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**SUBSTITUTE HOUSE BILL 1124**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** House College & Workforce Development (originally sponsored by Representatives Pollet and Frame)

READ FIRST TIME 02/15/19.

1 AN ACT Relating to regulating degree-granting institutions not  
2 exempt under chapter 28B.85 RCW, private vocational schools not  
3 exempt under chapter 28C.10 RCW, schools under chapter 18.16 RCW, and  
4 other for-profit schools, for the purposes of promoting  
5 accountability and providing consumer protection to students and the  
6 public; amending RCW 28B.85.020, 28B.85.095, 28B.85.175, 28C.10.050,  
7 28C.10.110, 18.16.150, 28B.85.090, 28C.10.120, 18.16.160, 28B.77.110,  
8 28B.85.070, 28B.85.230, 18.16.310, and 28C.10.084; reenacting and  
9 amending RCW 43.79A.040 and 43.84.092; adding a new section to  
10 chapter 28B.85 RCW; adding a new section to chapter 28C.10 RCW;  
11 adding a new section to chapter 18.16 RCW; adding a new section  
12 chapter 82.32 RCW; adding a new section to chapter 43.41 RCW; adding  
13 a new section to chapter 28B.77 RCW; and creating new sections.

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

15 **DATA COLLECTION AND GAINFUL EMPLOYMENT RULES**

16 NEW SECTION. **Sec. 1.** For-profit and formerly for-profit degree-  
17 granting institutions and private vocational schools that offer  
18 nondegree certificates and training are designed to prepare students  
19 for gainful employment in recognized occupations. Students' debt-to-  
20 earnings ratios can be a factor in determining whether a program,

1 school, or institution is adequately preparing students for  
2 employment. Debt-to-earnings ratios can also represent a reliable  
3 measure of the ability of program completers to reasonably repay the  
4 educational debt incurred for their attendance at the school or  
5 institution. The legislature recognizes that gainful employment  
6 requirements will further the goal of keeping for-profit and formerly  
7 for-profit degree-granting institutions and private vocational  
8 schools accountable to students and the public. In addition, the  
9 legislature seeks to clarify that although some for-profit degree-  
10 granting institutions have reorganized as nonprofit entities,  
11 chapters 28B.85, 28C.10, and 19.86 RCW, apply to those formerly for-  
12 profit institutions unless otherwise exempt.

13 **Sec. 2.** RCW 28B.85.020 and 2013 c 218 s 3 are each amended to  
14 read as follows:

15 (1) The council:

16 (a) Shall adopt by rule, in accordance with chapter 34.05 RCW,  
17 minimum standards for degree-granting institutions concerning  
18 granting of degrees, quality of education, unfair business practices,  
19 financial stability, gainful employment requirements as defined in  
20 section 3 of this act, and other necessary measures to implement this  
21 chapter and protect citizens of this state against substandard,  
22 fraudulent, or deceptive practices. The rules shall require that an  
23 institution operating in Washington:

24 (i) Be accredited;

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

27 (iii) Have been granted a waiver by the council waiving the  
28 requirement of accreditation; or

29 (iv) Have been granted an exemption by the council from the  
30 requirements of this subsection (1) (a);

31 (b) May investigate any entity the council reasonably believes to  
32 be subject to the jurisdiction of this chapter. In connection with  
33 the investigation, the council may administer oaths and affirmations,  
34 issue subpoenas and compel attendance, take evidence, and require the  
35 production of any books, papers, correspondence, memorandums, or  
36 other records which the council deems relevant or material to the  
37 investigation. The council, including its staff and any other  
38 authorized persons, may conduct site inspections, the cost of which

1 shall be borne by the institution, and examine records of all  
2 institutions subject to this chapter;

3 (c) May negotiate and enter into interstate reciprocity  
4 agreements with other state or multistate entities if the agreements  
5 are consistent with the purposes in this chapter as determined by the  
6 council;

7 (d) May enter into agreements with degree-granting institutions  
8 of higher education based in this state, that are otherwise exempt  
9 under the provisions of (~~subsection (1)~~) (a) of this subsection, for  
10 the purpose of ensuring consistent consumer protection in interstate  
11 distance delivery of higher education;

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

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

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

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

30 (1) (a) The council shall require that programs offered by degree-  
31 granting institutions authorized to operate under this chapter must  
32 prepare students for gainful employment in a recognized occupation.  
33 Gainful employment requirements must be based on debt-to-earnings  
34 rates, or where necessary, cost-to-earnings rates, demonstrating  
35 whether students completing the program will likely be able to  
36 reasonably repay student loan debts incurred for attending the  
37 institution, based on earnings from employment.

38 (b) The council shall consult with the workforce training and  
39 education coordinating board in establishing debt-to-earnings rates

1 and cost-to-earnings rates, including methods of calculation, types  
2 of student-level data and institutional data needed to calculate  
3 debt-to-earnings rates, and any relevant factors to be taken into  
4 consideration in establishing acceptable rates for different types of  
5 programs.

6 (2)(a) The council shall determine acceptable debt-to-earnings  
7 rates, or where necessary under subsection (3)(c) of this section,  
8 cost-to-earnings rates, for programs and institutions for the  
9 purposes of determining whether the program or institution continues  
10 to be eligible to participate in the state's financial aid programs  
11 or to operate in the state.

12 (b) For determining the eligibility of private vocational schools  
13 under section 7 of this act and for schools under section 9 of this  
14 act to continue to participate in the state's financial aid programs,  
15 the council shall rely on notification from the workforce training  
16 and education coordinating board or the department of licensing that  
17 a program or school within the respective licensing authority of  
18 those agencies has not met the appropriate gainful employment  
19 standards and has not invoked or exhausted its appeal rights.

20 (3)(a) To implement this section, the council shall require  
21 degree-granting institutions authorized to operate under this chapter  
22 to collect student-level data. At a minimum, student-level data must  
23 include a student's social security number if available to the  
24 institution, birth date, and financial aid awards if the student  
25 received financial aid. Financial aid awards include the amount of  
26 federal, state, and institutional loans, grants, or scholarships the  
27 student received of which the institution is aware.

28 (b) Degree-granting institutions authorized to operate under this  
29 chapter shall make student-level data available to the workforce  
30 training and education coordinating board for analysis and  
31 calculation.

32 (c) The council, in consultation with the workforce training and  
33 education coordinating board, shall establish the minimum threshold  
34 of students required in a program cohort to have a meaningful debt-  
35 to-earnings rate for a particular program or institution. If  
36 meaningful debt-to-earnings rates cannot be established for a  
37 particular program or institution, the workforce training and  
38 education coordinating board shall evaluate student-level data and  
39 other information to assess earnings in relation to cost of  
40 attendance, taking into consideration the length of the particular

1 program. The workforce training and education coordinating board  
2 shall publish its assessment of cost-to-earnings in lieu of debt-to-  
3 earnings rates.

4 (4) Beginning no later than July 1, 2021, and every year  
5 thereafter, each degree-granting institution authorized to operate  
6 under this chapter shall publish the debt-to-earnings rates, or where  
7 necessary, cost-to-earnings rates, of its programs on the  
8 institution's web site. The workforce training and education  
9 coordinating board shall also publish the institution's debt-to-  
10 earnings rates, or where necessary, cost-to-earnings rates, on the  
11 workforce training and education coordinating board's web site.

12 (5) The council may adopt rules to implement this section,  
13 including rules for:

14 (a) The collection of student, school, and program data as  
15 provided under this section; and

16 (b) Providing probationary or graduated sanctions for violations  
17 of the gainful employment requirements, when appropriate.

18 **Sec. 4.** RCW 28B.85.095 and 2018 c 203 s 4 are each amended to  
19 read as follows:

20 (1)(a) The council may deny, revoke, or suspend the authorization  
21 of any degree-granting institution authorized to operate under this  
22 chapter that is found to be in violation of this chapter.

23 (b) The council may not delegate to any other state its authority  
24 to oversee and enforce compliance with this chapter or its authority  
25 to respond to complaints by students in this state, regardless of  
26 whether the institution is authorized by, or has its home in, another  
27 state. Under RCW 28B.85.020(1)(c), participation in interstate  
28 reciprocity agreements consistent with the purposes of this chapter  
29 does not delegate authority for compliance with this chapter or  
30 authority to respond to student complaints.

31 (2) It is a violation of this chapter for a degree-granting  
32 institution authorized to operate under this chapter or an agent  
33 employed by such a degree-granting institution to:

34 (a) Provide prospective students with any testimonial,  
35 endorsement, or other information that a reasonable person would find  
36 was likely to mislead or deceive prospective students or the public  
37 regarding current practices of the school, current conditions for  
38 employment opportunities, postgraduation employment by industry, or  
39 probable earnings in the occupation for which the education was

1 designed, the likelihood of obtaining financial aid or low-interest  
2 loans for tuition, or the ability of graduates to repay loans;

3 (b) Use any official United States military logo in advertising  
4 or promotional materials; (~~or~~)

5 (c) Violate the provision of RCW 28B.85.175(1)(b) regarding the  
6 sale of, or inducing of students to obtain, specific consumer student  
7 loan products; or

8 (d) Not be in compliance with the gainful employment requirements  
9 established by rule.

