

**WAC 490-105-180 Student complaints.** (See RCW 28C.10.084(10) and 28C.10.120.)

(1) A complaint must be filed no more than:

(a) One calendar year following:

(i) A resident student's last recorded date of attendance; or

(ii) The date a distance education school received a student's last completed lesson; or

(b) Sixty calendar days from the date a school ceases to provide educational services.

(2) The agency may extend the time a student has to file a complaint if the student can establish that good faith efforts to obtain satisfaction from the school were being made during the time elapsed.

(3) The term "a person" used to reference a complainant under RCW 28C.10.120(1) is further defined to mean only individuals who established a contractual relationship through their enrollment in a school or, in the case of a minor, the minor's parent or guardian.

(a) Private or public agencies, employers, or others who contract with a private vocational school to provide training services to a particular individual or individuals do not have access to the complaint process.

However, a student enrolled in a licensed private vocational school who has his or her tuition and fees paid by a state agency or business may file a complaint alleging an unfair business practice against a private vocational school. In the event of a determination that the student suffered a loss as a result of an unfair business practice, the agency may require restitution of any amount of tuition and fees the agency or business paid on behalf of the student. In the event of a determination that the student suffered a loss of other costs, such as transportation and child care, that portion of the restitution may be considered for reimbursement.

(b) When a person establishes a financial obligation for only a portion of the contracted costs and is subsidized for the remainder as described under (a) of this subsection, that student's claim will be prorated to recognize only the unsubsidized amount.

(4) The agency may consider the following costs when determining losses suffered by a complainant:

(a) Tuition and fees;

(b) Transportation costs;

(c) Books, supplies, equipment, uniforms and protective clothing, rental charges; and

(d) Insurance required by the school.

(5) In estimating a student's attendance related expenses other than tuition, the agency may use standards developed under Title IV of the Higher Education Act or those of the Washington state departments of employment security and social and health services.

(6) When the agency receives a complaint, it will:

(a) Evaluate the complaint for completeness and to determine eligibility within ten working days after receipt;

(b) Accept or reject the complaint and so notify the complainant within an additional five working days;

(c) Forward a copy of a bona fide complaint and related attachments to the school by certified mail.

(7) The school has fifteen working days after receipt to respond to the student's complaint. If a school fails to submit a timely response the agency will conclude the school has no defense to offer.

(8) Based on all information then available, the agency will:

(a) Investigate the facts;

- (b) Secure additional information if so indicated;
  - (c) Attempt to bring about a negotiated solution;
  - (d) Adjudicate the complaint by making findings, conclusions, and determinations; and
  - (e) Notify all parties of the determinations and remedies.
- (9) If a student can document that the procedures used by the agency to resolve a complaint were either unreasonable, unfair, or not in keeping with the intent of the law, the student may request a review of the decision.
- (a) The student must request the review in writing within twenty days following receipt of the complaint determination. A timely request stays the agency's determination during the review process.
  - (b) When the agency receives a request for review it will:
    - (i) Notify the school that the student has requested a review and that the complaint determination will not take effect until the review has been completed;
    - (ii) May schedule an informal hearing to be conducted by agency staff; and
    - (iii) Make a final determination regarding the complaint within fifteen working days following the hearing.

[Statutory Authority: RCW 28.10.040 [28C.10.040]. WSR 15-24-088, § 490-105-180, filed 11/30/15, effective 12/31/15; WSR 08-04-110, § 490-105-180, filed 2/6/08, effective 3/8/08. Statutory Authority: RCW 28C.10.040(2). WSR 98-22-033, § 490-105-180, filed 10/29/98, effective 11/29/98.]