NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 39. BOARD FOR PRIVATE POSTSECONDARY EDUCATION

PREAMBLE

1. Articles, Parts, and Sections Affected	Rulemaking Action
R4-39-101	Amend
R4-39-102	Amend
R4-39-103	Amend
R4-39-104	Amend
R4-39-105	Amend
R4-39-106	Amend
R4-39-107	Amend
R4-39-108	Amend
R4-39-109	Amend
R4-39-201	Amend
R4-39-301	Amend
R4-39-302	Amend
R4-39-303	Amend
R4-39-304	Amend
R4-39-305	Amend
R4-39-306	Amend
R4-39-307	Amend
R4-39-308	Amend
R4-39-401	Amend
R4-39-402	Amend
R4-39-403	Amend
R4-39-404	Amend
R4-39-405	Repeal
R4-39-406	Amend
R4-39-407	New Section
R4-39-408	New Section

Article 5	Amend
R4-39-501	Amend
R4-39-502	Amend
R4-39-503	Amend
R4-39-504	New Section
R4-39-601	Amend
R4-39-602	Amend
R4-39-603	Amend

2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):

Authorizing statute: A.R.S. §§ 32-3003(A)(3) and 32-3073(A)(6)

Implementing statute: A.R.S. §§ 32-3003(A)(5), (7), and (8), 32-3021, 32-3022, 32-3023, 32-3025, 32-3027, 32-3052, 32-3073

3. Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the proposed rule:

Notice of Rulemaking Docket Opening: XX A.A.R. XX

4. The agency's contact person who can answer questions about the rulemaking:

Name: Teri Stanfill, Executive Director

Address: 1400 W. Washington Street, Room 260
Phoenix, AZ 85007

Telephone:(602) 542-5709

Fax: (602) 542-1253

E-mail: teri.stanfill@azppse.az.gov

Web site: www.ppse.az.gov

5. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:

In a five-year-review report approved by Council on September 13, 2011, the Board indicated it planned to amend all of its rules to ensure they are consistent with statute and agency and industry practice. The language of the rules also needed to be updated. The rulemaking completes the planned course of action.

An exemption from Executive Order 2015-01 was provided for this rulemaking by Ted Vogt, Chief of Operations in the Governor's office, in an e-mail dated February 6, 2015.

6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review

each study, all data underlying each study, and any analysis of each study and other supporting material:

The Board does not intend to review or rely on any study in its evaluation of or justification for the rules in this rulemaking.

7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

The Board believes the rulemaking will have minimal effect on applicants, licensees, and students. The primary goal of the rulemaking was to make the rules more clear and understandable and consistent with Board practice. To this end, the Board clarified that it is a private postsecondary educational institution that is licensed to operate. A licensed institution is authorized to offer programs. The rulemaking also clarifies the differences among a regular, conditional, and provisional license.

The following changes are the source of the minimal economic impact of the rulemaking:

- The overall time frame for the Board to act on an application for license renewal is reduced;
- A provision is added that the Board will close an application file if the application remains administratively incomplete after the applicant responds to a second notice of deficiency;
- Several grounds for denying or not renewing a license are added;
- Some additional actions require that a licensee provide notice to the Board;
- Consequences of allowing a license to expire are clarified;
- Amount of liability insurance is reduced for small institutions;
- Requirements for a year-end financial statement are reduced for small institutions;
- Requirements regarding preservation of student records when an institution ceases to operate are strengthened;
- Clarified that the Board will accept complaints from non-students;

- Section regarding transfer of credit is added; and
- Section regarding assessing costs the Board incurs in the process of determining that a person violated statute or rule is added.

9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:

Name: Teri Stanfill, Executive Director
Address: 1400 W. Washington Street, Room 260
Phoenix, AZ 85007
Telephone:(602) 542-5709
Fax: (602) 542-1253
E-mail: teri.stanfill@azppse.az.gov
Web site: www.ppse.az.gov

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

An oral proceeding regarding the proposed rules will be held as follows:

Date: Thursday, January 28, 2016

Time: 10:00 a.m.

Location: 1400 W Washington Street, Room B1

Phoenix, AZ 85007

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

There are no other matters prescribed by statute regarding this rulemaking. However, in the exemption from Executive Order 2015-01 provided for this rulemaking by Ted Vogt, Chief of Operations in the Governor's office, in an e-mail dated February 6, 2015, the Board was instructed to consult with the Governor's office, through Dawn Wallace, on an ongoing basis throughout the rulemaking process. The Board did as instructed.

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The licenses described in R4-39-102 are general permits consistent with A.R.S. § 41-1037 because they are issued to qualified individuals or entities to conduct activities that are substantially similar in nature.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

The rules are not more stringent than federal law. There are numerous federal laws that apply to the operation of colleges and universities including private postsecondary educational institutions. In particular, a private postsecondary educational institution is required under 34 CFR §§ 600.4(a)(3), 600.5(a)(4), and 600.6(a)(3) to be "legally authorized to provide an educational program beyond secondary education in the State in which the institution is physically located." 34 CFR § 600.9 provides the requirements for state authorization. The Board is part of that requirement. The entities licensed by the Board must comply with all the federal laws. However, although the Board is necessary to provide state authorization for private postsecondary educational institutions, there is no federal law directly applicable to the Board.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted.

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

No material is incorporated by reference.

13. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 39. BOARD FOR PRIVATE POSTSECONDARY EDUCATION

ARTICLE 1. DEFINITIONS, LICENSURE, REPORTING

Section

R4-39-101. Definitions

R4-39-102. ~~Licensure and Licensure Procedures~~ Licenses Issued and Licensing Time Frames

R4-39-103. Requirements for a Regular License to Operate a Private Accredited Vocational ~~Institution~~ or ~~a Private Accredited~~ Degree-granting Institution in Arizona

R4-39-104. Requirements for a Conditional License to Operate a ~~New~~ Private Non-accredited Vocational Institution in Arizona

R4-39-105. Requirements for a Regular License to Continue to Operate a Private Non-accredited Vocational Institution in Arizona

R4-39-106. Requirements for a Conditional License to Operate a ~~New~~ Private Non-accredited Degree-granting Institution in Arizona

R4-39-107. Requirements for a Provisional License to Continue to Operate a Private Non-accredited Degree-granting Institution in Arizona

R4-39-108. Surety Bond, Cash Deposit, or ~~Equivalent Security Requirements~~ Letter of Credit; Insurance ~~Requirements~~; Financial Statement Requirements; and Finance Committee

R4-39-109. Supplemental License Applications

R4-39-110. Change of Ownership or Control

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ARTICLE 2. FEES

Section

R4-39-201. Fees

ARTICLE 3. OPERATION OF PRIVATE NON-ACCREDITED INSTITUTIONS

Section

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R4-39-303. Staff

R4-39-304. Advertising
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R4-39-308. Tuition, Pricing, Refund Policies

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Section

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R4-39-402. Preservation of Records
R4-39-403. ~~Student~~ Complaint Procedures
R4-39-404. Tuition Refund Policy
R4-39-405. ~~Student Loans and Financial Aid~~ Repealed
R4-39-406. ~~Closure of an Institution or Cessation of~~ Closing a Licensee; Ceasing to Offer a Program; Teach-out Plan
R4-39-407. Use of Terms
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ARTICLE 5. INVESTIGATIONS; ~~AND~~ HEARING PROCEDURES; AND ASSESSING COSTS

Section

R4-39-501. Investigations
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R4-39-503. Rehearing or Review of Board's Decision
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ARTICLE 1. DEFINITIONS, LICENSURE, REPORTING

R4-39-101. Definitions

In addition to the definitions in A.R.S. §§ 32-3001 and 32-3071, the following definitions apply in this Chapter unless the context otherwise requires:

1. "Accreditation" has the same meaning as "accredited" in A.R.S. § 32-3001.
2. "Applicant" means a private postsecondary educational institution on whose behalf an application is submitted to the Board for a license to operate the institution and offer vocational programs or grant degrees.

~~2. "Board" means the Arizona State Board for Private Postsecondary Education.~~

3. "Conditional license" means a non-renewable one-year license issued by the Board to a ~~new~~ private non-accredited vocational ~~institution~~ or ~~a new private non-accredited~~ degree-granting institution.
4. "Day," means a calendar day unless specified otherwise.
5. "DE" means the United States Department of Education.
6. "GTR" means gross tuition revenue.
7. "Licensee" means a private postsecondary educational institution that is licensed by the Board and offers vocational programs or grants degrees.
8. "Management capability," as used in A.R.S. § 32-3051(10), means continuous coordination of all federal, state, and accreditation requirements, as applicable, in a manner that provides an educationally enriching environment that benefits students.
9. "Misrepresent" means to give a false or misleading representation with the intent to deceive or be unfair.

~~4. "New," as used in this Section and in R4-39-104 and R4-39-106 means a:~~

~~a. Private non-accredited vocational institution that has not previously been issued a license by the Board to operate as a private non-accredited vocational institution in this state, or~~

~~b. Private non-accredited degree-granting institution that has not previously been issued a license by the Board to operate as a private non-accredited degree-granting institution in this state.~~

~~5. "Person" has the meaning in A.R.S. § 1-215.~~

10. "Operate" has the meaning specified in § 32-3001 and includes the concept of "physical presence" as defined by the National Council for State Authorization Reciprocity Agreements Policies and Standards, dated August 19, 2014.

~~6.~~11. "Provisional license" means a renewable one-year license issued by the Board to a private non-accredited degree-granting institution.

~~7.~~12. "Regular license" means a renewable one-year license issued by the Board to a:

a. ~~private~~ Private accredited vocational institution, ~~a private~~

b. Private accredited degree-granting institution, or ~~a private~~

c. Private non-accredited vocational institution.

~~8.~~13. "Signature" means:

a. A handwritten or stamped representation of an individual's name or a symbol intended to represent an individual's name, or

b. An "electronic signature" as defined in A.R.S. § 44-7002.

~~9.~~14. "Signing" means the act of providing a signature.

~~10.~~15. "Staff" means an individual employed by or representing a private vocational institution or private degree-granting institution.

~~11.~~ 16. "Student fees" means charges incurred by a student or a funding source on behalf of the student for registration, admission, tuition financing, ~~or~~ loans , or charges for books, laboratory fees, or other education-related costs ~~incurred by a student or other funding source on behalf of the student~~.

17. "Teach-out" means the process by which a private postsecondary educational institution fulfills its educational and contractual obligations to currently enrolled students before voluntarily closing a program the institution offers or before closing the institution.

18. "Tuition" means a fee paid for instruction at a college or university or a private school.

R4-39-102. ~~Licensure and Licensure Procedures~~ Licenses Issued and Licensing Time Frames

A. ~~The Board may issue a conditional, regular, or supplemental license to a private institution to operate vocational programs.~~ A license from the Board issued to a private degree-granting institution authorizes the institution to operate and grant degrees.

B. ~~The Board may issue a conditional, provisional, regular, or supplemental license to a private institution to operate degree programs or grant degrees.~~ A license from the Board issued to a private vocational institution authorizes the institution to operate and offer a vocational program.

C. If a private degree-granting or private vocational institution is accredited, the Board shall issue a regular license to the institution if the institution meets the standards in R4-39-103.

D. If a private degree-granting or private vocational institution is non-accredited, the Board shall issue a conditional license to the institution if the institution meets the standards in R4-39-104 or R4-39-106, as applicable. The institution may operate under a conditional license for only one year.

1. At the end of one year, the conditional license of a non-accredited, private, vocational institution becomes, upon approval, a regular license if the institution meets the standards in R4-39-105.
2. At the end of one year, the conditional license of a non-accredited, private, degree-granting institution becomes, upon approval, a provisional license if the institution meets the standards in R4-39-107.

E. A non-accredited, private, degree-granting institution may continue to operate with a provisional license if the institution continues to meet the standards in R4-39-107.

~~C.~~**F.** ~~Licenses~~ All licenses issued by the Board are effective for ~~a 12-month period~~ 12 months from the date of issuance. To continue to operate a private vocational institution or private degree-granting institution, a licensee shall annually renew the license under R4-39-105 or R4-39-107, as applicable.

~~**D. The Board shall issue the following licenses to private, vocational institutions:**~~

~~1. An original license of an accredited, private, vocational institution is a regular license to operate vocational programs.~~

~~2. A license renewal of an accredited, private, vocational institution is a regular license to continue to operate vocational programs.~~

~~3. An original license of a new, non-accredited, private, vocational institution is a one-year conditional license to operate vocational programs.~~

~~4. A license renewal of a non-accredited, private, vocational institution is a regular license to continue to operate vocational programs.~~

~~**E. The Board shall issue the following licenses to private, degree-granting institutions:**~~

~~1. An original license of an accredited, private, degree-granting institution is a regular license to operate degree programs or grant degrees.~~

~~2. A license renewal of an accredited, private, degree-granting institution is a regular license to continue to operate degree programs or grant degrees.~~

~~3. An original license of a new, non-accredited, private, degree-granting institution that complies with the provisions of R4-39-106 is a conditional license to operate degree programs or grant degrees.~~

~~4. A license renewal of a non-accredited, private, degree-granting institution that complies with the provisions of R4-39-107 is a provisional license to continue to operate degree programs or grant degrees.~~

~~**F.**~~**G.** For the purpose of A.R.S. § 41-1073, the Board establishes the following licensing ~~time-frames~~ time frames:

1. For ~~an original~~ a conditional or ~~original~~ regular license application to operate a vocational ~~programs~~ institution or ~~an original~~ a regular license application to operate ~~degree programs or grant~~ degrees a degree-granting institution:
   a. Administrative completeness review ~~time-frame~~ time frame: ~~90~~ 135 days;
   b. Substantive review ~~time-frame~~ time frame: ~~90~~ 45 days;
   c. Overall ~~time-frame~~ time frame: 180 days.
2. For a conditional or provisional license application to operate ~~degree programs or grant degrees~~ a degree-granting institution:
   a. Administrative completeness review ~~time-frame~~ time frame: ~~90~~ 150 days;
   b. Substantive review ~~time-frame~~ time frame: ~~150~~ 90 days;
   c. Overall ~~time-frame~~ time frame: 240 days.

3. For a ~~regular~~ license renewal application to continue to operate a vocational ~~programs, degree programs,~~ or ~~grant degrees~~ degree-granting institution or for a supplemental license application:
   a. Administrative completeness review ~~time-frame~~ time frame: ~~45~~ 60 days;
   b. Substantive review ~~time-frame~~ time frame: ~~90~~ 45 days;
   c. Overall ~~time-frame~~ time frame: ~~135~~ 105 days.

~~G.~~**H.** Within ~~90 days of receiving an original conditional or original regular license application to operate vocational programs or an original regular, original conditional, or provisional license application to operate degree programs or grant degrees, or within 45 days of receiving a regular license renewal application to continue to operate vocational programs, degree programs, or grant degrees or a supplemental license application~~ the time specified in subsection (G), the Board shall finish an administrative completeness review.