10 **Sec. 5.** RCW 28B.85.175 and 2018 c 203 s 5 are each amended to  
11 read as follows:

12 (1) A degree-granting institution authorized to operate under  
13 this chapter must:

14 (a) (~~Present~~) Post data about its completion rates, gainful  
15 employment, employment rates, loan or indebtedness metrics, or its  
16 graduates' median hourly and annual earnings, (~~the posted data~~)  
17 consistent with the data posted on the workforce training and  
18 education coordinating board's career bridge web site or the data  
19 posted by the United States department of education, if the board or  
20 the department of education has posted such data;

21 (b) Not engage in any practice regarding the sale of, or inducing  
22 of students to obtain, specific consumer student loan products to  
23 fund education that financially benefits any person or entity that  
24 has an ownership interest in the institution, unless the institution  
25 can demonstrate to the council that the student has exhausted all  
26 federal aid options and has been denied noninstitutional private  
27 commercial loan products. The prohibition in this subsection (1)(b)  
28 applies to any degree-granting institution authorized to operate  
29 under this chapter, and any agent of the institution, that has at  
30 least one hundred fifty students or more enrolled in the state in any  
31 given year or that has been operating in the state for less than two  
32 consecutive years. A financial benefit for purposes of this  
33 subsection (1)(b) does not include merely having an interest in  
34 students with loans enrolling in the institution or assisting  
35 students with financial aid matters. For purposes of this subsection  
36 (1)(b), "agent" means any employee, officer, or contractor working on  
37 behalf of the institution; and

38 (c) Disclose to the council regarding any pending investigations  
39 by an oversight entity, including the nature of that investigation,

1 within thirty days of the degree-granting institution's first  
2 knowledge of the investigation. For the purposes of this subsection,  
3 "investigation" means any inquiry into possible violations of any  
4 applicable laws or accreditation standards. For the purposes of this  
5 subsection, "oversight entity" means all of the following:

6 (i) Any federal or state entity that provides financial aid to  
7 students of the institution or approves the institution for  
8 participation in a financial aid program;

9 (ii) Any state or federal attorney general's office or department  
10 of justice;

11 (iii) Any regulator that approves the operation of the private  
12 vocational school;

13 (iv) The federal consumer financial protection bureau or the  
14 federal securities and exchange commission; and

15 (v) Any accrediting agency.

16 (2) A violation of any provision of this section is also a  
17 violation of RCW 19.86.020 of the consumer protection act. The  
18 penalties authorized pursuant to subsection (1) of this section do  
19 not preclude remedies available under the provisions of the consumer  
20 protection act.

21 **Sec. 6.** RCW 28C.10.050 and 2018 c 203 s 6 are each amended to  
22 read as follows:

23 (1) The agency shall adopt by rule minimum standards for entities  
24 operating private vocational schools. The minimum standards shall  
25 include, but not be limited to, requirements to assess whether a  
26 private vocational school is eligible to obtain and maintain a  
27 license in this state.

28 (2) The requirements adopted by the agency shall, at a minimum,  
29 require a private vocational school to:

30 (a) Disclose to the agency information about its ownership and  
31 financial position and demonstrate to the agency that the school is  
32 financially viable and responsible and that it has sufficient  
33 financial resources to fulfill its commitments to students. Financial  
34 disclosures provided to the agency shall not be subject to public  
35 disclosure under chapter 42.56 RCW;

36 (b) Follow a uniform statewide cancellation and refund policy as  
37 specified by the agency;

38 (c) Disclose through use of a school catalog, web site, brochure,  
39 or other written material, necessary information to students so that

1 students may make informed enrollment decisions. The agency shall  
2 specify what data and information are required. To the extent that  
3 these web sites or materials present any data on the completion  
4 rates, employment rates, gainful employment, loan or indebtedness  
5 metrics, and its graduates' median hourly and annual earnings for any  
6 of the private vocational schools or its programs, the posted data  
7 must be consistent with the data posted on the agency's career bridge  
8 web site or the data posted by the United States department of  
9 education, if the agency or the department of education has posted  
10 such data. Nothing in this subsection requires the agency to make  
11 changes to the career bridge web site or add new elements or features  
12 to the career bridge web site;

13 (d) Use an enrollment contract or agreement that includes: (i)  
14 The school's cancellation and refund policy, (ii) a brief statement  
15 that the school is licensed under this chapter and that inquiries,  
16 concerns, or complaints may be made to the agency, and (iii) other  
17 necessary information as determined by the agency;

18 (e) Describe accurately and completely in writing to students  
19 before their enrollment prerequisites and requirements for (i)  
20 completing successfully the programs of study in which they are  
21 interested and (ii) qualifying for the fields of employment for which  
22 their education is designed;

23 (f) Comply with the requirements of RCW 28C.10.084;

24 (g) Assess the basic skills and relevant aptitudes of each  
25 potential student to determine that a potential student has the basic  
26 skills and relevant aptitudes necessary to complete and benefit from  
27 the program in which the student plans to enroll, including but not  
28 limited to administering a United States department of education-  
29 approved English as a second language exam before enrolling students  
30 for whom English is a second language unless the students provide  
31 proof of graduation from a United States high school or proof of  
32 completion of a high school equivalency certificate as provided in  
33 RCW 28B.50.536 in English or results of another academic assessment  
34 determined appropriate by the agency. Guidelines for such assessments  
35 shall be developed by the agency, in consultation with the schools;

36 (h) Discuss with each potential student the potential student's  
37 obligations in signing any enrollment contract and/or incurring any  
38 debt for educational purposes. The discussion shall include the  
39 inadvisability of acquiring an excessive educational debt burden that



1 will be difficult to repay given employment opportunities and average  
2 starting salaries in the potential student's chosen occupation;

3 (i) Ensure that any enrollment contract between the private  
4 vocational school and its students has an attachment in a format  
5 provided by the agency. The attachment shall be signed by both the  
6 school and the student. The attachment shall stipulate that the  
7 school has complied with (h) of this subsection and that the student  
8 understands and accepts his or her responsibilities in signing any  
9 enrollment contract or debt application. The attachment shall also  
10 stipulate that the enrollment contract shall not be binding for at  
11 least five days, excluding Sundays and holidays, following signature  
12 of the enrollment contract by both parties;

13 (j) Comply with the requirements related to qualifications of  
14 administrators and instructors; (~~and~~)

15 (k) Comply with the requirements of section 7 of this act; and

16 (l) Disclose to the agency regarding any pending investigations  
17 by an oversight entity, including the nature of that investigation,  
18 within thirty days of the school's first knowledge of the  
19 investigation. For the purposes of this subsection, "investigation"  
20 means any inquiry into possible violations of any applicable laws or  
21 accreditation standards. For the purposes of this subsection,  
22 "oversight entity" means all of the following:

23 (i) Any federal or state entity that provides financial aid to  
24 students of the institution or approves the school for participation  
25 in a financial aid program;

26 (ii) Any state or federal attorney general's office or department  
27 of justice;

28 (iii) Any regulator that approves the operation of the private  
29 vocational school;

30 (iv) The federal consumer financial protection bureau or the  
31 federal securities and exchange commission; and

32 (v) Any accrediting agency.

33 (3) A private vocational school that has at least one hundred  
34 fifty students or more in the state during any given year, or that  
35 has been operating in the state for less than two consecutive years,  
36 or that has not had at least one of its programs recognized by the  
37 agency as an eligible training provider for at least two consecutive  
38 years, may not engage in any practice regarding the sale of, or  
39 inducing of students to obtain, specific consumer student loan  
40 products to fund education that financially benefits any person or

1 entity that has an ownership interest in the institution, unless the  
2 institution can demonstrate to the agency that the student has  
3 exhausted all federal aid options and has been denied  
4 noninstitutional private commercial loan products. A financial  
5 benefit for purposes of this subsection does not include merely  
6 having an interest in students with loans enrolling in the  
7 institution or assisting students with financial aid matters. For  
8 purposes of this subsection, "agent" means any employee, officer, or  
9 contractor working on behalf of the institution.

10 (4) The agency may deny a private vocational school's application  
11 for licensure if the school fails to meet the requirements in this  
12 section.

13 (5) The agency may determine that a licensed private vocational  
14 school or a particular program of a private vocational school is at  
15 risk of closure or termination if:

16 (a) There is a pattern or history of substantiated student  
17 complaints filed with the agency pursuant to RCW 28C.10.120; or

18 (b) The private vocational school fails to meet minimum licensing  
19 requirements and has a pattern or history of failing to meet the  
20 minimum requirements.

21 (6) If the agency determines that a private vocational school or  
22 a particular program is at risk of closure or termination, the agency  
23 shall require the school to take corrective action.

24 NEW SECTION. **Sec. 7.** A new section is added to chapter 28C.10  
25 RCW to read as follows:

26 (1) The agency shall require that programs offered by private  
27 vocational schools authorized to operate under this chapter must  
28 prepare students for gainful employment in a recognized occupation.  
29 Gainful employment requirements must be based on debt-to-earnings  
30 rates, or where necessary, cost-to-earnings rates, demonstrating  
31 whether students completing the program will likely be able to  
32 reasonably repay student loan debts incurred for attending the  
33 private vocational school, based on earnings from employment.

34 (2) The agency shall determine acceptable debt-to-earnings rates,  
35 or where necessary under subsection (3)(c) of this section, cost-to-  
36 earnings rates, for programs and private vocational schools for the  
37 purposes of determining whether the program or private vocational  
38 school continues to be eligible to participate in the state's  
39 financial aid programs or to operate in the state. In determining

1 acceptable rates, the agency shall establish the relevant factors to  
2 be taken into consideration to establish acceptable rates for  
3 different types of programs.

