WSR 26-16-002
PERMANENT RULES
COLUMBIA RIVER
GORGE COMMISSION

[Filed July 22, 2026, 12:54 p.m., effective September 1, 2026]

Effective Date of Rule: September 1, 2026.

Purpose: The purpose of these rules is to update the Columbia River Gorge Commission's (Gorge Commission) rules for open public meetings, public records disclosure, conflicts of interest, and administrative procedure to remain consistent with the more restrictive of Oregon and Washington law as required by the Columbia River Gorge Compact.

Citation of Rules Affected by this Order: New 47; repealing 47; and amending 3.

Statutory Authority for Adoption: RCW 43.97.015; Or. Rev. Stat. § 196.150; 16 U.S.C. §§ 544e(c) and 544f(l).

Adopted under notice filed as WSR 26-10-027 on April 29, 2026.

Changes Other than Editing from Proposed to Adopted Version: The Gorge Commission did not make any changes to the proposed rules. The Gorge Commission also adopted amendments to the Gorge Commission's land use ordinance for the Columbia River Gorge National Scenic Area (division 82 of the Gorge Commission's rules). The United States Secretary of Agriculture must concur with the land use ordinance amendments before they can be effective. The Gorge Commission will file a rule-making order for those amendments after the secretary's concurrence.

Number of Sections Adopted in Order to Comply with Federal Statute: New 47, Amended 3, Repealed 47; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 47, Amended 3, Repealed 47.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 47, Amended 3, Repealed 47.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 47, Amended 3, Repealed 47.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 14, 2026.

Connie Acker
Finance and Administration Manager

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 26-18 issue of the Register.

WSR 26-16-005
PERMANENT RULES
WASHINGTON STATE PATROL
[Filed July 23, 2026, 6:05 a.m., effective August 23, 2026]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amendments to chapter 446-105 WAC are necessary to clarify procedures governing work zone speed safety camera system infractions and associated adjudicative processes. The proposed revisions clarify which matters are appropriate for brief adjudicative proceedings, establish clearer requirements and timelines for petitions for review, and specify the issues that may be raised in contested hearings. Additional revisions clarify payment, mitigation, and hearing procedures; identify exemptions for certain law enforcement vehicles; and specify discovery and service requirements in formal adjudicative proceedings. These changes are intended to improve administrative efficiency, ensure consistent processing of infractions by the office of administrative hearings, and provide clearer guidance to individuals and businesses receiving notices of infraction.

Citation of Rules Affected by this Order: New WAC 446-105-155 and 446-105-215; repealing WAC 446-105-100; and amending WAC 446-105-040, 446-105-060, 446-105-070, 446-105-110, [446-105-120, 446-105-130, 446-105-140], 446-105-150, 446-105-170, 446-105-190, 446-105-200, [446-105-210], 446-105-230, [446-105-240, 446-105-250], and 446-105-260.

Statutory Authority for Adoption: RCW 46.63.200.

Adopted under notice filed as WSR 26-13-029 on June 9, 2026.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 11, Repealed 1.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 23, 2026.

John R. Batiste
Chief

RDS-7145.3

AMENDATORY SECTION (Amending WSR 25-03-026, filed 1/7/25, effective 2/7/25)

WAC 446-105-040 Brief adjudicative proceedings. (1) Adoption of brief adjudicative proceedings. Under RCW 34.05.410 (1)(a), and except as provided in subsection (2) of this section, the patrol hereby

adopts the use of brief adjudicative proceedings for the following matters:

(a) Mitigation hearings in which the petitioner has admitted to the violation, under WAC 446-105-130;

(b) Payment plan hearings in which the petitioner has admitted to the violation, under WAC 446-105-140; and

(c) Contested hearings in which the only issue being raised is a denial of responsibility under RCW 46.63.075.

(2) Infractions sent to businesses, including rental car companies, shall not be considered matters appropriate for brief adjudicative proceedings.

(3) Conversion to a formal adjudicative proceeding. The administrative law judge may, in their sole discretion, convert a brief adjudicative proceeding to a formal adjudicative proceeding whenever it appears that a brief adjudicative proceeding is insufficient to resolve the case.

(a) When a brief adjudicative proceeding is converted to a formal adjudicative proceeding, the OAH shall issue a new notice of hearing for a date not less than 15 calendar days from the date of the notice; and

(b) The OAH shall serve the petitioner and the patrol with the new notice of hearing.

((~~(3)~~)) (4) Procedure for brief adjudicative proceedings. The following procedure applies to brief adjudicative proceedings:

(a) An administrative law judge with the OAH will conduct the brief adjudicative proceeding.

(b) Not less than 14 calendar days before the date of the hearing, the OAH shall serve notice on the petitioner that a brief adjudicative proceeding will occur. The notice of hearing will contain the following:

(i) The date of the brief adjudicative proceeding;

(ii) Notice that the petitioner may submit additional relevant documentary evidence and sworn statements, if desired, along with a date by which these submissions must be made and instructions for doing so;

(iii) Notice that the administrative law judge's decision will be based on the written materials unless, within 10 calendar days of receiving the notice of hearing, the petitioner requests in writing to appear telephonically to submit sworn oral testimony.

(c) The administrative law judge, in their sole discretion, may send a written request for additional evidence to the petitioner or the patrol. The request will contain instructions for how to submit the additional evidence and the date by which additional evidence must be submitted.

(d) The administrative law judge's review will be limited to the record identified in subsection ((~~(4)~~)) (5) of this section.

(e) If the petitioner has submitted a written request to appear telephonically, the administrative law judge will entertain oral testimony from the petitioner at a time and place designated by the administrative law judge.

(f) No witnesses, other than the petitioner, may offer oral testimony.

(g) Formal discovery, including depositions and interrogatories, is not allowed.

(h) The administrative law judge will issue an initial order within 15 calendar days of the date for final submission of written materials or oral testimony, if any.

((~~(4)~~)) (5) Record for brief adjudicative proceedings. The record for brief adjudicative proceedings will consist of the following:

(a) The hearing packet;

(b) Any additional records, sworn declarations, or oral testimony submitted by the petitioner; and

(c) Any additional evidence submitted by the parties at the written request of the administrative law judge.

((~~(5)~~)) (6) Effectiveness of orders on brief adjudicative proceedings. Initial orders on brief adjudicative proceedings shall become final 21 calendar days after mailing of the initial order unless the petitioner or the patrol files a written petition for review.

(a) ((~~The~~)) A petition for review of the initial order must have resulted in a decision against the petitioning party.

(b) The petition must:

(i) Be filed with the OAH in accordance with WAC 10-08-110 within 21 calendar days of mailing of the initial order; and

(ii) Contain a concise statement of the issue(s) to be reviewed.

((~~(b)~~)) (c) The reviewing officer will be an administrative law judge with the OAH.

((~~(c)~~)) (d) Review is limited to the evidence and arguments included in the hearing record, as well as any arguments in the petition. Additional evidence will not be considered unless the administrative law judge expressly reopens the record after notifying the parties of the intention to do so.

(e) The reviewing officer will issue a written final order ((~~that~~)) which must include a brief statement of the reason(s) for the decision, and must be entered within 20 calendar days after the petition for review is filed with the OAH.