1. If the application is complete, the Board shall notify the applicant that the application is complete and that the administrative completeness review is finished. The substantive review will begin on the date the notice is served.
2. If the application is incomplete, the Board shall ~~notify~~ send the applicant ~~that the application is incomplete and specify~~ a notice that specifies what information is missing and ~~what~~ other deficiencies ~~are~~ found in the application. The administrative completeness review ~~time-frame~~ time frame is suspended from the date the notice is served until the applicant provides the Board with ~~a revised application containing all~~ the missing information and ~~correcting~~ corrects all deficiencies.
   a. An applicant with an incomplete application shall submit ~~a revised application~~ the missing information and correct the deficiencies within 60 days ~~of receipt of~~ after receiving the notice.
   b. If the applicant cannot ~~submit a revised application within~~ comply with the 60-day ~~days of receipt of notice~~ deadline in subsection (H)(2)(a), the applicant may request an extension of no more than 30 days by submitting a written request to the Board~~, documenting~~ that documents the reasons the applicant is unable to meet the 60-day deadline~~, to the Board~~ and is postmarked or delivered ~~with 60 days of receipt of notice~~ before the deadline specified in subsection (H)(2)(a).
   c. The Board shall grant the request for an extension of the 60-day deadline if the Board determines that the extension ~~of the 60-day deadline~~ will enable the applicant to submit ~~a revised application containing~~ all missing information and ~~correcting~~ correct all deficiencies. The Board shall grant only one extension of the 60-day deadline specified in subsection (H)(2)(a).
   d. If the applicant responds to the notice provided under subsection (H)(2) by providing some of the missing information and correcting some of deficiencies but the Board determines the application is still incomplete, the Board shall send the applicant a second notice that specifies what information is missing and other deficiencies found in the application and provide the applicant with 60 days in which to complete the application. The Board shall not grant an extension of the 60-day deadline provided with a second deficiency notice.

e. If the applicant fails to submit all missing information or correct all deficiencies within the 60-day deadline provided under subsection (H)(2)(d), the Board shall close the application. An applicant whose application is closed and later wishes to be licensed shall submit a new application and pay the fee required under R4-39-201.

~~d.~~f. ~~Upon receipt and review of the revised application, and within the administrative completeness review time-frame~~ When the Board receives the missing information and the deficiencies are corrected, the Board shall notify the applicant that the administrative completeness review is finished. The substantive review will begin on the date the notice is served.

~~e. If the revised application containing all missing information and correcting all deficiencies is not submitted within the 60-day deadline or the time permitted by an extension, the Board shall close the application. An applicant whose application is closed and who later wishes to seek licensure, shall apply anew.~~

~~H.~~I. Within ~~90 days from the date on which the administrative completeness review of an original conditional or original regular license application to operate vocational programs, an original regular license application to operate degree programs or grant degrees, a regular license renewal application to continue to operate vocational programs, degree programs, or grant degrees or a supplemental license application is finished or within 150 days from the date on which the administrative completeness review of an original conditional or provisional license application to operate degree programs or grant degrees is finished~~ the time specified in subsection (G), the Board shall complete a substantive review of the application, which may include ~~an~~ onsite verification~~, and render a decision~~.

~~1. If the Board finds that the applicant meets all requirements defined in statute and rule, the Board shall grant the license.~~

~~2. If the Board finds that the applicant fails to meet all requirements defined in statute and rule, the Board shall deny the license.~~

~~3.~~1. If the Board finds deficiencies during the substantive review of the application, the Board shall issue a comprehensive written request~~, specifying the~~ for additional ~~documentation to be submitted~~ information and the deadline for ~~submission~~ submitting the additional information. The ~~time-frame~~ time frame for substantive review of an application is suspended from the date the comprehensive written request for additional ~~documentation~~ information is served until the ~~date that all documentation~~ information is received.

2. When the applicant and Board agree in writing, the Board may make supplemental requests for information.

~~4.~~3. When the applicant and ~~the~~ Board ~~mutually~~ agree in writing, the Board shall grant extensions of the substantive review ~~time-frame~~ time frame ~~totaling~~ totaling no more than 30 days.

~~5.~~4. If the ~~requested documentation is not submitted~~ applicant fails to submit the additional information by the deadline ~~date~~, the Board shall close the application. An applicant whose application ~~has been~~ is closed and who later wishes to ~~seek licensure~~ be licensed, shall ~~apply anew~~ submit a new application.

J. At the end of the substantive review, the Board shall decide whether to grant a license to the applicant.

1. If the Board finds that the applicant meets all requirements defined in statute and rule, the Board shall grant a license.
2. If the Board finds that the applicant fails to meet all requirements defined in statute and rule, the Board shall deny a license.
3. If the Board denies a license, the Board shall send the applicant a notice of denial that specifies why a license was denied and describes the applicant's right to request a hearing regarding the denial.

R4-39-103. Requirements for a Regular License to Operate a Private Accredited Vocational ~~Institution~~ or ~~a Private Accredited~~ Degree-granting Institution in Arizona

A. A person shall not operate a private accredited vocational ~~institution~~ or ~~a private accredited~~ degree-granting institution without a regular license granted by the Board.

B. ~~The~~ Except as specified in subsection (B)(6), the Board shall not grant ~~a regular license~~ or ~~renewal of~~ renew a regular license ~~to an applicant~~ if:

1. Within 10 years before ~~the date of~~ filing ~~an~~ the application packet required in subsection (D) or since the start date of the current licensure period, an individual with at least 20 percent ~~or more~~ ownership in the applicant ~~institution~~ or an officer or employee who controls, manages, or represents the applicant in this state has been convicted in this state or any ~~other state or~~ jurisdiction of ~~a felony or~~ any crime, regardless of whether the crime is a misdemeanor or felony, that a reasonable person would consider relevant ~~related~~ to the legal and ethical operation of an educational institution~~, unless the conviction has been absolutely discharged, expunged, or vacated~~;
2. Within 10 years before ~~the date of~~ filing ~~an~~ the application packet required in subsection (D) or since the start date of the current licensure period, a person with at least 20 percent ~~or more~~ ownership in the applicant ~~institution~~ or an officer or employee who controls, manages, or represents the applicant in this state has had a license to operate a ~~vocational program,~~ vocational ~~institution, degree program,~~ or degree-granting institution revoked in this state or ~~in~~ any ~~other state or~~ jurisdiction; ~~or~~
3. The applicant provides false or misleading information on or with ~~an~~ the application packet required by this Section~~.~~; or
4. The applicant was previously licensed by the Board and ceased operation without complying with R4-39-402 and R4-39-406;
5. The applicant ceased to operate or offer a program and as a result:

a. The Board was obligated to make a payment from the Student Tuition Recovery Fund established under A.R.S. § 32-3072, or

b. The DE or a private entity forgave loans, in whole or in part, to affected students; and

6. If the conviction described in subsection (B)(1) was discharged, expunged, set aside, or vacated, the Board shall consider this fact when exercising its discretionary power under this Section.

C. The Board shall grant or renew a regular license ~~or renewal of a regular license to an applicant~~ only if:

1. The applicant provides the information required in subsection (D); and
2. The information provided under subsection (D) demonstrates:
   a. For a regular license to operate a private accredited vocational institution, compliance with A.R.S. § 32-3021(B)~~(1) through (9)~~;
   b. For a regular license to operate a private accredited degree-granting institution, compliance with A.R.S. § 32-3022(B);
   c. The ability to provide educational services as represented to the public;
   d. Institutional accreditation or accreditation of each program to be ~~operated~~ offered; and
   e. Compliance with all accreditation standards established by each accrediting agency that accredits the applicant's programs or the institution through which the programs are operated.

D. An applicant for ~~a~~ an initial regular license shall submit to the Board an application packet ~~including~~ that includes:

1. The filing fee required under R4-39-201;
2. The information and documentation required in R4-39-104(D)(2), if required, and (D)(3) through ~~(D)(6), (D)(8) through (D)(15), and~~ (D)(17);
3. The name of each accrediting agency that accredits the applicant or the applicant's programs ~~or the institution through which the programs are operated~~;
4. For each accrediting agency named in subsection (D)(3), documentation from the accrediting agency that confirms the current accreditation status of the applicant or the applicant's programs ~~or the institution~~;
5. Attestation by the individual signing the application that the applicant complies and will continue to comply with all accreditation standards established by each accrediting agency named in subsection (D)(3);
6. ~~The name of each federal student financial aid program in which the applicant is eligible to participate~~ A copy of the applicant's most recent DE program participation agreement and financial aid audit, if applicable;
7. For each federal student financial aid program named in the agreement in subsection (D)(6), documentation from the ~~United States Department of Education~~ DE demonstrating participation in the federal student financial aid program and showing the applicant's ~~student~~ default rate for the last three years, if applicable;

8. Attestation by the individual signing the application that the applicant complies and will continue to comply with all ~~United States Department of Education~~ DE requirements governing federal student financial aid programs named in the agreement in subsection (D)(6);
9. A copy of the applicant's current catalog and enrollment agreement that meets the accreditation standards established by each accrediting agency named in subsection (D)(3); and
10. A surety bond, cash deposit, or equivalent security if required under A.R.S. § 32-3023 and R4-39-108.

E. No later than 60 ~~calendar~~ days before ~~the expiration date of~~ a licensee's ~~current~~ regular license expires, ~~an applicant~~ the licensee ~~for annual renewal of a regular license~~ shall submit to the Board ~~an~~ a license renewal application packet ~~including~~ that includes:

1. The filing fee required under R4-39-201; and
2. The information and documentation required in:
   a. R4-39-104(D)(2) if required under A.R.S. § 32-3023 and R4-39-108; ~~,~~
   b. R4-39-104(D)(3), (D)(4), (D)(5), (D)(8)(a) and (c), ~~(D)(9), (D)(10),~~ (D)(12), ~~(D)(14), (D)(15),~~ and (D)(17); and
   ~~b.~~c. Subsections (D)(3) through (D)(10)~~.~~;
3. A list of all individuals or persons referenced in R4-39-104(D)(14) and (D)(15);
4. A report on the annual enrollment and retention and placement rates for each program offered by the licensee, if the report is required by DE or the accrediting agency that accredits the program or licensee;
5. For each program offered, an indication whether the program is offered by residential or online delivery or both; and
6. A list of all programs that are in teach-out and:
   a. The names of all students in each program.
   b. The anticipated completion date of each student, and
   c. Contact information for each student.

F. A licensee shall:

1. Notify the Board in writing within 24 hours if the licensee:
   a. Receives a ~~new~~ grant of accreditation issued by an accrediting agency other than an accrediting agency named under subsection (D)(3); ~~or~~
   b. Becomes eligible to participate in a federal student financial aid program other than a federal student financial aid program named in the agreement under subsection (D)(6)~~.~~;
2. ~~2.~~ c. ~~Notify the Board in writing within 24 hours if the licensee ceases~~ Ceases to be accredited or has a program that ceases to be accredited by an accrediting agency named under subsection (D)(3);
3. ~~3.~~ d. ~~Notify the Board in writing within 24 hours if the licensee ceases~~ Ceases to be eligible to participate in a federal student financial aid program named in the agreement under subsection (D)(6); ~~and~~
   e. Decides to cease operations; or

f. Knows or should know that the license is under investigation by any state or federal agency or an accrediting agency; and

~~4.~~2. Notify the Board in writing within ~~14 calendar~~ five business days of:

a. A change in any grant of accreditation issued by an accrediting agency named under subsection (D)(3) or (F)(1)(a) including but not limited to the following adverse actions:

i. Suspending accreditation,

ii. Withdrawing or cancelling accreditation,

iii. Placing accredited institution on probation,

iv. Requiring accredited institution to show cause, or

v. Requiring a specific corrective action, or

b. A change in eligibility to participate in a federal student financial aid program named in the agreement under subsection (D)(6) or (F)(1)(b).

G. The Board may conduct an inspection, ~~pursuant to~~ under A.R.S. § 41-1009, of an applicant's or ~~a~~ licensee's place of business to determine compliance with the requirements of A.R.S. Title 32, Chapter 30 and this Article.

H. ~~In addition to the grounds for disciplinary action~~ As provided in A.R.S. §§ 32-3051, the Board ~~shall~~ may discipline a licensee that:

1. Violates ~~the requirements~~ a requirement in subsection (F); or
2. Intentionally or negligently misrepresents any material information in documents or information presented to the Board.

R4-39-104. Requirements for a Conditional License to Operate a ~~New~~ Private Non-accredited Vocational Institution in Arizona

A. A person shall not operate a ~~new~~ private non-accredited vocational institution without a conditional license granted by the Board.

B. ~~The~~ Except as specified in subsection (B)(6), the Board shall not grant a conditional license ~~to an applicant~~ if:

1. Within 10 years before ~~the date of~~ filing ~~an~~ the application packet required in subsection (D), an individual with at least 20 percent ~~or more~~ ownership in the applicant ~~institution~~ or an officer or employee who controls, manages, or represents the applicant in this state has been convicted in this state or any ~~other state or~~ jurisdiction of ~~a felony or~~ any crime, regardless of whether the crime is a misdemeanor or felony, that a reasonable person would consider relevant ~~related~~ to the legal and ethical operation of an educational institution~~, unless the conviction has been absolutely discharged, expunged, or vacated~~;
2. Within 10 years before ~~the date of~~ filing ~~an~~ the application packet required in subsection (D), a person with at least 20 percent ~~or more~~ ownership in the applicant ~~institution~~ or an officer or employee who controls, manages, or represents the applicant in this state has had a license to operate a ~~vocational~~

~~program,~~ vocational ~~institution, degree program,~~ or degree-granting institution revoked in this state or ~~in~~ any ~~other state or~~ jurisdiction; ~~or~~

3. The applicant provides false or misleading information on or with ~~an~~ the application required by this Section.; or
4. The applicant was previously licensed by the Board and ceased operations without complying with R4-39-402 and R4-39-406;
5. The applicant ceased to operate or offer a program and as a result:
   a. The Board was obligated to make a payment from the Student Tuition Recovery Fund established under A.R.S. § 32-3072, or
   b. The DE or a private entity forgave loans, in whole or in part, to affected students; and
6. If the conviction described in subsection (B)(1) was discharged, expunged, set aside, or vacated, the Board shall consider this fact when exercising its discretionary power under this Section.

C. The Board shall grant a conditional license to an applicant if:

1. The applicant provides the information and documentation required in subsection (D); and
2. The information provided under subsection (D) demonstrates:
   a. Compliance with A.R.S. § 32-3021(B)(1) through ~~(9)~~ (11); and
   b. The ability to provide educational services as represented to the public.

