

Chapter 250-21 WAC
STATE STUDENT FINANCIAL AID PROGRAM—WASHINGTON COLLEGE GRANT

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WAC

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WAC 250-21-010 Program definitions. (1) "Council" means the nine-member council of the Washington student achievement council.

(2) "Agency" refers to the Washington student achievement council.

(3) "Office" means the office of student financial assistance, a division of the Washington student achievement council.

(4) "Financial need" shall be determined in accordance with industry standards and provisions as recognized and modified by the office.

(5) The term "post-secondary institution" shall mean:

(a) Any public university, college, community college, or vocational-technical institute operated by the state of Washington, or any other university, college, or institute in the state of Washington offering instruction beyond the high school level which is a member institution of an approved accrediting association.

(b) Any institution, branch, extension or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of an approved accrediting association.

(c) The separate accreditation requirement is waived for branch campuses of out-of-state institutions if the branch campus:

(i) Is eligible to participate in federal student aid programs; and

(ii) Has operated as a nonprofit college or university delivering on-site classroom instruction for a minimum of twenty consecutive years within the state of Washington; and

(iii) Has an annual enrollment of at least seven hundred full-time equivalent students; or

(iv) Is a nonprofit institution recognized by the state of Washington as provided in RCW 28B.77.240.

(6) The term "approved accrediting association" shall mean a national or regional accrediting association that is recognized by the

council and the Secretary of the U.S. Department of Education and in alignment with WAC 250-61-050.

(7) "Washington resident" shall be defined as an individual who satisfies the requirements of RCW 28B.15.012 (2)(a) through (e) and office-adopted rules and regulations pertaining to the determination of residency.

(8) "Student budgets" is determined by institutions and subject to approval by the office. The student budget consists of that amount required to support an individual as a student for nine months and may take into consideration cost factors for maintaining the student's dependents.

(9) "Family income" is the student's family income for the calendar year as required for federal need analysis.

(a) "Income" means adjusted gross income and nontaxable income as reported on the Free Application for Federal Student Aid (FAFSA) or alternative application approved by the office.

(b) For the dependent student, "family income" means parental income including adjusted gross income and nontaxable income.

(c) For the independent student, "family income" means the income of the student and spouse, if any, reported as part of the student's family.

(d) The institutional aid administrator may adjust the family's income up or down to more accurately reflect the family's financial situation during the academic year. When such adjustments are made, they shall be consistent with guidelines for making changes to determine federal student aid eligibility and documented in the student's file.

(10) "Income cutoff" means the amount of family income below which a student is determined to be eligible for the Washington college grant.

At the discretion of the institution's aid administrator, a student who was eligible for a Washington college grant in the prior academic year may be deemed eligible if their family income increases by no more than three percent and family income is over the one hundred percent MFI level.

(11) "Median family income" is the median income for Washington state, adjusted by family size and number in college and as determined by the office using a federal standard.

(12) "Grant" is the Washington college grant award for each sector as defined in statute.

(13) "Academic year" is that period of time typically between July 1st and the following June 30th, and may include summer terms, during which a full-time student would normally be expected to complete the equivalent of two semesters or three quarters or nine hundred clock hours of instruction.

(14) "Clock hours" means a period of time which is the equivalent of either:

(a) A fifty to sixty minute class, lecture, or recitation; or

(b) A fifty to sixty minute period of faculty-supervised laboratory shop training or internship.

(15) "Apprenticeship payment period" means the time frame approved by the office for an apprenticeship program that is the equivalent of an academic year and usage rate of three quarters full-time equivalent.

(16) "Satisfactory academic progress" is the student's successful completion of a minimum number of credit or clock hours for each term in which the grant was received. Each school's policy for measuring

progress of Washington college grant recipients must define satisfactory academic progress as the student's successful completion of the minimum number of credit or clock hours for which the aid was disbursed.

(a) The minimum satisfactory academic progress standard for full-time students is twelve credits per term or three hundred clock hours per term. Satisfactory academic progress for three-quarter time students is nine credits per term or two hundred twenty-five clock hours per term. Satisfactory academic progress for half-time students is six credits per term or one hundred fifty clock hours per term and for less than half-time students is three credits or seventy-five clock hours per term.

