authorization under the Degree-Granting Institutions Act;

(c) A cease and desist order issued under chapter 28B.85 RCW; or

(d) Other final action as defined in chapter 34.05 RCW, by the executive director that adversely affects the institution or student and which is contrary to the intent and purpose of the Degree-Granting Institutions Act or this chapter.

(2) A party must submit a request for a hearing to the executive director at the board office no later than thirty days following receipt of the notice of final agency action. In the written request, the party must identify the final action in dispute and state that a hearing is requested.

(3) Any hearing called for under the act shall be conducted in accordance with the Washington Administrative Procedure Act, chapter 34.05 RCW, as follows:

(a) The presiding officer, who shall be the executive director or the hearing officer designated by the executive director, shall conduct the hearing under the provisions of chapter 34.05 RCW and shall enter an initial order under RCW 34.05.461 (2) through (9).

(b) The board shall review the initial order under RCW 34.05.464 and either enter a final order or remand the matter for further proceedings under RCW 34.05.464(7).

(c) If the challenged agency action is upheld, the party that initiated the hearing process shall pay the costs of the administrative hearing within sixty days following final disposition of the matter.

(d) Any further review of final action must be taken in accordance with RCW 34.05.510 et seq.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-20-033, § 250-61-210, filed 9/30/09, effective 10/31/09; 09-02-008, § 250-61-210, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-210, filed 12/8/94, effective 1/8/95.]

WAC 250-61-225 Issuance of false academic credentials. (1) It is unlawful for a person or entity to:

(a) Grant, award or offer to grant or award a false academic credential, in violation of this chapter; or

(b) Represent that a credit earned or granted by a person or entity, in violation of this chapter, can be applied toward a credential offered by another person; or

(c) Solicit another person to seek a credential or credit offered in violation of this chapter.

(2) The granting, awarding or issuance of a false academic credential is a Class C felony and is subject to criminal and civil penalties as prescribed in RCW 9A.20.021.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-02-008, § 250-61-225, filed 12/29/08, effective 1/29/09.]