D. An applicant for a conditional license shall submit to the Board an application packet ~~including~~ that includes:

1. The filing fee required under R4-39-201;
2. A letter of credit, surety bond, cash deposit, or equivalent security, as required under A.R.S. § 32-3023, of $15,000 or another amount determined by the Board under R4-39-108;

~~2.~~3. An application form provided by the Board containing:

   a. The applicant's name, street address, mailing address, telephone number, fax number, e-mail address, and web site address, if applicable;
   b. If the applicant has a headquarters in another state or jurisdiction, the headquarters' street address, mailing address, telephone number, fax number, and e-mail address;
   c. Responses to questions regarding the distribution of ownership, business type, and legal structure;
   d. As applicable, identification of:
      i. All members of the board of directors or board of trustees,
      ii. All persons with at least 20 percent ~~or more~~ ownership in the ~~institution~~ applicant, and
      iii. All individuals responsible for controlling, managing, or representing the ~~institution~~ applicant in this state;
   e. Responses to questions regarding whether a person identified in subsection ~~(D)(2)(d)~~ (D)(3)(d) has ever applied for or been issued a license to operate a vocational ~~program, vocational institution, degree program,~~ or degree-granting institution in this state or ~~in~~ any ~~other state or~~ jurisdiction;

f. Responses to questions regarding the finances, federal or state tax liabilities, management capabilities, and criminal history of the persons identified under subsection ~~(D)(2)(d)(ii)~~ (D)(3)(d)(ii);

g. Responses to questions regarding programs~~,~~ and student recruitment, ~~student~~ enrollment, ~~student~~ retention, ~~student~~ placement, and ~~student~~ financing;

h. Name of the director required under R4-39-303(B) and evidence that the director is qualified;

~~h.~~i. Staffing information including:

i. ~~Faculty member~~ Required minimum qualifications of faculty for each program to be ~~operated~~ offered;

~~ii. Total number of current administrative personnel and faculty members;~~

~~iii.~~ii. ~~If applicable, projected~~ The number of administrative personnel and faculty members projected at the end of the first licensure period; and

~~iv.~~iii. The names of all current administrative personnel and faculty members;

~~i.~~j. Attestation by the individual signing the application that the applicant will comply with all applicable requirements in A.R.S. Title 32, Chapter 30, and this Chapter;

~~j.~~k. Attestation by the individual signing the application that all information required as part of the application packet has been submitted and is true and accurate; and

~~k.~~l. The notarized signature of an owner of the applicant or an owner's legal representative and date of signature;

4. Financial statements or financial documentation required under R4-39-108;

5. Evidence of the insurance required under R4-39-108;

~~3.~~6. If applicable, a copy of the applicant's articles of incorporation, partnership or joint venture documents, or limited liability documents;

7. A business plan that includes:

a. Executive summary with highlights, objectives, and mission;

b. Applicant summary;

c. Programs offered and services provided;

d. Marketing plan and implementation;

e. Financial plan that includes three-year projections and financial resources available to demonstrate financial stability;

~~4.~~8. For each program to be ~~operated~~ offered, a form provided by the Board describing:

a. Program content, length, and delivery system information;

b. Program prerequisites and completion requirements;

c. ~~Tuition and student~~ Student fees as defined at R4-39-101;

d. Any required textbooks or program learning materials;

e. Any equipment or technology or competency requirements ~~or competencies~~;

f. As applicable:

i. Library resources;

ii. Clinical training, practica, externships, internships, or special features;

iii. Graduate employment opportunities; and

iv. ~~Requirements~~ Licensing requirements for a graduate of the program to practice ~~the skill or occupation for which the program prepares the graduate~~; and

g. Attach to the form, a copy of the certificate or diploma to be awarded when the program is completed.

~~5.~~9. A copy of the applicant's student enrollment agreement meeting the requirements in R4-39-401;

~~6. A copy of each type of certificate or diploma to be awarded;~~

~~7.~~10. A copy of the applicant's catalog meeting the requirements in R4-39-301;

~~8.~~11. A copy of each brochure, promotional document, uniform resource locator, or advertisement intended for students or potential students;

~~9.~~12. A copy of the applicant's ~~published~~ student grievance procedure that:

a. ~~Requires that a student grievance be submitted in writing;~~ Is published in the applicant's catalog required under subsection (D)(10);

b. Provides the steps and ~~time lines~~ time frames involved in the grievance procedure;

c. References the student's right under A.R.S. § 32-3052 to file a complaint with the Board; ~~and~~

d. Lists the Board's address, ~~and~~ telephone number, and web site; and

e. If the applicant requires arbitration as part of the student grievance procedure, includes the following statement: Arbitration of a student grievance is required. Arbitration will take place at a location reasonably convenient for both parties giving due consideration to the student's ability to travel and other pertinent circumstances. Both parties will attempt to have proceedings take place within a reasonable time and without undue delay. The arbitration proceedings will follow the spirit if not the letter of the consumer due process protocol of the American Arbitration Association. The protocol includes but is not limited to a fundamentally fair process; an independent and impartial, competent, and qualified arbitrator; independent administration of the arbitration; reasonable cost; right to representation; and possibility of mediation. Arbitration does not preclude other avenues of recourse, including but not limited to possible relief in small claims court, unless and until the arbitration result is made binding. Arbitration of a student grievance does not preclude the student from seeking a remedy from the Arizona Board of Private Postsecondary Education.

~~10.~~13. An institutional organizational chart including staff names and position titles;

~~11.~~14. For each individual identified under subsection ~~(D)(2)(d)~~ (D)(3)(d), a form provided by the Board describing the individual's professional and educational background;

~~12.~~15. For each faculty member named under subsection ~~(D)(2)(h)(iv)~~ (D)(3)(h)(iv), a form provided by the Board describing the individual's professional and educational background;

~~13.~~16. For each location within the state from which the applicant will operate:

a. A form provided by the Board describing the facility;

b. Line drawings, floor plans, or photographs showing each story of the facility, the room layout, room usage, and each door, window, and exit; and

c. Documentation from the local jurisdiction of compliance with all applicable fire codes, ~~local~~ building codes, and zoning ordinances; and

~~14. Documentation of insurance required under R4-39-108;~~

~~15. Financial statements or financial documentation required under R4-39-108;~~

~~16. A surety bond, cash deposit, or equivalent security as required under A.R.S. § 32-3023 and R4-39-108; and~~

17. Other information ~~determined by~~ the Board or ~~the~~ applicant ~~to be~~ believes is relevant ~~to the determination~~ and will assist the Board to determine whether ~~of~~ the ~~applicant's~~ applicant is in compliance with all licensing requirements under A.R.S. Title 32, Chapter 30 and this Article.

E. Before granting a conditional license, the Board shall conduct an inspection, ~~pursuant to~~ under A.R.S. § 41-1009, of an applicant's place of business to determine compliance with subsection (C).

F. ~~While conditionally licensed~~ If the Board grants a conditional license to an applicant, ~~a~~ the conditional licensee:

1. Shall not describe or refer to itself using the terms "licensed," "approved," or "accredited;" and
2. May describe or refer to itself using the terms "conditionally licensed" or "conditional license."

G. After granting a conditional license, the Board may conduct an inspection, ~~pursuant to~~ under A.R.S. § 41-1009, of a licensee's place of business to determine continuing compliance with the requirements of A.R.S. Title 32, Chapter 30 and this Article.

H. ~~In addition to the grounds for disciplinary action in~~ Under the authority provided at A.R.S. §§ 32-3051, the Board may discipline a licensee that intentionally or negligently misrepresents any material information in documents or testimony presented to the Board.

R4-39-105. Requirements for a Regular License to Continue to Operate a Private Non-accredited Vocational Institution in Arizona

A. ~~The~~ Except as specified in subsection (A)(6), the Board shall not grant ~~a regular license or renewal of~~ or renew a regular license to an applicant, if:

1. Since the start date of the current licensure period, an individual with at least 20 percent ~~or more~~ ownership in the applicant ~~institution~~ or an officer or employee who controls, manages, or represents the applicant in this state has been convicted in this state or any ~~other state or~~ jurisdiction of ~~a felony or~~ any crime, regardless of whether the crime is a misdemeanor or felony, that a reasonable person would

consider relevant ~~related~~ to the legal and ethical operation of an educational institution~~, unless the conviction has been absolutely discharged, expunged, or vacated~~;

2. Since the start date of the current licensure period, a person with at least 20 percent ~~or more~~ ownership in the applicant ~~institution~~ or an officer or employee who controls, manages, or represents the applicant in this state has had a license to operate a vocational ~~program, vocational institution, degree program,~~ or degree-granting institution revoked in this state or any ~~other state or~~ jurisdiction; ~~or~~
3. The applicant provides false or misleading information on or with an application required by this Section~~.~~; or
4. The applicant was previously licensed by the Board and ceased operations without complying with R4-39-402 and R4-39-406;
5. The applicant ceased to operate or offer a program and as a result:
   a. The Board was obligated to make a payment from the Student Tuition Recovery Fund established under A.R.S. § 32-3072, or
   b. The DE or a private entity forgave loans, in whole or in part, to affected students; and
6. If the conviction described in subsection (A)(1) was discharged, expunged, set aside, or vacated, the Board shall consider this fact when exercising its discretionary power under this Section.

B. The Board shall grant or renew a regular license ~~or renewal of a regular license~~ to ~~an applicant~~ a licensee if the licensee submits an application and:

1. The ~~applicant provides~~ application includes the information required in subsection (C) ~~or (D)~~; and
2. The information provided demonstrates:
   a. Compliance with A.R.S. § 32-3021(B)(1) through ~~(9)~~ (11); and
   b. The ability to provide educational services as represented to the public.

C. No later than 60 ~~calendar~~ days before ~~the~~ expiration ~~date~~ of a licensee's conditional or regular license, ~~an applicant for a regular license~~ the licensee shall submit to the Board an application packet ~~including~~ that includes:

1. The filing fee required under R4-39-201; ~~and~~
2. The information and documentation required in R4-39-104(D)(2)~~, (D)(4),~~ through (D)(5), ~~(D)(7)~~ (D)(8)(a) and (c), (D)(9), (D)(10), (D)(12), ~~and~~ (D)(14), (D)(15) and ~~through~~ (D)(17)~~.~~; and
3. A report on the annual enrollment and retention and placement rates for each program offered by the licensee;

~~**D.** No later than 60 calendar days before the expiration date of the applicant's regular license, an applicant for renewal of a regular license shall submit to the Board an application packet including:~~

~~1. The filing fee required under R4-39-201; and~~

~~2. The information and documentation required in R4-39-104(D)(2), (D)(4), (D)(5), (D)(7), (D)(9), (D)(10), and (D)(14) through (D)(17).~~

D. A licensee that fails to comply with subsection (C) and allows the licensee's conditional or regular license to expire shall:

1. Comply with subsection (C) within 30 days after the license expires, and
2. Pay the late renewal fee prescribed under A.R.S. § 32-3027(A)(7); or
3. Immediately cease operating in this state.

E. The Board may conduct an inspection, ~~pursuant to~~ under A.R.S. § 41-1009, of ~~an applicant's or~~ a licensee's place of business to determine compliance with the requirements ~~of~~ in A.R.S. Title 32, Chapter 30 and this Article.

F. ~~In addition to the grounds for disciplinary action~~ As provided in A.R.S. § 32-3051, the Board may discipline a licensee that:

1 ~~intentionally~~ Intentionally or negligently misrepresents any material information in documents or testimony presented to the Board, or

2. Fails to comply fully with subsection (C) or (D) but continues to operate in this state.

R4-39-106. Requirements for a Conditional License to Operate a ~~New~~ Private Non-accredited Degree-granting Institution in Arizona

A. A person shall not operate a ~~new~~ private non-accredited degree-granting institution without a conditional license granted by the Board.

B. ~~The~~ Except as specified in subsection (B)(4), the Board shall not grant a conditional license to an applicant, if:

1. Within 10 years before ~~the date of~~ filing ~~an~~ the application packet required in subsection (D), an individual with at least 20 percent ~~or more~~ ownership in the applicant ~~institution~~ or an officer or employee who controls, manages, or represents the applicant in this state has been convicted in this state or any ~~other state or~~ jurisdiction of ~~a felony or~~ any crime, regardless of whether the crime is a misdemeanor or felony, that a reasonable person would consider relevant ~~related~~ to the legal and ethical operation of an educational institution~~, unless the conviction has been absolutely discharged, expunged, or vacated~~;
2. Within 10 years before ~~the date of~~ filing ~~an~~ the application packet required in subsection (D), a person with at least 20 percent ~~or more~~ ownership in the applicant ~~institution~~ or an officer or employee who controls, manages, or represents the applicant in this state has had a license to operate a vocational ~~program, vocational institution, degree program,~~ or degree-granting institution revoked in this state or any ~~other state or~~ jurisdiction; or
3. The applicant provides false or misleading information on or with an application required by this Section~~.~~; and
4. If the conviction described in subsection (B)(1) was discharged, expunged, set aside, or vacated, the Board shall consider this fact when exercising its discretionary power under this Section.

C. The Board shall grant a conditional license to an applicant if the applicant submits an application and:

1. The ~~applicant provides~~ application includes the information required in subsection (D); and
2. The information provided demonstrates:
   a. Compliance with A.R.S. §§ 32-3021(B)(1) through (11) and 32-3022(C); and
   b. The ability to provide educational services as represented to the public.

D. An applicant for a conditional license shall submit to the Board an application packet ~~including~~ that includes:

1. The filing fee required under R4-39-201;
2. The information and documentation required in R4-39-104(D)(2) through (D)(17);
3. The name of each accrediting agency to which the applicant will apply for accreditation of the applicant's programs or the institution through which the programs are ~~operated~~ offered;
4. For each accrediting agency named under subsection (D)(3), attestation by the individual signing the application that the applicant has read and understands documentation published or provided by the accrediting agency that explains the accrediting agency's accreditation process, including eligibility requirements, application procedures, self-evaluation processes and requirements, accreditation criteria or standards, and accrediting team visits; and
5. A chronological timeline identifying the applicant's projected progress in gaining accreditation from each accrediting agency named under subsection (D)(3)~~; and~~
6. ~~On a form provided by the Board, responses to questions regarding the applicant's ability to gain accreditation from each accrediting agency named under subsection (D)(3)~~.

E. ~~A~~ If the Board grants a conditional license to an applicant, the conditional licensee shall:

1. Notify the Board in writing within 24 hours if the licensee:
   a. Is determined by an accrediting agency named under subsection (D)(3) to be ineligible to apply for accreditation with the accrediting agency;
   b. Is precluded from initiating or continuing in the accreditation process by an accrediting agency named under subsection (D)(3); ~~or~~
   c. Is denied accreditation by an accrediting agency named under subsection (D)(3); or
   d. Knows or should know that an investigation of the licensee is being or was conducted by a state or federal agency or an accrediting agency;
2. Within five ~~calendar~~ days of:
   a. ~~receipt~~ Receipt, submit to the Board a copy of any document from an accrediting agency named under subsection (D)(3) that pertains to the licensee's progress in gaining accreditation from the accrediting agency; and
   ~~3.~~ b. ~~Within five calendar days of mailing~~ Mailing or sending, submit to the Board a copy of any document mailed or sent by the licensee to an accrediting agency named under subsection (D)(3) that pertains to the licensee's progress in gaining accreditation from the accrediting agency~~.~~; and

3. Within 10 days after determining that the licensee failed to meet the timeline submitted under subsection (D)(5), submit written notice of the failure to the Board.

F. Before granting a conditional license, the Board shall conduct an inspection, ~~pursuant to~~ under A.R.S. § 41-1009, of an applicant's place of business to determine compliance with subsection (C).

G. ~~While conditionally licensed~~ If the Board grants a conditional license to an applicant, while licensed, ~~a~~ the conditional licensee:

1. Shall not describe or refer to itself using the terms "licensed," "approved," or "accredited;" and
2. May describe or refer to itself using the terms "conditionally licensed" or "conditional license."

H. The Board may conduct an inspection, ~~pursuant to~~ under A.R.S. § 41-1009, of a licensee's place of business to determine compliance with the requirements of this Article.

I. ~~In addition to the grounds for disciplinary action~~ As provided in A.R.S. § 32-3051, the Board may discipline a licensee that:

1. Violates ~~the requirements~~ a requirement in subsection (E), or
2. Intentionally or negligently misrepresents any material information in documents or testimony presented to the Board.

