

# SHEEO State Authorization Inventory

## Washington

**Please note:** For purposes of this survey, the terms “authorize” and “authorization” are used generically to include approve, certify, license, regulate, recognize, empower, or similar actions relative to the operation, provision, or availability of postsecondary education in your state.

### 1. Agency and Contact Information

a. Agency Name: **Washington Higher Education Coordinating Board**

o Description:

The Washington Higher Education Coordinating Board has authority over colleges and universities that offer associate, bachelor, and graduate degree programs as well as academic credit courses.

o Contact Information:

Michael J. Ball  
Associate Director  
Washington Higher Education Coordinating Board  
360-753-7866  
[michaelb@hecb.wa.gov](mailto:michaelb@hecb.wa.gov)

Karen Oelschlager  
Program Associate/Degree Authorization  
Washington Higher Education Coordinating Board  
360-753-7869  
[kareno@hecb.wa.gov](mailto:kareno@hecb.wa.gov)

o Please state who institutions should contact if they have questions about your agency’s authority, policies, or application process?

Karen Oelschlager  
Program Associate/Degree Authorization  
Washington Higher Education Coordinating Board  
360-753-7869  
[kareno@hecb.wa.gov](mailto:kareno@hecb.wa.gov)

b. Links:

Link to home page: <http://www.hecb.wa.gov/>

Link to regulations: <http://www.hecb.wa.gov/autheval/daa/daaindex.asp>

- c. The following agency also has responsibility for authorization in the state and was requested to complete a survey.  
Washington Workforce Training and Education Coordinating Board (licenses institutions that offer vocational training leading to diplomas and/or certificates).
- d. If the division of responsibility among these agencies is not clear, please explain.  
Institutions that offer vocational training as well as degree programs must seek authorization/licensure through both agencies.

## 2. Types of Educational Providers Authorized

- a. Please indicate the types of institutions that your agency authorizes, using the list below. Please answer “yes” or “no” to each item. Feel free to provide a short explanation of any ambiguity, including any necessary clarification of “in-state,” “out of state,” or other terminology.

- Yes\* Public, in-state degree granting institutions
- Yes Public, out-of-state degree granting institutions
- Yes Private, in-state, not-for-profit degree granting institutions
- Yes Private, out-of-state, not-for-profit degree granting institutions
- Yes Private, in-state, for-profit degree granting institutions
- Yes Private, out-of-state, for-profit degree granting institutions
- No Public, in-state, non-degree granting institutions
- No Public, out-of-state, non-degree granting institutions
- No Non degree, not-for profit institutions
- No Non degree, for-profit institutions
- No\*\* Religious institutions
- No Tribally-controlled institutions

Clarifying comments:

\* The Washington publics are statutorily exempt from degree authorization. They are, however, subject to separate program and facility approval regulations.

\*\*The HECB authorizes only those religious institutions that offer secular degree programs.

- b. Is an institution required to obtain approval from more than one agency to be authorized in your state (excluding purely programmatic approvals)? If so, please explain.  
If the institution offers both vocational training and degree programs, it would need to seek approval from both the Higher Education Coordinating Board and the Workforce Training and Education Coordinating Board.

- c. Is accreditation required for an institution to be authorized in your state?

If yes, please explain:

Generally yes, however, non-accredited institutions may become authorized if they provide a plan for accreditation and make definitive efforts toward achieving accreditation. Additionally, a waiver of the accreditation requirement may be granted if 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.

- o If yes, what type of accreditation is required? Please, check all that apply as appropriate.

Regional  
 National  
 Programmatic/specialized

Clarifying comments:

Institutions may be accredited by either a regional or national accrediting agency, provided the agency is recognized by the U.S. Secretary of Education and the Higher Education Coordinating Board.

- d. Does your agency authorize specific academic programs offered by institutions or only institutions themselves?

The authorization granted is both program- and site-specific, not institutional.

- e. Do programs in certain subject areas require the separate approval by another state entity; for example, a professional licensing agency?

**Education**

Professional Educators Standards Board - 360-725-6275 – approval is not required, however, the PESB has a process for approving education programs in the state.

### 3. Exemptions

- a. Are certain institutions or programs exempt by law or policy from your state authorization requirements?

- b. If yes, please describe which institutions or programs the exemption applies to and how it works? If available, please provide any pertinent web links.