4 (3)(a) To implement this section, the agency shall require  
5 private vocational schools authorized to operate under this chapter  
6 to collect student level data. At a minimum, student-level data must  
7 include a student's social security number if available to the  
8 private vocational school, birth date, and financial aid awards if  
9 the student received financial aid. Financial aid awards include the  
10 amount of federal, state, and institutional loans, grants, or  
11 scholarships the student received of which the private vocational  
12 school is aware.

13 (b) Private vocational schools authorized to operate under this  
14 chapter shall make student-level data available to the agency for  
15 analysis and calculation.

16 (c) The agency shall establish the minimum threshold of students  
17 required in a program cohort to have a meaningful debt-to-earnings  
18 rate for a particular program or private vocational school. If  
19 meaningful debt-to-earnings rates cannot be established for a  
20 particular program or private vocational school, the agency shall  
21 evaluate student level data and other information to assess earnings  
22 in relation to cost of attendance, taking into consideration the  
23 length of the particular program. The agency shall publish its  
24 assessment of cost-to-earnings in lieu of debt-to-earnings rates.

25 (4) Beginning no later than July 1, 2021, and every year  
26 thereafter, each private vocational school must publish on its web  
27 site the debt-to-earnings rates, or where necessary, cost-to-earnings  
28 rates. The agency shall also publish on its web site the debt-to-  
29 earnings rates, or where necessary, cost-to-earnings rates, of  
30 programs and private vocational schools.

31 (5) The agency may adopt rules to implement this section,  
32 including rules for:

33 (a) The collection of student, school, and program data as  
34 provided under this section and sections 3 and 9 of this act; and

35 (b) Providing probationary or graduated sanctions for violations  
36 of the gainful employment requirements, when appropriate, and  
37 providing notice to the student achievement council when a program's  
38 or private vocational school's noncompliance impacts eligibility to  
39 participate in the state's financial aid programs.

1       **Sec. 8.** RCW 28C.10.110 and 2018 c 203 s 7 are each amended to  
2 read as follows:

3       (1) It is a violation of this chapter for an entity operating a  
4 private vocational school to engage in an unfair business practice.  
5 The agency may deny, revoke, or suspend the license of any entity  
6 that is found to have engaged in a substantial number of unfair  
7 business practices or that has engaged in significant unfair business  
8 practices.

9       (2) It is an unfair business practice for an entity operating a  
10 private vocational school or an agent employed by a private  
11 vocational school to:

12       (a) Fail to comply with the terms of a student enrollment  
13 contract or agreement;

14       (b) Use an enrollment contract form, catalog, brochure, or  
15 similar written material affecting the terms and conditions of  
16 student enrollment other than that previously submitted to the agency  
17 and authorized for use;

18       (c) Advertise in the help wanted section of a newspaper or  
19 otherwise represent falsely, directly or by implication, that the  
20 school is an employment agency, is making an offer of employment or  
21 otherwise is attempting to conceal the fact that what is being  
22 represented are course offerings of a school;

23       (d) Represent falsely, directly or by implication, that an  
24 educational program is approved by a particular industry or that  
25 successful completion of the program qualifies a student for  
26 admission to a labor union or similar organization or for the receipt  
27 of a state license in any business, occupation, or profession;

28       (e) Represent falsely, directly or by implication, that a student  
29 who successfully completes a course or program of instruction may  
30 transfer credit for the course or program to any institution of  
31 higher education;

32       (f) Represent falsely, directly or by implication, in advertising  
33 or in any other manner, the school's size, location, facilities,  
34 equipment, faculty qualifications, number of faculty, or the extent  
35 or nature of any approval received from an accrediting association;

36       (g) Represent that the school is approved, recommended, or  
37 endorsed by the state of Washington or by the agency, except the fact  
38 that the school is authorized to operate under this chapter may be  
39 stated;

1 (h) Provide prospective students with: Any testimonial,  
2 endorsement, or other information that a reasonable person would find  
3 likely to mislead or deceive prospective students or the public,  
4 including those regarding current practices of the school;  
5 information regarding rates of completion or postgraduation  
6 employment by industry, or its graduates' median hourly or annual  
7 earnings, that is not consistent with the presentation of data as  
8 established under RCW 28C.10.050(2)(c); current conditions for  
9 employment opportunities; postgraduation employment by industry or  
10 probable earnings in the occupation for which the education was  
11 designed; total cost to obtain a diploma or certificate; the  
12 acceptance of a diploma or certificate by employers as a  
13 qualification for employment; the acceptance of courses, a diploma,  
14 or certificate by higher education institutions; the likelihood of  
15 obtaining financial aid or low-interest loans for tuition; and the  
16 ability of graduates to repay loans;

17 (i) Designate or refer to sales representatives as "counselors,"  
18 "advisors," or similar terms which have the tendency to mislead or  
19 deceive prospective students or the public regarding the authority or  
20 qualifications of the sales representatives;

21 (j) Make or cause to be made any statement or representation in  
22 connection with the offering of education if the school or agent  
23 knows or reasonably should have known the statement or representation  
24 to be false, substantially inaccurate, or misleading;

25 (k) Engage in methods of advertising, sales, collection, credit,  
26 or other business practices which are false, deceptive, misleading,  
27 or unfair, as determined by the agency by rule;

28 (l) Attempt to recruit students in or within forty feet of a  
29 building that contains a welfare or unemployment office. Recruiting  
30 includes, but is not limited to canvassing and surveying. Recruiting  
31 does not include leaving materials at or near an office for a person  
32 to pick up of his or her own accord, or handing a brochure or leaflet  
33 to a person provided that no attempt is made to obtain a name,  
34 address, telephone number, or other data, or to otherwise actively  
35 pursue the enrollment of the individual;

36 (m) Violate RCW 28C.10.050(3) regarding the sale of, or inducing  
37 of students to obtain, specific consumer student loan products;

38 ((~~o~~))

39 (n) Use any official United States military logos in advertising  
40 or promotional materials; or

1       (o) Not be in compliance with the gainful employment requirements  
2 established by rule.

3       NEW SECTION.   **Sec. 9.**   A new section is added to chapter 18.16  
4 RCW to read as follows:

5       (1) The director, in consultation with the workforce training and  
6 education coordinating board, shall require that programs offered by  
7 schools authorized to operate under this chapter must prepare  
8 students for gainful employment in a recognized occupation. Gainful  
9 employment requirements must be based on debt-to-earnings rates, or  
10 where necessary, cost-to-earnings rates, demonstrating whether  
11 students completing the program will likely be able to reasonably  
12 repay student loan debts incurred for attending the school, based on  
13 earnings from employment.

14       (2) The director, in consultation with the workforce training and  
15 education coordinating board, shall determine acceptable debt-to-  
16 earnings rates, or where necessary under subsection (3)(c) of this  
17 section, cost-to-earnings rates, for programs and schools for the  
18 purposes of determining whether the program or school continues to be  
19 eligible to participate in the state's financial aid programs or to  
20 operate in the state. In determining acceptable rates, the director,  
21 in consultation with the workforce training and education  
22 coordinating board, shall establish the relevant factors to be taken  
23 into consideration to establish acceptable rates for different types  
24 of programs.

25       (3)(a) To implement this section, the director shall require  
26 schools authorized to operate under this chapter to collect student-  
27 level data. At a minimum, student-level data must include a student's  
28 social security number if available to the school, birth date, and  
29 financial aid awards if the student received financial aid. Financial  
30 aid awards include the amount of federal, state, and institutional  
31 loans, grants, or scholarships the student received of which the  
32 school is aware.

33       (b) Schools authorized to operate under this chapter shall make  
34 student-level data available to the workforce training and education  
35 coordinating board for analysis and calculation.

36       (c) The director, in consultation with the workforce training and  
37 education coordinating board, shall establish the minimum threshold  
38 of students required in a program cohort to have a meaningful debt-  
39 to-earnings rate for a particular program or school. If meaningful

1 debt-to-earnings rates cannot be established for a particular program  
2 or school, the workforce training and education coordinating board  
3 shall evaluate student-level data and other information to assess  
4 earnings in relation to cost of attendance, taking into consideration  
5 the length of the particular program. The workforce training and  
6 education coordinating board shall publish its assessment of cost-to-  
7 earnings in lieu of debt-to-earnings rates.

8 (4) Beginning no later than July 1, 2021, and every year  
9 thereafter, a school authorized to operate under this chapter shall  
10 publish on its web site the school's debt-to-earnings rates, or where  
11 necessary, cost-to-earnings rates. The workforce training and  
12 education coordinating board shall also publish on its web site the  
13 debt-to-earnings rates, or where necessary, cost-to-earnings rates,  
14 of programs and schools authorized to operate under this chapter.

15 (5) The department may adopt rules to implement this section,  
16 including rules for:

17 (a) The collection of student, school, and program data as  
18 provided under this section; and

19 (b) Providing probationary or graduated sanctions for violations  
20 of the gainful employment requirements, when appropriate, and  
21 providing notice to the student achievement council when a program's  
22 or school's noncompliance impacts eligibility to participate in the  
23 state's financial aid programs.