R4-39-107. Requirements for a Provisional License to Continue to Operate a Private Non-accredited Degree-granting Institution in Arizona

A. ~~The~~ Except as specified in subsection (A)(7), the Board shall not grant or renew a provisional license ~~or renewal of a provisional license~~ to an applicant if:

1. Since the start date of the current licensure period, an individual with at least 20 percent ~~or more~~ ownership in the applicant ~~institution~~ or an officer or employee who controls, manages, or represents the applicant in this state has been convicted in this state or any ~~other state or~~ jurisdiction of a ~~felony or~~ any crime regardless of whether the crime is a misdemeanor or felony, that a reasonable person would consider relevant ~~related~~ to the legal and ethical operation of an educational institution, ~~unless the conviction has been absolutely discharged, expunged, or vacated~~;
2. Since the start date of the current licensure period, a person with at least 20 percent ~~or more~~ ownership in the applicant ~~institution~~ or an officer or employee who controls, manages, or represents the applicant in this state has had a license to operate a vocational ~~program, vocational institution, degree program,~~ or degree-granting institution revoked in this state or any ~~other state or~~ jurisdiction; ~~or~~
3. The applicant provides false or misleading information on or with an application required by this Section.;
4. The applicant fails to apply for accreditation as required under R4-39-106(D)(3) or fails to make progress consistent with the chronological timeline specified under R4-39-106(D)(5) for three consecutive renewal periods; or

5. The applicant was previously licensed by the Board and ceased to operate without complying with R4-39-402 and R4-39-406;
6. The applicant ceased to operate or offer a program and as a result:
   a. The Board was obligated to make a payment from the Student Tuition Recovery Fund established under A.R.S. § 32-3072, or
   b. The DE or a private entity forgave loans, in whole or in part, to affected students; and
7. If the conviction described in subsection (A)(1) was discharged, expunged, set aside, or vacated, the Board shall consider this fact when exercising its discretionary power under this Section.

B. The Board shall grant or renew a provisional license ~~or renewal of a provisional license~~ to an applicant if the applicant submits an application and:

1. The ~~applicant provides~~ application includes the information required in subsection (C) ~~or (D)~~; and
2. The information provided demonstrates:
   a. Compliance with A.R.S. §§ 32-3021(B)(1) through (11) and 32-3022(C);
   b. The ability to provide educational services as represented to the public; and
   c. Progress in gaining accreditation from each accrediting agency named under R4-39-106(D)(3).

C. No later than 60 ~~calendar~~ days before ~~the~~ expiration ~~date~~ of a licensee's conditional or provisional license, an applicant for ~~a~~ an initial or renewed provisional license shall submit to the Board an application packet ~~including~~ that includes:

1. The filing fee required under R4-39-201;
2. The information and documentation required in R4-39-104(D)(2)~~, (D)(4),~~ through (D)(5), (D)(8)(a) and (c), (D)(9), ~~through~~ (D)(10), (D)(12), ~~and~~ (D)(14), (D)(15), and ~~through~~ (D)(17);
3. ~~A chronological timeline identifying the applicant's continued progress in gaining accreditation from each accrediting agency named under R4-39-106(D)(3);~~ A report on the annual enrollment and retention and placement rates for each program offered;
4. ~~On a form provided by the Board, responses to questions regarding the applicant's continued progress in gaining accreditation from each accrediting agency named under R4-39-106(D)(3); and~~ Documents that demonstrate the applicant met the chronological timeline submitted under R4-39-106(D)(5); and
5. Copies of application documents and all correspondence with all accrediting agencies ~~submitted to an accrediting agency~~ named under R4-39-106(D)(3), if applicable.

~~**D.** No later than 60 calendar days before the expiration date of a licensee's provisional license, an applicant for renewal of a provisional license shall submit to the Board an application packet including:~~

~~1. The filing fee required under R4-39-201;~~

~~2. The information and documentation required in R4-39-104(D)(2), (D)(4), (D)(5) through (D)(10), and (D)(14) through (D)(17);~~

~~3. A chronological timeline identifying the applicant's continued progress in gaining accreditation from each accrediting agency named under R4-39-106(D)(3);~~

~~4. On a form provided by the Board, responses to questions regarding the applicant's continued progress in gaining accreditation from each accrediting agency named under R4-39-106(D)(3);~~

~~5. Copies of application documents submitted to an accrediting agency named under R4-39-106(D)(3), if applicable; and~~

~~6. Documentation from each accrediting agency named under R4-39-106(D)(3) that demonstrates that the applicant is actively seeking accreditation.~~

D. A licensee that fails to comply with subsection (C) and allows the licensee's conditional or provisional license to expire shall:

1. Comply with subsection (C) within 30 days after the license expires, and
2. Pay the late renewal fee prescribed under A.R.S. § 32-3027(A)(7); or
3. Immediately cease operating in this state.

E. A licensee shall:

1. Notify the Board in writing ~~within 24 hours~~ by the next business day if the licensee:
   a. Is determined by an accrediting agency named under R4-39-106(D)(3) to be ineligible to apply for accreditation with the accrediting agency;
   b. Is precluded from initiating or continuing in the accreditation process by an accrediting agency named under R4-39-106(D)(3); ~~or~~
   c. Is denied accreditation by an accrediting agency named under R4-39-106(D)(3);
   d. Knows or should know that the licensee is or was under investigation by a state or federal agency or an accrediting agency; or
   e. Decides to cease operations;
2. Within five ~~calendar~~ days of:
   a. ~~receipt~~ Receipt, submit to the Board a copy of any document from an accrediting agency named under ~~subsection (D)(3)~~ R4-39-106(D)(3) that pertains to the licensee's progress in gaining accreditation from the accrediting agency; and
   ~~3.~~ b. ~~Within five calendar days of mailing~~ Mailing or sending, submit to the Board a copy of any document mailed or sent by the licensee to an accrediting agency named under ~~subsection (D)(3)~~ R4-39-106(D)(3) that pertains to the licensee's progress in gaining accreditation from the accrediting agency~~.~~; and
3. Within 10 days after determining that the licensee failed to meet the timeline submitted under subsection R4-39-106(D)(5), submit written notice of the failure to the Board.

F. The Board may conduct an inspection, ~~pursuant to~~ under A.R.S. § 41-1009, of ~~an applicant's or~~ a licensee's place of business to determine compliance with the requirements of this Article.

G. ~~In addition to the grounds for disciplinary action~~ As provided in A.R.S. § 32-3051, the Board may discipline a licensee that:

1. Violates ~~the requirements~~ a requirement in subsection (E), ~~or~~
2. Intentionally or negligently misrepresents any material information in documents or testimony presented to the Board, or
3. Fails to comply fully with subsection (C) or (D) but continues to operate in this state.

R4-39-108. Surety Bond, Cash Deposit, or ~~Equivalent Security Requirements~~ Letter of Credit; Insurance ~~Requirements~~; Financial Statement Requirements; and Finance Committee

A. ~~A person applying for a license and a person licensed~~ An applicant or licensee under R4-39-104, R4-39-105, R4-39-106, or R4-39-107~~, or R4-39-110(E)~~ shall have a surety bond, cash deposit, or ~~equivalent security~~ letter of credit as required ~~pursuant to~~ under A.R.S. § 32-3023(A). The Board shall determine the dollar amount of the surety bond, cash deposit, or ~~equivalent security pursuant to~~ letter of credit under A.R.S. § 32-3023(C).

B. The Board may require ~~that a person applying for a license or a person licensed~~ an applicant or licensee under R4-39-103 or R4-39-110(D) or (E) have a surety bond, cash deposit, or ~~equivalent security~~ letter of credit as ~~required pursuant to~~ allowed under A.R.S. § 32-3023(B). The Board shall determine whether a surety bond, cash deposit, or ~~equivalent security~~ letter of credit is required of an applicant or licensee under R4-39-103 or R4-39-110(D) or (E) and if so, the ~~dollar~~ amount of the surety bond, cash deposit, or ~~equivalent security pursuant to A.R.S. § 32-3023(C)~~ letter of credit. In determining whether and the amount of surety bond, cash deposit, or letter of credit to require, the Board shall consider the following factors:

1. Whether the institution has sources of funding other than tuition and the percentage of the institution's funding contributed by the other sources;
2. The amount of time programs offered by the institution require for completion; and
3. The criteria regarding financial responsibility specified under subsection (I)(4).

C. The Board shall use the following guidelines to determine the amount of surety bond, cash deposit, or letter of credit to require of an applicant or licensee:

1. The minimum amount required for applicants and licensees is $15,000;
2. Additional amounts required of an accredited institution:
   a. If the annual GTR is less than $400,000, 15 percent of annual GTR; and
   b. If the annual GTR is $400,000 or more, 10 percent of annual GTR; and
3. Additional amounts required of a non-accredited institution:
   a. If the annual GTR is less than $400,000, 20 percent of annual GTR; and
   b. If the annual GTR is $400,000 or more, 15 percent of annual GTR.

D. An applicant or licensee that meets the requirement under subsection (A) or (B) with a surety bond shall purchase the surety bond from a surety company that has a rating of A or higher.

~~C.~~E. ~~A person applying for a license or a person licensed under this Article~~ An applicant or licensee shall:

1. Have and maintain with an insurance company authorized to transact business in this state coverage that ~~complies with R4-39-302(4)~~ is adequate to protect the applicant or licensee's assets in the event of damage or a finding of liability ~~and~~:
   a. For an applicant or licensee with annual GTR of $1,000,000 or more:
      i. A minimum single occurrence ~~malpractice or professional liability coverage~~ of $1,000,000 for educators' errors and omissions or malpractice liability insurance; and
      ~~b.~~ ii. A minimum single occurrence of $1,000,000 for general liability coverage ~~of $1,000,000~~ for ~~the~~ operation of the institution; ~~or~~
   b. For an applicant or licensee with annual GTR more than $500,000 but less than $1,000,000:
      i. A minimum single occurrence of not less than the previous year's GTR plus 10 percent for educators' errors and omissions or malpractice liability insurance; and
      ii. A minimum single occurrence not less than the previous year's GTR plus 10 percent of general liability coverage for the operation of institution;
   c. For an applicant or licensee with annual GTR equal to or less than $500,000:
      i. A minimum single occurrence of not less than $500,000 for educators' errors and omissions or malpractice liability insurance; and
      ii. A minimum single occurrence not less $500,000 of general liability coverage for the operation of institution;
2. Be self-insured for the amounts in subsection (C)(1).

~~D.~~F. ~~A person applying for a license or renewal of a license shall submit with the license or renewal application~~ An applicant or licensee shall submit to the Board a fiscal year-end financial statement that complies with the following requirements:

~~1. Financial statements that are prepared and signed by an independent, certified public accountant currently licensed by the Arizona State Board of Accountancy or by the accountancy board in the state of the applicant's or licensee's headquarters;~~

~~2.~~1. ~~Financial statements that are~~ If the applicant or licensee has annual GTR greater than $350,000:
   a. Is prepared and compiled, reviewed, or audited by a certified public accountant in accordance with generally accepted accounting ~~principals~~ principles; and
   b. Includes a statement of cash flows and disclosures; or
2. If the applicant or licensee has annual GTR equal to or less than $350,000:
   a. Is compiled, reviewed or audited in accordance with generally accepted accounting principles; and
   b. Includes supporting documentation requested by the Board; and

~~3.~~3. ~~Additional~~ Includes additional financial information if required by the Board under ~~subsection (E) or (F)~~ subsections (G) and (H).

~~E.~~**G.** The Board shall require ~~that a person applying for a license or renewal under this Article~~ an applicant or licensee to submit additional financial documentation if:

1. The fiscal year-end financial ~~statements are~~ statement is for a reporting period that ended more than six months before the date of license application; or
2. The applicant has not previously operated in this state or any other ~~state or~~ jurisdiction.

~~F.~~**H.** The Board may require ~~that a person applying for a license or renewal under this Article~~ an applicant or licensee to submit additional financial documentation or submit to a financial review if:

1. The Board has concerns based ~~upon~~ on the applicant's or licensee's responses to questions ~~on a license application~~ regarding the ~~applicant's~~ distribution of ownership, business type, and legal structure~~.~~; or
2. The financial documentation submitted shows:
   a. Current ratio of assets to liabilities less than 1:1,
   b. Current negative net worth,
   c. Net losses during each of the last two years,
   d. Subject to additional DE reporting requirements or has a composite score of less than 1.5,
   e. Current cash reserves are insufficient to make required refunds,
   f. Current financial obligations are not being met,
   g. Applicant or licensee has a history of revocation or negative action in this or another state,
   h. Current negative cash flow,
   i. Financial responsibility standards for accreditation are not being met, or
   j. Evidence of inadequate financial responsibility or administrative capability.

I. The Board shall appoint a Finance Committee that consists of at least three member of the Board:

1. The Finance Committee shall comply with the open meeting requirements at A.R.S. Title 38, Chapter 3, Article 3.1.
2. The Finance Committee shall assess the financial responsibility of an applicant or licensee.
3. If the Finance Committee determines that the information submitted under this Section is not sufficient to demonstrate that an applicant or licensee has financial responsibility, the Finance Committee shall work with the applicant or licensee to improve the demonstration.
4. After reviewing the information submitted under this Section, the Finance Committee shall determine that the applicant or licensee:
   a. Has demonstrated financial responsibility and grant a license;
   b. Has not demonstrated financial responsibility but grant a license contingent on the licensee doing one or more of the following:
      i. Submitting quarterly reports,

ii. Submitting a financial improvement plan,

iii. Submitting two-year financial projections, and

iv. Posting a surety bond, cash deposit, or letter of credit that exceeds the amount determined under subsection (C);

c. Has not demonstrated financial responsibility and postpone action to allow the applicant or licensee to provide additional information; or

d. Has not demonstrated financial responsibility and refer the matter to the whole Board for Board action.

R4-39-109. Supplemental License Applications

A. A ~~private vocational or degree-granting institution~~ licensee shall submit to the Board an application for a supplemental license ~~for approval of any additional vocational program, degree program, change of location or change of name of the institution~~ at least 45 days before doing any of the following:

1. ~~Operating an unlicensed,~~ Offering a new~~,~~ or additional vocational or degree-granting program; ~~or~~
2. Operating from ~~an unlicensed,~~ a new or additional location; or
3. Changing the name of the licensed institution.

B. The Board shall grant a supplemental license to a private vocational or degree-granting institution if the ~~institution demonstrates~~ Board determines that ~~a~~ the supplemental license application submitted under subsection (A) ~~is in compliance~~ complies with A.R.S. §§ 32-3021 through 32-3051 and this Chapter.

R4-39-110. Change of Ownership or Control

A. In this Section, "change of ownership or control" ~~means~~ is indicated by the following:

1. For a privately held corporation whose control is vested in those who control the voting stock of the corporation~~,~~:
   a. At least 50 percent ~~or more~~ of the voting stock changes from one owner to another within a five-year period; or
   b. At least 50 percent of the assets of the corporation is sold regardless of whether the sale is called an asset or securities purchase, a stock or share exchange, or something else;
2. For a publicly traded corporation whose control is vested in the voting members of the board of directors:
   a. ~~Fifty~~ At least 50 percent ~~or more~~ of the voting members of the board of directors change within a 12-month period, or
   b. ~~The chief executive officer of the corporation changes~~ At least 50 percent of the assets of the publicly traded corporation are sold regardless of whether the sale is called an asset or securities purchase, a stock or share exchange, or something else;

3. For a non-profit corporation whose control is vested in the voting members of the board of ~~directors~~ trustees:
   a. ~~Fifty~~ At least 50 percent ~~or more~~ of the voting members of the board of ~~directors~~ trustees change within a 12-month period, or
   b. The chief executive officer of the non-profit corporation changes;
4. For a limited partnership whose control is vested in a corporate general partner, ~~if under subsections (A)(1), or (A)(2), or (A)(3),~~ the corporate general partner:
   a. ~~has~~ Has a change of ownership or control as determined under subsections (A)(1) through (A)(3); or
   b. At least 50 percent of the assets of the corporate general partner are sold regardless of whether the sale is called an asset or securities purchase, a stock or share exchange, or something else;
5. For a limited liability company whose control is vested in members who control a majority of the interest in the company~~, if~~ :
   a. At least 50 percent ~~or more~~ interest changes within a 12- month period; or
   b. At least 50 percent of the assets of the limited liability company are sold regardless of whether the sale is called an asset or securities purchase, a stock or share exchange, or something else;
6. For a sole proprietor or a limited partnership that is not described in subsection (A)(4), if at least 50 percent ~~or more~~ interest changes within a five-year period~~.~~ ; and
7. For any business entity described in subsections (A)(1) through (A)(6), when the entity changes from one business form to another including when a non-profit entity becomes a for-profit entity or when a privately held corporation becomes a publicly traded corporation.

