



## EXECUTIVE SUMMARY

Proposed Revisions to the Rules and Regulations for the Issuance of Permits, the Registration of Agents, and the Evaluation and Administration of Proprietary Vocational Schools in West Virginia.

### Purpose

The enclosed document reflects the changes that are necessary to amend and implement the legislative intent mandated by the passage of Section 10, Article 2, Chapter 18, of the Code of West Virginia relating to correspondence, business, occupational and trade schools in West Virginia. It has been reviewed and found acceptable by the West Virginia Attorney General's Consumer Protection Division under the requirements of WV Code Section 46A-1-101 et. seq.

### Background

The correspondence, business, occupational and trade schools in West Virginia have been operating under a West Virginia Board of Education policy that regulates such organizations. The administrative requirements in which the proprietary schools have been operating and the students have been provided consumer protection need to be updated and expanded. This updating and expansion of the policy will allow the private schools to implement special programs such as the awarding of a specialized associate degree. Consumer (student) protection is given greater emphasis in the proposed policy as compared to the past policy.

The requirements of the schools and the consumer protection of the students are highlighted in the following sections:

Section 1.	page 1	General Identification data
Section 2.	page 1	Definitions
Section 3.	page 3	Required Permit for Proprietary Vocational Schools: Solicitors Registration
Section 4.	page 7	Course Solicitation and Financing Standards
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### Impact

The proposed policy will provide for the improved regulation of proprietary schools and increased consumer protection for the students. In addition, the proposed policy gives direction and serves as a guide to the proprietary schools for the improvement of their programs. As a result, proprietary schools and students will benefit from the proposed policy.

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

TITLE: 126  
WEST VIRGINIA LEGISLATIVE RULE  
WEST VIRGINIA BOARD OF EDUCATION  
CHAPTER 18-2-10 and 46A-2-138  
SERIES 189  
POLICY 7231

TITLE: REGULATIONS FOR PROPRIETARY VOCATIONAL SCHOOLS

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Section 1. General

1.1 Scope - These rules and regulations govern the procedures and practices for soliciting students in this state for any proprietary vocational school wherever located and for operation of a proprietary vocational school in this state.

1.2 Authority - W.Va. Code 18-2-10 and W.Va. Code 46A-2-138.

1.3 Filing Date -

1.4 Effective Date -

1.5 Repeal of Former Rule - This rule repeals State Board Policy 7231 Rules and Regulations for the registration of Agents, School Evaluation and Administration of Correspondence, Business, Occupational and Trade Schools filed and adopted August 12, 1983.

Section 2. Definitions

2.1 "Accredited" shall mean official recognition by an appropriate actively recognized accrediting agency or association approved by the United States Department of Education under the Code of Federal Regulations. The "appropriate" agency or association shall mean that agency or association which, in the judgement of the State Department best covers the training offered by the school.

2.2 "Certificate" or "diploma" means any earned certification of completion or award which represents satisfactory completion of the requirements of a program of on-campus study for a period less than two years and which is considered beyond or apart from the secondary level.

2.3 "Certification of Completion" includes any transcript, document, letter, or other paper evidencing, or attempting to evidence, the completion of a course.

2.4 "Course" or "course of instruction" means a formally organized, structured meeting or series of meetings open to the general public or a portion thereof for which a fee is charged with the intent of imparting information or understanding at a level appropriate to a postsecondary or secondary audience and designed to lead to gainful employment. It does not include courses given by a school operating under a license granted under Articles 7, 7A, or 27, Chapter 30 of the West Virginia Code which are relevant to the subject area of the licensure. It does not include bonafide employer training provided to an employee after becoming employed at no cost to the employee. The term includes, but is not limited to, any area relating to computer hardware or software, computer programming or repair, word processing, data processing or other computer operations, or any computer-related field or electronics; allied health fields such as home health care, nursing assistant, medical assistant or dental assistant; general business or office fields, such as secretary, paralegal assistant, administrative assistant, business administration, management, accounting, and bookkeeping; trades, such as heating and air conditioning, automobile repair, diesel mechanics, welding, truck driving, private security, building grounds and maintenance, drafting; services such as bank telling, bank service and management, child care, retail merchandising, travel and tourism, real estate, hotel/motel management, air frame and power plant mechanic, commercial pilot, airline transport pilot or certified instructor, pilot training, emergency medical technician, court reporting, income tax preparation, sales, self-improvement, employment search skills, etc. Individual courses or comprehensive programs that are entirely avocational, such as ceramics, needlepoint, arts and crafts, and hobbies shall not be included within the definition of vocational field as used herein unless the organization offering the instruction, promotes the instruction as a means for its students to obtain employment or otherwise earn compensation as a result of the skills obtained.

2.5 "Specialized Associate Degree" means any earned certification of completion or award which represents satisfactory completion of the requirements of a program of on-campus study, extending for a period of not less than two academic years and which is considered beyond or apart from the secondary level.

2.6 "Officer" shall include any person in the management of a school.

2.7 "Operated in this state for at least ten years" means a West Virginia corporation, firm, or sole proprietorship licensed by a public agency to conduct business out of a given location in this state without interruption and under the same ownership of 50% or more of the voting stock for a period of ten years or a new owner has previously operated an institution for at least ten years whose main campus is located in West Virginia, and operated under permit issued by the West Virginia Board of Education.

2.8 "Person" shall include any natural person, firm, or corporation, or any officer of a corporation or firm.

2.9 "Physical facilities located in this state" means a school which has its main campus located within the state of West Virginia.

2.10 A "proprietary vocational school" or "school" means any privately owned correspondence, business, occupation, or trade school, however denominated, offering one or more courses on or out of any one campus or location. A facility operating illegally without the required permit is nevertheless a "proprietary vocational school" covered by the requirements of these regulations.

2.11 A "proprietary vocational-technical institution" means a proprietary vocational school authorized by the West Virginia State Board of Education to confer specialized associate degrees pursuant to a program of not less than two academic years. A school offering postsecondary level instruction that leads to a specialized associate degree shall be an institution of higher learning for the purpose of Title 38 of U.S.C. 1652 (f) and 34 C.F.R. 600.5, but not for W.V. Codes 18-26-2 or 46A-2-128.

2.12 "Privately-owned" shall include any facility not owned by the federal government, a state, or a subdivision of a state.

2.13 "State Board" means the West Virginia Board of Education.

2.14 "State Department" means the West Virginia Department of Education.

Section 3. Required Permit for Proprietary Vocational Schools;  
Solicitors Registration

3.1 Permit required for operation

3.1.1 No solicitation without a permit - No person or school shall solicit, sell or offer to sell a course of instruction in a proprietary vocational school, inside or outside of this state to any person in this state, or operate or participate in the operation of a proprietary vocational school in this state, unless such school has a current permit from the West Virginia Board of Education.

3.1.2 Duration of permit - The permit to solicit students in West Virginia by a proprietary vocational school is valid for one year beginning with the effective dates of the bond or the approval of the state board, whichever is later.

