

*Ruling by
Peggy Rudolph
of WTECB*

June 6, 2005

CRI Career Training
Alen Janisch, President
929 North 130th Street Suite 2
Seattle WA 98133

RE: Complaints by [REDACTED]

Dear Mr. Janisch:

In accordance with Chapter 28C.10.120 RCW, the Workforce Training and Education Coordinating Board (the Workforce Board) reviewed complaints filed against CRI Career Training (CRI) by the students identified above. These five complaints are treated as a group because the students' dates of attendance overlapped by several months and their issues are almost identical. As you will see, their complaints are also very similar to a number of complaints previously filed against CRI.

This determination is structured as follows: There are seven major areas of complaint identified as numbers 1 through 7; several of the major areas have subparts identified as 1a, 1b, 1c, etc. The school's responses to the each of the subparts of the seven complaints immediately follow the subpart and are identified as "School's Response to 1a, School's Response to 1b, etc. Following all seven of the student's complaints and CRI's responses are the Workforce Board's Findings, Conclusions, Determination, and Order.

Students' Complaints

1. Course Content: (1a) Legal, medical, and technical terms are not incorporated into the students' writing as represented. The objective of the court reporting program is to incorporate Phoenix Theory into their writing to attain shorthand speeds of 225 words per minute at 98 percent accuracy, which cannot be done effectively because the legal/medical terms are not given in the Phoenix translation needed by the student to incorporate medical/legal terms into writing, nor is the student encouraged or instructed on how to practice, drill or incorporate the terms into their writing.

School's Response to 1a: The school responded that legal, medical, and technical terms are incorporated into the students' writing. Legal terms are incorporated through the use of jury charge material and legal opinion material that is dictated during jury charge dictation hours throughout the week. Legal and medical classes are taught in the manner described by the

complainants but the instructor also supplements information contained in the textbook through lecture. The purpose of the Phoenix Theory class is to teach students how to write on their steno machines. Students learn how to break all words down phonetically and write them on their machines.

(1b) Instruction on court procedures from the initiation of an action to its conclusion are not taught in Legal Terminology I and II as described in the school's catalog.

School's Response to 1b: The school initially stated, in its March 21, 2005 response to the complaint, that "instruction on court procedures from the initiation of an action to its conclusion **are** (emphasis added) covered in the Legal Terminology I and II classes." In an addendum to its response, the school stated that the "legal terminology class is just that: a terminology class. It is **not** (emphasis added) designed to be a class in legal procedure."

2. Instructor Qualifications: (2a) The Medical Terminology I and II instructor has a BS in Mathematics, as well as a BS in Dietetics and Nutrition. She does not have a medical background.

School's Response to 2a: Ms. Bate has been teaching this class since her employment began at CRI and has been approved by the Workforce Board to teach the Medical Terminology class.

(2b) The school misrepresented the qualifications of its staff. Susan Lloyd is not licensed in instruction or certified by Washington State. She is a current student of CRI. Jan Bates is not licensed in instruction or certified by the State. She has no court reporting experience or knowledge. Randi Rus is not licensed in instruction or certified by the State; she has no working knowledge of Phoenix Theory. Sandra Metz does not provide consistent advice on practice, drilling, or homework. She does not give feed back on student dictation notes and is unreceptive to questions and concerns from students.

School's Response to 2b: The school responded that Susan Lloyd is a Lab Assistant, not an instructor; Jan Bates is currently approved by the Workforce Board to teach low speed classes; Randi Rus is currently approved by the Workforce Board to teach the high speed classes and that Sandra Metz does provide consistent advice to students on practice, drilling and homework.

3. Method of Instruction: (3a) Speedbuilding is a classroom setting where students listen to audio tapes at speeds ranging between 60 and 225 words per minute. There is no talking during the tapes and the instructors do not stop the dictation for vocabulary development, mastery of brief forms, emphasis of legal, medical, and or technical terminology. Further, language and terminology used in government and legislature, literary and congressional matter, jury charge briefs and derivatives, and vocabulary words used in major industries are not studied, drilled, or given any more emphasis than a common word or phrase.