B. If assets are sold under subsection (A)(1), (A)(2), (A)(4), or (A)(5), regardless of whether the sale is called an asset or securities purchase, a stock or share exchange, or something else, the sale must transfer liabilities for students enrolled at the time of closing.

C. For the purposes of this Section, assets and liabilities are determined according to generally accepted accounting principles.

~~**B.**~~**D.** ~~In determining whether a~~ A change of ownership or control ~~has occurred, the Board shall deem that a~~ does not occur under subsection (A) if ~~change of ownership or control has not occurred if the~~ an interest is transferred by operation of law or inheritance to a parent, grandparent, spouse, or child.

~~**C.**~~**E.** A licensee shall, within seven days, notify the Board in writing and explain the following:

1. ~~No later than seven calendar days after change of ownership or control, notify the Board in writing of the~~ A change of ownership or control as described under subsection (A); ~~and~~ or
2. ~~No later than seven calendar days after any~~ A change of interest or ~~change~~ of the voting members of the board of directors of more than 20 percent but less than 50 percent~~, notify the Board in writing of the change~~.

~~D.~~F. No later than 60 ~~calendar~~ days after ~~a change of ownership or control~~ the date on the notice provided under subsection (E), a licensed private accredited institution shall submit to the Board a license application packet ~~including~~ that includes:

1. The filing fee required under R4-39-201(E);
2. Either:
   a. Information and documentation specified in R4-39-103~~(D)(5), (D)(8), (D)(9) and~~ (D)(3) through (D)(10), as applicable, ~~and~~ R4-39-104(D)(2), if required, and (D)(3)~~, (D)(5), (D)(7)~~ through ~~(D)(11)~~ (D)(6), (D)(8)(a) and (c) through (D)(12), (D)(14), and ~~(D)(15)~~ (D)(17); or
   b. If required by an accrediting agency that accredits the licensee's programs or the institution through which the programs are ~~operated~~ offered, a copy of change of ownership documents submitted by the licensee to the accrediting agency;
3. Attestation that the applicant will assume financial responsibility, as required under R4-39-404(C), for ~~the payment of~~ all student tuition refunds for which the institution has an obligation; and
4. Other information determined by the Board to be relevant to ~~the determination of~~ determining the applicant's compliance with licensing requirements under A.R.S. Title 32, Chapter 30 and this Article.

~~E.~~G. No later than 60 ~~calendar~~ days after ~~a change of ownership or control~~ the date on the notice provided under subsection (E), a licensed private non-accredited institution shall submit to the Board a license application packet~~, including~~ that includes:

1. The filing fee required under R4-39-201(E);
2. For a private non-accredited vocational institution, information and documentation specified in R4-39-104~~(D)(2),~~ (D)(3)~~, (D)(5), (D)(7)~~ through ~~(D)(11)~~ (D)(6), (D)(8)(a) and (c), (D)(12)~~, and~~ through(D)(14) ~~through (D)(16)~~ and (D)(17);
3. For a private non-accredited degree-granting institution, information~~,~~ and documentation~~, and fees~~ specified in ~~R4-39-107(C)(4) and~~ R4-39-103(D)(3) through (D)(10), as applicable, R4-39-104(D)(2)~~, (D)(3), (D)(5), (D)(7)~~ through ~~(D)(11)~~ (D)(6), (D)(8)(a) and (c), (D)(12)~~, and~~ through (D)(14) ~~through (D)(16)~~ and (D)(17);
4. Attestation that the applicant will assume financial responsibility, as required under R4-39-404(C), for all student tuition refunds for which the institution has a financial obligation; and
5. Other information determined by the Board to be relevant to ~~the determination of~~ determining the applicant's compliance with licensing requirements under this Article.

~~F.~~H. ~~The~~ Except as specified in subsection (H)(6), the Board shall not grant a license ~~for~~ as a result of a change of ownership or control to an applicant if:

1. Within 10 years before ~~the date of~~ filing ~~an~~ the application packet required in ~~subsections~~ subsection ~~(D)~~ (G) or ~~(E)~~ (H) or since the start date of the current licensure period, an individual with at least 20 percent ~~or more~~ ownership in the applicant ~~institution~~ or an officer or employee who controls, manages, or

represents the applicant in this state has been convicted in this state or any ~~other state or~~ jurisdiction of ~~a felony or~~ any crime, regardless of whether the crime is a misdemeanor or felony, that a reasonable person would consider relevant ~~related~~ to the legal and ethical operation of an educational institution~~, unless the conviction has been absolutely discharged, expunged, or vacated~~;

2. Within 10 years before ~~the date of~~ filing ~~an~~ the application packet required in ~~subsections~~ subsection ~~(D)~~ (G) or ~~(E)~~ (H) or since the start date of the current licensure period, a person with at least 20 percent ~~or more~~ ownership in the applicant ~~institution~~ or an officer or employee who controls, manages, or represents the applicant in this state has had a license to operate a ~~vocational program,~~ vocational ~~institution, degree program, or~~ degree-granting institution revoked in ~~Arizona~~ this state or ~~in~~ any ~~state or~~ jurisdiction; ~~or~~
3. The applicant provides false or misleading information on or with ~~an~~ the application required by this Section~~.~~; or
4. The applicant was previously licensed by the Board and ceased operation without complying with R4-39-402 and R4-39-406;
5. The applicant ceased to operate or offer a program and as a result:
   a. The Board was obligated to make a payment from the Student Tuition Recovery Fund established under A.R.S. § 32-3072, or
   b. The DE or a private entity forgave loans, in whole or in part, to affected students; and
6. If the conviction described in subsection (H)(1) was discharged, expunged, set aside, or vacated, the Board shall consider this fact when exercising its discretionary power under this Section.

~~G.~~**I.** The Board shall grant a license ~~for~~ as a result of a change of ownership or control ~~to an applicant~~, if the applicant:

1. Demonstrates compliance with A.R.S. §§ 32-3021 through 32-3027, as applicable; and
2. Meets the application requirements in subsection ~~(D)~~ (F) or ~~(E)~~ (G).

~~H.~~**J.** The Board may conduct an inspection, ~~pursuant to~~ under A.R.S. § 41-1009, of an applicant's or ~~a~~ licensee's place of business to determine compliance with the requirements of A.R.S. Title 32, Chapter 30 and this Article.

R4-39-111. Honorary Degrees

A. Only a currently licensed, accredited private degree-granting ~~institutions~~ institution may apply to award an honorary ~~degrees~~ degree. ~~A~~ Before offering to grant or granting an honorary degree, a currently licensed, accredited private degree-granting institution shall submit an application for a supplemental license for an honorary degree to the Board for the Board's verification, review, and administrative action ~~before offering to grant or granting an honorary degree~~.

B. The Board shall approve the application for a supplemental license ~~application~~ for an honorary degree if the honorary degree is consistent with the institution's currently ~~licensed~~ offered degree-granting programs.

C. ~~An~~ An accredited private degree-granting institution whose application for a supplemental license for an honorary degree is approved shall ensure that the honorary degree ~~identify~~ identifies in its title or name ~~that it is an honorary degree~~ and ~~shall bear~~ bears on its face ~~the denotation~~ that it is an honorary degree.

ARTICLE 2. FEES

R4-39-201. Fees

A. The filing fee for ~~an original~~ a license to operate a private vocational or degree-granting ~~programs~~ institution is $800.

B. The annual filing fee for a license renewal to continue to operate a private vocational or degree-granting ~~programs~~ institution is the following amount based ~~upon~~ on the institution's annual ~~gross tuition revenues~~ GTR:

1. Less than $50,000 annual ~~gross tuition revenue~~ GTR, $600~~.~~;
2. $50,000/$249,999 annual ~~gross tuition revenue~~ GTR, $750~~.~~;
3. $250,000/499,999 annual ~~gross tuition revenue~~ GTR, $1,000~~.~~;
4. $500,000/$999,999 annual ~~gross tuition revenue~~ GTR, $1,300~~.~~;
5. $1,000,000/$2,499,999 annual ~~gross tuition revenue~~ GTR, $1,650~~.~~;
6. $2,500,000/$6,999,999 annual ~~gross tuition revenue~~ GTR, $2,000~~.~~; or
7. $7,000,000 or more annual ~~gross tuition revenue~~ GTR, $2,300.

C. The filing fee for each application for a supplemental license to ~~operate~~ offer a new or additional private vocational or ~~degree granting programs~~ degree-granting program is $500.

D. The filing fee for each application for a supplemental license to ~~operate~~ offer a private vocational or degree-granting ~~programs~~ program from a new ~~location~~ or ~~an~~ additional location is $500.

E. The filing fee for an application for a supplemental license to continue to operate a private vocational or degree-granting ~~programs upon~~ institution following a change of ownership or control is $500.

F. The fee for an onsite verification~~,~~ or inspection~~, or investigation~~ is the actual cost incurred or $500, whichever is less.

ARTICLE 3. OPERATION OF PRIVATE NON-ACCREDITED INSTITUTIONS

R4-39-301. Catalog

A. A ~~person operating a licensed private~~ licensee offering a non-accredited ~~institution~~ program shall ensure that the ~~institution~~ licensee has a catalog that includes the following information:

1. The ~~institution's~~ licensee's:
   a. ~~name,~~ Name;
   b. ~~street address,~~ Street, mailing ~~address, telephone number, fax number~~, e-mail ~~address~~, and web site ~~address~~ addresses, if applicable; and
   c. Telephone and fax numbers;
2. If the ~~institution~~ licensee has a headquarters in another state or jurisdiction, the headquarters':
   a. ~~street address,~~ Street, mailing ~~address, telephone number, fax number~~, e-mail ~~address~~, and web site ~~address~~ addresses, if applicable; and
   b. Telephone and fax numbers;
3. The effective date of the catalog;
4. The names and titles of:
   a. All members of any board of directors or board of trustees,
   b. All individuals responsible for managing the ~~institution~~ licensee in this state, and
   c. All ~~persons with 20 percent or more ownership in the institution~~ members of executive management who live outside this state;
5. A list of all programs ~~operated~~ offered by the ~~institution~~ licensee;
6. For each program to be ~~operated~~ offered:
   a. A topical outline, including a statement of purpose, objectives, subjects, units, skills, and jobs to be learned in the program, and the number of clock, credit, or semester hours to be spent by the student in each phase of the program;
   b. Any program prerequisites and completion requirements;
   c. Tuition and student fees;
   ~~d. Any required textbooks or program learning materials;~~
   ~~e.~~d. Any required equipment or technology ~~requirements or competencies~~;
   e. Any required competencies;
   ~~f. Any library resources;~~
   ~~g.~~f. Any clinical training, practica, externships, internships, or special features of the program;
   ~~h.~~g. Any graduate employment opportunities; and
   ~~i.~~h. ~~Any~~ Licensure requirements for a graduate to practice, if any;
7. Any allowable student tuition reductions, ~~tuition~~ discounts, ~~tuition~~ and scholarships~~,~~ and educational loans that comply with R4-39-308;
8. Any available student payment schedules and financing options that comply with R4-39-308;
9. Student eligibility requirements for tuition reductions, ~~tuition~~ discounts, ~~tuition~~ and scholarships, educational loans, payment schedules, and financing options, if applicable;
10. ~~Institutional refund~~ Refund policies that comply with R4-39-308 and R4-39-404;

11. Any student services provided by the ~~institution~~ licensee;
12. A description of~~:~~ ~~each educational~~
    a. Educational delivery ~~system available~~ systems used in the program, including classroom-based instruction, directed study, distance education, and online computer-based learning~~.~~ ; and
    b. Available library resources;
13. For ~~institutions~~ licensees operating on an academic calendar, identification of:
    a. Start and end dates for each semester, quarter, term, or session offered; and
    b. Vacation periods and holidays; ~~and~~ or
    c. Explanation of the enrollment period;
14. Policies and regulations governing:
    a. Admission requirements or program ~~registration~~ enrollment;
    b. Program or course cancellation;
    c. Grading procedures ~~or progress tracking~~;
    d. Change in student status~~;~~ , including:
        i. Leave of absence;
        ii. Readmission; and
        iii. Probation, suspension, or expulsion;
    e. ~~Student readmission~~ Standards for satisfactory academic progress;
    f. ~~Student probation, suspension, or expulsion~~ Graduation requirements;
    g. Grade reports and transcripts; and
    h. As applicable:
        i. Student attendance; and
        ii. Credit for previous education, training, work, or life experience.
15. Student grievance procedure that meets the requirements at R4-39-104(D)(12).

B. A ~~person operating a licensed private~~ licensee offering a non-accredited ~~institution~~ program shall make ~~a~~ the catalog required under subsection (A) available to students and prospective students in a written or electronic format.

C. Within 10 ~~calendar~~ days from the date a ~~person operating a licensed private~~ licensee offering a non-accredited ~~institution~~ program revises ~~a~~ the catalog required under subsection (A) or publishes a new catalog, the ~~licensed private non-accredited institution~~ licensee shall submit to the Board a written or electronic copy of the revised or new catalog.

R4-39-302. Facilities and Equipment

A. A ~~person operating a licensed private~~ licensee offering a non-accredited ~~institution~~ program shall ensure that the:

1. Building, classrooms, equipment, furniture, grounds, instructional devices, and other physical facilities of the ~~institution~~ licensee are appropriate to achieve the educational objectives of the institution;
2. Physical facility and equipment ~~meet~~ comply with all:
   a. ~~safety~~ Safety requirements and health standards of the city, county, state, and any other authority in which the facility is located; and
   b. Local and state planning, building, zoning, and fire codes; and
3. ~~Physical facility and equipment comply with local and state laws for planning, building, zoning, and fire codes;~~
4.3. Insurance required under R4-39-108 is adequate to protect the assets of the ~~institution~~ licensee in the event of damage or a finding of liability~~; and~~ .

B. ~~5.Board is notified of a change of location as required in R4-39-109~~ A licensee offering a non-accredited program shall comply with R4-39-109 before offering the non-accredited program from an unlicensed, new, or additional location.

