

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 Workforce Training and Education Coordinating Board**
- Description:
Private vocational schools are licensed by the Workforce Training and Education Coordinating Board.
 - Contact Information:
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 - Please state who institutions should contact if they have questions about your agency’s authority, policies, or application process?
See above.
- b. Links:
<http://www.wtb.wa.gov/pcs.asp>
<http://apps.leg.wa.gov/RCW/default.aspx?cite=28C.10>
<http://apps.leg.wa.gov/WAC/default.aspx?cite=490-105>

- c. According to our records, the following agency also has responsibility for authorization in the state. Please correct, add to, or clarify this list of authorizing authorities as necessary. This agency will also be requested to complete a survey. **The Workforce Training and Education Coordinating Board licenses private vocational schools that offer programs that lead to certificates and diplomas.**

Washington Higher Education Coordinating Board is responsible for authorizing institutions to offer degrees in Washington.

Washington State Department of Licensing is responsible for regulating cosmetology programs - <http://www.dol.wa.gov/business/cosmetology/>

The Real Estate Commission regulates real estate schools - <http://www.dol.wa.gov/business/realestate/realestateeducators.html>

- d. If the division of responsibility among these agencies is not clear, please explain. **See above.**

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.

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

Clarifying comments:

- 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.

No.

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

No.

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

Regional
 National
 Programmatic/specialized

Clarifying comments:

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

We license private vocational schools and authorize them to offer the programs they submit for approval.

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

Nursing

Certified Nursing Assistant programs

Department of Social and Health Services/Residential Care Services
Administration

www.dshs.wa.gov

Department of Health

Health Professions Quality Assurance

www.doh.wa.gov

Counseling Psychology

Department of Health

www.doh.wa.gov

Allied Health Professions and related programs

Pharmacy Technician, Licensed Massage Practitioner, Acupuncture, Emergency

Medical Technician and Paramedic programs

Department of Health

www.doh.wa.gov

Others

Casino Dealer Programs
Washington State Gambling Commission
www.wsgc.wa.gov
Commercial Driver License Programs
Department of Licensing
www.dol.wa.gov.

Mortgage Banking Programs
Department of Financial Institutions
www.dfi.wa.gov

3. Exemptions

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

Yes.

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

<http://apps.leg.wa.gov/RCW/default.aspx?cite=28C.10.030>

<http://apps.leg.wa.gov/WAC/default.aspx?cite=490-105>

- 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.?

Exemptions listed under RCW28C.10.030 are automatic; schools do not need to apply for those exemptions. Exemptions listed under WAC 490-105-030(1)(c) are not automatic. Schools must apply annually for those exemptions.

- b. 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.)?

Possibly.

- c. Does your state constitution or do your state laws provide any exemptions for religious institutions?

Yes, RCW28C.10.030(7) exempts “entities not otherwise exempt that are of a religious character, but only as to those educational programs exclusively devoted to religious or theological objectives and represented accurately in institutional catalogs or other official publications.”

- Are all religious institutions exempt (please describe)?
See above.
- Are religious institutions that award only religious degrees or certificates exempt (please describe)?
Yes with regard to certificates; please contact the Higher Education Coordinating Board regarding religious degrees.
- Are certain religious institutions exempt that meet other criteria (please describe)?

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?
No.
- b. If not, does your agency determine whether an institution must be authorized based on a physical presence or “operating” standard?
Yes.

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.
RCW28C.10.020(7) “Private vocational school” means any location where an entity is offering postsecondary education in any form or manner for the purpose of instructing, training, or preparing persons for any vocation or profession.

RCW28C.10.020(11) “To offer” includes, in addition to its usual meanings, to advertise or publicize. “To offer” also means to solicit or encourage any person, directly or indirectly, to perform the act described.