24 **Sec. 10.** RCW 18.16.150 and 2002 c 86 s 215 are each amended to  
25 read as follows:

26 (1) Schools shall be audited and inspected by the director or the  
27 director's designee for compliance with this chapter at least once a  
28 year. If the director determines that a licensed school is not  
29 maintaining the standards required according to this chapter, written  
30 notice thereof shall be given to the school. A school which fails to  
31 correct these conditions to the satisfaction of the director within a  
32 reasonable time may be subject to penalties imposed under RCW  
33 18.235.110.

34 (2) If the director determines that a licensed school is not in  
35 compliance with the gainful employment requirements, the director may  
36 take corrective action, as provided by rules adopted under section 9  
37 of this act.

1        NEW SECTION.    **Sec. 11.**    A new section is added to chapter 82.32  
2    RCW to read as follows:

3        For the purposes of the workforce training and education  
4    coordinating board implementing sections 3, 7, and 9 of this act, and  
5    to improve the accuracy of other federal and state performance  
6    reporting, the department shall work with the workforce training and  
7    education coordinating board to use available tax records for  
8    addressing the gap in data for self-employed individuals. Data shared  
9    by the department under any data sharing agreement entered into under  
10   this section remains privileged and confidential and exempt from  
11   disclosure under the public records act.

12       NEW SECTION.    **Sec. 12.**    A new section is added to chapter 43.41  
13    RCW to read as follows:

14       For the purposes of the workforce training and education  
15    coordinating board implementing sections 3, 7, and 9 of this act, the  
16    education data center shall assist the workforce training and  
17    education coordinating board in maximizing the collection of  
18    students' employment and earnings. Data shared by the office under  
19    any data sharing agreement entered into under this section remains  
20    privileged and confidential and exempt from disclosure under the  
21    public records act.

22                    **OMBUDS FOR STUDENTS OF FOR-PROFIT HIGHER EDUCATION INSTITUTIONS**

23       NEW SECTION.    **Sec. 13.**    A new section is added to chapter 28B.77  
24    RCW to read as follows:

25        (1) There is created an ombuds office for the purposes of  
26    providing advocacy, support, and assistance to students of for-profit  
27    and formerly for-profit degree-granting institutions, private  
28    vocational schools, and other for-profit schools. The ombuds office  
29    is housed within the council and the student loan advocate designated  
30    under RCW 28B.77.007 shall act as the ombuds. The ombuds may employ  
31    technical experts and other staff to carry out the purposes of the  
32    ombuds office.

33        (2) The ombuds is available to all students of for-profit and  
34    formerly for-profit degree-granting institutions authorized to  
35    operate under chapter 28B.85 RCW, private vocational schools  
36    regulated by the workforce training and education coordinating board,  
37    and schools, as defined under RCW 18.16.020, licensed by the



1 department of licensing. The ombuds shall be responsive to the needs  
2 of students regardless of which agency provides oversight.

3 (3) The ombuds shall, at a minimum:

4 (a) Assist students in submitting complaints to the appropriate  
5 oversight agencies, and when appropriate, be an advocate for students  
6 filing complaints;

7 (b) To the extent there is no conflict when acting as an advocate  
8 for a particular student's complaint, provide consultation,  
9 information, or other assistance to the council, workforce training  
10 and education coordinating board, department of licensing, the office  
11 of the attorney general, or other agency that is investigating or  
12 working towards resolving a student's complaint;

13 (c) Coordinate and share information with the office of the  
14 attorney general on claims alleging violations of the consumer  
15 protection act and work with the office of the attorney general to  
16 track patterns of complaints and responses from institutions and  
17 schools;

18 (d) Coordinate with the oversight agencies on administering the  
19 complaint portal created under RCW 28B.77.110 and ensuring the ombuds  
20 has access to information on complaints received through the portal;

21 (e) Track the status of complaints and collect data about the  
22 nature and volume of complaints, the timeline for complaint  
23 resolutions, and student satisfaction with the complaint process;

24 (f) Participate in meetings with students and agencies regarding  
25 school closures;

26 (g) Develop and maintain resources for students affected by  
27 school closures, including articulation agreements; and

28 (h) Provide information and support to students affected by  
29 school closures, specifically to the academic and financial impacts  
30 the school closure has on students.

31 (4) Beginning December 1, 2020, the ombuds shall submit a report  
32 every six months to the council, the workforce training and education  
33 coordinating board, and the department of licensing, that includes,  
34 at a minimum:

35 (a) The number of students who contacted the ombuds in the prior  
36 six months;

37 (b) The number of complaints for which the ombuds provided  
38 assistance and the number of complaints for which the ombuds acted as  
39 an advocate, and the outcomes of the complaints;

1 (c) Any patterns the ombuds identifies regarding the frequency  
2 and types of complaints per institution or school and per type of  
3 institution or school, and the responsiveness of the institution or  
4 school; and

5 (d) Any outstanding or unresolved concerns or recommendations by  
6 the ombuds.

7 (5) The ombuds is not liable for the good faith performance of  
8 his or her duties.

9 **Sec. 14.** RCW 28B.85.090 and 2018 c 203 s 3 are each amended to  
10 read as follows:

11 (1) Complaints may be filed with the council under this chapter  
12 by a person claiming loss of tuition or fees as a result of an unfair  
13 business practice. The complaint shall set forth the alleged  
14 violation and shall contain information required by the council. A  
15 complaint may also be filed with the council by an authorized staff  
16 member of the council or by the attorney general.

17 (2) The council shall investigate any complaint under this  
18 section and may work with the ombuds office created under section 13  
19 of this act and attempt to bring about a settlement. The council may  
20 hold a hearing pursuant to the Administrative Procedure Act, chapter  
21 34.05 RCW, in order to determine whether a violation has occurred. If  
22 the council prevails, the degree-granting institution shall pay the  
23 costs of the administrative hearing.

24 (3) If, after the hearing, the council finds that the institution  
25 or its agent engaged in or is engaging in any unfair business  
26 practice, the council shall issue and cause to be served upon the  
27 violator an order requiring the violator to cease and desist from the  
28 act or practice and may impose the penalties under RCW 28B.85.095 and  
29 28B.85.100. If the council finds that the complainant has suffered  
30 loss as a result of the act or practice, the council may order full  
31 or partial restitution for the loss. The complainant is not bound by  
32 the council's determination of restitution and may pursue any other  
33 legal remedy.

34 (4) If the ombuds office created under section 13 of this act was  
35 not involved in the complaint, the council shall forward information  
36 about the complaint and information about any settlement or other  
37 resolution to the ombuds office for the purposes of tracking  
38 complaints.

1       **Sec. 15.** RCW 28C.10.120 and 2014 c 11 s 7 are each amended to  
2 read as follows:

3       (1) Complaints may be filed under this chapter only by a current  
4 student or exiter of a program or training affected by an unfair  
5 business practice. The complaint shall set forth the alleged  
6 violation and shall contain information required by the agency on  
7 forms provided for that purpose. A complaint may also be filed with  
8 the agency by an authorized staff member of the agency or by the  
9 attorney general.

10       (2) The agency shall investigate any complaint under this section  
11 and shall first attempt to bring about a negotiated settlement. The  
12 agency director or the director's designee may conduct an informal  
13 hearing with the affected parties in order to determine whether a  
14 violation has occurred. The agency may work with the ombuds office  
15 created in section 13 of this act in attempting to resolve the  
16 complaint.

17       (3) If the agency finds that the private vocational school or its  
18 agent engaged in or is engaging in any unfair business practice, the  
19 agency shall issue and cause to be served upon the violator an order  
20 requiring the violator to cease and desist from the act or practice  
21 and may impose the penalties provided under RCW 28C.10.130. If the  
22 agency finds that the complainant has suffered loss as a result of  
23 the act or practice, the agency may order the violator to pay full or  
24 partial restitution of any amounts lost. The loss may include any  
25 money paid for tuition, required or recommended course materials, and  
26 any reasonable living expenses incurred by the complainant during the  
27 time the complainant was enrolled at the school.

28       (4) The complainant is not bound by the agency's determination of  
29 restitution. The complainant may reject that determination and may  
30 pursue any other legal remedy, including contacting the ombuds office  
31 created in section 13 of this act for assistance.

32       (5) The violator may, within twenty days of being served any  
33 order described under subsection (3) of this section, file an appeal  
34 under the administrative procedure act, chapter 34.05 RCW. Timely  
35 filing stays the agency's order during the pendency of the appeal. If  
36 the agency prevails, the appellant shall pay the costs of the  
37 administrative hearing.

38       (6) If a private vocational school closes without providing  
39 adequate notice to its enrolled students, the agency shall provide  
40 transition assistance to the school's students including, but not

1 limited to, information regarding: (a) Transfer options available to  
2 students; (b) financial aid discharge eligibility and procedures; (c)  
3 the labor market, job search strategies, and placement assistance  
4 services; and (d) other support services available to students.

5 (7) If the ombuds office created in section 13 of this act was  
6 not involved in the complaint, the agency shall forward information  
7 about the complaint and information about any settlement or other  
8 resolution to the ombuds office for the purposes of tracking  
9 complaints.

