
SUBSTITUTE HOUSE BILL 2507

State of Washington 59th Legislature 2006 Regular Session

By House Committee on Higher Education & Workforce Education
(originally sponsored by Representatives Kenney, Shabro, Hasegawa,
Morrell, Rodne, Lantz and Ormsby)

READ FIRST TIME 01/31/06.

1 AN ACT Relating to degree-granting institutions of higher
2 education; amending RCW 28B.85.010, 28B.85.020, and 28B.85.040; adding
3 a new section to chapter 28B.85 RCW; prescribing penalties; and
4 providing an effective date.

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

6 **Sec. 1.** RCW 28B.85.010 and 1986 c 136 s 1 are each amended to read
7 as follows:

8 Unless the context clearly requires otherwise, the definitions in
9 this section apply throughout this chapter:

10 (1) "Accredited" means accredited by an accrediting agency
11 recognized by the United States department of education.

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

13 ~~((+2))~~ (3) "Degree" means any designation, appellation, letters,
14 or words including but not limited to "associate," "bachelor,"
15 "master," "doctor," or "fellow" which signify or purport to signify
16 satisfactory completion of the requirements of an academic program of
17 study beyond the secondary school level.

18 ~~((+3))~~ (4) "Degree-granting institution" means an entity that

1 offers educational credentials, instruction, or services prerequisite
2 to or indicative of an academic or professional degree beyond the
3 secondary level.

4 (5) "Grant" means award, bestow, confer, convey, sell, or give.

5 (6) "Offer," in addition to its usual meanings, means advertise,
6 publicize, or solicit.

7 (7) "Operate" includes but is not limited to the following:

8 (a) Offering courses in person, by correspondence, or by electronic
9 media at or to any Washington location for degree credit;

10 (b) Granting or offering to grant degrees in Washington;

11 (c) Maintaining or advertising a Washington location, mailing
12 address, computer server, or telephone number, for any purpose, other
13 than for contact with the institution's former students for any
14 legitimate purpose related to the students having attended the
15 institution.

16 **Sec. 2.** RCW 28B.85.020 and 2005 c 274 s 246 are each amended to
17 read as follows:

18 (1) The board:

19 (a) Shall adopt by rule, in accordance with chapter 34.05 RCW,
20 minimum standards for degree-granting institutions concerning granting
21 of degrees, quality of education, unfair business practices, financial
22 stability, and other necessary measures to protect citizens of this
23 state against substandard, fraudulent, or deceptive practices. The
24 rules ((may)) shall require that an institution operating in
25 Washington:

26 (i) Be accredited ((or be making progress toward accreditation by
27 an accrediting agency recognized by the United States department of
28 education. The board shall adopt the rules in accordance with chapter
29 34.05 RCW));

30 (ii) Have applied for accreditation and such application is pending
31 before the accrediting agency; or

32 (iii) Have been granted a waiver by the board waiving the
33 requirement of accreditation;

34 (b) May investigate any entity the board reasonably believes to be
35 subject to the jurisdiction of this chapter. In connection with the
36 investigation, the board may administer oaths and affirmations, issue
37 subpoenas and compel attendance, take evidence, and require the

1 production of any books, papers, correspondence, memorandums, or other
2 records which the board deems relevant or material to the
3 investigation. The board, including its staff and any other authorized
4 persons, may conduct site inspections, the cost of which shall be borne
5 by the institution, and examine records of all institutions subject to
6 this chapter;

7 (c) Shall develop an interagency agreement with the work force
8 training and education coordinating board to regulate degree-granting
9 private vocational schools with respect to degree and nondegree
10 programs; and

11 (d) Shall develop and disseminate information to the public about
12 entities that sell or award degrees without requiring appropriate
13 academic achievement at the postsecondary level, including but not
14 limited to, a description of the substandard and potentially fraudulent
15 practices of these entities, and advice about how the public can
16 recognize and avoid the entities. To the extent feasible, the
17 information shall include links to additional resources that may assist
18 the public in identifying specific institutions offering substandard or
19 fraudulent degree programs.