3.1.3 Refusal to permit - The Board may refuse a permit to any school, if the Board finds that the school engages in practices which are inconsistent with or in violation of state education law, other state law or with these rules and regulations. A school refused a permit shall be afforded a hearing and/or reasonable opportunity to take corrective measures pursuant to Section 6.2 of these regulations.

### 3.2 Evaluation of schools.

3.2.1 Evaluations generally - Before a permit is issued to a school not accredited by an accreditation agency recognized by the United States Department of Education or previously permitted in West Virginia, the school must undergo a self-evaluation and an on-site review pursuant to Section 6.4 of these rules and regulations.

3.2.2 Permit status - If a school receives a satisfactory rating on its self-evaluation and submits all other materials required for a permit, the State Board may, in its discretion, issue a permit. Between three and nine months after the permit is issued, the school will perform a second self-evaluation followed by an on-site review.

3.2.3 Periodic site review - Following the initial site review, there shall be subsequent reviews, no less frequently than once every five years but also: (a) when the State Department receives complaints about the school that warrants the evaluation or, (b) when there is a change of ownership.

These periodic reviews may be made by members of the staff of the State Department or an evaluation team. Schools presently holding a permit will be scheduled into the five-year rotation by the State Department. All schools will be notified in advance of an upcoming review. Accredited schools are exempt from the periodic five-year rotation evaluation requirement.

### 3.3 Permit Application

3.3.1 Generally - The application for a permit shall be made to the State Board (a) using the standard form and containing all information and documentation required by Section 3.4.2.; (b) accompanied by a \$10.00 fee and surety bond in the required amount; and (c) include the completed self evaluation. The fee must be paid by check or money order and must be made payable to the Treasurer of West Virginia. If a school submits more than two registration applications for individual solicitors, a \$5.00 fee must accompany each additional registration application submitted. The surety bond shall be conditioned on the faithful performance of all requirements of its contracts, requirements of law and these rules and regulations. Such bond may be continuous and shall be supplied by the school as a blanket bond covering all representatives of the school.

3.3.2 Application Form - The application shall contain the following information:

(a) The name, address and telephone number of the school, and its headquarters address together with evidence of its legal status and registration to conduct business in the state;

(b) Ownership and management of the school, whether by individuals, partnerships, or corporation, and the names and addresses of all owners and portion of ownership of each, officers, and directors;

(c) Verifications - A statement under oath by all principal officers and the manager of operations in West Virginia that they have read and are familiar with the requirements of these regulations and that the schools operations and practices conform;

(d) A current copy of the accrediting standards and the accreditation document from the entity by which applicant claims accreditation;

(e) Location of West Virginia offices and sites, and description of curriculum, equipment, facilities and listing of faculty and other credentials;

(f) Registration applications for individual solicitors;

(g) A copy of each student application form, enrollment agreement, and/or contract form, which shall be in conformity with the requirements hereinafter set forth in these regulations.

(h) A catalog (see section 5.1.3).

(i) The projected number of students to be enrolled during the permit period and the average annual tuition per student. These figures will be combined to determine the amount of the surety bond consistent with section 3.3.3.

(j) Such other information as may be required by the State Department.

(k) A school seeking a new permit or a school with a new owner of more than 25% of the school shall provide with respect to each owner: (1) brief resume containing educational background and work history; (2) information concerning any prior association, affiliation or employment with any private postsecondary school or college including: name and address of the school; the specific relationship the individual had with the school and the dates of that relationship; the name, address, telephone number of the state agency governing that school; a description of any revocation, suspension, to the school's license to operate during the individual's affiliation with the institution; If the institution was accredited, the name, address and telephone number of the association accrediting the school and any suspension or revocation of accreditation by the school's accrediting body during the individual's period of affiliation; if eligible to participate in federal financial aid programs, any limitation, suspension or termination of the school's eligibility during the individual's affiliation with the school; description of any legal actions filed against the school by its students during that individual's affiliation with the school within the last 10 years; description of any litigation involving the school and the individual.

To the extent any of the above are sought to be modified during a permit year, request shall be made to the State Department.

3.3.3 Amount of Surety Bond - All proprietary vocational schools operating in West Virginia shall provide a surety bond in the following amounts:

(a) For any school which has its physical facilities located in the state and has operated in this state for at least ten years - \$35,000; and

(b) For any school other than in 3.3.3a (above), the amount of the surety bond shall be the number of students times the amount of tuition charged during the tenure of the permit, but shall not be less than \$35,000 or more than \$100,000.

A bond that is inadequate in amount for the number of students at a given location at any time shall cause the school's permit to expire by operation of law. With any increase during a permit period, the school shall file an increased bond to conform to the requirements of this section.

A school with more than one campus within the state shall be required to post a bond in an amount equal to the bond required for its oldest established campus in the state. A school having a physically separate location for some student classes in the same general location as the main or a branch campus with most students having classes at the main or branch campus will not be required to have a separate bond for each auxiliary facility.

#### 3.4 Solicitors registration

3.4.1 No person shall solicit, sell, or offer to sell any instruction in any proprietary vocational school in this state or outside of this state to any resident or other person in this state without having a solicitor's registration from the State Department, and presenting to each person approached a copy of his/her certificate of identification contained in comprehensible form: Solicitors Registration- West Virginia Department of Education - name of school, name, address, and telephone number of solicitor. To be registered a solicitor, one must (a) make application on the form prescribed by the Department with address, phone number, (b) pay the requisite fee, (c) state under oath that he/she has a high school diploma or equivalent and has not been convicted of a felony and, (d) state under oath that he/she has read and became familiar with the course solicitation and financing standards (Section 4 of these rules and regulations) and will follow such and (e) be verified under oath by a principal officer of the school that such applicant has read and is familiar with Section 4 of these regulations. The fee is five dollars, provided that the ten dollar permit fee will entitle a school to register up to two solicitors without additional fee.

3.4.2 A school shall be responsible for all representations of its solicitors; adequate training and supervision shall be provided. Solicitors or other school personnel shall not knowingly influence any student to leave another school or educational institution.

3.4.3 Solicitors shall be referred to as "Solicitors." No solicitor shall use any title, such as "Counselor", "Advisor", or "Registrar" that tends to indicate other functions.

3.5 Release of Liability of Surety

3.5.1 The surety on any such bond may cancel the same upon giving thirty (30) days notice in writing to the principal on said bond and to the State Board of Education. Such termination shall relieve surety of liability for events occurring after cancellation provided that if a school has not obtained a replacement surety any breach of a duty owed to a student (under these standards and regulations or under an agreement between the school and student), which occurs during the school term which began during the operative period of a bond, shall be deemed to have occurred on the initial day of the term, up to a maximum retroactivity of six months.

3.6 Soliciting students, advertising for enrollments in any manner prior to issuance of an initial permit, may at the discretion of the State Board bar a new school from receiving a permit for up to one year.