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The students further complained that the college catalog uses verbs throughout the Speedbuilding course description that are “highly deceptive...mastery of, will be mastered, increased speed, introduction of complex material, achieve writing speeds....” The students indicate that such strong word usage leads prospective students to believe they will succeed, graduate from CRI and be successful as court reporters. In actuality, the common perception among students at CRI is that they are “self-taught” and the lack of instruction/guidance is eventually accepted.

School’s Response to 3a: The school stated that there are two speed building levels with no more than four speed levels in a classroom at a given time. There is also a mixture of taped dictation practice and live dictation practice. Taped practice is used for speed building. Live dictation practice is used for the other areas of dictation that are given throughout the week. The school further stated that the speed building classes contain all the elements listed in the catalog. The purpose of dictation classes is to have students apply the principles of machine shorthand theory to break down words phonetically and write them on the steno machine. Language and terminology used in government and legislature, literary and congressional matter, jury charge briefs and derivatives and vocabulary words used in major industries are included in the dictation material. The school said that students that have the perception that they are self taught are representing in an unfair light how a skill is learned.

Finally, the school indicated that “students do succeed, graduate from CRI, and are successful as court reporters... CRI maintains 100 percent placement of its graduates that have passed the Washington state CCR exam.”

(3b) CRI does not offer an introduction to real time writing, nor do students begin building their personal dictionary, unless it is on their own equipment and on their own time.

School’s Response to 3b: The school replied that it does offer an introduction to real time. Students begin writing real time in theory upon completion of the first theory lesson. In addition to the 22 real time stations in the computer lab, there is one real time station in the low speed classroom and five real time stations in the high speed classroom.

(3c) The Reporting Preparation course is offered to high speed students only. The many facets of the court reporting profession offered in this class will play an extremely important part in a successful reporter’s career. The fact that the school only offers it to high speed students, at its discretion, is unreasonable in that the facets taught are so crucial it needs to be offered earlier in the program and for more than 20 hours.

School’s Response to 3c: All of the elements identified in the school’s catalog are covered in the class. The class is offered to high-speed students because they are taught procedures they will be using upon graduation. The procedures must be taught later in the program to ensure students do not forget them prior to graduation. The procedures are then reinforced in the speed building

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class during multi-voice dictation, so there is more than just 20 hours of practice using the court reporting procedures. The class is offered on an "as needed" basis; i.e., when students reach the high-speed class and have not taken the procedures class, the class is offered.

4. Standards of Progress: CRI does not require that standards of progress be met in order for students to participate in federal or state financial aid programs. Students are notified by the school after financial aid has been received that they are behind in transcripts and need to make up transcript work.

School's Response to 4: CRI does require that standards of progress be met for students to participate in federal or state programs of financial aid. Progress reports are done with students at the midpoint and end of each 450 clock hour period. Satisfactory academic progress is checked each time a student repackages for financial aid.

5. Advertising/Claims made by School: (5a1) Graduates of CRI are not prepared for entry-level positions. CRI does not offer instruction on procedures used by Freelance Reporters, Official Court Reporters, Real-Time Reporters, Television Closed Captionists, Medical Transcriptionists, Rapid Text Entry CRI does not offer any type of scoping classes that would be required to become a scopist.

(5a2) CRI has only one instructor with knowledge of Phoenix Theory; that instructor is a current student at CRI.

School's Response to 5a1 and 2: Graduates of CRI are prepared for entry-level positions. CRI maintains a 100 percent placement rate for students that have graduated from the program and passed the Washington State CCR exam.

CRI does offer instruction on procedures used by Freelance Reporters, Official Court Reporters and Real-Time Reporters. Television Closed Captioning, Medical Transcription and Rapid Text Entry are not specific courses in the current curriculum. Students are qualified to obtain positions in those fields using court reporting technology based on the training they obtain while in school.

All of CRI's theory instructors have knowledge of the Phoenix Theory. The instructors may not have learned the Phoenix theory while they were in court reporting school, but they all know the theory being taught.