(b) Each school's satisfactory academic progress policy must deny further disbursements of state grant aid at the conclusion of any term in which they fail to complete at least one-half of the minimum number of credits or clock hours for which the aid was disbursed or otherwise fails to fulfill the conditions of the institution's satisfactory academic progress policy.

(c) The school may make disbursements to a student who is in a warning status. "Warning" is defined as completion of at least one-half, but less than all of the minimum number of credits for which the aid was calculated and disbursed. The school must have a satisfactory academic progress policy, approved by the office, which limits the number of terms in which a student may receive state grant aid while in a warning status.

(d) The school's aid administrator may at any time, using professional judgment exercised on a case-by-case basis, reinstate a student into a satisfactory academic progress status, in response to an individual student's extenuating circumstances.

(e) An institution may submit an alternative approach to evaluating satisfactory academic progress that includes a plan for improved student retention and comparison data to ensure state funds are used efficiently. The office will initially determine whether to approve the alternative policy, then evaluate it over a specified time frame, then determine whether the policy may continue to be approved.

(17) "Satisfactory program progress" is an apprentice's (qualifying under RCW 28B.92.200 (5)(b)(ii)) successful completion of a minimum number of hours for each apprenticeship payment period in which the grant was received. Each apprenticeship program's policy for measuring progress of Washington college grant recipients must define satisfactory program progress as the apprentice's successful completion of the minimum number of hours for which the aid was disbursed.

(a) A program's satisfactory program progress policy must be submitted to the office for approval and must be provided to the apprentice prior to or at the point of aid distribution.

(b) The program's aid administrator may at any time, using professional judgment exercised on a case-by-case basis, reinstate an apprentice into a satisfactory program progress status, in response to an individual apprentice's extenuating circumstances.

(18) The term "eligible program" shall mean a program encompassed within the institution's accreditation and be an eligible program for purposes of the federal Title IV student financial aid programs. Apprenticeships qualifying as eligible programs must be a registered apprenticeship program approved under chapter 49.04 RCW.

(19) "Tuition growth factor" means an increase of no more than the average annual percentage growth rate of the median hourly wage

for Washington for the previous fourteen years as the wage is determined by the Federal Bureau of Labor Statistics.

(20) "State grant" refers to all state grant programs administered by the office.

(21) "High school+ (HS+)" is a competency based high school diploma program for adult learners eighteen and older who do not have a high school diploma or equivalency.

(22) "Integrated Basic Education and Skills Training Program (I-BEST)" is a nationally recognized model that uses a team-teaching approach to quickly boost students' literacy while they learn job skills or academic subjects.

[Statutory Authority: RCW 28B.92.150 and 28B.92.200(2). WSR 20-12-049, § 250-21-010, filed 5/29/20, effective 6/29/20.]

PART I

WAC 250-21-011 Student eligibility. For a student to be eligible for a Washington college grant they must:

(1) Demonstrate financial need under RCW 28B.92.205.

(2) Be a resident of the state of Washington in accordance with RCW 28B.15.012 (2)(a) through (e).

(3) Have a high school diploma or its equivalent or for those without a high school credential, meet the ability to benefit option. Equivalent standards include a general education development certificate or a certificate of completion of a home-based instruction under chapter 28A.200 RCW.

For a student without a high school diploma or its equivalent, a school may accept:

(a) A recognized ability to benefit test as defined by federal financial aid regulations;

(b) Completion of at least six college level credits towards an eligible program of study;

(c) Alternate state equivalent approved by the U.S. Department of Education; or

(d) Coenrollment in Washington state's Integrated Basic Education and Skills Training Program (I-BEST) and High school+ (HS+) programs that include an eligible program of study as defined in WAC 250-21-010(18).

(4) Be enrolled or accepted for enrollment as an undergraduate student at a participating postsecondary institution in an eligible program.

(a) Be enrolled in a course load of at least three credits per quarter or the equivalent.

(b) Not be pursuing a degree in theology.

(5) Or be enrolled in an approved apprenticeship program under chapter 49.04 RCW.

(6) Maintain satisfactory academic progress as defined in WAC 250-21-010(16).

(7) Not have received a bachelor's degree or higher or its foreign equivalent.

(8) Have submitted the free application for federal student aid or alternative application provided by the office.