Section 4. COURSE SOLICITATION AND FINANCING STANDARDS

4.1 Course Terms and Conditions Generally

4.1.1 Registration Fee - No school may charge a registration fee in excess of fifty (\$50.00). This refund amount shall be fully refundable upon request within three (3) business days after midnight of the day on which the enrollment agreement is signed. An applicant student may request cancellation in whatever manner, during this time period, and must be given a refund of all money paid to the school or its representatives.

4.1.2 Costs and Refunds

(a) For correspondence courses, schools must indicate the "Total Course Price." The Total Course Price is the total cost of the correspondence or home study tuition and the cost of any required resident training. The cost for the correspondence and required residential training shall be separately stated on the enrollment agreement or contract.

(b) West Virginia code 46A-2-138 and 18-2-10 establish the refund policy.

Indebtedness for course materials received and not returned shall not exceed the reasonable store purchase price of such materials. Any moneys for tuition fees or other indebtedness and cancellation in whole or in part of such a contract by a buyer with regard to goods and services not fully delivered shall be returned by the seller within twenty days upon receipt of the notice of cancellation.

Any buyer not receiving a refund of all moneys paid and due within twenty days of cancellation of any contract under this section has a direct cause of action upon any bond filed with the Department of Education to secure performance of legal obligation pursuant to the provisions of section ten 18-2-10 article two, chapter eighteen of this code.

(c) The solicitor's commission arising out of a correspondence course contract shall not exceed the greater of 25 percent of the course cost or \$100.00.

4.1.3 Enrollment Agreements/Applications - The school shall provide a copy of its enrollment agreement to each student prior to consummation of the agreement. Schools shall enroll students with the use of a written enrollment contract and/or application only. Oral enrollment contracts are not permitted. The enrollment agreement shall include the following, at a minimum:

(a) Name of course or program in which the applicant is enrolling;

(b) Certificate, degree or diploma to be granted upon successful completion of the course or course of instruction;

(c) Policy regarding cancellation prior to start of classes and refund should the student drop out after the beginning of classes consistent with section 4.1.2b of this document;

(d) Statement of tuition, registration fee, books and supplies or all other costs charged by the school to the student (This figure does not have to include incidental costs incurred by the student and not charged by the institution such as costs for paper and pencils. Also, where costs are subject to change, such as books or supplies, a reasonable estimate may be provided.) This agreement shall disclose the number, amount, and due dates of all payments;

(e) Grounds for termination of enrollment by school prior to students completion such as failing grades, failure to comply with building rules, etc.;

(f) Fully informing each applicant as to the nature of the obligation the student is entering into and as to the responsibilities and rights of the student under the enrollment agreement before signing it;

(g) Full, conspicuous disclosure of (1) the "cash price", (2) other charges and fees, (3) the "finance charge", if any, and (4) the "total of payments" or it is not valid; and

(h) A statement of student liability only for that part of a course of instruction up to 12 months in duration although a program or course of study may extend for any period of time.

#### 4.1.4 Admission Policies and Practices

(a) The school shall determine with reasonable certainty that each applicant for enrollment is fully informed as to the nature of the course desired and as to what training the applicant can reasonably be expected to accomplish.

(b) The school shall have established the qualifications which an enrollee must have to enable successful assimilation of the training to be furnished and shall determine, with reasonable certainty in advance of acceptance of the enrollment that the applicant has proper qualifications to take the training and be accepted into employment in the area of training. In any case where a school enrolls a person who does not meet accepted admission qualifications, it shall have written record of the reasons why the student was permitted to enroll, and is prepared to justify its action in accepting the enrollment.

(c) The school shall determine that each applicant accepted has no handicaps, physical or otherwise, which could reasonably prevent use of the knowledge or skill gained from the training desired for successful on-the-job performance after completion of the course.

(d) No school shall accept an enrollment from a person of compulsory school age, nor one attending a school of elementary or secondary level, unless it has established through contact with properly responsible parties that pursuit of the course would not be detrimental to the student's regular school work.

#### 4.1.5 Right to Cancel or Withdraw

(a) Correspondence or Combination Courses - A buyer of a correspondence course or a combination correspondence and campus course may cancel and terminate such contract any time by notifying in writing (by first class mail) or in person of such cancellation. No particular form is required and a nonappearance at the first day of the campus portion, extended failure to respond to correspondence or other clear indication of nonparticipation shall be deemed to a cancellation.

(b) Campus Courses - A buyer of a campus course may withdraw from the school by any written notification of the school of such withdrawal. No particular form is required and extended nonappearance or other clear indication of nonparticipation shall be deemed to be a withdrawal.

4.1.6 Refund Process

(a) A school shall have a refund policy consistent with section 4.1.2 of this document under which it will make a refund of unearned tuition, fees, and room and board charges to a student who does not complete any academic period. The school shall provide the written statement containing its refund policy to a prospective student prior to contracting with a student. The school shall also make its refund policy known to currently enrolled students. If the school changes its refund policy, the school shall ensure that all students are made aware of the new policy.

(b) The school shall pay or credit refunds due within 20 days.

(c) The school shall publicize, as a part of their dissemination of information on charges and refunds, that an appeals process exists for students or parents who feel that individual circumstances warrant exceptions from published policy. The informational materials shall include the name, title, and address of the official responsible.

4.1.7 Publication of costs - The institution shall publish a current schedule of all student charges, a statement of the purpose for such charges, and related refund policies, and have them readily available free of charge to current and prospective students. The institution shall clearly designate all optional charges as "optional" in all published schedules and related materials. Clearly, charges that are mandatory and charges that are optional must be plainly differentiated in all printed materials. The institution shall clearly identify charges and deposits that are nonrefundable as "nonrefundable" on all published schedules.

4.1.8 Determining the Date of the Student's Withdrawal

(a) Refund of tuition due shall be made within twenty days of the date of withdrawal. For purposes of calculating the amount of the refund due, the student's last date of attendance shall be used.

(b) Home Study Schooling - If a student is enrolled in a program of study by correspondence, in the absence of any notice of cancellation, the student's withdrawal date will be sixty days after the due date of a required lesson that the student has failed to submit in accordance with the schedule for lessons established.

If, however, the student establishes in writing within a sixty-day period a desire to continue in the program and an understanding that the required lessons must be submitted on time, the institution may grant that student a restoration to in-school status. Refunds shall be made within twenty days from the date of withdrawal. For purposes of calculating the amount of the refund, the school shall comply with section 4.1.2 of these regulations.

#### 4.2 Misrepresentation

4.2.1 Generally No school or person on behalf of the school shall engage in misrepresentation. Misrepresentation includes any false, erroneous, or misleading statement made by any school or person on behalf of any school to any student or prospective student, to the family thereof, or by advertisement, or the suppression of an essential fact which has the capacity to mislead. Failure to live up to representations or statements in the school catalog shall constitute misrepresentation. Without limiting the generality of the foregoing, the following are deemed to constitute misrepresentation.

