



STATE OF WASHINGTON

WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD

Building 17, Airdustrial Park, P.O. Box 43105 • Olympia, Washington 98504-3105 • (360) 753-5662 • FAX (360) 586-5862

October 4, 1999

Court Reporting Institute, Inc.
Alen Janisch, President
929 North 130th Street – Suite 2
Seattle WA 98133

Dear Mr. Janisch:

In accordance with Chapter 28C.10.120 RCW, the Workforce Training and Education Coordinating Board (the agency) reviewed a complaint filed against Court Reporting Institute (CRI) by former student Blair Mitchell. The student's complaint, the school's response to the complaint, and the agency's findings and determination are as follows:

Student's Complaint

Mr. Mitchell's complaint addresses the length of time it takes an evening student to successfully train to become a court reporter. After nearly five years of training, Mr. Mitchell felt he was still two to three years away from graduating. He believes a lack of quality instructors and inadequate course materials contributed to his inability to complete the program on time. Mr. Mitchell also believes that the school misled him as follows:

The school,

1. indicated in the enrollment agreement and the catalog that the course length was 36 months.
2. described the course as "self-paced," emphasizing that high-performing students could complete sooner while not mentioning that there are very few high performing students.
3. used as an example a student who completed the course in fourteen months, failing to note that the student was a day student who wasn't required to take selected academic classes.
4. implied that it was the rare student who completed the program in over three years when in fact it takes most students between six and seven years to graduate.
5. failed to inform him that at the time of his enrollment no evening student had actually graduated from the program.
6. used the term "self-paced" not only as described in #2 above, but later to justify it taking longer than three years for most evening students to complete.

School's Response

The school responded that it has had many successful graduates from the evening program. Although the majority of the evening students had an opportunity to complete some portion of the program during the day or transferred in from another institution, several students completed the



program strictly at night from start to finish. The school maintains that those graduates completed in two and one-half to four and one-half years; not the six to eight years that Mr. Mitchell represented in his complaint. The school acknowledged that it tells prospective students the course is "self-paced" and that it is possible to complete the program sooner than the established program length. The school maintains that several students completed the program in fourteen months.

According to the school, when Mr. Mitchell withdrew from the program he had completed 75 percent of his training. The school contends that Mr. Mitchell's estimation that it would have taken him a total of seven or eight years to complete his training is not consistent with the progress he had made prior to withdrawing. The school maintains that calendar length of enrollment is not a true indication of how long a student attended classes because many students take leaves of absence or drop temporarily. The school further maintains it has never guaranteed that a student will complete the program nor does it guarantee the program can be completed in three years.

With regard to Mr. Mitchell's contention that CRI's instructors are not qualified, the school responded that its instructors are qualified to teach and have been approved by their national accrediting commission, ACICS.

Agency Findings

To investigate Mr. Mitchell's complaint, we conducted an on-site review of CRI's student records and interviewed several staff. We also had the school compile a list of every student who had enrolled in the evening court reporting program since 1988, their beginning and ending dates, whether they graduated or dropped out, and the amount of tuition each paid.

Our findings are as follows:

1. When a prospective student visits the school, a sales representative interviews him or her. During the interview, the sales representative generally highlights a couple of success stories; for example, one student who completed the program in 14 months. Students are told that the program is "self-paced" allowing a motivated student to complete early and pay tuition only for the time he or she was in attendance.
2. In addition to an interview, prospective students are provided with written information about the school. The school's brochure contains the following statement – "All you need is a high school diploma or GED, basic typing skills, and a thorough understanding of language and grammar. Most programs take only one to three years to complete."
3. Mr. Blair entered into a contract for a 36-month court reporting program. The contract does not contain language cautioning students that the program length may exceed 36 months.
4. Mr. Mitchell maintained satisfactory progress throughout the time he was in attendance.
5. According to the school's records, 185 students have been enrolled in the night program since its inception in July 1988. Just over 10 percent (19 students) of them had graduated at the time of our investigation.