(9) Not owe a refund or repayment on a state grant and is not in default on a state student loan.

(10) Not exceed the following Washington college and the state need grant usage limits of the equivalent of ten full-time semesters or fifteen full-time quarters or equivalent combination of these two or the clock hour equivalent.

Usage limits for students who are attending schools that are closed will have their usage limits restored for any terms received at the closing school.

(11) Any student who has obtained a state grant through means of a willfully false statement or failure to reveal any material fact, condition, or circumstance affecting eligibility will be subject to applicable civil or criminal penalties.

[Statutory Authority: RCW 28B.92.150 and 28B.92.200(2). WSR 20-12-049, § 250-21-011, filed 5/29/20, effective 6/29/20.]

WAC 250-21-021 Institutions seeking participation. (1) Eligible postsecondary institutions as defined under RCW 28B.92.030(4) and WAC 250-21-010(5) applying for participation in state financial aid programs will undergo a rigorous review process including, but not limited to, evaluations of administrative capacity and electronic systems; adequacy of financial aid staffing; and historical performance including, but not limited to, the last five years of the institution's participation status and performance in Title IV programs, accreditation status, changes in ownership or majority control, legal or regulatory issues, student complaints, financial strength, and student outcome performance measures.

(a) An institution terminated due to unsatisfactory performance must wait a minimum of one year from the date of termination prior to initiating a new application.

(b) Institutional performance measure information collected for evaluation may include, but is not limited to:

(i) Student completion rates;

(ii) Student placement rates;

(iii) Federal student loan cohort default rates;

(iv) Annual financial statements;

(v) U.S. Department of Education financial composite scores;

(vi) Federal participation status and program review findings;

(vii) State reauthorization or relicensing reports;

(viii) Accrediting agency reports, show cause or findings;

(ix) Enrollments by program;

(x) Intent to create or terminate programs;

(xi) Enrollment trends;

(xii) Pending legal or regulatory issues;

(xiii) Written student complaints;

(xiv) Ownership or majority control history; and

(xv) Any other information relevant to institutional eligibility as requested by the office.

(c) In evaluating completion and placement standards, the office will rely on the standards of the institution's accrediting agency or the standard established between the office and the institution.

Multiple year averages may be considered in evaluating these standards.

(d) Generally, institutional applicants must participate in federal Title IV student financial aid programs in a fully certified status. Applicants that are provisionally certified will be evaluated on a case-by-case basis on the degree to which the underlying causes of

the provisional certification indicate an enhanced risk to state funds.

(e) The office will provide a public notification of institutions undergoing review for participation in state financial aid programs and will accept and consider public comment during the period specified in the notification.

(2) Institutional applicants which meet the required standards for participation and are approved by the office may be required to have eligible student data incorporated into legislative cost and forecasting models prior to receipt of state financial aid funding. All newly approved institutions will be evaluated on the performance measures listed under (1)(b) for a minimum of five years of successful participation.

(3) Nothing in this section shall prevent the office, in the exercise of its sound discretion, from denying eligibility to an institution which the office determines is unable to properly administer state financial aid programs or provide advertised services to its students.

[Statutory Authority: RCW 28B.92.150 and 28B.92.200(2). WSR 20-12-049, § 250-21-021, filed 5/29/20, effective 6/29/20.]

WAC 250-21-026 Participating institutions. (1) Participating postsecondary institutions must renew eligibility annually, or as required by the office, by:

(a) Participating in a fully certified status in the federal Title IV student financial aid programs including, at a minimum, the Federal Pell Grant program. Institutions not participating in a fully certified status will be evaluated on a case-by-case basis for continued participation and may have additional conditions imposed by the office in order to maintain their participation in state financial aid programs.

(b) Demonstrating an ongoing capacity to properly administer state financial aid programs including ensuring adequate staffing, proper training, and the maintenance of electronic systems sufficient to comply with program tracking, payment requests, and reporting obligations.

(c) Verifying continued institutional compliance with state financial aid requirements on awarding, conditions of award, satisfactory academic progress, repayment, student maintenance budgets, and such other areas as necessary to assure proper administration of the programs. The office will analyze these policies and may require adjustments to achieve consistent treatment of students in similar circumstances across campuses and support student success.