10 **Sec. 16.** RCW 18.16.160 and 2004 c 51 s 8 are each amended to  
11 read as follows:

12 (1) In addition to any other legal remedy, any student or  
13 instructor-trainee having a claim against a school may bring suit  
14 upon the approved security required in RCW 18.16.140(1)(d) in the  
15 superior or district court of Thurston county or the county in which  
16 the educational services were offered by the school. Action upon the  
17 approved security shall be commenced by filing the complaint with the  
18 clerk of the appropriate superior or district court within one year  
19 from the date of the cancellation of the approved security: PROVIDED,  
20 That no action shall be maintained upon the approved security for any  
21 claim which has been barred by any nonclaim statute or statute of  
22 limitations of this state. Service of process in an action upon the  
23 approved security shall be exclusively by service upon the director.  
24 Two copies of the complaint shall be served by registered or  
25 certified mail upon the director at the time the suit is started.  
26 Such service shall constitute service on the approved security and  
27 the school. The director shall transmit the complaint or a copy  
28 thereof to the school at the address listed in the director's records  
29 and to the surety within forty-eight hours after it has been  
30 received. The approved security shall not be liable in an aggregate  
31 amount in excess of the amount named in the approved security. In any  
32 action on an approved security, the prevailing party is entitled to  
33 reasonable attorney's fees and costs.

34 (2) The director shall maintain a record, available for public  
35 inspection, of all suits commenced under this chapter upon approved  
36 security. The director shall also forward information about the suit  
37 and information about any settlement or other resolution to the  
38 ombuds office created under section 13 of this act for the purposes  
39 of tracking complaints.

1       **Sec. 17.** RCW 28B.77.110 and 2018 c 203 s 13 are each amended to  
2 read as follows:

3       (1) Within existing resources, the student achievement council,  
4 the workforce training and education coordinating board, and the  
5 department of licensing shall collaborate to create a single portal  
6 for student complaints regarding issues related to consumer  
7 protection, disclosures, school or program closures, or other  
8 violations committed by institutions regulated by those three  
9 agencies. The persons staffing the portal shall refer complaints to  
10 the appropriate agency and work with the ombuds created under section  
11 13 of this act as a liaison between the student and relevant agency  
12 to assist in resolving the concerns or complaint. Each agency shall  
13 ensure that all students enrolled in, applying to enroll in, or  
14 obtaining loans at, institutions regulated by the agency are informed  
15 of the portal, including how to contact staff at the portal and how  
16 to file complaints. The persons staffing the portal will report to  
17 the legislature annually by November 1, 2018, the number of  
18 complaints and their resolution status.

19       (2) Each agency shall coordinate with the ombuds office created  
20 under section 13 of this act to ensure that the ombuds has access to  
21 information regarding complaints received through the portal.

22       (3) Each agency shall ensure that the institutions and schools  
23 the agency regulates provide prominent and clear notice to students  
24 about the complaint portal and the ombuds office. The institution's  
25 and school's notice must contain the same information as the notices  
26 provided by the agencies regarding the portal's web site address, how  
27 to contact staff at the portal, how to file complaints, and how to  
28 contact the ombuds office. The notice must be easily accessible on  
29 the institution's or school's web site and in written materials.

30                   **TUITION RECOVERY TRUST FUNDS AND SURETY BONDS**

31       NEW SECTION.   **Sec. 18.** The legislature recognizes that program  
32 closures can create unique challenges and financial harm to students  
33 whose programs have been terminated before the students complete the  
34 programs. "Teach out" options often do not offer students reasonable  
35 options for completing programs. Those students face similar  
36 challenges as students experiencing schools closures. Therefore, the  
37 legislature intends to allow tuition recovery trust funds and surety  
38 bonds to be used, not just in the event of schools closures, but also

1 to address harm created by program closures and violations of the law  
2 governing the various degree-granting institutions and private  
3 vocational schools.

4 **Sec. 19.** RCW 28B.85.070 and 2012 c 229 s 548 are each amended to  
5 read as follows:

6 (1) The council may:

7 (a) Require any degree-granting institution to have on file with  
8 the council an approved surety bond or other security in lieu of a  
9 bond in an amount determined by the council; and

10 (b) Eliminate the bond requirement for any degree-granting  
11 institution if the threshold amount for the student achievement  
12 council tuition recovery trust fund created in RCW 28B.85.230 has  
13 been met and the council determines that students of the degree-  
14 granting institution would be adequately protected without a surety  
15 bond or other security in lieu of a bond.

16 (2) In lieu of a surety bond, an institution may deposit with the  
17 council a cash deposit or other negotiable security acceptable to the  
18 council. The security deposited with the council in lieu of the  
19 surety bond shall be returned to the institution one year after the  
20 institution's authorization has expired or been revoked if legal  
21 action has not been instituted against the institution or the  
22 security deposit at the expiration of the year. The obligations and  
23 remedies relating to surety bonds authorized by this section,  
24 including but not limited to the settlement of claims procedure in  
25 subsection (5) of this section, shall apply to deposits filed with  
26 the council, as applicable.

27 (3) Each bond shall:

28 (a) Be executed by the institution as principal and by a  
29 corporate surety licensed to do business in the state;

30 (b) Be payable to the state for the benefit and protection of any  
31 student or enrollee of an institution, or, in the case of a minor,  
32 his or her parents or guardian;

33 (c) Be conditioned on compliance with all provisions of this  
34 chapter and the council's rules adopted under this chapter;

35 (d) Require the surety to give written notice to the council at  
36 least thirty-five days before cancellation of the bond; and

37 (e) Remain in effect for one year following the effective date of  
38 its cancellation or termination as to any obligation occurring on or  
39 before the effective date of cancellation or termination.

1 (4) Upon receiving notice of a bond cancellation, the council  
2 shall notify the institution that the authorization will be suspended  
3 on the effective date of the bond cancellation unless the institution  
4 files with the council another approved surety bond or other  
5 security. The council may suspend or revoke the authorization at an  
6 earlier date if it has reason to believe that such action will  
7 prevent students from losing their tuition or fees.

8 (5) If a complaint is filed under RCW 28B.85.090(1) or any other  
9 provision under this chapter against an institution, the council may  
10 file a claim against the surety and settle claims against the surety  
11 by following the procedure in this subsection.

12 (a) The council shall attempt to notify all potential claimants.  
13 If the absence of records or other circumstances makes it impossible  
14 or unreasonable for the council to ascertain the names and addresses  
15 of all the claimants, the council after exerting due diligence and  
16 making reasonable inquiry to secure that information from all  
17 reasonable and available sources, may make a demand on a bond on the  
18 basis of information in the council's possession. The council is not  
19 liable or responsible for claims or the handling of claims that may  
20 subsequently appear or be discovered.

21 (b) Thirty days after notification, if a claimant fails, refuses,  
22 or neglects to file with the council a verified claim, the council  
23 shall be relieved of further duty or action under this chapter on  
24 behalf of the claimant.

25 (c) After reviewing the claims, the council may make demands upon  
26 the bond on behalf of those claimants whose claims have been filed.  
27 The council may settle or compromise the claims with the surety and  
28 may execute and deliver a release and discharge of the bond.

29 (d) If the surety refuses to pay the demand, the council may  
30 bring an action on the bond in behalf of the claimants. If an action  
31 is commenced on the bond, the council may require a new bond to be  
32 filed.

33 (e) Within ten days after a recovery on a bond or other posted  
34 security has occurred, the institution shall file a new bond or  
35 otherwise restore its security on file to the required amount.

36 (6) The liability of the surety shall not exceed the amount of  
37 the bond.

38 **Sec. 20.** RCW 28B.85.230 and 2018 c 203 s 11 are each amended to  
39 read as follows:

1 (1) (a) For the purposes of providing relief to students impacted  
2 by the voluntary or involuntary closure of schools (~~(regulated)~~) or  
3 programs, loss of accreditation, or other actions or events for which  
4 students may file complaints against schools authorized to operate  
5 under this chapter, the council shall establish, maintain, and  
6 administer a student achievement council tuition recovery trust fund  
7 created in RCW 28B.85.240. All funds collected for the student  
8 achievement council tuition recovery trust fund are payable to the  
9 state for the benefit and protection of any student or enrollee of  
10 (~~a private school licensed~~) an institution authorized to operate  
11 under this chapter, for purposes including but not limited to the  
12 settlement of claims related to school closures and other actions or  
13 events for which students may file complaints. Funds in the tuition  
14 recovery trust fund may only be used for the purposes as provided  
15 under this section and no part of the fund may be transferred or  
16 diverted to any other fund or for any other use.

17 (b) No liability accrues to the state from claims made against  
18 the student achievement council tuition recovery trust fund.

19 (c) The council may require a student to reimburse the council  
20 for any moneys provided to the student from the student achievement  
21 council tuition recovery trust fund if the student was provided  
22 relief from or through a source other than the student achievement  
23 council tuition recovery trust fund. Relief from other sources  
24 includes, for example, student loan forgiveness or damages awarded  
25 under a cause of action alleging violations of the consumer  
26 protection act.

27 (2) (a) The council may impose a fee structure, set forth in rule,  
28 on (~~schools licensed~~) institutions authorized to operate under this  
29 chapter to fund the student achievement council tuition recovery  
30 trust fund.

31 (b) The council must determine an amount that would be sufficient  
32 in the student achievement council tuition recovery trust fund to  
33 provide relief to students (~~(in the event of a school closure)~~). The  
34 council shall adopt schedules of times and amounts for effecting  
35 payments of fees. To reach the amount determined, the council may  
36 phase in the collection of fees, but must achieve the amount  
37 determined to be sufficient no later than (~~(five)~~) seven years from  
38 June 7, 2018. Nothing in this section prohibits the council from  
39 collecting fees beyond the minimum threshold amount the council has  
40 determined is sufficient and to collect tuition recovery trust fund



1 fees from newly authorized institutions even if the amount the  
2 council has determined is sufficient has been met.