The exemption criteria are as follows:

Found at <http://apps.leg.wa.gov/WAC/default.aspx?cite=250-61-060>

**“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.”

- o If yes, how does the institution or program claim an exemption? For example, is the exemption automatic as long as it meets specified criteria, does the institution or program notify the agency and the exemption is granted, is there an application process, etc.?

Exemption is not automatic. Institutions should begin the process of seeking an exemption by contacting the HECB to see whether an exemption may be applicable. They would then need to provide the HECB with evidence that they meet the criteria for one of the exemption categories noted above. In the case of the religious exemption, there is an application process. For all other exemptions, we request documentation proving the institution meets the criteria.

- c. If an institution or program is exempt from state authorization, are there any other state requirements that an institution would need to fulfill in order to operate in your state (e.g., providing contact information, list of programs, etc.)?

Any institution granted an exemption may be requested to submit documentation indicating it continues to meet the criteria under which the exemption was granted. In the cases of those meeting the criteria in WAC 250-61-060 (5) & (7) above, they are required to confirm the conditions under which the exemption was granted on a biennial basis. As far as meeting requirements from any other state agency, we are not aware of any other requirements.

- d. Does your state constitution or do your state laws provide any exemptions for religious institutions?  
Yes, see WAC 250-61-060 (7) above.
- Are all religious institutions exempt (please describe)?  
No, religious institutions must meet the criteria for exemption as noted in WAC 250-61-060 (7) above. If a religious institution offered secular degree programs, it would be subject to authorization.
  - Are religious institutions that award only religious degrees or certificates exempt (please describe)?  
Provided they meet the criteria noted in WAC 250-61-060 (7) above, yes.
  - Are certain religious institutions exempt that meet other criteria (please describe)?  
Institutions must meet the criteria for one of the categories for exemption noted above to be exempt, whether religious or not. It is possible that a religious institution may meet the criteria for exemption in one of the other categories for exemption.

#### **4. Authorization of Distance Education**

- a. Does your agency require purely (100%) distance education programs, including online or correspondence study programs that enroll residents of your state, to be authorized without regard to physical presence?  
If the institution is targeting Washington residents with its advertising, even if it has no physical presence in the state, authorization would be required. Also, if any of its degree programs require a field placement component that may take place in the state, authorization is required.
- b. If not, does your agency determine whether an institution must be authorized based on a physical presence or “operating” standard?  
“Operation” in the state is the standard for determining whether authorization is required.

## 5. Physical Presence Policy – Common “Triggers”

- a. If your agency uses a physical presence standard, how does your agency define physical presence? If available, please provide a link to that policy or a citation to the relevant regulation giving that standard.

As defined in <http://apps.leg.wa.gov/WAC/default.aspx?cite=250-61-050>:

WAC 250-61-050 (21) (a-c) defines physical presence in the state as:

“(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.”

This also includes the offering of programs that include field placement components that may take place in the state, whether those programs are otherwise offered residually outside of the state or via distance learning.

- b. Please specify whether any of the following activities would constitute a physical presence or signify “operating” in your state, assuming that the named activity is the institution’s sole activity in your state. **Please answer “yes” or “no” to each question. In addition you may provide a short explanation of any ambiguity.**

- Permitting a student to complete an internship, externship, field experience, or clinical practicum organized by the institution?

Yes, if the field placement is required and may take place in the state

- Does this apply only to distance education students or more generally?

More generally, any institution offering a program that requires a field placement component that may take place in the state, whether the remainder of the program is offered residually outside of the state or via distance learning, would be considered to operate in the state.

- Permitting a student to complete an internship, externship, field experience, or clinical practicum found by the student acting independently?

Yes, see above.

- Does this apply only to distance education students or more generally?

More generally, see above.

- Employing full-time faculty in the state to provide instruction via distance education programs to students in the state?

Not unless the faculty member is also meeting with students at a physical location in the state and providing instruction at that location.