(d) Private institutions must submit their audited financial statements and federal financial aid compliance audits on an annual basis.

(e) Private nonprofit institutions with less than five years of continuous successful participation in state financial aid programs, Western Governors University - Washington as established under RCW 28B.77.240, and all participating private for-profit institutions, must submit performance measure information as listed under WAC 250-21-021 (1)(b) on an annual basis, or as directed by the office.

(f) Signing an "agreement to participate" that affirms the institution's agreement to abide by all program rules, regulations, and guidelines, to maintain and provide all pertinent information, re-

cords, and reports requested by the office and to notify the office within thirty days of any change to information reported on the agreement form including, but not limited to, material changes to the institution's Title IV participation status, accreditation status, locations, contact information, or affiliated third-party servicers.

(g) Notifying the office within thirty days of transactions considered a change of ownership or majority control including, but not limited to:

(i) Sale of the institution;

(ii) Transfer of the controlling interest of stock of the institution or its parent corporation;

(iii) Merger of two or more institutions; and

(iv) Division of one institution into two or more institutions.

(2) If evaluation of administrative capability, performance measures, financial strength, participation status and performance in Title IV programs, accreditation status, or changes in ownership or majority control result in concerns about an institution's participation in state financial aid programs, the office may act in accordance with WAC 250-21-081. If an institution disputes actions taken by the office, the institution may appeal per the procedure outlined in WAC 250-21-091.

(3) Nothing in this section shall prevent the office, in the exercise of its sound discretion, from terminating the participation of an institution which the office determines is unable to properly administer state financial aid programs or provide advertised services to its students.

[Statutory Authority: RCW 28B.92.150 and 28B.92.200(2). WSR 20-12-049, § 250-21-026, filed 5/29/20, effective 6/29/20.]

WAC 250-21-031 Institutional administrative requirements. (1)

Institutions shall provide financial aid application requirements, due dates, and awarding policies to prospective and admitted students.

(2) Institutions must award all Washington college grant eligible students regardless of their awarding practices.

(3) Institutions shall provide state grant recipients with satisfactory academic progress and repayment standards and the conditions of award.

(4) Institutions shall submit a report to the office related to student eligibility and awards under the format and schedule set forth by the office.

(5) The burden of proof of a grant recipient's eligibility is with the institution. At a minimum:

(a) The institution must be able, on request of the office, to reconstruct the calculations and rationale for the student's grant eligibility and award amounts.

(b) The financial aid form or comparable financial status documents, or other information documenting financial status used to make the award, with the resulting financial need analysis must be on record in the financial aid office for all grant recipients.

(c) The institution must also have on record justification for reawarding a Washington college grant to any student who failed to make satisfactory academic progress.

(6) The office shall establish annual minimum criteria by which the eligible student is to be awarded. Those criteria shall include

the maximum award for each sector and the income cutoff level as well as ensuring that state-level awarding priorities are followed.

(7) The institution shall examine the student's aid application to determine the overall need and specific Washington college grant eligibility and the appropriate award, using the office-approved criteria.

(8) The office may require the institution to provide progression and completion data for all students who are receiving state grants under the ability to benefit provision outlined in WAC 250-21-011 (3) (a) through (d).

(9) The office will make available to all participating institutions, a list of all students who owe state grant repayments or have otherwise exhausted their Washington college grant eligibility. It is the institution's responsibility to ensure that no ineligible student receives a Washington college grant.

[Statutory Authority: RCW 28B.92.150 and 28B.92.200(2). WSR 20-12-049, § 250-21-031, filed 5/29/20, effective 6/29/20.]

WAC 250-21-041 Award procedure. (1) The Washington college grant award for an individual student shall be the grant, appropriate for the sector attended, adjusted for the student's family income and rate of enrollment. Each eligible student receiving a grant must receive the maximum grant award for which they are eligible, unless such award should exceed the student's overall need.

(2) The grant amount for students shall be established as defined in statute RCW 28B.92.030.

(a) For students attending approved apprenticeship programs, includes tuition and fees, as determined by the office, in addition to required program supplies and equipment.

(b) The grant award shall not exceed the actual tuition and fees charged to the eligible student on an annualized basis.

(3) The total Washington college grant award shall be reduced for students with family incomes greater than fifty-five percent of the state's median and for less than full-time enrollment.