4.2.2. Nature of Education Program - Misrepresentation of the nature of its educational program includes, but is not limited to, false, erroneous, or misleading statements or suppression of essential facts concerning:

- (a) The particular type(s), specific source(s), nature and extent of its accreditation. (If it represents its course as approved, the nature, extent, and purpose must be disclosed.)
- (b) Whether a student may transfer course credits earned at the school to any other school or institution.
- (c) Whether successful completion of a course of instruction qualifies a student for: Acceptance into a labor union or similar organization; or receipt of a local, state, or federal license or nongovernmental certification required as a precondition for employment or to perform certain functions.
- (d) Whether its courses are recommended: By vocational counselors, high schools, or employment agencies; or by government for government employment.
- (e) Its size, location, facilities, or equipment.
- (f) The availability, frequency, and appropriateness of its courses and programs to the employment objectives that it states its programs are designed to meet.
- (g) The nature, age, and availability of its training devices or equipment and their appropriateness to the employment objectives that it states its programs are designed to meet.

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(h) The number, availability, and qualifications, including the training and experience, of its faculty and other personnel.

(i) The availability of part-time employment or other forms of financial assistance.

(j) The nature and availability of any tutorial or specialized instruction, guidance, and counseling, or other supplementary assistance it will provide its students before, during, or after the completion of a course.

(k) The nature of any prerequisites established for enrollment in any course.

(l) The total cost of the course.

4.2.3 Nature of Financial charges - Misrepresentation of the nature of its financial charges includes, but is not limited to, false, erroneous, or misleading statements concerning:

(a) Offers of scholarships to pay all or part of a course charge, unless a scholarship is actually used to reduce tuition charges made known to the student in advance. The charges made known to the student in advance are the charges applied to all students not receiving a scholarship.

(b) Whether a particular charge is the customary charge at the school for a course. The price for a specific course shall be the same for all persons at a given time.

4.2.4 Employment or Opportunity for Graduates - Misrepresentation regarding the employability of its graduates includes, but is not limited to, false, erroneous, or misleading statements:

(a) That the school is connected with any organization or is an employment agency providing authorized training leading directly to employment.

(b) That the school maintains a placement service for graduates or will otherwise secure or assist its graduates to obtain employment, unless it provides the student with a clear and accurate written description of the extent and nature of this service or assistance.

(c) Concerning government job market statistics in relation to the potential placement of its graduates.

(d) That has the tendency or capacity to mislead or deceive students, prospective students, or the public regarding actual or probable employment or opportunities in any vocation or field of activity.

(e) Ads that quote "up to" salaries or the like for an occupation without indicating the starting range are deemed to be misrepresentative.

4.2.5 Correspondence or Home Study - If a school conducts its instruction wholly by correspondence or home study, a clear and conspicuous disclosure shall be made in immediate conjunction with its trade or business name that it is a correspondence or home study school. A school which offers both resident and correspondence or home study instruction should clearly and conspicuously identify in all advertisements and promotional materials, except in those pertaining solely to its resident program, the programs or courses to be offered in whole or in-part by correspondence or home study.

4.2.6 Misrepresentation of facilities, services, qualifications of instructors, and status - No school or person shall misrepresent directly or indirectly in its advertising, promotional materials, or in any manner the size, location, facilities, services, or equipment of its school or the number or educational qualifications of its faculty and other personnel. Illustratively, a school or person shall not:

(a) Use or refer to fictional organization divisions or position titles or make any representation which has the tendency or capacity to mislead or deceive students or prospective students, as to the size or importance of the school, its divisions, faculty, personnel, or officials, or in any other material respect.

(b) Represent that the school owns, operates, or supervises a dormitory, eating, or other living accommodations unless such is the fact; or otherwise misrepresent the extent of the living accommodations, meals, or ancillary services provided.

(c) Falsely or deceptively represent the location or locations at which its courses will be conducted.

(d) Misrepresent the nature, or efficacy, of its courses, training devices, methods or equipment or the number, qualifications, training, or experience of its faculty or personnel, whether by means of endorsements or otherwise.

(e) Falsely represent that it will provide or arrange for part or full-time employment while the student is undergoing instruction, or misrepresent in any manner, directly or by implication, the availability of such employment or any other form of financial assistance.

(f) Deceptively represent the nature of any relationship which the school or any of its officers, employees, or instructors may have with the U.S. government or any of its agencies or any agency of a state or local government, or that by virtue of such a relationship or any prior relationship its students will receive preferred consideration in obtaining employment with such a government or any of its agencies.

(g) Represent directly or indirectly that certain individuals or classes of individuals are bonafide working members of its faculty, or are members of its advisory board, or have played an active part in the preparation of its instruction materials, unless such is the fact, or misrepresent in any manner, directly or by implication, the extent or nature of the association of any person with the school or the courses offered.

(h) Misrepresent the nature and extent of any personal instruction, guidance, assistance, or other attention it will provide for its students either during a course or after completion of a course.

(i) Misrepresent directly or indirectly that it is a nonprofit organization, or that it is affiliated with or otherwise connected with a public or private religious or charitable organization.

4.2.7 Deceptive Use of Degrees or Other Documents - A school shall not issue a degree, certificate of completion, or any document of similar import, which misrepresents directly or indirectly, the subject matter, substance or content of the course of study or any other material fact concerning the course for which it was awarded or the accomplishments of the student to whom it was awarded.

#### 4.3 Deceptive Sales Practices

4.3.1 In obtaining leads to prospective students, a school shall not use advertisements or promotional material which is classified, designated or captioned, "Men wanted to train for \*\*\*", "Help Wanted", "Employment", "Business Opportunities" or by words or terms similar import, so as to represent directly or by implication that employment is being offered.

4.3.2 A school shall not deceptively designate or refer to its sales representatives as "registrars", "counselors", "advisors", or by words of similar import misrepresent in any other manner, the titles, qualifications, training, experience, or status of its salesmen, agents, employees, or other representatives.

4.3.3 The advertising or promotional materials of a school which are used to provide leads to prospective students shall include the full name and address of the school, (a local address is permissible to the case of a multivocational school) and disclose the fact that it is training and not employment that is being offered. In addition, a person who responds to such an advertisement or promotional material should not be visited by a salesperson unless the advertisement or material contains a clear and conspicuous disclosure that a salesperson may call or unless consent to such a visit is first obtained by mail or telephone.

4.3.4 In obtaining leads to prospective students, a school shall not represent that it is conducting a talent hunt, contest, or similar test, unless such is the fact and such representation is accompanied by a clear and conspicuous disclosure of the institution's name and address and the fact that it is a school if such is not apparent from its name.

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4.3.5 A school shall not represent directly or indirectly in advertising or otherwise that a course or courses may be taken for a specified price, or at a saving, or at a reduced price, when such is not the fact; or otherwise deceive students or prospective students with respect to the cost of a course or any equipment, books, or supplies associated therewith or furnish any means or instrumentality by which others engaged in obtaining enrollment may make such representations. Illustratively, a school shall not represent:

(a) That veterans or other stated classes of persons may be enrolled at a deducted or special rate unless such is the fact.