AMENDATORY SECTION (Amending WSR 25-03-026, filed 1/7/25, effective 2/7/25)

WAC 446-105-060 What information must be included on a notice of infraction? The notice of infraction shall include the following:

(1) A statement that the notice represents a determination that the infraction has been committed by the person or business named in the notice, and that the determination shall be final unless contested as provided in RCW 46.63.200 and this chapter;

(2) A statement that the infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction, and that the infraction may result in nonrenewal of the vehicle registration if any monetary penalty is not timely paid;

(3) A statement of the ((~~penalty established for the infraction~~)) amount of the monetary penalty, including any applicable increased penalty for second and subsequent infractions;

(4) ((~~If the penalty is $0, a statement of the amount of the monetary penalty for second and subsequent infractions;~~

~~(5)~~)) A statement of the options provided in this chapter for responding to the notice of infraction and the procedures necessary to exercise these options;

((~~(6)~~)) (5) A statement that, at any hearing to contest the determination, the patrol has the burden of proving, by a preponderance of the evidence, that the infraction was committed;

((~~(7)~~)) (6) A statement that, at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commis-

sion of the infraction or for requesting a payment plan only, the person or business will be deemed to have committed the infraction;

((~~(8)~~)) (7) A statement that the person or business must respond to the notice of infraction within 30 days of receipt; and

((~~(9)~~)) (8) A statement that failure to appear at a hearing requested for the purpose of contesting the infraction, explaining mitigating circumstances, or seeking a payment plan may result in the registered owner being reported to a collection agency for collection of the unpaid monetary penalty plus fees associated with the cost of collection, or in refusal of the DOL to renew the vehicle registration if any penalties imposed under RCW 46.63.200 or this chapter have not been satisfied.

AMENDATORY SECTION (Amending WSR 25-03-026, filed 1/7/25, effective 2/7/25)

WAC 446-105-070 Are any vehicles exempt from work zone speed safety camera system infractions? The following vehicles are exempt from receiving an infraction for a work zone speed safety camera system violation:

(1) Any vehicle registered to a fire department;

(2) Any vehicle registered to a general authority law enforcement agency for use by a general authority Washington ((~~police~~)) peace officer, as defined in RCW 10.93.020;

(3) Any vehicle registered to a sovereign tribal government for use by a tribal police officer, as defined in RCW 10.92.010;

(4) Any vehicle registered to a federal law enforcement agency for use by a federal ((~~police~~)) peace officer, as defined in RCW 10.93.020;

(5) Any aid vehicle registered to an aid service, as defined in RCW 18.73.030, equipped with emergency lights and sirens;

(6) Any ambulance registered to a public or private ambulance service, as defined in RCW 18.73.030, equipped with emergency lights and sirens;

(7) Any organ transplant vehicle registered to an organ transplant service, as defined in RCW 18.73.030, equipped with emergency lights and sirens; and

(8) Any vehicle with valid diplomatic license plates.

AMENDATORY SECTION (Amending WSR 25-03-026, filed 1/7/25, effective 2/7/25)

WAC 446-105-110 What can I do if I receive a notice of infraction ((~~with a $248 penalty~~))? Any person or business that receives a notice of infraction ((~~with a $248 penalty~~)) may:

(1) Admit the violation and pay the penalty;

(2) Admit the violation and request a hearing to mitigate the penalty and/or to establish a payment plan; or

(3) Request a hearing to contest the infraction.

AMENDATORY SECTION (Amending WSR 25-03-026, filed 1/7/25, effective 2/7/25)

WAC 446-105-120 How can I pay a work zone speed safety camera system infraction penalty? (1) Work zone speed safety camera infraction penalties may be paid by credit/debit card, check, or money order.

(2) Payments may be made:

(a) By mail((~~, using the payment coupon mailed with the notice of infraction~~)) to the following address: WSDOT-Work Zone Speed Safety Camera, P.O. Box 9832, Vancouver, WA 98666-8807;

(b) By telephone, as described on the instructions contained in the notice of infraction; and

(c) Online((~~, by following the instructions for online payments contained in the notice of infraction~~)) at www.waworkzonespeedcameras.gov.

(3) All payments must be made in full, unless a payment plan has been approved under WAC 446-105-140.

(a) Partial payments will not be accepted.

(b) If a payment plan has not been approved and a partial payment is received by mail, the payment will be returned to the sender.

AMENDATORY SECTION (Amending WSR 25-03-026, filed 1/7/25, effective 2/7/25)

WAC 446-105-130 What is a hearing to mitigate the penalty and who can request one? (1) The purpose of a mitigation hearing is to allow the petitioner, after admitting the violation, to offer evidence to explain why they believe the monetary penalty should be reduced.

(2) Any person or business who receives a work zone speed safety camera system notice of infraction with a ((~~$248~~)) monetary penalty may request a mitigation hearing after ((~~first~~)) admitting to the violation.

((~~(3) A mitigation hearing is not available for a work zone speed safety camera system notice of infraction with a $0 penalty.~~))

AMENDATORY SECTION (Amending WSR 25-03-026, filed 1/7/25, effective 2/7/25)

WAC 446-105-140 Who can request a hearing to establish a payment plan? (1) Any person who receives a work zone speed safety camera system notice of infraction with a ((~~$248~~)) monetary penalty may admit the violation and request a hearing to establish a payment plan.

(2) ((~~A hearing to establish a payment plan is not available for a work zone speed safety camera system notice of infraction with a $0 penalty.~~

~~(3) A person or business may request a hearing for the sole purpose of establishing a payment plan after first admitting to the violation.~~

~~(4)~~)) If a person or business requests a contested hearing and liability is established at a hearing ((~~to contest the infraction~~)), the petitioner may still seek a payment plan ((~~during that hearing~~)) at any time.

AMENDATORY SECTION (Amending WSR 25-03-026, filed 1/7/25, effective 2/7/25)

WAC 446-105-150 Who can request a hearing to contest an infraction and what issues will be addressed at the hearing? (1) Any person or business who receives a work zone speed safety camera system notice of infraction may request a hearing to contest the infraction.

(2) At the time a contested hearing is requested, the petitioner will be asked to identify the issues that they intend to raise at the hearing. The petitioner must identify all issues they intend to raise at the hearing when they make the hearing request. The hearing will be limited to those issues identified when the hearing request is made. The issues the petitioner identifies to raise at hearing will be reflected on the cover sheet of the hearing packet.

(3) The petitioner may choose any of the following general issues at a hearing to contest the infraction:

(a) General denial. The petitioner does not believe they should be found liable for the infraction;

(b) Radar/Lidar. Challenges the proper operation of the radar/lidar equipment, including calibration;

(c) Worker presence. Challenges workers being present in the state highway work zone at the time of the violation, as defined in WAC 468-90-010;

(d) Nonresponsibility. The petitioner denies responsibility per RCW 46.63.075 because the vehicle was stolen, or the petitioner was not the person in control of the vehicle at the time of the violation. A rental car company may not respond to an infraction by claiming nonresponsibility and must respond as described in WAC 446-105-155;

(e) Exempt vehicle. The vehicle is exempt from the issuance of work zone speed safety camera infractions under WAC 446-105-070; and

(f) Other. Issues other than those identified in (a) through (e) of this subsection. The petitioner must describe in detail any other issues they intend to raise at the hearing.