RCW28C.10.020(12) (12) “To operate” means to establish, keep, or maintain any facility or location where, from, or through which education is offered or educational credentials are offered or granted to residents of this state, and includes contracting for the performance of any such act.
- 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 internship, externship, field experience, etc. is located in Washington.
 - Does this apply only to distance education students or more generally?
It would apply to any out of state school that required students to complete an internship, externship, field experience in Washington.
- Permitting a student to complete an internship, externship, field experience, or clinical practicum found by the student acting independently?
This question is unclear. We don't consider a field experience to be part of the program if it is arranged by the student acting independently and is not a required component of the program. If it is a required component, we expect the institutions to find and supervise the internship, externship, etc. We do not allow institutions to push that responsibility off onto students.
 - Does this apply only to distance education students or more generally?
- Employing full-time faculty in the state to provide instruction via distance education programs to students in the state?
No.
 - What about adjunct faculty?
No.
- Employing full-time faculty in the state to provide instruction via distance education programs solely to students outside of the state?
No.
 - What about adjunct faculty?
No.
- 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.)?
Yes.
- 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)?
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?
Only if the seminars are longer than three calendar days.
 - Employing mentors, tutors, or preceptors in the state to aid students, who are residents of the state, on an individual basis?
Yes.
 - Requiring a student to take a proctored exam at a location or with an entity in the state prescribed by the institution?
Yes.
 - Requiring a student to take a proctored exam with an entity in the state chosen by the student but approved by the institution?
Yes.
 - 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.
http://www.wtb.wa.gov/PCS_StartingASchool.asp

- 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.
30 to 60 days.
- c. What is the authorization duration?
One year.
- d. What does an institution need to do to maintain authorization?
Continue to meet minimum licensing standards described in RCW28C.10.050; <http://apps.leg.wa.gov/RCW/default.aspx?cite=28C.10.050>
- 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?
Institutions must:
- file the qualifications of staff within 30 days of hire
 - submit revisions to catalog, enrollment agreement and other written materials describing their course offerings prior to their use
 - follow a statewide uniform cancellation and refund policy
 - measure each applicant's ability to benefit against current pre-requisites for successfully completing the program and qualifying for employment in the field
 - submit an annual financial statement
 - pay an annual license fee and tuition recovery trust fund payment based on annual tuition revenue
 - submit an annual student data report including student demographic information, enrollment status and social security numbers. This information is used to determine graduation rates, employment rates, and wages of graduates. This information is published on careerbridge.wa.gov for schools that have their programs listed on the state's Eligible Training Provider List for WIA purposes.
- f. Can an institution lose its authorized status? If so, how?
Yes. If a school fails to meet minimum standards.
- 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.
No.
- h. Would multi-institution public systems be treated the same as multi-location for-profit institutions?
The WTECB does not regulate public institutions.

- 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.
http://www.wtb.wa.gov/Documents/FeeSchedule_000.doc
- 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.)?
<http://apps.leg.wa.gov/WAC/default.aspx?cite=490-105-070>
- c. What are the costs, if any, to renew authorization?
See 7.a.
- d. What costs are associated with receiving a waiver or exemption to authorization?
None.

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.

- If yes, please describe the process or provide a web link to the material that describes the complaint process.
http://www.wtb.wa.gov/PCS_Complaints.asp
- 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.

- If available, please provide a web link to the complaint form.
http://www.wtb.wa.gov/PCS_ComplaintForm.asp
- Who is the contact person for receiving complaints? Please include name, title, address, phone, and email if available.

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- b. If your agency has no formal process for handling complaints related to postsecondary institutions, what state agency would handle a complaint?

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?
We send a letter alerting the institution that it needs a license. If it does not respond we issue a Cease and Desist Order. If that doesn't get their attention we turn it over to the Office of the Attorney General for legal action.
- 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.
<http://apps.leg.wa.gov/WAC/default.aspx?cite=490-105-190>

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?
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?
- 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?
No, we do not believe changes in our current statute and regulations are necessary to legally authorize institutions located in Washington.
 - 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?
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?

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