(b) That a specific amount is its usual and customary price for a course unless such amount is the price at which the course has been usually and customarily sold in the recent regular course of business.

(c) That any saving is afforded in the price of a course from the member's regular price unless the price at which the course is offered constitutes a reduction from the price at which the course has been usually and customarily sold in the recent regular course of business.

(d) That books, training materials, or training aids are furnished at reduced prices unless the prices therefore have been reduced from the prices at which they were usually and customarily sold.

4.3.6 Letters of endorsement, commendation or recommendation used in catalogues, literature, or advertising are used only with prior written permission and without remuneration. Testimonial letters or endorsements are used only when they are strictly factual, stating currently correct conditions or facts, and contain the dates they were written or received.

4.4 Deceptive or Unfair Collection and Credit Practices - No school, lender, assignee or guarantor shall use any deceptive or unfair means to obtain or attempt to collect claims from students. West Virginia Code S 46A-2-123 to 129. No collection costs or other fees may be included in contracts or attempted to be collected.

4.5 Affirmative Disclosure Prior to Enrollment - Before obtaining the signature of a prospective student or of his parent or guardian on an enrollment contract or other contract, a school shall furnish in writing to that prospective student or family members a disclosure form setting forth:

(a) The school's policy and regulations relative to make-up work, delay or delinquency in meeting course requirements, and standards required of the student for achieving satisfactory progress, including class attendance if applicable.

(b) If the school recommends, suggests, or requires that the student have or secure any additional texts, equipment, or materials other than usual student supplies such as paper and pencils, or utilize any supplementary services offered by the member, and the cost thereof is not included in the contract price of the course, an itemized list of such items and services showing the price thereof.

(c) In the case of courses to be taught on campus, a description of the school's physical facilities, and equipment to be used in teaching the class, and the usual class size.

(d) If the school represents that it offers a placement service to its graduates or will otherwise secure or assist them to find employment, a detailed and explicit description of the extent and nature of this service or assistance is required.

(e) Any other material facts concerning the school and the program of instruction or course which are reasonably likely to affect the decision of the student to enroll therein.

4.6 Unqualified Students - Inducing the enrollment or retention of a student for any course of instruction or training for a job or position for which the school knows or has reason to know the student is unfit by reason of intellectual capacity or educational, physical or other material disqualification is proscribed.

#### 4.7 Financing and Loan Standards

4.7.1 General - this section applies only to schools that offer or participate in any type of financial aid. As used in this section "financial aid" means Guaranteed Student Loan Program, Pell Grants, or any loan provided or arranged for by the school. A participating school or with participating students shall comply with rules regarding federal financial aid programs contained in 34 C.F.R. Part 682 (Guaranteed Student Loan Program), and 34 C.F.R. Part 690 (Pell Grant Program). Any student has a right to maintain an action against a school for violation of said federal regulations or of these regulations. A lender, financier, assignee or guarantor shall be liable for all claims and defenses a student may have against a school (WV Code: Section 46A-2-101, 102 & 103)

#### 4.7.2 Financial Assistance Information

The school shall describe the rights and responsibilities of students receiving financial assistance and specifically assistance under the Pell Grant, Supplemental Educational Opportunity Grant, State Student Incentive Grant, College Work-Study, National Direct Student Loan, and Parent Loans for Under-graduate Students Program. This description shall include specific information regarding criteria for continued student eligibility under each program; standards which the student must maintain in order to be considered to be making satisfactory academic progress in his/her course of study for the purpose of receiving financial assistance payments; criteria by which the student who has failed to maintain satisfactory academic progress may re-establish his/her eligibility for financial assistance payments; the method by which financial assistance payments will be made to the student and the frequency of such payments; the terms of any loan received by a student as part of the student's financial assistance package, a sample loan repayment schedule for sample loans and the necessity for repaying loans; the general conditions and terms applicable to any employment provided to a student as part of the student's financial assistance package.

4.7.3 Institutional Information

(a) The school information that the school must publish and make readily available to current and prospective students shall include, but is not limited to, information on the following subjects:

(i) The cost of attending the school including tuition and fees charged to full-time and part-time students; estimates of necessary books and supplies; estimates of typical charges for room and board; transportation costs for commuting students living on or off campus; and any additional cost of a program in which the student is enrolled or expresses a specific interest.

(ii) A statement of the refund policy of the institution for the return of unearned tuition and fees or other refundable portion of costs paid to the school.

(iii) The academic program of the school including: the current degree programs and other educational and training programs; the instructional, laboratory, and other physical facilities which relate to the academic program; and the institution's faculty and other instructional personnel.

(iv) The names of associations, agencies, or governmental bodies which accredit, approve, or license the school and its programs and the procedures by which the documents describing that activity may be reviewed under paragraph (a) of this section.

(v) A description of any special facilities and services available to handicapped students.

(vi) A discussion of whether instructional or other physical facilities are readily accessible by handicapped students.

(b) The school shall make available for review to any current or prospective student, upon request, a copy of the documents describing the school's accreditation, approval or licensing.

4.7.4 Misrepresentation - In connection with any financial aid, no school shall:

(a) Misrepresent to any student or prospective student that the financial aid will cover the entire cost for schooling.

(b) Misrepresent to any student or prospective student that the financial aid will be available to pay miscellaneous personal expenses.

(c) Misrepresent to any student or prospective student that the financial aid will not have to be repaid by the student and/or that another source will repay the financial aid.

(d) Misrepresent to a student or prospective student that the financial aid covers the cost of necessary textbooks to be used for classes.

(e) Misrepresent to a student or prospective student that the financial aid covers all expenses, including expenses for books, equipment, and other necessary items or fees.

Section 5. School Standards

5.1 General

5.1.1 Objectives - Each school shall have articulated educational objectives which are set forth in the school catalog.

5.1.2 Organization and Administration

(a) Each school shall have performance standards and monitoring controls to insure adequate administration. The annual budget shall be adequate to properly carry out the stated educational objectives of the school.

(b) Disclosure - The governance, control, and corporate organization of the school shall be stated in appropriate publications, including the catalog, together with names of the owners, trustees, directors, administrators, and officers.

(c) Financial Stability - The school shall have adequate revenues and assets to meet its responsibilities, to insure continuity of service, and to meet its stated educational objectives. Budgetary practices shall reflect a balanced application of resources to operations; the amount of expenses and debt must not burden the educational objectives of the school; and the proportion of the budget allocated to instructional programs must be adequate.

(d) Evidence of Degrees - Schools shall list degrees of faculty members in the catalog and shall have on file appropriate evidence of the degrees (either copies of transcripts or diplomas is acceptable).

(e) School Records - Adequate records shall be kept by each school relative to administrative operations. These include financial aid activities, curriculum, guidance, instructional supplies and equipment, library or instructional resource center, school plant, faculty and staff, student activities, and student personnel.