- What about adjunct faculty?  
Same as above.
- Employing full-time faculty in the state to provide instruction via distance education programs solely to students outside of the state?  
Same as above.
  - What about adjunct faculty?  
Same as above.
- Having a contract/agreement between the institution and in-state institutions or in-state entities to provide services for students (i.e. library, gym, computer centers, etc.)?  
Not unless the services include any form of instruction.
- Organized, consistent, on-the-ground recruiting of students in the state by employees or agents of the institution?  
Yes.
  - What if the agent is only recruiting students in the state on an occasional basis (i.e. at job fairs)?  
If the recruiting is limited to multi-college fairs, no. Otherwise, yes.
- Advertising in local media sources that are largely viewed by residents of the state?  
Yes.
- Advertising in national media sources that can be accessed by residents of the state?  
No.
- Having computer servers or other equipment located in the state?  
Yes.
- Hosting short term, face-to-face, seminars or conferences in the state where students meet in person?  
If limited to 3 calendar days or less, no. Otherwise yes.
- Employing mentors, tutors, or preceptors in the state to aid students, who are residents of the state, on an individual basis?  
No.
- Requiring a student to take a proctored exam at a location or with an entity in the state prescribed by the institution?  
No.

- Requiring a student to take a proctored exam with an entity in the state chosen by the student but approved by the institution?  
No.
  - Other [please explain]
- c. Of the activities or conditions listed above that alone would not constitute a physical presence, are there any that if combined would create a physical presence?  
No.

## 6. Application Process

- a. Please provide a short description of the application process to obtain state authorization. If available, please provide web links to the specific references to all applicable state laws, regulations, manuals, forms, or other pertinent documents.

Description of Application Process:

<http://www.hecb.wa.gov/autheval/daa/applicationprocess.asp>

To expedite an initial decision regarding the need for authorization, institutions should complete the questionnaire found at:

<http://www.hecb.wa.gov/autheval/daa/daaindex.asp>.

Should authorization be required, HECB staff will provide the institution with information regarding the application process. Generally, the steps are as follows:

- Step 1: Develop a detailed proposal. Develop an administrative structure and define the degrees and programs your college or university would like to offer in Washington. Outline proposed areas and level of study, the mode of delivery (distance education or classroom-based) and a potential location.
- Step 2: Contact us to set up a meeting. Please call us at least one year prior to the proposed start of operations. We will discuss the application process, the areas of review, and the details of your proposal.
- Step 3: Complete and submit the application. We will review your application and contact you if we have questions or need further clarification.

\*Existing institutions do not need to develop a proposal but they do need to follow step 2 and 3. Contact Degree Authorization staff with questions.

- b. Generally, how long does it take to approve applications (assuming that the agency has received all required information from the institution)? Please provide a typical range if appropriate.

Review of applications for initial authorization can take 6-12 months.

- c. What is the authorization duration?  
Authorization is renewable on a biennial basis.
- d. What does an institution need to do to maintain authorization?  
Biennially, through submission of an application for renewal of authorization, confirm that the conditions under which the authorization was initially granted remain in effect. Also, keep the HECB informed of substantive changes to the institution and/or the programs it offers.
- e. What kinds of information or data must an institution report to your agency as a condition for continued authorization? How frequently is this reported or updated? Is this information published or shared publicly?  
In addition to submitting a biennial renewal application, institutions are required to inform the HECB of any significant changes in the institution's operations, which can be changes in administrative staff, ownership, additional programs and sites, substantive curricular changes to currently authorized programs, etc. Those changes should be reported as they occur. Any documentation submitted to the HECB is subject to public records policies.
- f. Can an institution lose its authorized status? If so, how?  
Yes, by no longer meeting the criteria for authorization.
- g. Can a multi-institutional system or college corporation apply to your agency for authorization on behalf of all of its component institutions? If so, please describe the process.  
Not as one entity unless the institutions are all branches of a primary campus and offer the same programs at each campus. A corporation may apply on behalf of one of its institutions, but we generally review each institution as a separate entity.
- h. Would multi-institution public systems be treated the same as multi-location for-profit institutions?  
The HECB does not treat any institution differently than any other, whether public or private, for-profit or non-profit – all must meet the same requirements according to law.
- i. What distinctive features in your authorization process would be useful for applicants to know (e.g., certain times during the year that you process applications for authorization, sharing of applications or information about proposed programs with institutions or other stakeholders in your state for comment)?  
None.
- j. Is your agency currently planning to amend its application process by the end of 2011?  
No.
- If yes, please provide a brief description of the anticipated change.

- If yes, when does the agency expect the change to be fully implemented?