R4-39-303. Staff

A. A ~~person operating a licensed private~~ licensee offering a non-accredited ~~institution~~ program shall ensure that:
1. The ~~institution~~ licensee has ~~a local administrator~~ an on-site director who is qualified under subsection (B) and designated to carry out the duties under subsection ~~(B)~~ (C);
2. Each staff member communicates information regarding the ~~institution~~ licensee, ~~the institution's~~ programs, and ~~the institution's~~ educational services that is true and ~~is~~ as represented in the ~~institution's~~ licensee's catalog, required under R4-39-301, and ~~in any~~ brochures, promotional materials, or advertisements provided to or intended for students or potential students;
3. The ~~institution~~ licensee has sufficient staff to provide instruction and educational services as represented in the ~~institution's~~ licensee's catalog, required under R4-39-301, and ~~in any~~ brochures, promotional materials, or advertisements provided to or intended for students or potential students; and
4. Instruction and services are provided to a student as represented in the ~~institution's~~ licensee's catalog, required under R4-39-301, and ~~any~~ brochures, promotional materials, or advertisements provided to the student.

B. A licensee offering a non-accredited program shall employ an on-site director who is qualified as follows:
1. Is of good moral character; and
2. Has academic, administrative and supervisory experience the Board determines is consistent with the ability to operate and deliver a non-accredited program.

~~B.~~C. ~~An administrator~~ The on-site director designated under subsection (A)(1) shall:
1. Supervise the day-to-day operation of the ~~institution~~ licensee;

2. For each program to be ~~operated~~ offered by the ~~institution~~ licensee, ~~develop and~~ implement a curriculum capable of preparing a student enrolled in the program:
   a. To achieve the program's occupational objective,
   b. ~~for~~ To complete requirements for the program degree~~, the program~~ or other credential, ~~the program's occupational objective, or~~ and
   c. To obtain a specific entry-level job covered in the program; ~~and~~
3. Ensure that all faculty members meet the requirements in subsection ~~(C) or~~ (D) or (E)~~.~~ ; and
4. Develop and implement a plan, with specific goals, benchmarks, and time frames, for faculty improvement.

~~C.~~**D.** A ~~person operating a licensed private~~ licensee offering a non-accredited ~~institution~~ vocational program shall ensure that a faculty member ~~for a private non-accredited vocational institution~~ has ~~at least~~:

1. ~~Two~~ At least two years of practical work experience in the subject the faculty member is teaching unless the faculty member is teaching in an emerging discipline in which case the Board shall consider an alternative standard to determine qualification of the faculty member; ~~and~~
2. Postsecondary education in the subject the faculty member is teaching from an accredited institution or an institution licensed to operate as a postsecondary educational institution by the state in which the faculty member received the postsecondary education~~.~~;
3. Taken teacher-training courses appropriate to the level of qualification required by the program offered; and
4. Maintained professional competence by participating in continuing education.

~~D.~~**E.** A ~~person operating a licensed private~~ licensee offering a non-accredited ~~institution~~ degree-granting program shall ensure that a faculty member ~~for a private non-accredited degree-granting institution~~ has ~~at least~~:

1. ~~Two~~ At least two years of practical work experience in the subject the faculty member is teaching; ~~and~~
2. A degree from an accredited institution equal to or exceeding the degree awarded to a graduate of the program in which the faculty member is teaching~~.~~ ;
3. Taken teacher-training courses appropriate to the level of qualification required by the program offered; and
4. Maintained professional competence by participating in continuing education.

~~E.~~**F.** A ~~person operating a licensed private~~ licensee offering a non-accredited ~~institution~~ program shall ensure that:

1. Within ~~10~~ 30 ~~calendar~~ days ~~from the date the institution's~~ ~~administrator~~ after the director designated under subsection (A) resigns, is terminated, or is otherwise unable to fulfill all responsibilities established under subsection ~~(B)~~ (C), the Board is notified in writing; and

2. Within ~~10~~ 30 ~~calendar~~ days ~~from the date~~ after the ~~institution~~ licensee ~~employs~~ designates a new ~~administrator~~ director, a completed form, ~~provided by~~ which is available from the Board, describing the ~~individual's~~ new director's professional and educational background is submitted to the Board~~; and~~ .

~~3. Within 10 calendar days from the date the institution employs a new faculty member, a completed form provided by the Board describing the individual's professional and educational background is submitted to the Board.~~

R4-39-304. Advertising

A. ~~Advertising~~ A licensee offering a non-accredited program shall ensure that all advertising is ~~be~~ truthful and ~~shall~~ does not include a false or misleading ~~statements~~ statement about the institution, personnel, ~~the~~ faculty, courses, diploma or certificate awarded, services, or occupational opportunities for a graduate.

B. The Board may institute disciplinary proceedings against a ~~non-accredited private vocational or degree-granting institution or an institutional~~ licensee offering a non-accredited program or the licensee's representative for false or misleading advertising.

C. A ~~non-accredited private vocational or degree-granting institution~~ licensee offering a non-accredited program shall not solicit students in:

1. ~~the~~ The "help wanted" section of a newspaper, magazine, or other ~~similar~~ publication, regardless of whether the publication is printed or online; or
2. Employment or unemployment lines.

D. A ~~non-accredited private vocational or degree-granting institution~~ licensee offering a non-accredited program shall not use any form of the ~~words~~ word "guarantee" or "free" in solicitations or advertising in:

1. ~~any~~ A brochure, catalog, bulletin, leaflet, or other publication of the ~~institution,~~ licensee; or ~~nor in a~~
2. A newspaper, magazine, or ~~any other media~~ similar publication, regardless of whether the publication is printed or online.

E. ~~All~~ A licensee offering a non-accredited program shall ensure that all printed advertising ~~shall include~~ includes the name, phone number, and address of the ~~institution~~ licensee.

F. The Board ~~may require a non-accredited private vocational or degree-granting institution to submit all advertising for approval prior to publication~~ shall review the catalog, brochure, promotional document, uniform resource locator, student enrollment agreement, and other materials submitted under R3-39-104 to ensure the materials comply with the requirements of this Section.

R4-39-305. Recruitment

A. A ~~person operating a licensed private non-accredited institution~~ licensee offering a non-accredited program shall ensure that all information contained in the ~~institution's~~ licensee's catalog, required under R4-39-301,

and in ~~any~~ brochures, promotional materials, and advertisements provided to or intended for students or potential students is true.

B. During student recruitment or before a student signs an enrollment agreement, a ~~licensed private non-accredited institution~~ licensee offering a non-accredited program:

1. May ~~allow~~ provide a student tuition reduction, ~~tuition~~ discount, ~~tuition~~ or scholarship, or educational loan only as authorized under R4-39-308; and
2. Shall not guarantee employment to a prospective student.

C. A ~~person operating a licensed private non-accredited institution~~ licensee offering a non-accredited program shall ensure that a staff member responsible for student recruitment or student admission:

1. Uses only those titles that accurately reflect the staff member's actual duties and responsibilities;
2. Is not designated as a counselor or advisor; and
3. Does not make final decisions regarding tuition, student fees, tuition reduction, ~~tuition~~ discounts, ~~tuition~~ or scholarships, educational loans, payment schedules, financing options, or ~~refund policies~~ refunds.

R4-39-306. Admission Requirements

A. ~~The institution~~ A licensee offering a non-accredited program shall establish, publish, and administer admission requirements.

B. If an entrance exam is required for admission, ~~the non-accredited private vocational or degree-granting institution~~ a licensee offering a non-accredited program shall:

1. Set a minimum passing score for admission that is consistent with the standard established by the exam developer~~;~~,
2. Admit only ~~a student~~ an individual who ~~has obtained~~ obtains the minimum passing score on the entrance exam~~;~~ , ~~and~~
3. Maintain a copy of the completed entrance exam in the student's permanent record~~.~~ , and
4. Not allow an individual who fails the exam to take the same exam within 30 days.

C. If an entrance exam is not required for admission, ~~the non-accredited private vocational or degree-granting institution~~ a licensee offering a non-accredited program shall admit only ~~a student~~ an individual who demonstrates the ability to satisfactorily complete the prescribed training through:

1. Initial interview~~;~~ ,
2. Letter of recommendation~~;~~ ,
3. High ~~School Diploma~~ school diploma, ~~or a General Educational Development test~~ certificate of high school equivalency, or completion of a secondary education in a home school setting that complies with all state law;
4. Official educational transcripts; or
5. Other requirements established by the ~~institution~~ licensee.

R4-39-307. Placement

If ~~the non-accredited private vocational or degree-granting institution~~ a licensee offering a non-accredited program offers placement services to a student, the ~~following requirements~~ licensee shall ~~apply~~:

1. ~~The institution shall maintain~~ Maintain evidence of a student referral for job placement ~~and shall include~~ that includes the following information:
   a. The name of the student referred~~.~~ ,
   b. The name of the prospective employer~~.~~ ,
   c. Result of referral~~.~~ , and
   d. Final placement or other disposition~~.~~ ;
2. ~~The non-accredited private vocational or degree-granting institution shall prepare~~ Prepare a student for placement by instructing the student in:
   a. ~~Instructing the student in resume~~ Resume preparation and interviewing procedures~~;~~ ,
   b. ~~Instructing the student in the appropriate~~ Appropriate dress and personal grooming~~;~~ , and
   c. ~~Instructing the student in conduct~~ Conduct on the job~~.~~ ;
3. ~~A~~ Ensure that a student or graduate understands that a list of potential employers given to ~~a~~ the student or graduate by the ~~institution shall not be considered~~ licensee is not a referral or offer of placement~~.~~ ; and
4. ~~Each~~ Ensure that each student application ~~shall contain a disclaimer by the institution~~ clearly indicates that job placement is not guaranteed to a graduate or student.

R4-39-308. Tuition, Pricing, and Refund Policies

A. A ~~person operating a licensed private non-accredited institution~~ licensee offering a non-accredited program may charge students enrolled in the same program different tuition and student fees, only:

1. ~~Following a published~~ After publishing notice of a program price change to be effective ~~on a specified date~~ for all students enrolling in the program or starting classes on or after ~~the~~ a specified date;
2. For students who have chosen to modify programs or services so that a tuition reduction is warranted;
3. For students requiring additional services or otherwise incurring additional charges; ~~or~~
4. For students who are eligible for tuition reductions associated with payment schedules, financing options, or educational loans;

~~4.~~5. For students meeting tuition discount eligibility requirements in subsection (B); ~~and~~ or

~~5.~~6. For students receiving tuition scholarships under subsection (C).

B. A ~~person operating a licensed private non-accredited institution~~ licensee offering a non-accredited program that offers a tuition ~~discounts~~ discount shall:

1. Publish in the ~~institution's~~ licensee's catalog, required under R4-39-301, allowable tuition discounts and student eligibility requirements for ~~allowable~~ each tuition ~~discounts~~ discount, including tuition discounts for students:
   a. Enrolling as part of a group,
   b. Who are similarly situated, or
   c. Enrolling under the same program ~~schedule~~ or course schedule; and
2. Make tuition discounts available to all students who meet eligibility requirements.

C. A ~~person operating a licensed private non-accredited institution~~ licensee offering a non-accredited program that offers a full or partial tuition ~~scholarships~~ scholarship shall:

1. Publish in the ~~institution's~~ institution's catalog, required under R4-39-301, available tuition scholarships and student eligibility requirements for ~~available~~ each tuition ~~scholarships~~ scholarship, including terms, conditions, application procedures, deadline dates, basis for selection, range of award amounts, and aggregate award amounts; and
2. Objectively evaluate all applicants for tuition scholarships, and award tuition scholarships only to students who meet eligibility requirements.

D. A ~~person operating a licensed private non-accredited institution~~ licensee offering a non-accredited program that offers a full or partial educational ~~loans~~ loan shall:

1. Publish in the ~~institution's~~ licensee's catalog, required under R4-39-301, available full or partial educational loans and student eligibility requirements for ~~available~~ each full or partial educational ~~loans~~ loan, including terms, conditions, application procedures, deadline dates, range of loan amounts, aggregate loan amounts, interest rates, and loan repayment requirements;
2. Make the full or partial educational loans available to all students who meet eligibility requirements; and
3. Offer and administer the full or partial educational loans as required under R4-39-406.

E. A ~~person operating a licensed private non-accredited institution~~ licensee offering a non-accredited program that offers payment schedules or financing options shall:

1. Publish in the ~~institution's~~ licensee's catalog, required under R4-39-301, payment schedules and financing options and student eligibility requirements for each payment ~~schedules~~ schedule and financing ~~options~~ option, including terms and conditions, application procedures, interest rates, and monthly payments; and
2. Make the payment schedules and financing options available to all students who meet eligibility requirements.

F. A ~~person operating a licensed private non-accredited institution~~ licensee offering a non-accredited program:

1. Shall not require a prospective student to make a non-refundable payment until the prospective student signs an enrollment agreement and is accepted for enrollment, and
2. Shall ensure that a prospective student understands the prospective student's rights under R4-39-404.

G. A ~~person operating a licensed private non-accredited institution~~ licensee offering a non-accredited program shall have a refund policy that:

1. ~~Is applicable~~ Applies to all students, ~~and~~
2. Meets the requirements in R4-39-404~~.~~, and
3. Is described using identical language in both the catalog that is required under R4-39-301 and the student enrollment agreement that is required under R4-39-104 and meets the standards at R4-39-401.

H. A ~~person operating a licensed private non-accredited institution~~ licensee offering a non-accredited program shall ensure that all student tuition, student fees, tuition reductions, ~~tuition~~ discounts, ~~tuition~~ and scholarships, educational loans, payment schedules, financing options, and refund policies applicable to a student are:

1. Fully disclosed in writing on a student's enrollment agreement or applicable financial documents;
2. Consistent with information in the ~~institution's~~ licensee's catalog, required under R4-39-301, and ~~in~~ any brochures, promotional materials, or advertisements provided to or intended for students or potential students; and
3. Authorized ~~pursuant to~~ under this Section.

I. A ~~person operating a licensed private non-accredited institution~~ licensee offering a non-accredited program shall:

1. Charge a student tuition and student fees as identified in writing on a student's enrollment agreement or applicable financial documents;
2. Collect tuition and student fees from a student according to a payment schedule or financing option identified in writing on a student's enrollment agreement or applicable financial documents; and
3. Refund tuition and student fees charged to a student according to the refund policy identified in writing on a student's enrollment agreement or applicable financial documents.

ARTICLE 4. OPERATION OF ALL LICENSED INSTITUTIONS

R4-39-401. Student Records

A. For students enrolled after the effective date of this Section, a licensee shall maintain records required under this Section in electronic form. The licensee shall ensure that the electronic records are not in a proprietary format and are easily searchable by student.

