

ESHB 2507 - S COMM AMD

By Committee on Early Learning, K-12 & Higher Education

ADOPTED 03/03/2006

1 Strike everything after the enacting clause and insert the  
2 following:

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

5 (1) It is unlawful for a person to:

6 (a) Grant or award a false academic credential or offer to grant or  
7 award a false academic credential in violation of this section;

8 (b) Represent that a credit earned or granted by the person, in  
9 violation of this section, can be applied toward a credential offered  
10 by another person; or

11 (c) Solicit another person to seek a credential or to earn a credit  
12 that is offered in violation of this section.

13 (2) The definitions in section 2 of this act apply to this section.

14 (3) A violation of this section constitutes an unfair or deceptive  
15 act or practice in the conduct of trade or commerce under chapter 19.86  
16 RCW.

17 (4) In addition to any other venue authorized by law, venue for the  
18 prosecution of an offense under this section is in the county in which  
19 an element of the offense occurs.

20 NEW SECTION. **Sec. 2.** A new section is added to chapter 9A.60 RCW  
21 to read as follows:

22 (1) A person is guilty of issuing a false academic credential if  
23 the person knowingly:

24 (a) Grants or awards a false academic credential or offers to grant  
25 or award a false academic credential in violation of this section;

26 (b) Represents that a credit earned or granted by the person in  
27 violation of this section can be applied toward a credential offered by  
28 another person;

1 (c) Grants or offers to grant a credit for which a representation  
2 as described in (b) of this subsection is made; or

3 (d) Solicits another person to seek a credential or to earn a  
4 credit the person knows is offered in violation of this section.

5 (2) A person is guilty of knowingly using a false academic  
6 credential if the person knowingly uses a false academic credential or  
7 falsely claims to have a credential issued by an institution of higher  
8 education that is accredited by an accrediting association recognized  
9 as such by rule of the higher education coordinating board:

10 (a) In a written or oral advertisement or other promotion of a  
11 business; or

12 (b) With the intent to:

13 (i) Obtain employment;

14 (ii) Obtain a license or certificate to practice a trade,  
15 profession, or occupation;

16 (iii) Obtain a promotion, compensation or other benefit, or an  
17 increase in compensation or other benefit, in employment or in the  
18 practice of a trade, profession, or occupation;

19 (iv) Obtain admission to an educational program in this state; or

20 (v) Gain a position in government with authority over another  
21 person, regardless of whether the person receives compensation for the  
22 position.

23 (3) The definitions in this subsection apply throughout this  
24 section and section 1 of this act.

25 (a) "False academic credential" means a document that provides  
26 evidence or demonstrates completion of an academic or professional  
27 course of instruction beyond the secondary level that results in the  
28 attainment of an academic certificate, degree, or rank, and that is not  
29 issued by a person or entity that: (i) Is an entity accredited by an  
30 agency recognized as such by rule of the higher education coordinating  
31 board or has the international equivalents of such accreditation; or  
32 (ii) is an entity authorized as a degree-granting institution by the  
33 higher education coordinating board; or (iii) is an entity exempt from  
34 the requirements of authorization as a degree-granting institution by  
35 the higher education coordinating board; or (iv) is an entity that has  
36 been granted a waiver by the higher education coordinating board from  
37 the requirements of authorization by the board. Such documents

1 include, but are not limited to, academic certificates, degrees,  
2 coursework, degree credits, transcripts, or certification of completion  
3 of a degree.

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

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

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

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

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

11 (iii) 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 (4) Issuing a false academic credential is a class C felony.

17 (5) Knowingly using a false academic credential is a class C  
18 felony.

19 **Sec. 3.** RCW 28B.85.020 and 2005 c 274 s 246 are each amended to  
20 read as follows:

21 (1) The board:

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

29 (i) Be accredited ~~((or be making progress toward accreditation by~~  
30 ~~an accrediting agency recognized by the United States department of~~  
31 ~~education. The board shall adopt the rules in accordance with chapter~~  
32 ~~34.05 RCW))~~);

33 (ii) Have applied for accreditation and such application is pending  
34 before the accrediting agency;

35 (iii) Have been granted a waiver by the board waiving the  
36 requirement of accreditation; or

1        (iv) Have been granted an exemption by the board from the  
2 requirements of this subsection (1)(a);

3        (b) May investigate any entity the board reasonably believes to be  
4 subject to the jurisdiction of this chapter. In connection with the  
5 investigation, the board may administer oaths and affirmations, issue  
6 subpoenas and compel attendance, take evidence, and require the  
7 production of any books, papers, correspondence, memorandums, or other  
8 records which the board deems relevant or material to the  
9 investigation. The board, including its staff and any other authorized  
10 persons, may conduct site inspections, the cost of which shall be borne  
11 by the institution, and examine records of all institutions subject to  
12 this chapter;

13        (c) Shall develop an interagency agreement with the work force  
14 training and education coordinating board to regulate degree-granting  
15 private vocational schools with respect to degree and nondegree  
16 programs; and

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

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

29        **Sec. 4.** RCW 28B.85.040 and 2004 c 96 s 2 are each amended to read  
30 as follows:

31        (1) An institution or person shall not advertise, offer, sell, or  
32 award a degree or any other type of educational credential unless the  
33 student has enrolled in and successfully completed a prescribed program  
34 of study, as outlined in the institution's publications. This  
35 prohibition shall not apply to honorary credentials clearly designated  
36 as such on the front side of the diploma or certificate and awarded by

1 institutions offering other educational credentials in compliance with  
2 state law.

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

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

11 (a) Any public college, university, community college, technical  
12 college, or institute operating as part of the public higher  
13 educational system of this state;

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

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

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

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

32 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.405  
33 RCW to read as follows:

34 A person who issues or uses a false academic credential is subject  
35 to sections 1 and 2 of this act.

1        NEW SECTION.   **Sec. 6.**   A new section is added to chapter 28B.50 RCW  
2   to read as follows:

3        A person who issues or uses a false academic credential is subject  
4   to sections 1 and 2 of this act.

5        NEW SECTION.   **Sec. 7.**   A new section is added to chapter 41.06 RCW  
6   to read as follows:

7        A person who issues or uses a false academic credential is subject  
8   to sections 1 and 2 of this act."

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9        On page 1, line 2 of the title, after "education;" strike the  
10   remainder of the title and insert "amending RCW 28B.85.020 and  
11   28B.85.040; adding a new section to chapter 28B.85 RCW; adding a new  
12   section to chapter 9A.60 RCW; adding a new section to chapter 28A.405  
13   RCW; adding a new section to chapter 28B.50 RCW; adding a new section  
14   to chapter 41.06 RCW; and prescribing penalties."

EFFECT:   Removes foreign degree-granting institutions.

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