The student instructor mentioned by the complainants is a Lab Assistant. She completed the CRI certification program offered by the National Court Reporters Association and works under the direct supervision of Ms. Metz.

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(5b) The school misleads prospective students regarding the length of time it takes an average student to complete the Court Reporter program. Students are told the average is 30 months and that it can be completed in as little as 12 months. The school emphasizes this point by explaining that although certain public technical schools charge less tuition, it takes longer for students to complete those programs (3 to 4 years) and that when you factor in the amount of income you lose by being in school longer, the public school programs are actually more expensive than CRI.

School Response to 5b: The school stated that students are told they are enrolling in a 30-month program but that graduation rates may vary depending on practice and study habits.

6. Equipment: (6a) The Stenowave system is faulty. It produces static. The tapes are often unintelligible, too fast/too slow, too long/too short, etc.

School's Response to 6a: The Stenowave system works over FM radio frequency, occasionally static is produced. It does not occur on a regular basis and if it does occur it is easily remedied when brought to the instructor's attention. The complainants' statement that the tapes are muffled and unintelligible has not been brought to the school's attention in the past.

(6b) CRI students are provided with manual machines that are not real-time capable, which makes it impossible to real-time practice or test material. The school provides only 10 real-time ready machines.

School's Response to 6b: The school responded that having a manual machine does not make it impossible to real time practice. There are real time stations set up on the computer lab, the low speed classroom and the high speed classroom. The school further stated that there is not a time when all real time machines are in use.

(6c) CRI does not encourage or advise students on court reporting equipment, computer equipment needed to train, practice or use when employed. The school does not disclose at the time of enrollment the need for real time equipment or the expense students will have to incur in order to develop the skills necessary to become real time ready.

School's Response to 6c: The school stated that court reporting equipment is covered in the Computer-Aided Transcription class and that students are not informed about real time equipment at the time of application because all the equipment they need to real time is available at the school.

7. Instructional Materials: Students had been told that new dictation material and tests would be available by January 2005. As of February 2005, they had not been provided. Students are now being told to expect their arrival by mid-March.

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School's Response to 7: The school did not address this aspect of the complaint except to say that "CRI does bring new material into the classroom."

Agency's Findings

Most of the above complaints are not new; most have been brought to the Workforce Board's attention repeatedly by former CRI students. As have previous complainants, these students complained that:

- the methods CRI uses to teach Speedbuilding are not effective,
- students basically teach themselves,
- the school employs unqualified instructors,
- the school's standards of progress are not consistently followed,
- the Stenowave system is faulty,
- equipment is not of sufficient quantity for the number of students enrolled, and
- prospective students are misled with regard to the length of time it takes to complete the program.

The school's responses to the complaints are, likewise, not new. As it has in the past, the school maintains that its methods of instruction, faculty qualifications, and equipment are effective, that its program adequately prepares students for entry level employment in the Court Reporting Field.

When the Workforce Board investigated CRI in 2001, the Board's major concern was the amount of time it took students to progress through the program. CRI was advertising a 2 ½ year program, however, the Workforce Board found that the few students who actually completed the program took an average of four years to get through the day program and more than five years to get through the evening program. At that time, the Workforce Board determined that CRI was misleading students with regard to the actual length of the program and required CRI to disclose to prospective students, the likelihood that it would take them much longer than 2 ½ years to get through the Court Reporter program.

Although the school's catalog and enrollment agreement now contain statements informing students that it could take them longer than 2 ½ years to complete the program, the Workforce Board consistently receives information from CRI students that the statement is downplayed by admissions representatives. Students report that the school continues to sell a 2 ½ year program, further enticing prospective students with the anecdote that "a student even completed the program in one year." As of May 2005, there were four CRI students at the 225 wpm speed level, the last level before graduation; three day students who have been at CRI for an average of four years and one evening student who has been a student for nearly seven years. (Approximately 185 students are in attendance at CRI at any given time.)