(4) The ((~~issues the petitioner has identified will be reflected on the hearing notice that will be mailed. If no~~)) petitioner will receive a notice of hearing from OAH. Any objection to the issues identified in the ((~~hearing notice is~~)) notice of hearing must be filed with the OAH within 10 calendar days after the date ((~~such~~)) the hearing notice is mailed((~~, the notice will control the subsequent course of the proceeding unless modified for good cause by subsequent order~~)). If no timely objections are filed, only the issues identified on the cover sheet of the hearing packet will be considered at the hearing, unless the administrative law judge allows additional issues for good cause shown.

NEW SECTION

WAC 446-105-155 Rental car companies. (1) A rental car company that receives a rental car business letter pursuant to RCW 46.63.200 (8)(f) must respond within 30 days in the manner provided in RCW 46.63.200 (8)(f)(i). Failure to respond may result in the issuance of a notice of infraction to the rental car business.

(2) At any hearing to contest or seek mitigation of the monetary penalty for a notice of infraction issued to a rental car company after failure to respond to a rental car business letter, the rental car

company may not offer evidence or testimony that would have been responsive if offered in the manner provided in RCW 46.63.200 (8)(f)(i).

AMENDATORY SECTION (Amending WSR 25-03-026, filed 1/7/25, effective 2/7/25)

WAC 446-105-170 What will happen if I do not respond to a work zone speed safety camera system notice of infraction within 30 days of receipt? (1) A notice of infraction represents a determination that the infraction has been committed, and the determination will be final unless it is contested.

(2) A person or business who receives a work zone speed safety camera system notice of infraction has 30 days from receipt, as defined in WAC 446-105-090, to respond as directed in the notice of infraction.

(3) ((~~The recipient must respond to all notices of infraction, whether the penalty is $0 or $248.~~

~~(4) If, within 30 days of receipt of the notice of infraction, the recipient does not respond by either admitting to the violation and paying any assessed penalty, or by requesting a hearing, a notification will be mailed finding the infraction committed and imposing the penalty identified in the notice of infraction~~)) If a person or business does not respond to the notice of infraction within 30 days of receipt, the infraction will be found committed. After an infraction is found committed, failure to pay the assessed penalty may result in a nonrenewal hold on the vehicle registration, or the registered owner may be reported to a collection agency for collection of the unpaid monetary penalty plus fees associated with the cost of collection.

AMENDATORY SECTION (Amending WSR 25-03-026, filed 1/7/25, effective 2/7/25)

WAC 446-105-190 What will happen if I request a formal adjudicative hearing to contest the infraction? (1) Timely submitted hearing requests will proceed to a formal adjudicative hearing consistent with the Administrative Procedure Act and the provisions of this chapter.

(2) Once a request for a formal adjudicative hearing has been received, the OAH will mail a hearing notice to the address at which the vehicle is registered, unless the mailing address was updated by the petitioner at the time the hearing was requested.

(3) The hearing notice will contain the date and time of the hearing, and instructions for participating.

(4) Formal adjudicative proceedings will be held telephonically unless, within 10 calendar days of receiving the hearing notice, one or both parties request in writing to appear by videoconference.

(a) The request to appear by videoconference must be accompanied by a statement of the reason(s) for the request.

(b) The administrative law judge, in their sole discretion, will decide whether the formal adjudicative hearing shall be held by telephone or videoconference.

(5) The parties must attend the scheduled hearing. Failure to attend a scheduled hearing may result in a default order being entered.

If the parties cannot attend a scheduled hearing, they are responsible for contacting the OAH in advance of the hearing to request a new hearing date.

AMENDATORY SECTION (Amending WSR 25-03-026, filed 1/7/25, effective 2/7/25)

WAC 446-105-200 Who can appear in a representative capacity at a work zone speed safety camera system infraction hearing? The following persons may appear in a representative capacity at a hearing:

(1) ((~~An individual representing themself~~)) The registered owner to whom the infraction was issued;

(2) An attorney at law duly qualified and entitled to practice before the supreme court of the state of Washington;

(3) A legal intern admitted to limited practice under Rule 9 of the Washington state supreme court's admission and practice rules. No legal intern, however, may appear without the presence of a supervising lawyer unless the administrative law judge approves the intern's sole appearance in advance; and

(4) A bona fide officer, partner, or owner of a business, association, partnership, or corporation who appears on behalf of such business, association, partnership, or corporation.

AMENDATORY SECTION (Amending WSR 25-03-026, filed 1/7/25, effective 2/7/25)

WAC 446-105-210 What discovery is allowed in a formal adjudicative proceeding? The parties should informally exchange information and documents relating to the case prior to the adjudicative proceeding. Formal discovery will be available only as follows:

(1) Methods and scope.

(a) The administrative law judge may only allow discovery regarding issues relevant to the subject matter in the pending action. Written discovery may be permitted only at the discretion of the administrative law judge ((~~and to the extent authorized by CR 26(b). In permitting discovery, reference must be made to the civil rules applicable in court proceedings for guidance~~)).

(b) The administrative law judge has the power to control the nature and frequency of discovery permitted, and to order discovery conferences to discuss discovery issues.

(c) The administrative law judge shall limit discovery if:

(i) The discovery sought is unreasonably cumulative or duplicative, or can be obtained from another source that is more convenient, less burdensome, or less expensive; or

(ii) The request would be overly burdensome or expensive considering the needs of the case, the parties' resources, and the importance of the issues.

(2) Limitation on discovery. In addition to limitations on discovery, set forth in ((~~any other applicable law, regulation, or rule,~~)) subsection (1) of this section, discovery does not include:

(a) Depositions; or

(b) Information or documents relating to work zone speed safety camera infractions issued to any person or entity other than the petitioner.

NEW SECTION

WAC 446-105-215 How are documents served? Service is the act of delivering a document to a party or a party's designated representative.

(1) Unless otherwise provided by law, documents must be served by:

(a) Personal service;

(b) First class, registered, or certified mail;

(c) Fax transmission; or

(d) The parties may agree in writing to service by electronic mail.

(2) Service by the parties to one another does not include filing documents electronically through the use of the OAH participant portal.

AMENDATORY SECTION (Amending WSR 25-03-026, filed 1/7/25, effective 2/7/25)

WAC 446-105-230 What evidence will be available to the administrative law judge at a formal adjudicative proceeding to contest the infraction? (1) Hearing packet. Upon receipt of a request for a hearing, the hearing packet will be transmitted by the WSDOT to the OAH for consideration by the administrative law judge.

(2) Other evidence. During the hearing, ((~~any~~)) other documentary evidence or oral testimony may be admitted and considered by the administrative law judge. Absent good cause, the parties must follow the instructions in the notice of hearing regarding how to timely file and serve evidence for their case or the evidence may be excluded.

(3) The administrative law judge may exclude evidence that is irrelevant, immaterial, or repetitious.

AMENDATORY SECTION (Amending WSR 25-03-026, filed 1/7/25, effective 2/7/25)

WAC 446-105-240 How will I be notified of the administrative law judge's decision? An administrative law judge with the OAH will enter ((~~a final~~)) an order stating whether the infraction is affirmed or reversed and whether the petitioner is liable for any penalty. Orders issued as a result of a hearing will be provided to the petitioner and the patrol electronically or by mail. Orders that are mailed to the petitioner will be mailed to the address at which the vehicle is registered, unless the mailing address was updated by the petitioner.