3 (3) Money from the student achievement council tuition recovery  
4 trust fund may be used for:

5 (a) Providing refunds to students ((affected by school)) of  
6 tuition and fees that were paid for courses in which the student was  
7 unable to earn credits due to program or institution closures;

8 (b) Providing relief, including direct damages if appropriate, to  
9 students affected by an institution's actions that are determined to  
10 be violations of this chapter;

11 (c) Securing and administering student records; and

12 ((e)) (d) Any other response the council determines is  
13 necessary to mitigate impacts of a potential or actual ((school))  
14 institution closure or of an event or action taken by the institution  
15 that is in violation of this chapter.

16 (4) In order for ((a school)) an institution to be and remain  
17 ((licensed)) authorized under this chapter, each ((school owner))  
18 institution shall, in addition to other requirements under this  
19 chapter, make cash deposits on behalf of the ((school)) institution  
20 into a student achievement council tuition recovery trust fund.

21 (5) The student achievement council tuition recovery trust fund's  
22 liability with respect to each participating ((school)) institution  
23 commences on the date of the initial deposit into the student  
24 achievement council tuition recovery trust fund made on its behalf  
25 and ceases one year from the date the ((school)) institution is no  
26 longer licensed under this chapter.

27 (6) The council shall adopt by rule a matrix for calculating the  
28 deposits into the student achievement council tuition recovery trust  
29 fund on behalf of each ((school)) institution.

30 (7) No vested right or interest in deposited funds is created or  
31 implied for the depositor at any time during the operation of the  
32 student achievement council tuition recovery trust fund or at any  
33 such future time that the student achievement council tuition  
34 recovery trust fund may be dissolved. All funds deposited are payable  
35 to the state for the purposes described under this section. The  
36 council shall maintain the student achievement council tuition  
37 recovery trust fund, serve appropriate notices to affected ((owners))  
38 institutions when scheduled deposits are due, collect deposits, and  
39 make disbursements to settle claims against the student achievement  
40 council tuition recovery trust fund.

1 (8) The council shall adopt rules to address notifying potential  
2 claimants, settling claims, disbursing funds, and any other processes  
3 necessary to implement the purpose of this section.

4 **Sec. 21.** RCW 18.16.310 and 2018 c 203 s 9 are each amended to  
5 read as follows:

6 (1)(a) For the purposes of providing relief to students impacted  
7 by the voluntary or involuntary closure of schools or programs, loss  
8 of accreditation, or other actions or events for which students may  
9 file complaints against schools regulated under this chapter, the  
10 director shall establish, maintain, and administer a department of  
11 licensing tuition recovery trust fund created in RCW 18.16.320. The  
12 department of licensing tuition recovery trust fund shall be  
13 established no later than January 1, 2019. All funds collected for  
14 the department of licensing tuition recovery trust fund are payable  
15 to the state for the benefit and protection of any student or  
16 enrollee of a private school licensed under this chapter, for  
17 purposes including but not limited to the settlement of claims  
18 related to school closures and other actions or events for which  
19 students may file complaints. Funds in the tuition recovery trust  
20 fund may only be used for the purposes as provided under this section  
21 and no part of the fund may be transferred or diverted to any other  
22 fund or for any other use.

23 (b) No liability accrues to the state from claims made against  
24 the department of licensing tuition recovery trust fund.

25 (c) The department may require a student to reimburse the  
26 department for any moneys provided to the student from the department  
27 of licensing tuition recovery trust fund if the student was provided  
28 relief from or through a source other than the department of  
29 licensing tuition recovery trust fund. Relief from other sources  
30 includes, for example, loan forgiveness or damages awarded under a  
31 cause of action alleging violations of the consumer protection act.

32 (2)(a) The director may impose a fee structure, set forth in  
33 rule, on schools licensed under this chapter to fund the department  
34 of licensing tuition recovery trust fund.

35 (b) The director must determine an amount that would be  
36 sufficient in the department of licensing tuition recovery trust fund  
37 to provide relief to students (~~in the event of a school closure~~).  
38 The director shall adopt schedules of times and amounts for effecting  
39 payments of fees. To reach the amount determined, the director may

1 phase in the collection of fees, but must achieve the amount  
2 determined to be sufficient no later than (~~five~~) seven years from  
3 June 7, 2018.

4 (3) Money from the department of licensing tuition recovery trust  
5 fund may be used for:

6 (a) Providing refunds to students (~~affected by~~) of tuition and  
7 fees that were paid for courses in which the student was unable to  
8 earn credits due to program or school closures;

9 (b) Providing relief, including direct damages if appropriate, to  
10 students affected by a school's actions that are determined to be  
11 violations of this chapter;

12 (c) Securing and administering student records; and

13 (~~e~~) (d) Any other response the director determines is  
14 necessary to mitigate impacts of a potential or actual school closure  
15 or of an event or action taken by the school that is in violation of  
16 this chapter.

17 (4) In order for a school to be and remain licensed under this  
18 chapter, each school owner shall, in addition to other requirements  
19 under this chapter, make cash deposits on behalf of the school into  
20 the department of licensing tuition recovery trust fund.

21 (5) The department of licensing tuition recovery trust fund's  
22 liability with respect to each participating school commences on the  
23 date of the initial deposit into the department of licensing tuition  
24 recovery trust fund made on its behalf and ceases one year from the  
25 date the school is no longer licensed under this chapter.

26 (6) The director shall adopt by rule a matrix for calculating the  
27 deposits into the department of licensing tuition recovery trust fund  
28 on behalf of each school.

29 (7) No vested right or interest in deposited funds is created or  
30 implied for the depositor at any time during the operation of the  
31 department of licensing tuition recovery trust fund or at any such  
32 future time that the department of licensing tuition recovery trust  
33 fund may be dissolved. All funds deposited are payable to the state  
34 for the purposes described in this section. The director shall  
35 maintain the department of licensing tuition recovery trust fund,  
36 serve appropriate notices to affected owners when scheduled deposits  
37 are due, collect deposits, and make disbursements to settle claims  
38 against the department of licensing tuition recovery trust fund.

1 (8) The director shall adopt rules to address notifying potential  
2 claimants, settling claims, disbursing funds, and any other processes  
3 necessary to implement the purpose of this section.

4 **Sec. 22.** RCW 28C.10.084 and 2014 c 11 s 5 are each amended to  
5 read as follows:

6 (1) The agency shall establish, maintain, and administer a  
7 tuition recovery trust fund. All funds collected for the tuition  
8 recovery trust fund are payable to the state for the benefit and  
9 protection of any student or enrollee of a private vocational school  
10 licensed under this chapter, in the case of a minor, his or her  
11 parents or guardian, or an agency or business that paid tuition and  
12 fees on behalf of Washington state students, for purposes including  
13 but not limited to the settlement of claims related to school  
14 closures under subsection (10) of this section and the settlement of  
15 claims under RCW 28C.10.120. The fund shall be liable for settlement  
16 of claims and costs of administration but shall not be liable to pay  
17 out or recover penalties assessed under RCW 28C.10.130 or 28C.10.140.  
18 No liability accrues to the state of Washington from claims made  
19 against the fund. Funds in the tuition recovery trust fund may only  
20 be used for the purposes as provided under this section and no part  
21 of the fund may be transferred or diverted to any other fund or for  
22 any other use.

23 (2) By June 30, 1998, a minimum operating balance of one million  
24 dollars shall be achieved in the fund and maintained thereafter. If  
25 disbursements reduce the operating balance below two hundred thousand  
26 dollars at any time before June 30, 1998, or below one million  
27 dollars thereafter, each participating owner shall be assessed a pro  
28 rata share of the deficiency created, based upon the incremental  
29 scale created under subsection (6) of this section for each private  
30 vocational school. The agency shall adopt schedules of times and  
31 amounts for effecting payments of assessment.

32 (3) In order for a private vocational school to be and remain  
33 licensed under this chapter each owner shall, in addition to other  
34 requirements under this chapter, make cash deposits on behalf of the  
35 school into a tuition recovery trust fund as a means to assure  
36 payment of claims brought under this chapter.

37 (4) The amount of liability that can be satisfied by this fund on  
38 behalf of each private vocational school licensed under this chapter  
39 shall be the amount of unearned prepaid tuition and fees. If the

1 claimant provides evidence to the agency of the lack of availability  
2 to continue his or her program of study at another institution, the  
3 agency's executive director or the executive director's designee has  
4 the authority to reimburse the student, agency, or business up to the  
5 full value of tuition and fees paid to date, subject to subsection  
6 (10) of this section. The agency may use the fund to pay for prior  
7 learning assessments for students who choose to attend another  
8 institution.

9 (5) The fund's liability with respect to each participating  
10 private vocational school commences on the date of the initial  
11 deposit into the fund made on its behalf and ceases one year from the  
12 date the school is no longer licensed under this chapter.