## 7. Fees Associated with Authorization

- a. Is there an application fee to initiate the authorization process? If so, what is the fee or fee schedule? Please provide a web link if available.

Yes - \$2,000. This fee may be subject to change, pending a revision to the regulations. <http://apps.leg.wa.gov/wac/default.aspx?cite=250-61-170>

- b. Are there any other costs associated with the state authorization process (e.g. site visits, hiring a reviewer, surety bond, tuition recovery fund, agent licensing, etc.)?

There is a requirement for a security/surety as a consumer protection device. Initially, it is \$25,000, but subject to adjustment during the biennial review process. The adjustment is based on tuition and fees collected from Washington State residents.

Should the HECB decide that such are necessary, there may also be external subject matter expert review fees for new programs. Currently, those fees are \$500 per program.

There may also be fees for site visits, should the HECB decide they are necessary.

- c. What are the costs, if any, to renew authorization?  
Yes, currently the biennial renewal fee is \$1,000, subject to change pending a revision to the regulations.
- d. What costs are associated with receiving a waiver or exemption to authorization?  
Currently, there are no costs associated with a waiver or exemption.

## 8. Interstate Reciprocity

- a. Do your state regulations explicitly allow or prohibit interstate reciprocal agreements about authorization? If so, please describe.

No.

- b. What is the process, if any, to obtain a reciprocal agreement with your state?

Not applicable.

- c. Are there any reciprocal agreements currently in place or under consideration? If so, please list those agreements.

Not applicable.

- d. If interstate reciprocal agreements are not addressed in your regulations, would your agency consider establishing such agreements? Please elaborate.  
**No.**

## 9. Consumer Protection and Student Complaints

- a. Does your agency have a process for handling complaints about postsecondary institutions or programs?  
**Yes, for those institutions it authorizes.**
- o If yes, please describe the process or provide a web link to the material that describes the complaint process.  
**Students may submit a formal complaint to the HECB, provided it is against an institution authorized by the HECB and is within one year of the last date of attendance.**
- o If yes, does this complaint process extend to institutions not authorized by the agency that may enroll residents of the state (such as explicitly distance education programs with no physical presence or exempt institutions)?  
**No.**
- o If available, please provide a web link to the complaint form.  
**Not applicable.**

Who is the contact person for receiving complaints? Please include name, title, address, phone, and email if available.

**Karen Oelschlager**  
**Program Associate**  
**HECB**  
**P.O. Box 43430**  
**Olympia, WA 98504-3430**  
**360-753-7869**  
**kareno@hecb.wa.gov**

- b. If your agency has no formal process for handling complaints related to postsecondary institutions, what state agency would handle a complaint?  
**Not applicable.**

## 10. Enforcement

- a. If your agency finds that an institution or program is operating in your state without authorization, what is the resulting warning or enforcement action?  
**Initially, a letter is sent notifying the institution that it may be in violation of state law. It**

has the choice to either permanently cease operation in the state or temporarily cease operation and apply for authorization.

- b. Can an institution or program appeal a warning or enforcement action? If yes, please describe the process or provide web links to the regulations/policies.  
If an institution can demonstrate that it is not operating in the state, the HECB considers such evidence prior to further action. There is no formal appeal process.

## 11. Legislative or Regulatory Changes

- a. Is your agency or state legislature planning to amend its regulations or alter its physical presence policy by the end of 2011?  
The HECB is not. It is unknown if the state legislature has any such plans.
- If yes, please provide a brief description of the anticipated change.
  - If yes, when does the agency expect the change to be fully implemented?
- b. Is your agency or state legislature making changes in your state regulations or statutes so that institutions with locations in your state would be considered legally authorized in accordance with the federal institutional eligibility regulations?  
The HECB is not. It is unknown if the state legislature has any such plans.
- If yes, please provide a brief description of the anticipated change.
  - If yes, when does the agency expect the change to be fully implemented?
- c. Is your agency or state legislature making any other changes in your state regulations or statutes with regard to state authorization?  
Yes, the HECB has plans as noted below.
- If yes, please provide a brief description of the anticipated change.  
We are planning a revision to our regulation to institute new fees for authorization.
  - If yes, when does the agency expect the change to be fully implemented?  
Unknown at this time.

## 12. Is there anything else about the authorization process in your state that we and others ought to know about?

No.