AMENDATORY SECTION (Amending WSR 25-03-026, filed 1/7/25, effective 2/7/25)

WAC 446-105-250 When is payment due if I am found liable for an infraction with a monetary penalty? If a petitioner is found liable for a work zone speed safety camera system infraction with a monetary penalty after an administrative hearing, or due to a failure to respond to the notice of infraction as required by RCW 46.63.200, unless otherwise specified in the order, payment is due within 30 days of the date of the final order. If the petitioner does not pay the amount due within the time allotted, a nonrenewal hold ((~~will~~)) may be placed on the vehicle registration, or the registered owner may be reported to a collection agency for collection of the unpaid monetary penalty plus fees associated with the costs of collection.

AMENDATORY SECTION (Amending WSR 25-03-026, filed 1/7/25, effective 2/7/25)

WAC 446-105-260 What happens if I disagree with ((~~the outcome of a hearing~~)) a final order? (1) Any party may file a petition for reconsideration of a final order as specified in RCW 34.05.470.

(a) A petition for reconsideration must be served upon the opposing party and filed with the OAH within 10 days of service of the final order.

(b) Unless denied under (c) of this subsection, the petition will be reviewed by the same administrative law judge who entered the order, if reasonably available.

(c) A petition for reconsideration is deemed denied if, within 20 days of the date it is filed, the administrative law judge:

(i) Denies the petition;

(ii) Does not act upon the petition; or

(iii) Does not serve the parties the date by which the administrative law judge will act on the petition.

(d) If the administrative law judge determines to act upon the petition, the opposing party must be provided at least seven business days in which to file a response.

(e) Reconsideration is limited to the evidence and arguments included in the hearing record. Additional evidence may not be considered unless the administrative law judge reopens the record after notifying the parties.

(f) The petition will be resolved by written order, which may deny the petition, grant the petition and modify or dissolve the final order, or grant the petition and set the matter for future hearing.

(2) A petitioner ((~~can~~)) may appeal a final order to superior court as specified in chapter 34.05 RCW.

If a petition for reconsideration is timely filed and complies with the procedural requirements, the time for filing a petition for judicial review does not begin until the agency has served the written order as described in subsection (1)(f) of this section.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 446-105-100	What can I do if I receive a notice of infraction with a $0 penalty?

WSR 26-16-017
PERMANENT RULES
HEALTH CARE AUTHORITY
(School Employees Benefits Board)
[Admin #2026.02—Filed July 24, 2026, 9:47 a.m., effective September 1, 2026]

Effective Date of Rule: September 1, 2026.

Purpose: The health care authority is amending school employees benefits board (SEBB) program rules in WAC 182-31-200 to implement Resolution SEBB 2026-01 Election periods for school board members, and make technical amendments regarding procedural requirements.

Citation of Rules Affected by this Order: Amending WAC 182-31-200.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160, and 41.05.740.

Other Authority: Resolution SEBB 2026-01.

Adopted under notice filed as WSR 26-13-038 on June 10, 2026.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: July 24, 2026.

Wendy Barcus
Rules Coordinator

RDS-7256.1

AMENDATORY SECTION (Amending WSR 24-15-107, filed 7/22/24, effective 1/1/25)

WAC 182-31-200 School board members participation requirements. This section applies to school board members as defined in WAC 182-31-020. A school board member may enroll in health plans offered by the school employees benefits board (SEBB) by self-paying the premium and applicable premium surcharges set by the health care authority (HCA). A school board member must enroll in SEBB medical, SEBB dental, and SEBB vision.

(1) ((~~Newly~~)) Effective May 14, 2026, a school board member may enroll in SEBB medical, SEBB dental, and SEBB vision during the following times:

(a) Upon being elected or appointed as a school board ((~~members must submit their~~)) member. The required forms ((~~to the SEBB program, and they~~)) must be received by the SEBB program no later than 60 days from the beginning of their elected or appointed term;

(b) During the annual open enrollment; or

(c) Following the loss of other coverage under a group health plan or through health insurance coverage as defined by the Health Insurance Portability and Accountability Act (HIPAA). The required forms must be received by the SEBB program no later than 60 days after the date of the loss of other coverage.

(2) A school board member may elect to enroll in SEBB health plan coverage by submitting the required forms along with the first premium payment and applicable premium surcharges to the SEBB program. The first premium payment and applicable premium surcharges must be received no later than 45 days after the 60-day election period ends or the last day of the annual open enrollment.

(a) If the required forms are received no later than 60 days from the beginning of their elected or appointed term, the school board member's SEBB health plan coverage will begin the first day of the month following the day the SEBB program receives the required forms;

(b) If the required forms are received no later than the last day of the annual open enrollment, the school board member's SEBB health plan coverage will begin January 1st of the following year; or

(c) If the required forms are received no later than 60 days after the date of loss of other coverage under a group health plan or through health insurance coverage as defined by HIPAA, the school board member's SEBB health plan coverage will begin the first day of the month following the later of the date of loss of other coverage or the date the SEBB program receives the required forms.

((~~(2)~~)) (3) If the school board member elects to enroll a dependent in SEBB health plan coverage, the dependent will be enrolled in the same SEBB medical, SEBB dental, and SEBB vision plans as the school board member.

((~~(3)~~)) (4) A school board member may participate in SEBB health plan coverage for the duration of their elected term as a school board member as long as:

(a) Premiums and applicable premium surcharges continue to be paid as described in WAC 182-30-040; and

(b) May renew their participation at the start of each subsequent term as a school board member. If a school board member is reelected for a new term consecutive from their previous term, the school board member will not be required to make new elections.

((~~(4)~~)) (5) If a school board member is terminated due to no longer paying the premium and applicable premium surcharges as described in WAC 182-30-040 (1)(c) or requests to voluntarily terminate their enrollment in SEBB health plan coverage prior to the end of their elected term, they are no longer eligible under this section to participate in SEBB health plan coverage for the remainder of their elected term. Those who request to voluntarily terminate their SEBB health plan coverage must do so in writing. SEBB health plan coverage will end on the last day of the month in which the SEBB program receives the termination request or on the last day of the month specified in the school board member's termination request, whichever is later. If the termination request is received on the first day of the month, SEBB health plan coverage will end on the last day of the previous month.

WSR 26-16-020
PERMANENT RULES
DEPARTMENT OF LICENSING
[Filed July 24, 2026, 3:31 p.m., effective August 24, 2026]

Effective Date of Rule: Thirty-one days after filing.

Purpose: SB [ESSB] 6005 requires the department of licensing (DOL) to specify the requirements for health care professionals providing electronic documentation to individuals who are applying for special parking privileges. The amended rules will clarify application requirements for special parking privileges, as well as improve access by expanding options for the application and health care authorization formats DOL will accept.

The rule language clarifies that health care practitioners can provide special parking privilege authorization electronically or on office letterhead or prescription paper. The proposed rule also allows copies of signatures from health care practitioners when on letterhead, as well as copies of applicant signatures. Additional updates were made to clarify rule language.

Citation of Rules Affected by this Order: Amending WAC 308-96B-010 Definitions—Special parking privileges for individuals with disabilities, and 308-96B-020 General provisions.

Statutory Authority for Adoption: RCW 46.19.040 Renewal—Rules—Report; and SB [ESSB] 6005, passed during the 2026 legislative session.