Eligible students shall receive a prorated portion of their Washington college grant for any academic period in which they are enrolled at least three or more quarter credits or the equivalent. Students enrolled at a three-quarter time rate will receive seventy-five percent of their grant. Students enrolled half-time will receive fifty percent of their grant. Students enrolled in three or more quarter credits or the equivalent will receive twenty-five percent of their grant.

(4) Eligible students must be awarded for all terms they are enrolled for at least three quarter credits or the equivalent. This applies to both Washington college grant and the college bound scholarship.

(5) All financial resources available to a Washington college grant recipient, when combined, may not exceed the student's financial need. The student will not be considered over-awarded if they receive additional funds after the institution disburses aid, and the total resources exceed their financial need by three hundred dollars or less by the end of the academic year as defined in WAC 250-21-010(13).

(6) The institution will notify the student of the Washington college grant award and include the conditions of award following guidance provided by the office.

[Statutory Authority: RCW 28B.92.150 and 28B.92.200(2). WSR 20-12-049, § 250-21-041, filed 5/29/20, effective 6/29/20.]

WAC 250-21-051 Institutional fund management requirements. (1)

Once a student is identified as eligible and an award is calculated, institutions submit anticipated awards and payment requests for eligible students using the office's established process.

(2) Private institutions must first disburse awards to eligible students and then request reimbursement from the office via the office's established process. Private institutions must provide students with the opportunity to direct how they will receive their state grant aid using an office-approved student directive form. Private institutions may not place any other conditions on the receipt of the payment.

(3) Institutional payment requests may be made any time of the academic year and are encouraged to be at least monthly. Payments for a new academic year will not begin until the institution is approved for participation in the upcoming year and reconciled for the prior year.

(4) Disbursement documentation and student directives are to be retained by the institution. They must be made available for inspection upon request of the office. If a student fails to cash their Washington college grant check or pick up any remaining funds by the close of the academic year, the funds shall be returned to the program at WSAC and treated as funds declined by the student.

(5) A student-by-student fund reconciliation must be completed by the institution at the time payments are reported using the office's established process and no later than the end of each term.

(a) Record level reports must be filed with the office as requested.

(b) A final student-by-student reconciliation must be filed with the office at the end of each academic year.

(6) No institution may disburse nor claim more funds than that amount required to serve the eligible students at each institution.

(7) If there is a change in enrollment prior to the start of the term, the award must be recalculated. This policy is separate and distinct from the federal repayment policy and computation.

If a Washington college grant recipient never attends in the term for which they received a Washington college grant award, the repayment is one hundred percent of the grant amount.

The institution shall advise the student and the office of amounts to be repaid.

[Statutory Authority: RCW 28B.92.150 and 28B.92.200(2). WSR 20-12-049, § 250-21-051, filed 5/29/20, effective 6/29/20.]

WAC 250-21-061 Program administration and audits. (1)

The staff of the office will manage the administrative functions relative to this program.

(2) The office will review institutional administrative practices to determine institutional compliance with rules, regulations, and program guidelines. If such a review determines that an institution has failed to comply with program rules and regulations or guidelines, the office pursuant to the procedures of WAC 250-21-081 may suspend,

terminate or place conditions upon the institution's participation in the program and require reimbursement to the program for any funds lost or improperly expended.

(3) The office may approve waivers or exceptions to requirements in this chapter including, but not limited to, institution or apprenticeship program administrative requirements, award requirements, or fund management requirements. An approved waiver or exception must be consistent with the primary program purpose and student eligibility as defined in RCW 28B.92.200 (1) and (5).

[Statutory Authority: RCW 28B.92.150 and 28B.92.200(2). WSR 20-12-049, § 250-21-061, filed 5/29/20, effective 6/29/20.]

WAC 250-21-071 Student complaint process. Should a student question their Washington college grant eligibility or award, the student should direct questions and complaints to the financial aid officer at the institution they attend prior to contacting the office for assistance if necessary.

[Statutory Authority: RCW 28B.92.150 and 28B.92.200(2). WSR 20-12-049, § 250-21-071, filed 5/29/20, effective 6/29/20.]