(f) Admissions Records - For all students admitted, the school shall maintain records of the validated test scores, academic and career advising, and any other factors used by the school to support its admissions determination.

(g) Student Records - For high school graduates or those with GED equivalency, the school shall have on file an official copy of the high school transcript, the GED certificate, or GED scores which meet the state's minimums for passing. The student's record also may include personal background information, evidence of other educational experiences (including certificates, diplomas, or degrees earned), or information about the ability of these students to benefit from the education offered, including any aptitude testing information or recommendations from other sources.

A permanent academic record (transcript) shall be maintained on the student's progress. Compatible with the school's objectives, the transcript shall indicate student accomplishment in terms of clock hours, units of credit, or some other recognized system. The grading system used shall be fully explained on the transcript.

(h) Admissions - The admission policy shall conform to the school's objectives, shall be publicly stated, and shall be administered as written. The requirements for students admitted to programs leading to a certificate, diploma or degree shall include graduation from high school, its equivalent, or demonstration of the ability to benefit from the training offered. Such ability-to-benefit determination shall include, as a minimum, the administration of a validated test and academic and career counseling.

(i) Recruitment - Recruiting shall be compatible with the educational objectives of the school. A school shall ensure that each of its representatives is communicating current and accurate information regarding courses and programs, services, tuition, terms, and operating policies. A school shall be responsible for all representations made by the recruiters; it shall provide them with adequate training and arrange for appropriate supervision of their work.

No prospective student names obtained as a result of survey, canvass, promise of future employment or income while a student, or other marketing activity by a school or its agent may be used for recruitment purposes unless the name of that school is clearly identified and purposes of such activity are communicated to the person contacted.

(j) Counseling - Adequate counseling services shall be provided which are consistent with the career goals of the student and educational objectives of the school.

(k) Placement - The extent and nature of placement services provided to students and graduates are as claimed by the school shall be provided. The school shall maintain records of initial employment of its graduates covering the last five years. Any statements regarding placement shall be supported by institutional records and available for public review. The school shall show the each student the previous year's percentage of job placement in their program however, in no case shall a school guaranty a student a job.

5.1.3 Curriculum

(a) Comprehensive Course - For every course offered there shall be a detailed and organized instructional outline (course of study) with a task (skill) list and teaching guide showing the scope and sequence of subject matter sufficient to achieve the announced objectives for the intended students.

(b) Catalog - The school shall provide a professional printed and bound catalog which contains the following information: (The school need not print the catalog in advance, but may submit a proofed copy prepared by a printer with the application.)

(i) The name, address and telephone number of the institution;

(ii) The institution's philosophy and objectives;

(iii) If accredited, the name of its accrediting agency, and level of accreditation, and listing of all states in which the institution is licensed;

(iv) A brief description of the facilities;

(v) Admission requirements and procedures;

(vi) A listing of all tuition, registration fees, book charges, equipment charges or any other cost charged to the student for each program of instruction being offered by the school;

(vii) The academic and career counseling and job placement assistance that will be provided to the student;

(viii) A definition of the unit of credit used by the institution, its academic terms, and the number of minutes of instruction comprising one standard class hour;

(ix) The institution grading system including provisions for incomplete and failing grades and withdrawals, academic standards required to avoid probation or dismissal from the school and the specific academic or skill requirements required to graduate in each program;

(x) Attendance policies and leaves of absences;

(xi) Rules or institution policies, violation of which may result in the dismissal of student from school or placing the student on probation;

(xii) A listing of all programs of study together with a brief description of the objective for each program, the courses offered in each program, graduation requirements of each program, the certificate, diploma or award granted upon graduation and a course description for each course contained in the program offered by the school;

(xiii) A listing of the number of credit hours in each program for institution operation on a credit hour basis, and clock hour listings for institutions operating on a clock hour basis;

(xiv) A listing of the initial administration and faculty;

(xv) The dates for which the catalog is to be effective (catalogs must be revised at least every three years) interim changes may be reflected by supplements attached to the catalog;

(xvi) A school calendar showing holidays, vacation days, beginning and ending dates for each term and other dates;

(xvii) School policy related to granting credit or advanced standing for previous education and training;

(xviii) An explanation of how to file a complaint with the State Department to any student dissatisfied about solicitation practices on the course of study.

(c) Course Content - The course content shall be appropriate to the course offering. The content shall provide a student with competencies and skills that are marketable in the current economy. The content shall prepare the student in terms of the career goals of the student and currently nationally available employment.

(d) Student achievement - Each school has a system for assessing the growth in knowledge and skill of students in training and maintains definite written policies relative to performance standards and grading. Students shall be terminated by the school when it is clear that they are unable to satisfactorily acquire the knowledge and skills required by occupation for which they are training. Course completion is based upon satisfactory mastery of the required knowledge and skills.

#### 5.1.4 Personnel/Faculty

(a) Faculty Preparation - Preparation of faculty members shall be academically and experientially appropriate to the subject matter taught. Faculty members shall be competent to teach the subject matter offered. Each instructor shall be able to demonstrate up-to-date knowledge and skills of the field.

(b) Faculty Credentials - Instructors shall have, at a minimum, a baccalaureate degree. An exception to the requirement of a baccalaureate degree may be justified for instructors of subject areas not normally credentialed. Alternate measures of competency in these subject areas may include experience, licensure, or certification.

(c) Verification of Credentials - Official transcripts for all faculty members shall be on file in the administrative offices at the campus location nearest to where the faculty member is primarily employed.

(d) In-Service Training - The school shall provide, and the faculty shall participate in, a systematic program of in-service training for the improvement of instruction and curriculums. Such activities shall be documented and specifically related to the instructional objectives.

(e) Professional Growth - There shall be evidence of professional growth on the part of the faculty. This may be shown by membership and participation in educational associations, concurrent related business experience, educational research, and an awareness of current practices and standards.

(f) Teaching Load - An instructor's teaching load, including night school, shall not exceed 40 or more clock hours per week except that an overload of not more than one subject per term for additional compensation may be taught by a faculty member.

(g) Student-Teacher Ratio - The student-teacher ratio should be reasonable at all times in keeping with generally accepted teaching modes for the subject matter. Skills training requires more individual instructor attention, thereby requiring smaller classes. Reasonable average ratios for such classroom instruction would be 30:1, and for laboratory or clinical instruction, 15:1.

(h) Field Preparation - Not more than three preparations in different fields (e.g., secretarial studies, business administration, data processing) shall be assigned to an instructor during one academic term.

(i) Subject Preparation - Not more than five preparations in different subjects (e.g., Accounting I, Accounting II, Typewriting I, Business Mathematics, Shorthand I) shall be assigned to an instructor during one academic term.

#### 5.1.5 Equipment and Materials

(a) Generally the instructional resources, teaching equipment, and instructional materials shall serve the needs of the school's educational program and skill reflect current occupational knowledge and practice. Within each course area, the materials and equipment must be current in occupational practice and sufficiently comprehensive to meet the school's objectives and provide realistic occupational training. Instructional materials for correspondence courses shall be prepared by qualified persons competent in their fields and be within the reading competence of enrollees.