Other Authority: RCW 46.19.010 Criteria for natural persons.

Adopted under notice filed as WSR 26-13-110 on June 17, 2026.

A final cost-benefit analysis is available by contacting Ellis Starrett, 1125 Washington Street S.E., Olympia, WA 98504, phone 360-902-3846, email rulescoordinator@dol.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 2, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 24, 2026.

Ellis Starrett
Rules and Policy Manager

RDS-7262.1

Chapter 308-96B WAC
SPECIAL PARKING PRIVILEGES FOR ((~~PERSONS~~)) INDIVIDUALS WITH DISABILITIES

AMENDATORY SECTION (Amending WSR 24-08-011, filed 3/21/24, effective 4/21/24)

WAC 308-96B-010 Definitions—Special parking privileges for ((~~persons~~)) individuals with disabilities. For the purposes of determining eligibility under chapter 46.19 RCW, for special parking privileges for ((~~persons~~)) individuals with disabilities, the following definitions apply:

(1) "Identification card" means the identification card bearing the name and date of birth of the person to whom the placard/plate/tab is issued.

(2) "Health care practitioner" means ((~~that as defined~~)) the individual qualified to determine disability as described in RCW 46.19.010(2) for the purpose of applying for special parking privileges. Health care practitioner does not include ((~~persons~~)) individuals licensed in the professions of dentistry and optometry.

(3) "Permanent" means a health care practitioner has certified the qualifying disability condition is expected to last at least five years.

(4) ((~~"Permit" means the eligibility for the temporary or permanent placard or special license plate(s), license tab, and identification card.~~

~~(5)~~)) "Privilege" means the right to utilize the benefits associated with the special parking privileges for persons with disabilities.

((~~(6)~~)) (5) "Resident" means an individual who manifests an intent to live or be located in this state on more than a temporary or transient basis, or an individual or dependent of an Armed Forces member who is currently stationed in the state of Washington.

((~~(7)~~)) (6) "Signature" means any memorandum, mark, stamp, or sign made with intent to authenticate an application for a placard/plate, or the subscription of any person.

(7) "Written authorization" means a signed statement from a qualified health care practitioner, as defined in RCW 46.19.010(3), confirming the applicant meets a qualifying condition for disabled parking privileges.

(8) "Application" means the Disabled Parking Application for Individuals form (420-073), or any other department-approved application used for the purpose of issuing disabled parking privileges.

(9) "Electronic means" includes, but is not limited to, email, a patient portal, or digital signature software.

AMENDATORY SECTION (Amending WSR 24-08-011, filed 3/21/24, effective 4/21/24)

WAC 308-96B-020 General provisions. (1) ((~~**How to qualify for special parking privileges for persons with disabilities?** A health care practitioner must certify, on a department approved application form and on a written authorization, that an individual has a qualifying disability in accordance with those listed in RCW 46.19.010(1).~~

~~(2) **Who may apply?** To qualify for special parking privileges for persons with disabilities, you must be a Washington state resident or be stationed with the Armed Forces in Washington state.~~

~~(3) **How to apply for special parking privileges for persons with disabilities?** The individual must complete and sign the appropriate portion of the application. Once the health care practitioner portion of the application is completed, and the health care practitioner has provided a written authorization, submit these documents to a vehicle licensing office or the department. The application and written authorization are required on all applications, originals and renewals.~~

~~(4) **Can the materials be submitted electronically?** No. The health care practitioner may send you the signed application and written authorization by electronic means of their choosing. You must remit the application and written authorization in hard copy to a vehicle licensing office or the department.~~

~~(5) **Can my health care practitioner combine the application and written authorization?** Yes. The application may be printed on the health care practitioner's letterhead or prescription paper and be submitted as a complete application.~~

~~(6) **Who may sign the application for an individual who is unable to sign or is a minor?**~~)) **Qualifications.** Special parking privileges are available to Washington residents and members of the armed forces stationed in Washington. The applicant must have a qualifying disability as defined in RCW 46.19.010(1). Only qualified health care practitioners as defined in RCW 46.19.010(2) may determine qualifying disabilities.

(2) **Applying for special parking privileges.** For original issuance and renewals, applicants submit the following to the department or a vehicle licensing office:

(a) An application complete with:

(i) A health care practitioner's signature and certification that the applicant has a qualifying disability described in RCW 46.19.010(1);

(ii) The applicant's signature;

(b) A health care practitioner's written authorization provided either on office letterhead, prescription paper, or by electronic means described in subsection (3) of this section. The statement must include:

(i) The name of the individual eligible for special parking privileges;

(ii) Confirmation the individual has a qualifying condition;

(iii) The health care practitioner's signature.

(3) **Submitting application documents.** Except as required in (b) of this subsection, applications and authorizations may be originals or copies.

(a) A completed application printed on the health care practitioner's letterhead or prescription paper fulfills the requirement of subsection (2)(a) and (b) of this section.

(b) Any written authorization or application completed on prescription paper must be original.

(c) Health care practitioners may provide the following documents to the applicant by electronic means of their choosing:

(i) Written authorization unless completed on prescription paper;

(ii) The application.

(d) All electronic documents must contain a manual or electronic signature by the health care practitioner and applicant.

(4) **Other acceptable signatures.** An authorized representative of the ((~~individual applying for the parking privilege~~)) applicant may sign the application if the applicant is a minor or unable to sign. The application must be accompanied by a copy of one of the following:

(a) A power of attorney;

(b) A Washington state court order or certification from the clerk of court confirming the court's action; or

(c) A declaration under penalty of perjury explaining why the applicant is unable to sign and explaining the signing person's association with the applicant. Example: Signature, Jane Doe, daughter.

((~~(7) **Why is the identification card issued?** The identification card is issued to identify the individual with the parking privilege and to ensure that only those who qualify use the parking privilege~~)) (5) **Parking privilege identification card.** An identification card is issued to verify the individual has been granted parking privileges. The identification card must be available for display to law enforcement or parking enforcement officials.

((~~If you have just applied for the parking privilege and~~)) Recent applicants who have not yet received the identification card((~~,~~)) may show the receipt ((~~you~~)) they received at the time of application when requested.

((~~(8) **How long is the special parking privilege for persons with disabilities valid?**~~)) (6) **Duration of parking privileges.**

(a) Temporary privileges are valid for the number of months authorized by the health care practitioner, up to 12 months. Expirations are determined from the date of authorization by the health care practitioner. The privilege is valid until the last day of the month of expiration.

(b) Permanent privileges are issued for five years from the date of authorization by the health care practitioner. The privilege is valid until the last day of the month of expiration.

(c) The expiration date can be located on the identification card or as marked on the placard.

((~~(9) **How do I renew or extend my parking privilege?**~~)) (7) **Renewing parking privileges.**

(a) For a temporary privilege, if ((~~your~~)) the condition continues beyond the expiration date, ((~~you~~)) individuals must apply for a new privilege as described in WAC ((~~308-96B-010(2)~~)) 308-96B-020(2).

(b) For a permanent privilege, the department will mail ((~~you~~)) a notice before ((~~your~~)) the privilege expires.

((~~You~~)) Individuals must apply for a new privilege as described in WAC ((~~308-96B-010(2)~~)) 308-96B-020(2).