~~A.~~B. ~~An institution~~ A licensee shall maintain a complete, ~~and~~ accurate, and permanent ~~records~~ record for each student ever enrolled. ~~currently enrolled, including~~ The licensee shall ensure that the student record includes the following:

1. An enrollment agreement containing, but not limited to, the following information:
   a. Name and address of student;
   b. ~~Commencement date of~~ Date the program begins;

~~c. Title of the course or courses within the program;~~

~~d.~~c. Total clock ~~and~~ or credit hours of the program;

~~e.~~d. Payment schedule and total cost to the student;

~~f.~~e. Refund policy of the ~~institution~~ licensee;

~~g.~~f. A statement indicating that the individual signing the agreement has read and understands all aspects of the agreement;

~~h.~~g. The notice required under ~~holder in due course rule as defined in A.R.S. § 47-3302~~ 16 CFR 433;

~~i.~~h. A ~~disclaimer~~ clear statement by the ~~institution~~ licensee that ~~"job placement" is~~ the licensee does not ~~guaranteed to graduates upon completion of this training or upon graduation~~ guarantee:

i. Job placement to graduates when the program is complete; or

ii. Credits or coursework will transfer to another school, college, or university;

~~j.~~i. ~~Student grievance procedures, if not printed in a catalog, bulletin, or other document provided each prospective student; and~~ If the licensee requires arbitration as part of the student grievance procedure, the following statement: Arbitration of a student grievance is required. Arbitration will take place at a location reasonably convenient for both parties giving due consideration to the student's ability to travel and other pertinent circumstances. Both parties will attempt to have proceedings take place within a reasonable time and without undue delay. The arbitration proceedings will follow the spirit if not the letter of the consumer due process protocol of the American Arbitration Association. The protocol includes but is not limited to a fundamentally fair process; an independent and impartial, competent, and qualified arbitrator; independent administration of the arbitration; reasonable cost; right to representation; and possibility of mediation. Arbitration does not preclude other avenues of recourse, including but not limited to possible relief in small claims courts, unless and until the arbitration result is made binding. Arbitration of a student grievance does not preclude the student from seeking a remedy from the Arizona Board of Private Postsecondary Education;

~~k.~~j. A ~~cancellation~~ notice ~~in accordance with Federal Trade Commission (FTC) regulations.~~ of the right to cancel the enrollment agreement within three days by complying with R4-39-404(A); and

~~l.~~k. Signature of the student and an official of the ~~institution~~ licensee;

2. Copy of the entrance exam, if applicable;
3. A transcript;
4. Grades received, where applicable;
5. Student attendance information;
6. Counseling records; and
7. ~~Financial aid records for a length of time as required by the U.S. Department of Education; and~~
8. ~~All~~ A record of all obligations incurred and all funds paid by or on behalf of the student to the ~~institution~~ licensee.

C. A licensee shall maintain financial aid records for each student for the length of time required by the DE.

~~B.~~D. ~~An institution~~ A licensee shall make student records available and readily accessible for use and review by an authorized ~~officials~~ official of the ~~institution and~~ licensee or authorized ~~representatives~~ representative of the Board.

~~C.~~E. ~~An institution~~ A licensee that gives credit toward a course based ~~upon prior~~ on job experience, training, or life experience shall record that credit in the ~~institution's records relating to the student and in the~~ student's official transcript, which is part of the student record required under subsection (B). ~~and list~~ The licensee shall ensure the student's official transcript shows the portion of the course for which the student is given credit based on job experience, training, or life experience. ~~The institution shall attach a copy of the transcript reflecting courses for which the student is given credit for prior job experience, training, or life experience to the institution's official transcript and shall retain the transcript as part of the student's permanent records.~~

~~D.~~F. In addition to the information required under subsections ~~(A),~~ (B), and ~~(C), an institution~~ (E), a licensee shall include the following information, as applicable, in the record of a student who graduates:

~~1. Class rank upon graduating, where applicable.~~

~~2.~~1. Job placement provided, ~~where applicable.~~ and

~~3.~~2. Place of employment and beginning salary after graduation~~, where applicable~~.

G. A licensee shall ensure that records required under this Section:

1. Whether in paper or electronic form, are maintained securely and protected against damage or loss from fire, water, theft, tampering, or other harm;
2. Are maintained in perpetuity or submitted to the Board under R4-39-402; and
3. Are made available and readily accessible for use and review by an authorized representative of the Board.

R4-39-402. Preservation of Records

A. No more than 15 ~~calendar~~ days after a licensee ceases operation, the licensee shall submit to the Board a legible ~~copies~~ copy of all student records required in R4-39-401. The licensee shall submit the student records in electronic form if the records exist in electronic form. The licensee shall ensure that records in electronic form are in a non-proprietary format.

B. After a licensee submits records to the Board as required under subsection (A), the Board shall retain for each student the enrollment agreement, transcript, account ledger card, and a copy of the diploma or degree conferred. The Board shall retain these records according to the retention schedule approved by the Arizona State Library, Archives, and Public Records.

R4-39-403. ~~Student~~ Complaint Procedures

A. If a student has a complaint against a ~~licensed institution or program~~ licensee and exhausts all available grievance procedures, including all appeals, established by the ~~institution~~ licensee, the student may file a written complaint with the Board. ~~A~~ The student shall ensure that the complaint ~~must be~~ is filed within ~~three years of~~ two years after the latest of the following. The date on which the student:

1. ~~student's last date of attendance~~ Last attended the licensee;
2. Completed the licensee's grievance procedure, including all appeals; or
3. Is able to demonstrate that the licensee failed to follow the licensee's grievance procedure.

B. ~~The Board's staff shall investigate the complaint. Upon completion of Board staff's investigation, the complaint shall be referred to the Complaint Committee for a review and recommendation to the Board.~~ A student who files a complaint under subsection (A) shall:

1. Use a form that is available from the Board,
2. Sign the form and attest that all information provided is true and correct, and
3. Attach to the form documentation that supports the allegations on which the complaint is based.

C. The Board shall not accept an anonymous complaint. An individual, whether a student or non-student, who files a complaint may request to remain anonymous to the licensee if the individual believes the complaint may result in adverse action towards the individual. The Board cannot, however, guarantee that disclosure of the individual's identity will not occur in the process of honoring the licensee's due process rights.

D. The Board shall not accept a complaint regarding a grade dispute or the licensee's employment practices or compliance with the Americans with Disabilities Act.

~~C.~~**E.** After ~~a review of the student complaint,~~ the ~~Complaint Committee shall:~~ complaint committee authorized under A.R.S. § 32-3052(D) reviews the complaint and the results of the staff investigation of the complaint, the complaint committee shall take one of the actions defined under A.R.S. § 32-3052(E).

~~1. Determine that the student complaint needs further investigation. Based upon the outcome of the investigation, the complaint may be re-heard by the Complaint Committee or referred to the Board;~~

~~2. Determine that the student complaint does not demonstrate that a violation of statute or rule occurred and recommend to the Board that the complaint be dismissed; or~~

~~3. Determine that the complaint demonstrates that a violation of statute or rule occurred and send a report of its findings and recommendation to the Board.~~

~~D. Upon receipt of the Complaint Committee's findings and recommendation, the Board shall affirm, reverse, adopt, modify, supplement, amend, or reject the report, in whole or in part, and determine there are reasonable grounds that the complaint demonstrates a violation of Board statutes and rules.~~

~~E. If the Board determines there are reasonable grounds to believe that the complaint demonstrates a violation of Board statute or rules, the Board shall set the matter for hearing under A.R.S. § 41-1092 et seq.~~

F. If a non-student has a complaint against a licensee, the non-student may file a written complaint with the Board. The non-student complainant shall ensure that the complaint is filed within one year from the date on which the event complained about occurred.

G. Subsections (B) through (E) apply to non-student complaints.

R4-39-404. Tuition Refund Policy

A. A licensee shall allow a student or prospective student to cancel an enrollment agreement with the licensee if the student or prospective student submits a written notice of cancellation to the licensee within three days, excluding Saturday, Sunday, and state and federal holidays, of signing the enrollment agreement.

B. No later than 30 calendar days after a licensee receives a written notice of cancellation described in subsection (A), the licensee shall provide to the student or ~~to~~ the person ~~who~~ that paid the student's tuition and student fees a refund of 100 percent of all student fees and tuition paid ~~for the student~~.

C. A ~~person operating a licensed private accredited institution~~ licensee offering an accredited program shall develop and implement policies and procedures for cancellations and tuition refunds that:

1. Are published in the ~~institution~~ catalog that meets the accreditation standards established by each accrediting agency named in R4-39-103(D)(3) and the enrollment agreement required under R4-39-401;
2. Are applicable to all students; and
3. Comply with:
   a. Accreditation standards established by each accrediting agency named under R4-39-103(D)(3) or (F)(1)(a); and
   b. ~~United States Department of Education~~ DE requirements governing each federal student financial aid program ~~named~~ in the agreement under R4-39-103(D)(6) or (F)(1)(b).

D. A ~~person operating a licensed private non-accredited institution~~ licensee offering a non-accredited program shall develop and implement policies and procedures for cancellations and tuition refunds that:

1. Are published in the ~~institution~~ catalog required under R4-39-301 ~~or~~ and enrollment agreement required under R4-39-401;
2. Are applicable to all students;
3. ~~Establish~~ Are based on an established time ~~periods~~ period for each program that:
   a. ~~Have~~ Has a prescribed student tuition obligation and tuition refund calculation; and
   b. ~~Do~~ Does not exceed the full length of the program or one calendar year, whichever is less;
4. Allow ~~an institution~~ the licensee to retain an administrative fee or registration fee not to exceed $200.00 if the fee is published in the ~~institution~~ catalog required under R4-39-301 ~~or contained in the~~ and enrollment agreement required under R4-39-401;
5. Provide ~~for~~ the following refunds for a student who withdraws from or is terminated by ~~an institution~~ the licensee:

a. Before beginning classes in a time period, a refund of 100 percent of the tuition charges for the time period;

b. If 10 percent or less of the time period used under subsection (D)(3) has expired, a refund of at least 90 percent of the tuition charges for the time period;

c. If more than 10 percent but less than or equal to 20 percent of the time period used under subsection (D)(3) has expired, a refund of at least 80 percent of the tuition charges for the time period;

d. If more than 20 percent but less than or equal to 30 percent of the time period used under subsection (D)(3) has expired, a refund of at least 70 percent of the tuition charges for the time period;

e. If more than 30 percent but less than or equal to 40 percent of the time period used under subsection (D)(3) has expired, a refund of at least 60 percent of the tuition charges for the time period;

f. If more than 40 percent but less than or equal to 50 percent of the time period used under subsection (D)(3) has expired, a refund of at least 50 percent of the tuition charges for the time period; and

g. If more than 50 percent of the time period used under subsection (D)(3) has expired, no refund or a refund in an amount determined by the ~~institution~~ licensee.

E. When calculating ~~refunds~~ a refund under subsection (D)(5), ~~an institution~~ a licensee offering a non-accredited program shall:

1. Use the last date of attendance as the date of withdrawal or termination to determine the percentage of time in the program that expired;
2. Determine that a student has withdrawn from an institution if the student has not attended any class for 30 consecutive scheduled class days; and
3. ~~Base~~ Using the date established under subsection (E)(1), base the percentage of the time ~~period~~ expired on either ~~the time~~ clock hours elapsed ~~in the time~~ for a program measured in clock hours ~~period~~ or ~~on~~ the number of ~~semester, quarter, trimester, or clock hours completed in the time period~~ days elapsed since the start of the period established under subsection (D)(3).

F. A licensee offering a non-accredited program is exempt from the requirement in subsection (D)(5), ~~if the~~ regarding refunding tuition and fees, for a program that:

1. Is less than ~~100~~ 50 clock hours~~,~~
2. Has a total cost of less than $1000, and
3. Is provided by a private non-accredited vocational institution or a private non-accredited degree-granting institution.

R4-39-405. ~~Student Loans and Financial Aid~~ Repealed

~~A. In this Section, an "academic year" means at least 30 weeks of instruction.~~

~~B. A licensed private institution that receives, on behalf of a student, student loan or financial aid funds provided by a federal, state, or local government or from a federal student financial assistance program governed by~~

~~Title IV of the Higher Education Act of 1965, 20 USC 1070 et seq. as amended, shall collect and disburse the monies in the manner prescribed by the applicable federal, state, or local regulations.~~

~~C. A licensed private non-accredited institution that receives, on behalf of a student, student loan or financial aid funds provided by a private entity including but not limited to a bank, financing company, credit card company, or other lending source shall ensure that the monies are collected and disbursed in the following manner:~~

~~1. Amounts equal to or less than $5,000 may be disbursed as a single disbursement, regardless of program length.~~

~~2. Amounts greater than $5,000 shall:~~

~~a. Be disbursed in two or more equal disbursements; and~~

~~b. Have the second disbursement occur after the midpoint of the academic year for clock hour institutions or after the beginning of the second semester, quarter, trimester, or other term for term-based institutions.~~

R4-39-406. ~~Closure of an Institution or Cessation of~~ Ceasing to Operate or to Offer a Program; Teach-out Plan

A. At least 60 days before a licensee ceases to operate or to offer a program in which a student is enrolled, the licensee shall determine whether there is another institution able and willing to offer a teach-out program to students enrolled with the licensee. If another institution is able and willing to offer a teach-out program, the licensee and teach-out institution shall enter a contract with the following terms:

1. The teach-out institution shall offer each student affected by the licensee ceasing to operate or to offer a program, an opportunity to resume and complete the program in which the student is enrolled, or a substantially similar program, within a reasonable time and same geographic area as the licensee;
2. The teach-out institution shall provide each affected student with timely notice of the availability of the teach-out program including information about differences between the teach-out program and the program in which the student is enrolled with the licensee;
3. The teach-out institution shall advertise the availability of the teach-out program;
4. The teach-out institution shall provide equitable treatment to the students in the teach-out program;
5. The teach-out institution shall not alter the mission or operations of the teach-out institution for currently enrolled students; and
6. The teach-out institution shall affirm the institution has the capacity to provide teach-out students with all instruction and services the teach-out students contracted for but did not receive from the licensee.

B. At least 60 days before a licensee ceases to operate or to offer a program in which a student is enrolled, the licensee shall submit for review by the Board a teach-out plan that includes the following:

1. A list of all students who will be affected by the licensee ceasing to operate or to offer a program,

2. For each student identified under subsection (B)(1):
   a. Name of program in which the student is participating, and
   b. Estimated graduation date; and
3. Whether the teach out will occur at the licensee, a teach-out institution with which the licensee has a contract under subsection (A), or a combination of the licensee and teach-out institution. If the teach out will occur, in whole or in part, at a teach-out institution:
   a. Whether the teach-out institution will use faculty of the licensee to complete the teach out;
   b. Whether the degree, diploma, or certificate awarded on completion of the teach-out program will be awarded by the licensee or the teach-out institution;
   c. Whether students who are enrolled but not attending the licensee or those on a leave of absence from the licensee are entitled to participate in the teach-out program; and
   d. A copy of the contracts, if any, entered under subsection (A).

~~A.~~C. At least ~~60 calendar~~ 30 days before a ~~licensed institution~~ licensee ~~closes,~~ ceases to operate or to offer a program in which a student is enrolled, or makes ~~an alternative~~ a teach-out program available to a student enrolled in a program that the ~~institution~~ licensee will cease to ~~operate~~ offer, the ~~licensed institution~~ licensee shall provide written notice of ~~the closure, cessation of~~ ceasing to operate or to offer the program, or availability of the ~~alternative~~ teach-out program to:

1. Each enrolled student affected by the licensee's decision to cease to operate or to offer a ~~in the~~ program ~~that the institution will cease to operate~~, and
2. The Board.

~~B.~~D. Except as provided in subsections ~~(C)~~ (E) and ~~(D)~~ (F), no later than 30 ~~calendar~~ days after a ~~licensed institution~~ licensee ~~closes or~~ ceases to operate or to offer a program in which a student is enrolled, the ~~licensed institution~~ licensee shall provide a refund of 100 percent of ~~all~~ student fees and tuition paid by ~~a~~ the student or other funding source on behalf of the student.

~~C.~~E The refund requirement in subsection ~~(B)~~(D) does not apply if a student enrolled in a ~~licensed institution~~ licensee that ~~closes~~ ceases to operate or in a program that the ~~licensed institution~~ licensee ceases to ~~operate~~ offer ~~chooses in writing to waive the refund because the student has received training or academic credit that is transferable to another institution~~ transfers to another institution and receives training or academic credit comparable to the training or academic credit that the student would have received if the licensee had not ceased to operate or to offer the program.