(b) References - A school shall have available and easily accessible to faculty and students such standard reference works as a current unabridged dictionary, a current world almanac, thesaurus, recent editions of handbooks appropriate to the curriculum, current periodicals appropriate to the curriculum and other references relative to the educational objectives of the school. A variety of volumes and periodicals readily available to students and faculty, recent publications, appropriateness, and usefulness to the program is mandatory.

(c) Inventory - An up-to-date inventory of the instructional materials and equipment available to students shall be maintained by the school.

(d) Budget - Budget allocations for instructional materials shall be appropriate to meet the educational objectives of the school's programs.

(e) Equipment - Evidence shall be furnished that the school has purchased and placed on premises desks, tables, chairs, equipment, machines, teaching aids, black boards, tools, reference books, and any other equipment or materials necessary to provide the education or training proposed by the applicant.

The school shall provide evidence that it has acquired and placed on premises a fire-rated, lockable file cabinet or safe of adequate size to maintain student transcripts.

#### 5.1.6 Facilities

(a) The buildings, classrooms, equipment, furniture, grounds, instructional tools, instructional facilities, machinery, and other physical requirements of the educational program shall be appropriate and of a size adequate for the offering.

(b) The plant shall meet the general tests of safety, usefulness, cleanliness, maintenance, health, lighting, and compliance with local fire, safety, and sanitation requirements.

(c) The school shall have leased or purchased facilities of adequate size to accommodate all necessary activities for a student body of the size reasonably anticipated. In the case of a leased facility, the minimum length of the lease shall be one year. The school shall submit with its application for a permit (i) a copy of the lease or purchase agreement; (ii) a sketch or blueprint of the facilities showing the amount of space dedicated to the classrooms, administrative offices, and auxiliary facilities; and (iii) evidence that the institution has been issued documentation required by the local jurisdiction to establish that all health, safety, fire or other regulations have been met, unless such information is previously on file with the State Department.

#### 5.2 Awarding of Degrees, Diplomas, and Certificates

5.2.1 Accredited Schools - An accredited proprietary vocational-technical institution may award certificates, diplomas and specialized associate degrees. in their permitted areas to the extent authorized by their permit

5.2.2 Unaccredited Schools - A permitted private vocational school in compliance with the course of study standards may award certificates or diplomas in their permitted areas to the extent authorized by their permit.

### 5.3 Advisory Committee

5.3.1 Advisory Committee - The State Board shall establish an advisory committee of not less than five owners or other representatives of private vocational schools. The Advisory Committee shall meet when called together by the Assistant State Superintendent for Vocational Education or his designee as needed. The Advisory Committee shall, from time to time, review the course of study standards and quality criteria of the State Board and make recommendations to the State Department. In addition, the Advisory Committee may perform such other advisory functions as the State Board shall specify.

## Section 6. Enforcement

### 6.1 Enforcement Generally

6.1.1 These rules and regulations may be enforced administratively by the State Department or by any individual by an action in any court of competent jurisdiction.

### 6.2 Noncompliance Procedures - Permits

6.2.1 Refusal or Revocation of Permit - If at any time written information or complaint of material non-compliance is presented to the State Department, the Department may refuse a permit to a school or may suspend or revoke a permit if after following the administrative procedures contained in this section, a final administrative determination is made that a violation meriting revocation or suspension of a permit has occurred. Any time the State Department receives a written student complaint from a regulatory agency or individual alleging they have suffered harm indicating a possible violation of these rules or West Virginia Code Section 18-2-10, the school shall be notified and provided an opportunity to explain its actions or otherwise, in the case of a written student complaint, resolve the complaint to the student's satisfaction. If the issues involved are resolved, the matter shall be closed. If the matter is not resolved, a hearing shall be held in accordance with the next section. Material violations of state law or any provision of these rules shall be brought to a hearing.

6.2.2 Hearing - Upon its own initiative, or upon complaint, the State Department may cause a hearing to be conducted to determine whether or not the holder of a permit has failed to comply with state law or any provision of these rules and regulations and to determine whether the permit should be revoked or whether other disciplinary actions should be taken. Procedures for the hearing shall be as follows:

(a) Notice of hearing shall be mailed by certified mail, return receipt requested to the institution. Notice shall include the specific facts relied upon and the specific law or regulation alleged to have been violated. The notice of hearing shall afford the permittee at least twenty days notice from receipt or refusal.

(b) The State Superintendent shall appoint a designated hearing officer to hear the case. No person shall be appointed where there may be the appearance of a conflict of interest.

(c) The officer shall meet within thirty days of appointment with the appropriate state board administrator to obtain the facts used by the administrator as the basis for the adverse action. The school representative shall present any evidence it deems relevant in issuing the decision. The proceedings shall be informal in nature and shall not utilize the rules of civil procedure or rules of evidence; however, the aggrieved party may be represented by counsel and may record the proceedings. Any matters deemed appropriate may be entered into evidence.

(d) The hearing officer shall render a decision within ten days from the day of the hearing and shall mail a written notice of findings of fact and conclusions of law on which the hearing officer based the decision to the administrator and the aggrieved party. The decision shall be final unless within fifteen days of the decision the institution appeals to the State Superintendent who shall review the record and make a final administrative ruling. Any decision may be appealed to the circuit court of Kanawha County.

6.2.4 Reasonable Opportunity to Take Corrective Measures - Prior to the Board taking any adverse action, including refusal, suspension or revocation of a permit, the school shall be given reasonable opportunity to take corrective measures. Once a school has been afforded a reasonable opportunity to take corrective measures, any further opportunity shall be in the discretion of the Board or designated officer and shall not be as a matter of right. The opportunity to take corrective measures in the case of a violation of solicitation regulations shall include, but is not limited to, (a) file a corrective action plan showing how the school will correct any violations and prevent their reoccurrences, and (b) appropriate restitution to all students affected. The opportunity to take corrective measures in the case of failure to meet academic standard regulations shall include, but is not limited to, (a) appropriate restitution to all students affected, and (b) follow-up on-site reviews prior to any reinstatement.

6.2.5 Reasonable opportunity shall normally not exceed thirty calendar days from the date of a final administrative determination of a violation. A school shall immediately begin good-faith efforts to correct the violation consistent with the corrective action plan and shall correct violations in less than the maximum period provided where the nature of the violation would reasonably permit.

The period shall be extended by the department's designated officer if the nature of the violation is such that it cannot be reasonably corrected within thirty days and if the school has demonstrated good-faith progress towards correcting the violation.

### 6.3 Compliance - School Standards

6.3.1 Periodic On-site Reviews - The State Board shall conduct periodic on-site reviews at least once every five years for schools not accredited by an accrediting agency recognized by the United States Department of Education to evaluate conformity to the school standards hereinbefore set forth.

6.3.2 Grandfathered Status - In the case of proprietary vocational schools, accredited on June 8, 1988, and having their physical facilities located in this state, the accrediting agency's standards, procedures, and criteria shall be accepted as the governing standards for such accredited schools.