WAC 250-21-081 Suspension or termination of institutional participation. (1) The executive director, or their designee, may suspend or terminate an institution's participation in state financial aid programs based on a finding that:

(a) The institution has failed or is failing to comply with any term of the institutional participation agreement; or

(b) The institution has violated any provision of this chapter; or

(c) The institution has violated any applicable federal or state law.

(2) In the case of an adverse finding the executive director shall provide the institution a notice of violation that includes details of the legal basis of the finding and the facts used to make the determination.

(3) The institution will have an opportunity to respond to the notice of violation and address deficiencies within a reasonable time specified by the agency including, but not limited to, reimbursement from the institution any funds expended out of compliance with the provisions of this chapter.

(4) The executive director may suspend the institution's participation for a specified time period if, in the executive director's judgment, the deficiencies can be corrected within the given time period. Upon suspension, the institution must immediately cease making any new commitments of state financial aid to enrolled students and may only make disbursement of aid to currently enrolled students with the agency's prior approval for the remainder of the current term. Participation may be reinstated after all deficiencies have been resolved to the satisfaction of the agency.

(5) The executive director may terminate the institution's participation if, in the executive director's judgment, any noted deficiency cannot be corrected within any reasonable time period, or the institution has failed to remedy deficiencies during a period of suspension under subsection (4) of this section. Upon termination of par-

ticipation, the institution must immediately cease disbursement of state financial aid.

(6) Reinstatement of participation requires a new application for participation submitted no earlier than one year following termination.

(7) The executive director's action to terminate participation is subject to the hearing procedures specified in WAC 250-21-091.

[Statutory Authority: RCW 28B.92.150 and 28B.92.200(2). WSR 20-12-049, § 250-21-081, filed 5/29/20, effective 6/29/20.]

WAC 250-21-091 Appeal process. (1) An institution may appeal the executive director's action to terminate participation in state financial aid programs.

(2) The institution must submit a request for a hearing to the executive director, in writing, at the council office no later than thirty days following receipt of the notice of termination. In the written request, the party must identify the basis for the appeal and state that a hearing is requested.

(3) Hearings shall be conducted in accordance with the Washington Administrative Procedure Act, chapter 34.05 RCW, as follows:

(a) The presiding officer, who shall be the executive director, or the hearing officer designated by the executive director, shall conduct the hearing under the provisions of chapter 34.05 RCW and shall enter an initial order under RCW 34.05.461 (2) through (9).

(b) The executive director shall review the initial order under RCW 34.05.464 and either enter a final order or remand the matter for further proceedings under RCW 34.05.464(7).

(c) If the agency action is upheld, the party that initiated the hearing process shall pay the costs of the administrative hearing within sixty days following final disposition of the matter.

(d) Any further review of final action must be taken in accordance with RCW 34.05.510, et seq.

[Statutory Authority: RCW 28B.92.150 and 28B.92.200(2). WSR 20-12-049, § 250-21-091, filed 5/29/20, effective 6/29/20.]

PART II

WAC 250-21-100 Apprentice eligibility. (1) For an apprentice to be eligible for a Washington college grant they must:

(a) Demonstrate financial need under RCW 28B.92.205 and defined by the office;

(b) Be a resident of the state of Washington in accordance with RCW 28B.15.012 (2)(a) through (e);

(c) Have a high school diploma or its equivalent or for those without a high school credential, meet the ability to benefit as approved by the office;

(d) Be enrolled in an eligible apprenticeship program;

(e) Meet satisfactory program progress as defined by the program and approved by the office;

(f) File a financial aid application, as defined by the office;

(g) Not have received a bachelor's degree or higher or its foreign equivalent;

(h) Not owe a refund or repayment on a state grant and is not in default on a state student loan; and

(i) Not exceed the following Washington college and the state need grant usage limits. The equivalent of any one or combination of the following: Ten full-time semesters, fifteen full-time quarters, or fifteen apprenticeship payment periods.

(2) Any apprentice who has obtained a state grant through means of a willfully false statement or failure to reveal any material fact, condition, or circumstance affecting eligibility will be subject to applicable civil or criminal penalties.

[Statutory Authority: RCW 28B.92.150 and 28B.92.200(2). WSR 20-12-049, § 250-21-100, filed 5/29/20, effective 6/29/20.]

WAC 250-21-121 Apprenticeship programs seeking participation.