13 (6) The agency shall adopt by rule a matrix for calculating the  
14 deposits into the fund on behalf of each vocational school. Proration  
15 shall be determined by factoring the school's share of liability in  
16 proportion to the aggregated liability of all participants under the  
17 fund by grouping such prorations under the incremental scale created  
18 by subsection (4) of this section. Expressed as a percentage of the  
19 total liability, that figure determines the amount to be contributed  
20 when factored into a fund containing one million dollars. The total  
21 amount of its prorated share, minus the amount paid for initial  
22 capitalization, shall be payable in up to twenty increments over a  
23 ten-year period, commencing with the sixth month after the initial  
24 capitalization deposit has been made on behalf of the school.  
25 Additionally, the agency shall require deposits for initial  
26 capitalization, under which the amount each owner deposits is  
27 proportionate to the school's share of two hundred thousand dollars,  
28 employing the matrix developed under this subsection.

29 (7) No vested right or interests in deposited funds is created or  
30 implied for the depositor, either at any time during the operation of  
31 the fund or at any such future time that the fund may be dissolved.  
32 All funds deposited are payable to the state for the purposes  
33 described under this section. The agency shall maintain the fund,  
34 serve appropriate notices to affected owners when scheduled deposits  
35 are due, collect deposits, and make disbursements to settle claims  
36 against the fund. When the aggregated deposits total five million  
37 dollars and the history of disbursements justifies such  
38 modifications, the agency may at its own option reduce the schedule  
39 of deposits whether as to time, amount, or both and the agency may  
40 also entertain proposals from among the licensees with regard to

1 disbursing surplus funds for such purposes as vocational  
2 scholarships.

3 (8) Based on annual financial data supplied by the owner, the  
4 agency shall determine whether the increment assigned to that private  
5 vocational school on the incremental scale established under  
6 subsection (6) of this section has changed. If an increase or  
7 decrease in gross annual tuition income has occurred, a corresponding  
8 change in the school's incremental position and contribution schedule  
9 shall be made before the date of the owner's next scheduled deposit  
10 into the fund. Such adjustments shall only be calculated and applied  
11 annually.

12 (9) If the majority ownership interest in a private vocational  
13 school is conveyed through sale or other means into different  
14 ownership, all contributions made to the date of transfer remain in  
15 the fund. The new owner shall continue to make contributions to the  
16 fund until the original ten-year cycle is completed. All tuition  
17 recovery trust fund contributions shall remain with the private  
18 vocational school transferred, and no additional cash deposits may be  
19 required beyond the original ten-year contribution cycle.

20 (10)(a) To settle claims adjudicated under RCW 28C.10.120 and  
21 claims resulting when a private vocational school ceases to provide  
22 educational services, the agency may make disbursements from the  
23 fund. Students enrolled under a training contract executed between a  
24 school and a public or private agency or business are not eligible to  
25 make a claim against the fund until January 1, 2016.

26 (b) In addition to the processes described for making  
27 reimbursements related to claims under RCW 28C.10.120, the following  
28 procedures are established to deal with reimbursements related to  
29 school closures:

30 (i) The agency shall attempt to notify all potential claimants.  
31 The unavailability of records and other circumstances surrounding a  
32 school closure may make it impossible or unreasonable for the agency  
33 to ascertain the names and whereabouts of each potential claimant but  
34 the agency shall make reasonable inquiries to secure that information  
35 from all likely sources. The agency shall then proceed to settle the  
36 claims on the basis of information in its possession. The agency is  
37 not responsible or liable for claims or for handling claims that may  
38 subsequently appear or be discovered.

39 (ii) Thirty days after identified potential claimants have been  
40 notified, if a claimant refuses or neglects to file a claim

1 verification as requested in such notice, the agency may be relieved  
2 of further duty or action on behalf of the claimant under this  
3 chapter. The executive director of the agency or the executive  
4 director's designee will determine if an exemption to the thirty days  
5 shall be granted if the claimant furnishes proof of an extraordinary  
6 or exigent circumstance.

7 (iii) After verification and review, the agency may disburse  
8 funds from the tuition recovery trust fund to settle or compromise  
9 the claims for an amount up to the value of unearned prepaid tuition  
10 and fees. If the claimant provides evidence to the agency of the lack  
11 of availability to continue his or her program of study at another  
12 institution, the agency's executive director or the executive  
13 director's designee has the authority to reimburse the student,  
14 agency, or business up to the full value of tuition and fees paid to  
15 date, subject to (a) of this subsection. The agency may use the fund  
16 to pay for prior learning assessments for students who choose to  
17 attend another institution.

18 (iv) In the instance of claims against a closed school, the  
19 agency shall seek to recover such disbursed funds from the assets of  
20 the defaulted owner, including but not limited to asserting claims as  
21 a creditor in bankruptcy proceedings.

22 (11) When funds are disbursed to settle claims against a licensed  
23 private vocational school, the agency shall make demand upon the  
24 owner for recovery. The agency shall adopt schedules of times and  
25 amounts for effecting recoveries. An owner's failure to perform  
26 subjects the school's license to suspension or revocation under RCW  
27 28C.10.050 in addition to any other available remedies.

28 (12) For purposes of this section, "owner" includes, but is not  
29 limited to, a person, company, firm, society, association,  
30 partnership, corporation, or trust having a controlling ownership  
31 interest in a private vocational school.

32 (13) The agency may require a student to reimburse the agency for  
33 any moneys provided to the student from the tuition recovery trust  
34 fund if the student was provided relief from or through a source  
35 other than the tuition recovery trust fund. Relief from other sources  
36 includes, for example, loan forgiveness or damages awarded under a  
37 cause of action alleging violations of the consumer protection act.

38 **Sec. 23.** RCW 43.79A.040 and 2018 c 260 s 28, 2018 c 258 s 4, and  
39 2018 c 127 s 6 are each reenacted and amended to read as follows:

1 (1) Money in the treasurer's trust fund may be deposited,  
2 invested, and reinvested by the state treasurer in accordance with  
3 RCW 43.84.080 in the same manner and to the same extent as if the  
4 money were in the state treasury, and may be commingled with moneys  
5 in the state treasury for cash management and cash balance purposes.

6 (2) All income received from investment of the treasurer's trust  
7 fund must be set aside in an account in the treasury trust fund to be  
8 known as the investment income account.

9 (3) The investment income account may be utilized for the payment  
10 of purchased banking services on behalf of treasurer's trust funds  
11 including, but not limited to, depository, safekeeping, and  
12 disbursement functions for the state treasurer or affected state  
13 agencies. The investment income account is subject in all respects to  
14 chapter 43.88 RCW, but no appropriation is required for payments to  
15 financial institutions. Payments must occur prior to distribution of  
16 earnings set forth in subsection (4) of this section.

17 (4) (a) Monthly, the state treasurer must distribute the earnings  
18 credited to the investment income account to the state general fund  
19 except under (b), (c), and (d) of this subsection.

20 (b) The following accounts and funds must receive their  
21 proportionate share of earnings based upon each account's or fund's  
22 average daily balance for the period: The 24/7 sobriety account, the  
23 Washington promise scholarship account, the Gina Grant Bull memorial  
24 legislative page scholarship account, the Washington advanced college  
25 tuition payment program account, the Washington college savings  
26 program account, the accessible communities account, the Washington  
27 achieving a better life experience program account, the community and  
28 technical college innovation account, the agricultural local fund,  
29 the American Indian scholarship endowment fund, the foster care  
30 scholarship endowment fund, the foster care endowed scholarship trust  
31 fund, the contract harvesting revolving account, the Washington state  
32 combined fund drive account, the commemorative works account, the  
33 county enhanced 911 excise tax account, the toll collection account,  
34 the department of licensing tuition recovery trust fund, the  
35 developmental disabilities endowment trust fund, the energy account,  
36 the fair fund, the family and medical leave insurance account, the  
37 fish and wildlife federal lands revolving account, the natural  
38 resources federal lands revolving account, the food animal  
39 veterinarian conditional scholarship account, the forest health  
40 revolving account, the fruit and vegetable inspection account, the



1 future teachers conditional scholarship account, the game farm  
2 alternative account, the GET ready for math and science scholarship  
3 account, the Washington global health technologies and product  
4 development account, the grain inspection revolving fund, the  
5 Washington history day account, the industrial insurance rainy day  
6 fund, the juvenile accountability incentive account, the law  
7 enforcement officers' and firefighters' plan 2 expense fund, the  
8 local tourism promotion account, the low-income home rehabilitation  
9 revolving loan program account, the multiagency permitting team  
10 account, the northeast Washington wolf-livestock management account,  
11 the pilotage account, the produce railcar pool account, the regional  
12 transportation investment district account, the rural rehabilitation  
13 account, the Washington sexual assault kit account, the stadium and  
14 exhibition center account, the youth athletic facility account, the  
15 self-insurance revolving fund, the children's trust fund, the  
16 Washington horse racing commission Washington bred owners' bonus fund  
17 and breeder awards account, the Washington horse racing commission  
18 class C purse fund account, the individual development account  
19 program account, the Washington horse racing commission operating  
20 account, the life sciences discovery fund, the Washington state  
21 heritage center account, the reduced cigarette ignition propensity  
22 account, the center for childhood deafness and hearing loss account,  
23 the school for the blind account, the Millersylvania park trust fund,  
24 the public employees' and retirees' insurance reserve fund, the  
25 school employees' benefits board insurance reserve fund, (~~{the}~~)  
26 the public employees' and retirees' insurance account, (~~{the}~~) the  
27 school employees' insurance account, (~~and~~) the student achievement  
28 council tuition recovery trust fund, the radiation perpetual  
29 maintenance fund, and the tuition recovery trust fund.