6.3.3 Complaints regarding grandfathered schools - No routine on-site reviews of such accredited schools shall be required; provided that, upon complaint involving academic standards by any student, by correspondence an official of the State Department designated by the State Board shall investigate to determine whether the school standards hereinbefore set forth are met under the procedures for course solicitation investigations set forth in Section 6.5 of these rules and regulations.

6.3.4 Violations - When material violations of such standards by any school are found, appropriate procedures under section 6.2 of these regulations shall be initiated.

### 6.4 Conduct of Evaluations for Unaccredited Schools

6.4.1 Self Evaluation - Prior to initial permit, and at least once every five years within the three months prior to requesting permit renewal, a school shall conduct a self-evaluation of the school under the course of study standards set forth in Section 5 of these rules and regulations. The school shall measure itself in detail under each subparagraph set forth therein and provide all quantitative and qualitative data necessary for the State Department to review the self-evaluation in the form prescribed by the State Department. As a part of the report relative to the course of study or accrediting standards the school shall provide detail as to the course outline of each course offered and the educational, employment, and other background of each person employed by the school. It shall be under oath and signed by all officers and teachers at the school.

6.4.2 On-site Review teams - An on-site review team shall consist of persons having competencies appropriate to the context: (a) management specialist familiar with the administrative aspects of school operation, (b) educational specialist familiar with instructional methods and educational processes,

(c) subject matter specialist for individual occupational areas in which training is offered, and/or (d) employees of the State Department. A team visit will take that time necessary to ensure a complete review, normally one to three days, though more may be required. Team members shall be selected by the Assistant State Superintendent of Schools for Vocational Education.

6.4.3 On-Site Review Procedure - The on-site review team shall verify data in the self-evaluation report (if one was done), shall seek additional data, and, in general, develop an understanding of how well the school meets its objectives and the course of study standards. Team members shall confer with the administration, instructors, other school employees, students, graduates, and employers of the graduates in making an assessment of conditions, courses of study, and effectiveness of the school.

6.4.4 On-Site Review Findings - Each member of the team shall prepare a factual report of those phases of the visit for which the member is responsible and submit it to the team leader. The leader shall integrate the reports in proper sequence, prepare a summary of strong and weak points about the school, and submit the summary report to the State Department. The State Department may request the team leader to appear before it or the State Board and may invite the head of the school to appear or send a representative. The team summary report should be supplemented by additional findings or studies and inquiries such as: (a) Sampling studies of enrollees, dropouts, and graduates; (b) Review of instructional materials by specialists; and (c) Evidence of reputation and standing among persons or agencies in a position to know the school. Data in any self-evaluation report, the team summary report, and the supplementary reports are public record except to the extent specific students are identified which shall be blocked out when requests for such data are made. The school shall receive a copy of the team summary report and will be provided an opportunity to comment and supply any additional material that the school may wish be considered.

6.4.5 On-Site Review Recommendations - The on-site review team may make the following recommendations: (a) The school be issued or reissued a permit; (b) The school be denied a permit; or (c) The school be reissued a permit after specified corrections are made. The team will review the corrections made, before a permit is reissued, and make a recommendation to grant or deny the reissuance of a permit based on corrections made and/or the submission of a satisfactory remediation plan. If the school does not agree with the recommendation, representatives of the school may request a hearing pursuant to the procedures hereinbefore set forth in Section 6.2.

6.4.6 Cost of On-Site Review - Every school shall pay the cost and expenses of the on-site reviews. Members of the team will receive an honorarium in an amount specified by the State Department of not less than \$150.00 per day plus travel expenses at the current rates authorized for state employees. Payments shall be made directly to team members, upon twenty days notice to the school from the State Department and shall be due within ten days of a site visit unless otherwise specified by the State Department. If any school shall fail to remit the amounts specified in the notice by the State Department on the day specified, the school shall not be issued its permit.

6.5 Compliance - Course Solicitation and Financing Standards

6.5.1 Investigations - A person or persons designated by the State Department shall investigate complaints made to the State Department pursuant to Section 6.2.1 relative to course solicitation and financing practices. Access to the school and all information requested shall be afforded by the school to the designated investigators. Such investigations may be upon notice or without notice to the school as appropriate in the discretion of the investigators. The findings of the investigation shall be summarized in a report, and filed with the designated hearing officer for any proceedings under Section 6.2 of these rules and regulations as are appropriate.

6.5.2 Cost of Investigation - The cost of an investigation shall be paid by the school when and if a billing is made by the State Department. The payment shall be made as required by the State Department. When payment is not forthcoming within thirty days of billing, the permit shall be revoked.

6.6 Annual Report - Every proprietary vocational school which has been issued a permit shall make an annual report to the State Board on the forms provided by the State Board. All information requested by these regulations and by the form shall be provided. The annual report shall for every calendar year be due sixty days after the expiration of each calendar year. The information required shall include, but is not limited to, the following:

6.6.1 All information required in the permit application - updated.

6.6.2 The location at all branches, and common ownership or management with other school.

6.6.3 Each program offered, including for each: the total clock/credit hours (as appropriate) of instruction, tuition, number of students enrolled by program, number of students starting and completing each program.

6.6.4 Comprehensive description of placement services offered.

6.6.5 List of all fees and charges.

6.6.6 Names, addresses, telephone numbers, courses taught, and degree level of all instructors.

6.6.7 Two year summary of graduates - number, by area of study, number obtaining employment in area of study.

6.6.8 Other information required by the State Board.

6.7 Upon closure or bankruptcy of any school, title to all student academic and financial aid records shall immediately rest with the West Virginia Department of Education.



WVDE

West Virginia Department of Education

Capitol Complex, Charleston 25305

Tom McNeel, State Superintendent of Schools

M E M O R A N D U M

TO: Persons Addressed

FROM: Tom McNeel *Tom McNeel*  
State Superintendent of Schools

SUBJECT: POLICY 7231: PROPOSED, REVISED BOARD OF EDUCATION  
REGULATIONS FOR PROPRIETARY VOCATIONAL SCHOOLS

DATE: December 6, 1988

At its December 6th, 1988 meeting, the West Virginia Board of Education placed Policy 7231 on public comment prior to taking action at its February 1989 meeting.

The regulations are being revised as a result of changes made in the state code during the last legislative session.

Comments should be submitted in the following manner:

1. identify the specific section of the regulations (such as 2.1, 3.6.7 or 7.8.2b) on which you wish to comment;
2. comment on what you do or do not like about the section;
3. revise the section (if needed) specifically the way you feel it should read;
4. state your justification for any revisions;
5. submit your comments as soon as possible so that they may be studied and considered for making recommendations to the Board at its meeting in early February 1989; and
6. submit your comments to, Dr. Fred W. Harrington  
Capitol Complex  
Bldg. 6, B-230  
Charleston, WV 25305

89-1242  
regs-com.ent