((~~(10) **What if the parking placard or identification card is lost, mutilated, destroyed, or stolen?**~~)) (8) **Replacing parking placards or identification cards.** To replace ((~~your~~)) a parking placard or identification card, complete and sign ((~~an~~)) a replacement form authorized by the department ((~~of licensing form indicating such~~)). A new parking placard or identification card will be issued, indicating the original expiration date. The placard or identification card being replaced are no longer valid and should be destroyed if located.

((~~(11) **What should I do with my placard and identification card when they are no longer valid?**~~)) (9) **Expired placard and identification card.** ((~~They~~)) Placards or identification cards no longer valid should be destroyed.

WSR 26-16-023
PERMANENT RULES
EMPLOYMENT SECURITY DEPARTMENT
[Filed July 28, 2026, 6:20 a.m., effective August 28, 2026]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 192-150-100 Employer-initiated layoffs or reductions in force, addresses an individual's ability to qualify for unemployment benefits when they separate from employment due to their employer initiating a layoff or reduction in force. HB 2264 (2026) adds a new section to chapter 50.20 RCW, RCW 50.20.055, that codifies WAC 192-150-100 into law, with some changes to the rule's language. The bill adds language specifying that the availability of an option for an individual to rescind an offer to be included in the layoff or reduction in force does not disqualify an individual from unemployment benefits, provided that the separation from employment otherwise met the requirements in RCW 50.20.055(1). WAC 192-150-100 does not fully align with the new statutory language and is no longer necessary. As such, the employment security department is repealing the rule.

Citation of Rules Affected by this Order: Repealing WAC 192-150-100.

Statutory Authority for Adoption: RCW 50.12.010, 50.12.040, and 50.20.055 (HB 2264 (2026)).

Adopted under notice filed as WSR 26-10-016 on April 28, 2026.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 1.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 28, 2026.

Joy Adams, Director
Employment System Policy and Integrity Division

WSR 26-16-034
PERMANENT RULES
STUDENT ACHIEVEMENT COUNCIL
[Filed July 28, 2026, 5:39 p.m., effective August 28, 2026]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To implement provisions of EHB 1279, an act relating to postsecondary education consumer protection; to implement provisions of ESHB 1572, an act relating to higher education accreditation standards; and to strengthen consumer protections for students attending degree-granting institutions operating under the requirements of the Degree-Granting Institutions Act, chapter 28B.85 RCW.

- Adds language clarifying that an exemption from the requirements for degree authorization shall not reduce student consumer protections or Washington student achievement council's (WSAC) authority to investigate and enforce provisions of this chapter.
- Adds a financial resources requirement to the criteria for exemption from authorization based on WAC 250-61-060(3).
- Amends the criteria for exemption from authorization for branch campuses, extension centers, or off-campus facilities operating within Washington that are affiliated with an out-of-state nonprofit institution.
- Amends the accreditation requirement so that institutions authorized to operate in Washington shall be accredited by an accrediting agency recognized by WSAC instead of both WSAC and the United States Department of Education.
- Expands the circumstances under which WSAC may suspend or withdraw an institution's exemption from authorization to include a designation of probationary or show cause status or its equivalent by the institution's accrediting agency.
- Adds a requirement that an institution whose primary campus is located in another state shall be accredited by an accrediting association recognized by the Department of Education and WSAC prior to authorization to operate in Washington.
- Adds a requirement that an institution shall not offer performance-based compensation to staff related to the recruitment or admission of students.
- Adds a requirement that an institution shall not require a student to pay tuition or fees for any term other than the current term and/or the term immediately following the current term.
- Adds a requirement that an institution that enters into an agreement with a third-party entity to deliver instructional or administrative services for a degree program offered via distance education shall provide written disclosure of the agreement to students.
- Adds a requirement that an application for initial authorization that fails to satisfy the requirements for authorization after three separate attempts shall not be granted.
- Amends the fee amount required to submit applications for authorization.
- Adds a requirement that an institution denied authorization or whose authorization is withdrawn may submit a new initial application for authorization 12 months after such denial or withdrawal.
- Clarifies that an institution's complaint resolution process must be accessible and identify a clear process for the submission of complaints.

- Adds a requirement that institutions may not require a student to agree to mandatory arbitration of complaints.

Citation of Rules Affected by this Order: Amending WAC 250-61-010, 250-61-020, 250-61-040, 250-61-050, 250-61-060, 250-61-063, 250-61-085, 250-61-090, 250-61-100, 250-61-110, 250-61-115, 250-61-120, 250-61-151, 250-61-170, 250-61-180, and 250-61-190.

Statutory Authority for Adoption: RCW 28B.85.020.

Adopted under notice filed as WSR 26-07-042 on March 13, 2026.

Changes Other than Editing from Proposed to Adopted Version:

- The adopted rule amends the definition of "accredited institution" to indicate an institution that is accredited by an accrediting association recognized by WSAC. WAC 250-61-050(1).
- The adopted rule amends the definition of "accrediting association" to indicate an accrediting association recognized by WSAC. WAC 250-61-050(2).
- The adopted rule adds definitions for "authorized institution" and "exempt institution." WAC 250-61-050 (8) and (15).
- The adopted rule clarifies that the requirement for an exempt institution to maintain adequate financial resources necessary to sustain its purpose and commitment to students also applies to a branch campus, extension center, or off-campus facility operating within the state of Washington which is affiliated with a nonprofit institution domiciled outside the state. WAC 250-61-060(4).
- The adopted rule removes the term "adverse status" from the circumstances that may result in the suspension or withdrawal of an institution's exemption from authorization and clarifies that suspension or withdrawal of exemption may occur if the institution's accrediting association designates the institution as being on probationary or show cause status or its equivalent. WAC 250-61-063(4).
- The adopted rule clarifies that the requirements for accreditation relate to accrediting associations recognized by WSAC. WAC 250-61-085(1).
- The adopted rule replaces the requirement that an institution shall collect tuition and fees only for the current term and/or the term immediately following the current term with a requirement that an institution shall not require a student to pay tuition or fees for any term other than the current term and/or the term immediately following the current term. WAC 250-61-110 [(1)](f).
- The adopted rule clarifies that an institution shall be required to provide written disclosure of an agreement with a third-party entity to deliver instructional or administrative services when it relates to a degree program offered via distance education. WAC 250-61-151 (2)(h).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 6, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 10, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 28, 2026.

Michael P. Meotti
Executive Director

RDS-6786.3

AMENDATORY SECTION (Amending WSR 15-02-021, filed 12/30/14, effective 1/30/15)

WAC 250-61-010 Purpose. The Degree-Granting Institutions Act, chapter 28B.85 RCW, requires that degree-granting institutions operating in Washington obtain authorization from the Washington student achievement council, unless specifically exempted from the authorization requirement by the act. This chapter is declared by the council as a supplement to the act in order to establish necessary regulations for the authorization of degree-granting institutions.

The purpose of the act is to ensure fair business practices and adequate quality among degree-granting institutions operating in the state of Washington and to protect citizens against substandard, fraudulent, and deceptive practices.

AMENDATORY SECTION (Amending WSR 20-07-008, filed 3/5/20, effective 4/5/20)

WAC 250-61-020 Applicability. A degree-granting institution shall not operate, conduct business, grant, or offer to grant any academic courses or degree programs unless the institution has obtained authorization from the council, been granted a waiver of the requirements of authorization, or been determined by the council to be exempt.