(1) Eligible apprenticeship programs as defined under RCW 28B.92.200 (5)(b)(ii) and chapter 49.04 RCW applying for participation in the Washington college grant will undergo a rigorous review process including, but not limited to, evaluations of administrative capacity and electronic systems; adequacy of staffing; and historical performance which may include, but is not limited to, changes in ownership or majority control, legal or regulatory issues, apprentice complaints, financial strength, and apprentice outcome performance measures.

(a) An apprenticeship program terminated due to unsatisfactory performance must wait a minimum of one year from the date of termination prior to initiating a new application.

(b) Apprenticeship program performance measures are to be defined by the office.

(c) Apprenticeship program applicants must be in a fully participating, not a provisional, status under chapter 49.04 RCW.

(d) The office will provide a public notification of programs undergoing review for participation in the Washington college grant and will accept and consider public comment during the period specified in the notification.

(2) Program applicants which meet the required standards for participation and are approved by the office may be required to have eligible apprentice data incorporated into legislative cost and forecasting models prior to receipt of Washington college grant funding. All newly approved programs will be evaluated on the performance measures listed under subsection (1)(b) of this section for a minimum of five years of successful participation.

(3) Nothing in this section shall prevent the office, in the exercise of its sound discretion, from denying eligibility to a program which the office determines is unable to properly administer the Washington college grant or provide advertised services.

[Statutory Authority: RCW 28B.92.150 and 28B.92.200(2). WSR 20-12-049, § 250-21-121, filed 5/29/20, effective 6/29/20.]

WAC 250-21-126 Participating apprenticeship programs. (1) Participating programs must renew eligibility annually, or as required by the office, by:

(a) Participating in a full, not provisional, status under chapter 49.04 RCW. Programs not participating in a fully certified status will be evaluated on a case-by-case basis for continued participation

and may have additional conditions imposed by the office in order to maintain their participation in Washington college grant;

(b) Demonstrating an ongoing capacity to properly administer the Washington college grant including ensuring adequate staffing, proper training, and the maintenance of electronic systems sufficient to comply with program tracking, payment requests, and reporting obligations;

(c) Verifying continued program compliance with requirements on awarding, conditions of award, satisfactory program progress, repayment, calculation of equipment and supply costs, and such other areas as necessary to assure proper administration of the programs. The office will analyze these policies and may require adjustments to achieve consistent treatment of apprentices in similar circumstances across programs and support apprentice success;

(d) Signing an "agreement to participate" that affirms the program's agreement to abide by all rules, regulations, and guidelines, to maintain and provide all pertinent information, records, and reports requested by the office and to notify the office within thirty days of any change to information reported on the agreement form; and

(e) Notifying the office within thirty days of transactions considered a change of ownership or majority control.

(2) If evaluation of administrative capability, performance measures, financial strength, participation status or changes in ownership or majority control result in concerns about a program's participation in state financial aid programs, the office may act in accordance with WAC 250-21-081. If a program disputes actions taken by the office, the institution may appeal per the procedure outlined in WAC 250-21-091.

(3) Nothing in this section shall prevent the office, in the exercise of its sound discretion, from terminating the participation of a program which the office determines is unable to properly administer the Washington college grant or provide advertised services.

[Statutory Authority: RCW 28B.92.150 and 28B.92.200(2). WSR 20-12-049, § 250-21-126, filed 5/29/20, effective 6/29/20.]

WAC 250-21-131 Apprenticeship program administrative requirements. (1) Programs shall provide financial aid application requirements, due dates, and awarding policies to prospective and current apprentices.

(2) Programs must award all Washington college grant eligible apprentices.

(3) Programs shall provide Washington college grant recipients with satisfactory program progress and repayment standards and the conditions of award.

(4) Programs shall submit a report to the office related to apprentice's eligibility and awards under the format and schedule set forth by the office.

(5) The burden of proof of a grant recipient's eligibility is with the apprenticeship program. At a minimum:

(a) The program must be able, on request of the office, to reconstruct the calculations and rationale for the apprentice's grant eligibility and award amounts.

(b) The financial aid form or comparable financial status documents, or other information documenting financial status used to make the award, with the resulting financial need analysis must be on record for all grant recipients.

