RCW 28B.85.250 Waivers of state requirements—Interstate reciprocity agreements for online education. The council may utilize its authority to waive state requirements for institutions participating in interstate reciprocity agreements for online or distance education if:

(1) Such waivers are consistent with federal regulations and requirements for state authorization pursuant to 34 C.F.R. Sec. 600.2 and 600.9, including preserving Washington's authorization to administer federal financial aid programs; and

(2) The council finds that the institutions' authorizations are consistent with the council's policies for protection of Washington resident student consumers. [2025 c 82 s 6.]

Findings—2025 c 82: "The legislature finds that the Washington state attorney general and the attorneys general of 24 other states and the District of Columbia have found that online or distance education entities pose unique risks to student consumers. These risks may harm both students and the taxpayers in students' home states. The Washington state attorney general, along with the attorneys general of 24 other states and the District of Columbia, have urged the national council for the state authorization reciprocity agreement to reform the standards of state authorization reciprocity agreements. The national council for state authorization reciprocity agreements is not directly accountable to participating states and has had significant potential for conflict of interest.

According to the joint letter from the offices of the attorneys general, the national council for state authorization reciprocity agreements' current policies "do not adequately guard against the unique risks that arise from distance learning. For instance, NC-SARA's policy prohibiting member states from enforcing education-specific consumer protection laws against out-of-state NC-SARA participating schools undermines our Offices' and other state agencies' ability to protect students in our states. It also creates a two-tiered system of protection, in which students attending NC-SARA-participating schools receive the benefit of fewer consumer protection laws than students attending schools based in our state or attending schools that do not participate in NC-SARA. This incentivizes NC-SARA participating schools to locate in states with weaker education-specific consumer protection laws, such as financial protections in the event of unanticipated closure, to avoid having to comply with more student-protective laws. Our conversations with some of the representatives of state entities that enforce NC-SARA rules showed that they share this concern."

The legislature finds that Washington has led the western interstate commission for higher education to adopt proposed reforms to state authorization reciprocity agreements and intends to encourage the student achievement council and the western interstate commission for higher education to continue this effort through this act. It is the objective of the legislature to ensure that the state authorization reciprocity agreement is reformed to recognize that student consumer protections adopted through legislation or rule in Washington protect all students residing in Washington through the adoption of this act while providing institutions domiciled in Washington the benefits of reciprocal approval or authorization to offer programs in other states after meeting Washington's rigorous review and approval or authorization standards.

The legislature does not intend for this act to imply that the existing legislatively adopted student consumer protections do not provide protection to students in Washington while Washington engages in efforts to reform the state authorization reciprocity agreement." [2025 c 82 s 1.]