20 (2) Financial disclosures provided to the board by degree-granting
21 private vocational schools are not subject to public disclosure under
22 chapter 42.56 RCW.

23 **Sec. 3.** RCW 28B.85.040 and 2004 c 96 s 2 are each amended to read
24 as follows:

25 ~~(1) ((An institution or person shall not advertise, offer, sell, or~~
26 ~~award a degree or any other type of educational credential unless the~~
27 ~~student has enrolled in and successfully completed a prescribed program~~
28 ~~of study, as outlined in the institution's publications. This~~
29 ~~prohibition shall not apply to honorary credentials clearly designated~~
30 ~~as such on the front side of the diploma or certificate and awarded by~~
31 ~~institutions offering other educational credentials in compliance with~~
32 ~~state law)) No person may offer or grant a false or misleading degree~~
33 ~~or other document that purports to confer a degree that is false or~~
34 ~~misleading.~~

35 (a) For purposes of this subsection, a degree or other document
36 that purports to confer a degree is false or misleading if it states or
37 suggests that the person named in the degree or document has completed

1 the requirements of an academic or professional program of study in a
2 particular field beyond the secondary level, but the person in fact has
3 not completed the requirements of such a program of study.

4 (b) Any person or entity that violates this subsection is subject
5 to a civil penalty of not more than one thousand dollars for each
6 violation. The penalty may be imposed by the board or by any court of
7 competent jurisdiction.

8 (2) No exemption or waiver granted under this chapter is permanent.
9 The board shall periodically review exempted degree-granting
10 institutions and degree-granting institutions granted a waiver, and
11 continue exemptions or waivers only if an institution meets the
12 statutory or board requirements for exemption or waiver in effect on
13 the date of the review.

14 (3) Except as provided in subsection (1) of this section, this
15 chapter shall not apply to:

16 (a) Any public college, university, community college, technical
17 college, or institute operating as part of the public higher
18 educational system of this state;

19 (b) Institutions that have been accredited by an accrediting
20 association recognized by the agency for the purposes of this chapter:
21 PROVIDED, That those institutions meet minimum exemption standards
22 adopted by the agency; and PROVIDED FURTHER, That an institution,
23 branch, extension, or facility operating within the state of Washington
24 which is affiliated with an institution operating in another state must
25 be a separately accredited member institution of any such accrediting
26 association to qualify for this exemption;

27 (c) Institutions of a religious character, but only as to those
28 education programs devoted exclusively to religious or theological
29 objectives if the programs are represented in an accurate manner in
30 institutional catalogs and other official publications;

31 (d) Honorary credentials clearly designated as such on the front
32 side of the diploma or certificate awarded by institutions offering
33 other educational credentials in compliance with state law; or

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

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 28B.85 RCW
2 to read as follows:

3 (1) Unless the person clearly specifies in writing that the degree
4 was awarded or conferred by an institution not authorized by the board
5 or accredited by an accrediting agency recognized by the United States
6 department of education, no person may in writing claim or represent to
7 have a degree or other document that purports to evidence participation
8 in or completion of courses or a program of study if the degree or
9 document was not issued by:

10 (a) An accredited degree-granting institution;

11 (b) An entity authorized as a degree-granting institution by the
12 board;

13 (c) An entity exempt from the requirement of authorization as a
14 degree-granting institution by the board;

15 (d) An entity that has been granted a waiver by the board from the
16 requirement of authorization by the board; or

17 (e) A foreign degree-granting institution, as defined by chapter
18 28B.90 RCW.

19 (2) Any person or entity that violates this section is subject to
20 a civil penalty of not more than one thousand dollars for each
21 violation. The penalty may be imposed by the board or by any court of
22 competent jurisdiction.

23 NEW SECTION. **Sec. 5.** If any provision of this act or its
24 application to any person or circumstance is held invalid, the
25 remainder of the act or the application of the provision to other
26 persons or circumstances is not affected.

27 NEW SECTION. **Sec. 6.** This act takes effect July 1, 2006.

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