(c) The program must also have on record justification for reawarding a Washington college grant to any apprentice who failed to make satisfactory program progress.

(6) The office shall establish annual minimum criteria by which the eligible apprentice is to be awarded. Those criteria shall include the maximum award for each program and the income cutoff level as well as ensuring that state-level awarding priorities are followed.

(7) The program shall examine the apprentice's aid application to determine the overall need and specific Washington college grant eligibility and the appropriate award, using the office-approved criteria.

(8) The office will make available to all participating programs, a list of all recipients who owe state grant repayments or have otherwise exhausted their Washington college grant eligibility. It is the program's responsibility to ensure that no ineligible apprentice receives a Washington college grant.

[Statutory Authority: RCW 28B.92.150 and 28B.92.200(2). WSR 20-12-049, § 250-21-131, filed 5/29/20, effective 6/29/20.]

WAC 250-21-141 Award procedure. (1) The Washington college grant award for an individual apprentice shall be the grant, appropriate for the program attended, adjusted for the apprentice's family income. Each eligible apprentice receiving a grant must receive the maximum grant award for which they are eligible, unless such award should exceed the apprentice's overall need.

(2) The grant amount for apprentices shall be established as defined in statute RCW 28B.92.030. For apprentices attending approved apprenticeship programs, includes tuition and fees, as determined by the office, in addition to required program supplies and equipment.

(3) The total Washington college grant award shall be reduced for apprentices with family incomes greater than fifty-five percent of the state's median and for less than full time.

(4) The program will notify the apprentice of the Washington college grant award and include the conditions of award following guidance provided by the office.

[Statutory Authority: RCW 28B.92.150 and 28B.92.200(2). WSR 20-12-049, § 250-21-141, filed 5/29/20, effective 6/29/20.]

WAC 250-21-151 Program fund management requirements. (1) Once an apprentice is identified as eligible and an award is calculated, programs submit anticipated awards and payment requests for eligible apprentices using the office's established process.

(2) Programs may be required to provide apprentices with the opportunity to direct how they will receive their Washington college grant using an office-approved apprentice directive form. Programs may not place conditions on the receipt of the payment.

(3) Disbursement documentation and directives are to be retained by the program. They must be made available for inspection upon request of the office. If an apprentice fails to cash their Washington college grant check or pick up any remaining funds by the close of the payment period, the funds shall be returned to the Washington student achievement council and treated as funds declined by the apprentice.

(4) An apprentice-by-apprentice fund reconciliation must be completed by the program at the time payments are reported using the office's established process.

(a) Record level reports must be filed with the office as requested.

(b) A final apprentice-by-apprentice reconciliation must be filed with the office at the end of each payment period.

(5) No program may disburse nor claim more funds than that amount required to serve the eligible apprentices.

(6) If there is a change in eligibility prior to the start of the payment period, the award must be recalculated. If a Washington college grant apprentice never starts in the payment period for which they received a Washington college grant award, the repayment is one hundred percent of the grant amount.

The program shall advise the apprentice and the office of amounts to be repaid.

[Statutory Authority: RCW 28B.92.150 and 28B.92.200(2). WSR 20-12-049, § 250-21-151, filed 5/29/20, effective 6/29/20.]

WAC 250-21-161 Program administration and audits. See WAC 250-21-061, all rules apply.

[Statutory Authority: RCW 28B.92.150 and 28B.92.200(2). WSR 20-12-049, § 250-21-161, filed 5/29/20, effective 6/29/20.]

WAC 250-21-171 Apprentice complaint process. See WAC 250-21-071, all rules apply.

[Statutory Authority: RCW 28B.92.150 and 28B.92.200(2). WSR 20-12-049, § 250-21-171, filed 5/29/20, effective 6/29/20.]

WAC 250-21-181 Suspension or termination of program participation. See WAC 250-21-081, all rules apply.

[Statutory Authority: RCW 28B.92.150 and 28B.92.200(2). WSR 20-12-049, § 250-21-181, filed 5/29/20, effective 6/29/20.]

WAC 250-21-191 Appeal process. See WAC 250-21-091, all rules apply.

[Statutory Authority: RCW 28B.92.150 and 28B.92.200(2). WSR 20-12-049, § 250-21-191, filed 5/29/20, effective 6/29/20.]