30 (c) The following accounts and funds must receive eighty percent  
31 of their proportionate share of earnings based upon each account's or  
32 fund's average daily balance for the period: The advanced right-of-  
33 way revolving fund, the advanced environmental mitigation revolving  
34 account, the federal narcotics asset forfeitures account, the high  
35 occupancy vehicle account, the local rail service assistance account,  
36 and the miscellaneous transportation programs account.

37 (d) Any state agency that has independent authority over accounts  
38 or funds not statutorily required to be held in the custody of the  
39 state treasurer that deposits funds into a fund or account in the  
40 custody of the state treasurer pursuant to an agreement with the

1 office of the state treasurer shall receive its proportionate share  
2 of earnings based upon each account's or fund's average daily balance  
3 for the period.

4 (5) In conformance with Article II, section 37 of the state  
5 Constitution, no trust accounts or funds shall be allocated earnings  
6 without the specific affirmative directive of this section.

7 **Sec. 24.** RCW 43.84.092 and 2018 c 287 s 7, 2018 c 275 s 10, and  
8 2018 c 203 s 14 are each reenacted and amended to read as follows:

9 (1) All earnings of investments of surplus balances in the state  
10 treasury shall be deposited to the treasury income account, which  
11 account is hereby established in the state treasury.

12 (2) The treasury income account shall be utilized to pay or  
13 receive funds associated with federal programs as required by the  
14 federal cash management improvement act of 1990. The treasury income  
15 account is subject in all respects to chapter 43.88 RCW, but no  
16 appropriation is required for refunds or allocations of interest  
17 earnings required by the cash management improvement act. Refunds of  
18 interest to the federal treasury required under the cash management  
19 improvement act fall under RCW 43.88.180 and shall not require  
20 appropriation. The office of financial management shall determine the  
21 amounts due to or from the federal government pursuant to the cash  
22 management improvement act. The office of financial management may  
23 direct transfers of funds between accounts as deemed necessary to  
24 implement the provisions of the cash management improvement act, and  
25 this subsection. Refunds or allocations shall occur prior to the  
26 distributions of earnings set forth in subsection (4) of this  
27 section.

28 (3) Except for the provisions of RCW 43.84.160, the treasury  
29 income account may be utilized for the payment of purchased banking  
30 services on behalf of treasury funds including, but not limited to,  
31 depository, safekeeping, and disbursement functions for the state  
32 treasury and affected state agencies. The treasury income account is  
33 subject in all respects to chapter 43.88 RCW, but no appropriation is  
34 required for payments to financial institutions. Payments shall occur  
35 prior to distribution of earnings set forth in subsection (4) of this  
36 section.

37 (4) Monthly, the state treasurer shall distribute the earnings  
38 credited to the treasury income account. The state treasurer shall

1 credit the general fund with all the earnings credited to the  
2 treasury income account except:

3 (a) The following accounts and funds shall receive their  
4 proportionate share of earnings based upon each account's and fund's  
5 average daily balance for the period: The abandoned recreational  
6 vehicle disposal account, the aeronautics account, the aircraft  
7 search and rescue account, the Alaskan Way viaduct replacement  
8 project account, the brownfield redevelopment trust fund account, the  
9 budget stabilization account, the capital vessel replacement account,  
10 the capitol building construction account, the Cedar River channel  
11 construction and operation account, the Central Washington University  
12 capital projects account, the charitable, educational, penal and  
13 reformatory institutions account, the Chehalis basin account, the  
14 cleanup settlement account, the Columbia river basin water supply  
15 development account, the Columbia river basin taxable bond water  
16 supply development account, the Columbia river basin water supply  
17 revenue recovery account, the common school construction fund, the  
18 community forest trust account, the connecting Washington account,  
19 the county arterial preservation account, the county criminal justice  
20 assistance account, the deferred compensation administrative account,  
21 the deferred compensation principal account, the department of  
22 licensing services account, (~~the department of licensing tuition~~  
23 ~~recovery trust fund,~~) the department of retirement systems expense  
24 account, the developmental disabilities community trust account, the  
25 diesel idle reduction account, the drinking water assistance account,  
26 the drinking water assistance administrative account, the early  
27 learning facilities development account, the early learning  
28 facilities revolving account, the Eastern Washington University  
29 capital projects account, the Interstate 405 express toll lanes  
30 operations account, the education construction fund, the education  
31 legacy trust account, the election account, the electric vehicle  
32 charging infrastructure account, the energy freedom account, the  
33 energy recovery act account, the essential rail assistance account,  
34 The Evergreen State College capital projects account, the federal  
35 forest revolving account, the ferry bond retirement fund, the freight  
36 mobility investment account, the freight mobility multimodal account,  
37 the grade crossing protective fund, the public health services  
38 account, (~~the high capacity transportation account,~~) the state  
39 higher education construction account, the higher education  
40 construction account, the highway bond retirement fund, the highway

1 infrastructure account, the highway safety fund, the high occupancy  
2 toll lanes operations account, the hospital safety net assessment  
3 fund, the industrial insurance premium refund account, the judges'  
4 retirement account, the judicial retirement administrative account,  
5 the judicial retirement principal account, the local leasehold excise  
6 tax account, the local real estate excise tax account, the local  
7 sales and use tax account, the marine resources stewardship trust  
8 account, the medical aid account, the mobile home park relocation  
9 fund, the money-purchase retirement savings administrative account,  
10 the money-purchase retirement savings principal account, the motor  
11 vehicle fund, the motorcycle safety education account, the multimodal  
12 transportation account, the multiuse roadway safety account, the  
13 municipal criminal justice assistance account, the natural resources  
14 deposit account, the oyster reserve land account, the pension funding  
15 stabilization account, the perpetual surveillance and maintenance  
16 account, the pollution liability insurance agency underground storage  
17 tank revolving account, the public employees' retirement system plan  
18 1 account, the public employees' retirement system combined plan 2  
19 and plan 3 account, the public facilities construction loan revolving  
20 account beginning July 1, 2004, the public health supplemental  
21 account, the public works assistance account, the Puget Sound capital  
22 construction account, the Puget Sound ferry operations account, the  
23 Puget Sound taxpayer accountability account, the real estate  
24 appraiser commission account, the recreational vehicle account, the  
25 regional mobility grant program account, the resource management cost  
26 account, the rural arterial trust account, the rural mobility grant  
27 program account, the rural Washington loan fund, the sexual assault  
28 prevention and response account, the site closure account, the  
29 skilled nursing facility safety net trust fund, the small city  
30 pavement and sidewalk account, the special category C account, the  
31 special wildlife account, the state employees' insurance account, the  
32 state employees' insurance reserve account, the state investment  
33 board expense account, the state investment board commingled trust  
34 fund accounts, the state patrol highway account, the state route  
35 number 520 civil penalties account, the state route number 520  
36 corridor account, the state wildlife account, the statewide tourism  
37 marketing account, (~~the student achievement council tuition recovery~~  
38 ~~trust fund,~~) the supplemental pension account, the Tacoma Narrows  
39 toll bridge account, the teachers' retirement system plan 1 account,  
40 the teachers' retirement system combined plan 2 and plan 3 account,

1 the tobacco prevention and control account, the tobacco settlement  
2 account, the toll facility bond retirement account, the  
3 transportation 2003 account (nickel account), the transportation  
4 equipment fund, the transportation future funding program account,  
5 the transportation improvement account, the transportation  
6 improvement board bond retirement account, the transportation  
7 infrastructure account, the transportation partnership account, the  
8 traumatic brain injury account, (~~the tuition recovery trust fund,~~)  
9 the University of Washington bond retirement fund, the University of  
10 Washington building account, the volunteer firefighters' and reserve  
11 officers' relief and pension principal fund, the volunteer  
12 firefighters' and reserve officers' administrative fund, the  
13 Washington judicial retirement system account, the Washington law  
14 enforcement officers' and firefighters' system plan 1 retirement  
15 account, the Washington law enforcement officers' and firefighters'  
16 system plan 2 retirement account, the Washington public safety  
17 employees' plan 2 retirement account, the Washington school  
18 employees' retirement system combined plan 2 and 3 account, the  
19 Washington state health insurance pool account, the Washington state  
20 patrol retirement account, the Washington State University building  
21 account, the Washington State University bond retirement fund, the  
22 water pollution control revolving administration account, the water  
23 pollution control revolving fund, the Western Washington University  
24 capital projects account, the Yakima integrated plan implementation  
25 account, the Yakima integrated plan implementation revenue recovery  
26 account, and the Yakima integrated plan implementation taxable bond  
27 account. Earnings derived from investing balances of the agricultural  
28 permanent fund, the normal school permanent fund, the permanent  
29 common school fund, the scientific permanent fund, the state  
30 university permanent fund, and the state reclamation revolving  
31 account shall be allocated to their respective beneficiary accounts.

32 (b) Any state agency that has independent authority over accounts  
33 or funds not statutorily required to be held in the state treasury  
34 that deposits funds into a fund or account in the state treasury  
35 pursuant to an agreement with the office of the state treasurer shall  
36 receive its proportionate share of earnings based upon each account's  
37 or fund's average daily balance for the period.

1           (5) In conformance with Article II, section 37 of the state  
2 Constitution, no treasury accounts or funds shall be allocated  
3 earnings without the specific affirmative directive of this section.

--- **END** ---