In 2003, the Workforce Board found that the school was using students as instructors and had at least one instructor teaching a course for which she was not qualified. To settle those complaints, the school agreed to comply with a negotiated agreement specifying minimum qualifications for individuals who teach various court reporting courses. While investigating these current complaints, the Workforce Board learned that the school continues to employ students as teachers and has an individual teaching Medical Terminology who does not meet the qualifications specified in the 2003 agreement. The school stated that the Workforce Board approved the instructor to teach Medical Terminology, however, Workforce Board records indicate that the Workforce Board approved the individual to teach Speedbuilding at low speeds; she was not approved to teach Medical Terminology.

Finally, to determine the accuracy of the school's claim that its method of instruction, standards of progress, course content and equipment are effective and that "students do succeed, graduate from CRI, and are successful as court reporters," the Workforce Board examined student data reported annually to the Workforce Board by CRI. **That data revealed that CRI's completion rate was 6 percent for the period July 1, 2000 through June 30, 2003; only 10 of the 179 students who left the program during that period actually completed the program. Of those 10 completers, three (3) were working in the field six to nine months after graduation.**

Conclusion

Notwithstanding the seven issues detailed in this determination, the real issue is that a tiny percentage of CRI students actually ever graduate and obtain jobs as court reporters. Hundreds of students have paid thousands of dollars each for a program they will never complete.

The Workforce Board has given CRI numerous chances to improve the quality of its Court Reporting program. It is troubling that CRI students continue to file complaints about issues the Workforce Board believed it dealt with a number of years ago. This recent rash of complaints, coupled with the school's abysmal completion and placement rates, make it clear the school's court reporting program is simply not adequate to achieve the objective for which it is offered.

Based on the findings outlined above, the Workforce Board concludes that the school engaged in a significant number of unfair business practices by failing to comply with the terms of a student contract (which incorporates the school's catalog by reference) [RCW28C.10.110(1)], representing falsely the qualifications of its faculty [RCW28C.10.110(6)], providing prospective students with information which has the tendency to mislead or deceive prospective students regarding current practices of the school [RCW28C.10.110(8)] and making statements in connection with the offering of education that the school knew or reasonably should have known to be false, substantially inaccurate, or misleading [RCW28C.10.110(10)].

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Determination

It is the Workforce Board's determination that the complainants suffered a financial loss as a result of the school's unfair business practices. The amount of the loss is the total tuition, registration fees, lab fees and equipment rental fees paid to the school by the students. Based on the information available to the Workforce Board at the time of this determination, the amounts due the five complainants are as follows: (the amounts are subject to change in the event additional information becomes available to the Workforce Board).*

~~XXXXXXXXXX~~ - \$18,730
~~XXXXXXXXXX~~ - \$20,440
~~XXXXXXXXXX~~ - \$14,825

~~XXXXXXXXXX~~ \$12,909
~~XXXXXXXXXX~~ - \$20,750

Order

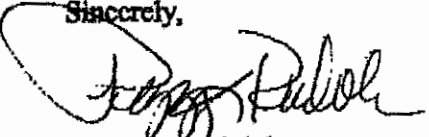
The school is ordered to provide refunds to the complainants as outlined above. The refunds are to be paid within thirty days of the school's receipt of this Order. The school is further ordered to cease and desist from engaging in the unfair business practices listed in the Conclusion section of this Order.

Appeal

You may appeal this decision by filing notice of appeal with the Workforce Board, postmarked within twenty (20) calendar days of receipt of this letter. If no appeal is filed within the 20 calendar days, you have waived your right to appeal and no further remedy is available under RCW 28C.10.

The appeal will be filed under the Administrative Procedure Act, chapter 34.05 RCW. Timely filing stays the Workforce Board's order during the appeal process. If the Workforce Board adjudication is affirmed in part or in its entirety in an administrative hearing, the school shall pay the costs of the hearing (RCW 28C.10.120(4)).

Sincerely,



Peggy L. Rudolph
Program Specialist
(360) 586-8682

*The complainants have been given a week from the date of this letter to review their awards and submit rationale for additional amounts owed for tuition and fees.

cc: ~~XXXXXXXXXX~~
~~XXXXXXXXXX~~