The act applies to:

(1) Institutions granting or offering to grant degree programs and/or academic credit courses either at or from a location within the state; and

(2) Institutions maintaining or advertising a Washington location, mailing address, or telecommunications number for any purpose other than contact with the institution's former students; and

(3) Institutions specifically targeting Washington citizens with promotion of their degree programs and/or academic credit courses.

The act does not apply to degree programs and academic credit courses offered exclusively from outside the state through individual and private interstate communication except as specified in WAC 250-61-145.

AMENDATORY SECTION (Amending WSR 20-07-008, filed 3/5/20, effective 4/5/20)

WAC 250-61-040 Duties of executive director. In addition to other administrative responsibilities vested in the executive director of the Washington student achievement council under the act and this chapter, the executive director shall carry out the following administrative responsibilities:

(1) Process authorization applications, fee payments, bonds or security deposits, to include the denial and issuance of authorization, signed by the executive director or designee.

(2) Cause the payment of any unsatisfied final judgment against an authorized institution((~~,~~)) from the resources available through the tuition recovery trust fund or the institution's surety bond or other security deposit.

(3) Upon written notice from an authorized institution, release the surety on the institution's bond or return the institution's security deposit, as prescribed in RCW 28B.85.070.

(4) In the event of impaired liability of the security, notify the institution of suspension until the security liability in the required amount, unimpaired by unsatisfied judgment claims, shall have been furnished.

(5) To the extent that there is a payment, release the security to the extent of the payment.

(6) Establish and maintain all records called for under the provisions of the act and this chapter.

(7) Maintain a current inventory of degree-granting institutions authorized or exempted under this chapter, including student complaints against such institutions.

AMENDATORY SECTION (Amending WSR 20-07-008, filed 3/5/20, effective 4/5/20)

WAC 250-61-050 Definitions. The definitions set forth in this section are intended to supplement the definitions in chapter 28B.85 RCW and shall apply throughout this chapter.

(1) "Accredited institution" means an institution that has been accredited by an accrediting association recognized by the council ((~~and the Secretary of the U.S. Department of Education~~)).

(2) "Accrediting association" means ((~~a national or regional~~)) an accrediting association that is recognized by the council ((~~and the Secretary of the U.S. Department of Education~~)).

(3) "Act" means the Degree-Granting Institutions Act, chapter 28B.85 RCW.

(4)(a) "Administrative capability" means that both administrative services and educational instruction take place at an authorized location.

(b) "Additional site" means a site with administrative capability that is not currently authorized.

(5) "Adverse action" means a warning or other sanction issued by the institution's accrediting association, the United States Department of Education, or a state regulatory entity; a judgment against an institution that may impact ongoing operations; or any action, decision, or finding that impacts the institution's financial solvency.

(6) "At-risk" means a designation made by the council based on an adverse action or other findings that indicate a heightened potential of closure or other negative impacts on students.

(7) "Authorization" means the authority to operate in Washington state as a degree-granting institution.

(a) "Standard authorization" means authorization granted to institutions seeking to operate in Washington, but does not include institutions seeking field placement authorization only.

(b) "Field placement authorization" means authorization granted to institutions seeking authorization solely to offer required field placements at locations in Washington as part of distance learning programs.

(8) "Authorized institution" means an institution that has been granted authorization by the council under this chapter and maintains such authorization status.

(9) "Council" means the student achievement council, a Washington state agency, as established under chapter 28B.77 RCW.

((~~(9)~~)) (10) "Credit" generally means the unit by which an institution measures its course work. The number of credits assigned to a course is generally defined by the number of hours per week in class and preparation and the number of weeks in a term. One credit is usually assigned for three hours of student work per week or its equivalent. The three hours of student work per week is usually comprised of a combination of one hour of lecture and two of homework or three hours of laboratory. Semester and quarter credits are the most common systems of measuring course work. A semester credit is generally based on at least a ((~~fifteen~~)) 15 week calendar or 45 hours of student work. A quarter credit is generally based on at least a ((~~ten~~)) 10 week calendar or 30 hours of student work.

((~~(10)~~)) (11) "Degree" means any designation, appellation, letters, or words including, but not limited to, "associate," "bachelor," "master," "doctor," or "fellow" which signify or imply satisfactory completion of the requirements of an academic program of study at the postsecondary level.

(a) "Associate degree" means a lower division undergraduate degree that requires no fewer than 60 semester hours or 90 quarter hours.

(b) "Bachelor's degree" or "baccalaureate degree" means an undergraduate degree that requires no fewer than 120 semester hours or 180 quarter hours.

(c) "Master's degree" means a graduate degree that requires no fewer than 24 semester hours or 36 quarter hours beyond the baccalaureate degree.

(d) "Doctor's degree" or "doctorate" means a postgraduate degree that requires no fewer than 60 semester hours or 90 quarter hours beyond the baccalaureate degree.

((~~(11)~~)) (12) "Degree-granting institution" means an entity that offers educational credentials, instruction, or services prerequisite to or indicative of a degree.

(a) "College" means an institution which offers programs culminating with associate and/or baccalaureate degrees. In some instances, a college may also offer first professional degree programs and/or graduate programs culminating with master's degrees.

(b) "University" means a multiunit institution with varied educational roles including instruction, promotion of scholarship, preservation and discovery of knowledge, research and public service. Such institutions provide a wide range of undergraduate and graduate stud-

ies, programs in professional fields, and may also provide programs leading to a doctorate.

(c) "Private vocational school" means a nonpublic entity that offers postsecondary programs designed to prepare individuals with the skills and training required for employment in a specific trade, occupation, or profession related to the educational program.

((~~(12)~~)) (13) "Distance learning" means a form of educational instruction other than classroom instruction to include, but not limited to, correspondence, video-conferencing, television, internet transmission, or other electronic communication.

((~~(13)~~)) (14) "Executive director" means the executive director of the council or the executive director's designee.

((~~(14)~~)) (15) "Exempt institution" means an institution that has been granted exemption by the council under this chapter and maintains such exempt status.

(16) "Faculty" means personnel who are appointed by the institution for purposes of teaching, research, mentoring, advisory roles and/or other activities relating to the development and delivery of the instructional programs of the institution.

((~~(15)~~)) (17) "False academic credential" means a document that signifies or implies satisfactory completion of the requirements of an academic program of study beyond the secondary level issued by a person or entity that:

(a) Is not accredited by a council-recognized accrediting association or does not have the international equivalent to such accreditation; or

(b) Is not authorized by the council; or

(c) Has not been exempted or granted a waiver from the requirements of authorization by the council.

Additionally, it can mean a credential falsely claimed to have been earned from an institution accredited by a council-recognized accrediting association; authorized by the council; or that has been exempted or granted a waiver by the council.

((~~(16)~~)) (18) "Field placement" means a student learning experience comprised primarily of the practical application of previously studied theories and skills. Examples include, but are not limited to, clinicals, student teaching, and practica.

((~~(17)~~)) (19) "Operate" means, but is not limited to, the following:

(a) Offering courses for academic credit at any Washington location or via distance learning from a Washington location.

(b) Granting or offering to grant degrees in Washington for credit obtained within or outside the state.

(c) Maintaining or advertising a Washington location, mailing address, or telecommunications number for any purpose other than contact with the institution's former students for any legitimate purpose related to their previous attendance.