6. Nine of the nineteen graduates attended the CRI evening program from start to finish. They completed the program in just over three and one-half years on average. The other ten graduates transferred to CRI from another court reporting school.
7. Eight of the 185 enrollees, or 4.3 percent, are still enrolled in the night program and have been there an average of six years. The remaining 158 or 85.4 percent of the evening students who started the program have dropped out.
8. There is anecdotal evidence that when students complain that the program takes longer than they were led to believe, the school justifies the length by explaining that the program is "self paced." Thus, the school uses "self-paced" on the front end to convince students they might be able to complete early and on the back end to hold them accountable when they don't complete on time.

Conclusion

The agency concludes that there is sufficient evidence to support Mr. Mitchell's complaint that he was misled about the length of the evening court reporting program. The school's marketing brochure describes a program that most people can complete in "one to three years" and although the catalog contains a statement that "individual progress will vary according to ability and practice habits", the statement is buried in the body of the catalog and is by no means emphasized. There is no indication in the enrollment agreement that an individual student's program may exceed thirty six months. In fact, we found no evidence that the school cautions prospective students about how rigorous the court reporting program is or how difficult it is to complete the program strictly as an evening student. We were unable to discover precisely why so many evening students drop out or why those who stay take so long to complete. We could not conclude there was sufficient evidence to support Mr. Mitchell's claim that poor instructors and inadequate materials are responsible.

The Private Vocational School Act makes it an unfair business practice for a school to "...make or cause to be made any statement or representation in connection with the offering of education if the school or agent knows or reasonably should have known the statement or representation to be false, substantially inaccurate, or misleading" [RCW 28C.10.110(10)]. The agency finds the school knew or should have known that for whatever reason, an average student cannot complete the evening court reporting program in three years. In fact, there is some question whether an average student can complete the evening program at all. We base this conclusion on the fact that only 10 percent of the school's evening students have completed the program and those few who did complete took an average of three and one-half years to do so. While the agency does not expect schools to unreasonably discourage potential students from enrolling it does require schools to provide them with accurate and complete information so they can make informed decisions about whether to enroll. The information provided to potential court reporting students is neither accurate nor complete and is, in fact, misleading. Providing potential students with misleading information is an unfair business practice as described in RCW 28C.10.110(10).

The agency concludes that the school could benefit from creating an orientation for all starting students in order to limit any unrealistic expectations about course length or rigor that the students might have formed.

Determination

The school is directed to review its recruitment and admission practices and institute safeguards to ensure potential students are given accurate information about the court reporting program. Since the problems identified in this adjudication appear to be restricted to the evening program, the school must differentiate between evening and day programs when advertising program length and completion and placement rates. The school must complete its review and submit a corrective action plan to the agency by November 1, 1999.

The school has represented and the agency concurs that Mr. Mitchell completed 75 percent of the scheduled program length. The agency finds that although the "self-paced" nature of the program reasonably should have conveyed to Mr. Mitchell that the program could take somewhat longer than the 36 months he contracted for, Mr. Mitchell could not reasonably expect that with due progress, he would find himself so substantially short after that period had passed. The school asserts that Mr. Mitchell maintained satisfactory progress during his enrollment at the school, yet after 45 months of attendance, Mr. Mitchell was still only 75% toward completion of the program. The agency finds that Mr. Mitchell has suffered loss as a result of the unfair business practices described above. The school is therefore, directed to refund 25 percent of Mr. Mitchell's tuition and 25 percent of any interest that has accrued to date.

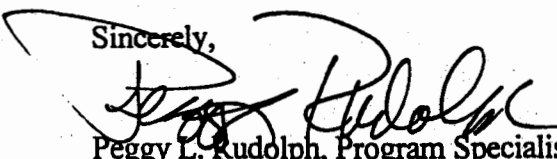
Appeal

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

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

Please direct any questions to me at the number below.

Sincerely,



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