~~D.~~F. The refund requirement in subsection ~~(B)~~(D) does not apply if a ~~licensed institution~~ licensee that ceases to ~~operate~~ offer a program in which a student is enrolled provides the student an alternative program that is equivalent to the program no longer ~~operated~~ offered, as determined by the Board, in:

1. Program content;
2. Program length and schedule;

3. Tuition, student fees, payment schedules, and financing options;
4. Accreditation status, if applicable;
5. Award of credentials;
6. Instruction and equipment;
7. Placement assistance and student services, if applicable; and
8. Facilities.

~~E.~~G. This Section applies to a ~~licensed institution~~ licensee regardless of whether the licensee is at fault in the closure of the licensee or ~~the~~ cessation of a program ~~is the fault of the licensed institution~~.

R4-39-407. Use of Terms

A. Except as provided in subsection (B), only an accredited, degree-granting licensee may use the term "university" or any other name or title in literature, catalogs, pamphlets, or other materials made available to the public that implies or would lead a reasonable person to believe the licensee is an institution of higher education or grants educational credentials, academic credit, or professional degrees.

B. A licensee may use the term "university" in its name if the licensee:
1. Offers at least one program leading to a post-baccalaureate or higher degree and is regionally or nationally accredited by a DE-recognized accrediting agency;
2. Was licensed in this state and used the term "university" in its name before the effective date of this Section; and
3. Is chartered or licensed in another state using the term "university" in its name.

C. A licensee may use terms such as "certified," "master," and "professional" in a program title, advertising, and student materials if a student is designated as "certified," "master," or "professional" only:
1. After the student completes the program and passes an examination that requires a showing of proficiency or ability;
2. If the designation is:
   a. Conferred by a nationally recognized industry-related organization;
   b. Conferred by an industry-related board or commission that is statutorily created; or
   c. A commonly accepted industry practice; and
3. If the diploma to be issued from a program is submitted to the Board for review before the program is offered.

D. A licensee shall not use the term "master's" in the title of a vocational program.

R4-39-408. Transfer of Credit

A. A licensee may accept credit that a student earned for a course completed at another postsecondary education institution if the licensee determines that the course is comparable in scope and content to a course offered by the licensee.

B. A licensee that intends to allow a student to transfer credit from another postsecondary education institution to the licensee shall establish a transfer policy that:

1. Is based on appropriate criteria such as:
   a. Comparability in scope and content,
   b. Applicability to the program into which transfer is requested,
   c. Competencies achieved in the course for which credit is to be transferred and whether the competencies align with the program into which transfer is requested,
   d. Preparedness of the student at the time of transfer,
   e. Age of the credit to be transferred, and
   f. Grade earned in the course to be transferred;
2. Is not based solely on whether the postsecondary education institution or program from which credit is to be transferred is accredited and if accredited, the accrediting agency;
3. Requires that at least 25 percent of the credit required to complete a non-degree or undergraduate program be obtained from the licensee;
4. Requires that more than 50 percent of the credit required to complete a graduate degree program be obtained from the licensee;
5. Is applied in a systematic and consistent manner; and
6. Is published in the catalog required under R4-39-103(D)(9) or R4-39-301, as applicable.

C. A licensee that has a transfer policy as described under subsection (B) shall place in a student's record a copy of the transcript from the postsecondary education institution from which a transfer of credit is sought.

ARTICLE 5. INVESTIGATIONS; ~~AND~~ HEARING PROCEDURES; and ASSESSING COSTS

R4-39-501. Investigations

A. The Board shall investigate any sworn complaint against a person or entity alleging violation of A.R.S. § 32-3001 et seq. or this Chapter. For purposes of this Section, "investigated party" means an entity or person ~~who~~ that is the subject of a Board investigation.

B. Board staff may request production of records or information from an investigated party or complainant, ~~or~~ and request an interview with an employee or agent of the investigated party. The investigated party may file written objections with the Board ~~to~~ regarding the Board's request for production of records or information or an interview within 15 days ~~of~~ after receipt of the request. Unless the investigated party timely files an

objection to the Board's request, the investigated party shall ~~not fail to~~ produce the requested documents or information ~~or attempt to~~ and make ~~available for an interview~~ an employee or agent of the investigated party available for interview by the Board. Board staff shall attempt to ~~informally~~ resolve ~~objections~~ informally an objection to ~~requests~~ a request for documents, information, or an interview. If no resolution is reached, the Board shall hear and decide the matter ~~shall be heard and decided by the Board~~.

C. The Board shall not disclose documents and materials relating to an investigated matter except to the investigated party, until the matter is closed, settled by stipulation, or set for hearing under Title 41, Chapter 6, Article 10.

D. ~~Upon completion of the~~ When an investigation is complete, the matter shall be referred to the Board's Complaint Committee for consideration.

E. After consideration of the matter investigated, the Complaint Committee may take ~~the following actions:~~

~~1. Instruct Board staff to conduct further investigation. After further investigation, the matter may be re-heard by the Complaint Committee or referred to the Board;~~

~~2. Determine that the investigation does not demonstrate a violation of A.R.S. § 32-3001 et seq. or this Chapter and recommend to the Board that the investigation be closed; or~~

~~3. Determine that the investigation demonstrates there are reasonable grounds to indicate a violation of A.R.S. § 32-3001 et seq. or this Chapter and send a report of its findings and recommendation to the Board~~ any of the actions specified in A.R.S. § 32-3052(E).

F. If the ~~Board determines that the investigation demonstrates that there are reasonable grounds to indicate a violation of A.R.S. § 32-3001 et seq. or this Chapter, the Board shall serve notice of the Board's determination and set the matter for hearing~~ Complaint Committee refers the matter to the Board, the Board shall assess the information provided and take any of the actions authorized under A.R.S. § 32-3052((F) through (J).

R4-39-502. Hearings

A. ~~All~~ The Board shall ensure that all hearings ~~shall be~~ are conducted before the Board or an administrative law judge under A.R.S. Title 41, Chapter 6, Article 10.

1. Parties may stipulate to any facts that are not in dispute. A stipulation may be made in writing or orally by reading the stipulation into the record of the hearing. A stipulation is binding ~~upon~~ on the parties unless the Board grants a party permission to withdraw from the stipulation. The Board may, on its own motion, set aside a stipulation and proceed to ascertain the facts.
2. The Board may, on its own motion or at the request of a party, call a conference of the parties ~~at the opening of a hearing or~~ at any ~~subsequent~~ time to clarify ~~the~~ procedures for the hearing or ~~the~~ legal or factual issues involved.

3. By order of the Board, proceedings involving a common question of law or fact may be consolidated for hearing of any or all of the matters at issue.

B. If, after proper notice, a licensee fails to appear at any proceeding before the Board, the Board may render a decision based ~~upon~~ on the evidence and information available to the Board.

C. The decision of the Board is a final administrative decision under A.R.S. § 41-1092.08(F).

R4-39-503. Rehearing or Review of Board's Decision

A. The Board shall provide for a rehearing and review of its decisions under A.R.S. Title 41, Chapter 6, Article 10 and the rules established by the Office of Administrative Hearings.

B. Except as provided in subsection (J), a party is required to file a motion for rehearing or review of a Board decision to exhaust the party's administrative remedies.

~~A.~~**C.** Any party aggrieved by a final administrative decision of the Board may file with the Board no later than 30 days after service of the decision, a written motion for rehearing or review of the decision specifying the particular grounds for the rehearing or review as provided in subsection ~~(C)~~ (E). ~~A rehearing shall be conducted before the Board or the administrative law judge under A.R.S. § 41-1092.09.~~

~~B.~~D. A motion for rehearing or review may be amended at any time before ~~it is ruled on by~~ the Board rules on the motion. A response may be filed by any other party within 15 days after ~~filing of~~ a motion or amended motion is filed. The Board may require ~~the filing of~~ that written briefs be filed on the issues raised in the motion and may provide for oral argument.

~~C.~~**E.** The Board shall grant a rehearing or review of a decision for any of the following reasons that materially affect the moving party's rights:

1. Irregularity in the administrative proceedings ~~of the Board or the administrative law judge~~ or any order or abuse of discretion that ~~deprives~~ deprived the moving party of a fair hearing;
2. Misconduct of the Board, the administrative law judge, or the prevailing party;
3. Accident or surprise that could not have been prevented by ordinary prudence;
4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the original hearing;
5. An excessive or insufficient penalty;
6. Error in the admission or rejection of evidence or other error of law occurring at the administrative hearing;
7. The Board's decision is the result of passion or prejudice; or

~~7.~~8. The findings of fact or decision is not justified by the evidence or is contrary to law.

F. The Board may affirm or modify a decision or grant a rehearing to all or any of the parties on all or part of the issues for any of the reasons in subsection (E). The Board shall specify the particular grounds for any order modifying a decision or granting a rehearing.

~~D.~~G. ~~After~~ No later than 10 days after the date of a decision and after giving the parties or their counsel notice and an opportunity to be heard ~~on the matter~~, the Board may grant a rehearing or review on its own initiative for any reason for which it might have granted relief on motion of a party. The Board may grant a motion for rehearing or review, timely served, for a reason not stated in the motion. A rehearing or review shall cover only those matters specified in the Board's order.

~~E. No later than 10 days after a decision is rendered, the Board may on its own initiative order a rehearing or review of its decision for any reason listed in subsection (C). An order granting such a rehearing or review shall specify the grounds on which it is granted~~

~~F.~~H. When a motion for rehearing or review is based ~~upon~~ on affidavits, the affidavits shall be filed and served with the motion. An opposing party may, within 15 days after service, file and serve opposing affidavits. ~~The Board may extend the period for serving opposing affidavits for not more than 20 days for good cause shown or by written stipulation of the parties.~~

I. If a rehearing is granted, the Board shall hold the rehearing within 60 days after the date on the order granting the rehearing.

J. If the Board makes a specific finding that a particular decision needs to be effective immediately to preserve the public peace, health, or safety and that a review or rehearing of the decision is impracticable, unnecessary, or contrary to the public interest, the Board shall issue the decision as a final decision without an opportunity for rehearing or review.

R4-39-504. Assessing Costs

As authorized under A.R.S. § 32-3052(M), the Board may assess a person that is determined to have violated any provision of A.R.S. Title 32, Chapter 30 and this Chapter the Board's reasonable costs and expenses, including attorney fees, incurred in conducting an investigation, informal interview, committee or Board meetings, or administrative hearing.

ARTICLE 6. STUDENT TUITION RECOVERY FUND

R4-39-601. Submission of Assessments

A. Before ~~July 30~~ September 30 of each year, the Board shall ~~notify in writing an institution~~ provide written notice to each licensee specified in A.R.S. § 32-3072(B) ~~if~~ from which an assessment, as defined in A.R.S. § 32-3071(1), is due. The Board shall send the notice ~~shall be sent~~ by certified mail and ~~shall contain~~ ensure that the notice specifies the amount of the assessment, ~~the~~ date ~~the payment of~~ the assessment is due, and ~~the~~ penalty for ~~failure~~ failing to pay the assessment timely. As authorized by A.R.S. § 32-3072(B), the Board shall determine ~~assessed fees~~ the amount of the assessment as follows:

1. The assessment for ~~an institution licensed under A.R.S. Title 32, Chapter 30~~ a licensee seeking renewal of a regular or provisional license shall be based on the number of newly enrolled students for the 12-month period identified on the license renewal application required under R4-39-108 or R4-39-107(D).
2. The assessment for a new ~~institution licensed under A.R.S. Title 32, Chapter 30~~ licensee shall be based on the number of newly enrolled students during the fiscal year ending June 30.
3. ~~The assessment for a cosmetology school as defined in A.R.S. § 32-3071(3) or a professional driver training school as defined in A.R.S. § 32-3071(10) shall be based on the number of newly enrolled students during the fiscal year ending June 30.~~

B. ~~On~~ Using data available on June 30 ~~of each year~~, the Board shall determine annually the amount of funds in the Student Tuition Recovery Fund ("Fund"). If the Fund balance exceeds $500,000, the Board shall require an assessment only from a ~~new institution that is licensed or an institution that is provisionally licensed~~ licensee that was newly or provisionally licensed during the fiscal year that ended on June 30 ~~shall be assessed a fee for that fiscal year~~.

C. If ~~an institution~~ a licensee disputes the amount of ~~the~~ an assessment ~~for an institution~~, the Board shall place the matter on the agenda for a public meeting. The ~~Board may require that the institution whose~~ licensee disputing an assessment ~~is disputed~~ shall be prepared to:

1. Submit ~~additional~~ information or documents ~~to clarify incomplete or ambiguous information or documents~~ showing why the assessment is believed to be incorrect; and
2. Have a representative present to address the Board ~~at the public meeting~~.

R4-39-602. Claims

A. The Board shall investigate a claim against the Fund and find:

1. The claim is valid if:
   a. Student educational records confirm that the claim is filed by a person injured as defined in A.R.S. § 32-3071~~(7)~~ (6); and
   b. The claim is filed within one year after the ~~closed institution ceases operation~~ licensee ceased operations;
2. The claim is invalid because:
   a. ~~As specified in A.R.S. § 32-3075(B)~~ It is filed more than one year after the licensee ceased operations;
   b. ~~Because a student participates~~ The claimant is participating in a ~~"teach-out."~~ teach-out ~~As used in this subsection, "teach-out" means a student from a closed institution voluntarily transfers to another institution where the student receives all the instruction for which the student originally paid, but did not receive from the closed institution~~; or

c. ~~Because a student from a closed institution~~ The claimant voluntarily ~~transfers~~ transferred to another institution and ~~receives~~ received different training for the same or ~~an additional~~ greater cost ~~from what the student~~ than was paid ~~at the closed institution~~ to the licensee that ceased operations.

B. If the Board finds a claim ~~to be~~ is valid, the Board shall determine the amount and the party to be paid as follows:

1. The claim payment shall include only the actual amount of tuition and student fees paid in cash or with a student loan. The Board shall not make a claim payment for a grant, scholarship, or debt owed to another state, local, or federal governmental agency.
2. A claim payment shall be made first to ~~the student loan~~ a student-loan holder for the amount owed on the loan, and then to the student or ~~the parent~~ other person for the amount already paid on the student loan or cash payments.

C. The Board shall pay a valid claim within 120 days ~~of the date of~~ after the public meeting at which the claim is considered.

D. A claimant who is not satisfied with the Board's decision on a claim may file a motion for hearing as allowed under A.R.S. Title 41, Chapter 6, Article 10.

R4-39-603. Student Record Requests

A. The Board shall maintain the student records of a ~~closed institution licensed under A.R.S. Title 32, Chapter 30 for a period of 25 years~~ licensee that ceases operations as specified in R4-39-402(B). For purposes of this Section, "student records" has the ~~same~~ meaning ~~as~~ in R4-39-401.

B. The Board shall provide the student records of a student who attended a ~~closed institution licensed under A.R.S. Title 32, Chapter 30~~ licensee that ceased operations, if the following are submitted:

1. Name and social security number of the student;
2. Name of the ~~closed institution~~ licensee that ceased operations;
3. Student name used while attending the ~~closed institution~~ licensee that ceased operations;
4. Identification of the student record requested;
5. Name and address of the party to whom the student record is to be mailed;
6. ~~Student signature~~ Signature of the student whose record is requested or ~~copy of~~ a ~~signed~~ student record release form signed by the student whose record is requested and authorizing a third party to obtain the student record, if applicable; and
7. $10 for processing ~~fee~~ the request and 25 cents per page for copying ~~charge~~.