(d) Maintaining or advertising an application for enrollment or a mechanism to collect prospective student data in any advertisement, publication, website, software application, or other media, if the institution maintains a Washington location.

(e) Advertising, promoting, publicizing, soliciting, or recruiting for the institution or its offerings that is targeted specifically at Washington citizens, excluding multi-institutional college fairs.

((~~(18)~~)) (20) "Oversight entity" includes, but is not limited to, the following:

(a) Any federal or state entity that provides financial aid to students of the institution or approves the institution for participation in a financial aid program;

(b) Any state or federal attorney general's office or department of justice;

(c) Any regulator that approves the operation of a postsecondary degree-granting institution;

(d) The federal consumer financial protection bureau or the federal securities and exchange commission; and

(e) Any accrediting agency.

((~~(19)~~)) (21)(a) "Program of study" means any course or grouping of courses prerequisite to or indicative of a degree.

(b) "Additional program" means a degree program that:

(i) Differs in title and curriculum from any currently authorized program; or

(ii) Is comprised of a curriculum that is ((~~twenty-five~~)) 25 percent or more different in content than any currently authorized program.

((~~(20)~~)) (22) "Resident-based instruction" means a course or series of courses or degree programs which are taught by faculty at a specific location where students physically attend the course or program.

((~~(21)~~)) (23) "State authorization reciprocity agreement ((~~(SARA)~~))" means an agreement ((~~among member~~)) between states, districts, and/or territories ((~~that establishes comparable standards for interstate offering of postsecondary distance education courses and programs. SARA is overseen by a national council and is administered by four regional education compacts~~)) related to the regulatory oversight of institutions that offer courses or programs via distance education to students located in other states.

((~~(22)~~)) (24) "Student loan product" means a loan or income share agreement solely for personal use to finance postsecondary education. A student loan product includes a loan made to refinance a student loan product. A student loan product does not include a payment plan or accounts receivable during the time of a student's enrollment in the degree-granting institution.

((~~(23)~~)) (25) "Suspend" means that, due to deficiencies, the council interrupts for a stated time the institution's authority to recruit and enroll new students, but it may continue serving currently enrolled students for the remainder of the term. Authorization or exemption may be reinstated, provided the deficiencies have been resolved to the satisfaction of the council.

((~~(24)~~)) (26) "Withdraw" means that, due to significant deficiencies or failure to meet the criteria of authorization or exemption, the council has withdrawn the authorization or exemption granted to an institution. Upon withdrawal, the institution must cease all degree-granting operations immediately.

AMENDATORY SECTION (Amending WSR 17-09-041, filed 4/14/17, effective 5/15/17)

WAC 250-61-060 Exemption criteria. No exemption from the requirements for degree authorization is considered to be permanent. The exemption granted is dependent upon the institution's maintenance of the conditions under which the exemption was granted.

No exemption shall suspend, supersede, or reduce student consumer protections or the authority of the council to investigate and enforce provisions of this chapter. The council may require an exempt institution to periodically submit materials demonstrating the institution's compliance with the act's student consumer protection requirements.

Unless otherwise indicated, the provisions of this chapter do not apply to:

(1) Honorary credentials clearly designated as such on the front side of the diploma or certificate and awarded by institutions offering other educational credentials in compliance with state law.

(2) Any public college, public university, public community college, or public technical college or institute operating as part of the public higher education system of this state.

(3) Institutions that have received institutional accreditation from an association recognized by the council ((~~and the Secretary of the U.S. Department of Education~~)), provided:

(a) The institution has been continuously offering degree program(s) in Washington for ((~~fifteen~~)) 15 years or more; and

(b) The institution was established originally within the state of Washington and has operated as the same organization continuously from that date until the present. An institution is considered to have operated as the same organization continuously if it has no significant alteration of primary location, ownership, majority control, other than routine board membership turnover, or incorporation and no closure involving cessation of substantially all organized instructional and administrative activity; and

(c) The institution has been accredited as a degree-granting institution for ((~~ten~~)) 10 years or more by an accrediting association recognized by the council ((~~and the Secretary of the U.S. Department of Education,~~)) and maintains such accreditation status; and

(d) The institution maintains eligibility to participate in Title IV financial aid programs; and

(e) The institution maintains adequate financial resources necessary to sustain its purpose and commitment to students.

(4) A branch campus, extension center, or off-campus facility operating within the state of Washington, which is affiliated with ((~~an~~)) a nonprofit institution domiciled outside this state, provided:

(a) It has continuously offered degree programs in Washington for ((~~fifteen~~)) 10 years or more; and

(b) It has ((~~held separate institutional accreditation~~)) been continuously authorized to offer degree programs in its home state for 20 years or more; and

(c) It has been continuously accredited as a ((~~free-standing~~)) degree-granting institution for ((~~ten~~)) 10 years or more by an accrediting association recognized by the council ((~~and the Secretary of the U.S. Department of Education,~~)) and maintains such accreditation status; and

((~~(c)~~)) (d) It maintains eligibility to participate in Title IV financial aid programs; and

(e) It is a doctoral-granting university classified with the highest possible level of research activity by the Carnegie Classification of Institutions of Higher Education;

(f) It maintains adequate financial resources necessary to sustain its purpose and commitment to students; and

(g) It maintains ongoing compliance with the requirements for authorization specified in this chapter. If an institution fails to maintain compliance with such requirements, the council may:

(i) Deny an application for exemption; or

(ii) Suspend or withdraw an existing exemption.

(5) Institutions offering instruction on a federal enclave solely to federal employees and their dependents. If the institution offers or advertises instruction for other persons, the institution shall be subject to authorization.

(6) Institutions recognized by the Washington state legislature as an accredited Washington degree-granting institution, provided the institution maintains all conditions specified in the legislation as part of the recognition.

(7) Tribally controlled Native American colleges.

(8) Institutions which offer program(s) of study whose sole stated objective is training in the religious beliefs of the controlling religious organization and/or preparation of students for occupations that are primarily religious organization-related, provided:

(a) The institution's mission reflects its religious nature; and

(b) The institution's degree program(s) in title and abbreviation, curriculum content, and objectives reflect the strictly religious nature of the institution; and

(c) The institution's program(s) require a prescribed program of study, which must be successfully completed prior to the granting of a degree; and

(d) The institution's program(s) of study are represented in an accurate manner in institutional catalogs, websites, and other official published materials; and

(e) The institution does not claim or publicize accreditation from an accrediting association that is not recognized by the council ((~~and the Secretary of the U.S. Department of Education~~)).

(9) In the case of institutions which offer both religious and secular programs, the secular programs shall be subject to the requirements of chapter 28B.85 RCW.

(10) Institutions not otherwise exempt which offer only workshops and seminars and institutions offering only credit-bearing workshops or seminars lasting no longer than three calendar days.

AMENDATORY SECTION (Amending WSR 17-09-041, filed 4/14/17, effective 5/15/17)

WAC 250-61-063 Exemption requirements. In order to apply for and maintain an exemption from the requirements for degree authorization, an institution must comply with the following:

(1) The chief academic officer of the institution shall contact council staff and arrange for a preliminary conference to discuss the exemption criteria and procedures pertaining to the request for exemption.

(2) Any institution granted exemption from the requirements for degree authorization may be subject to periodic review by the council to ensure that all criteria for the exemption continue to be met. The institution is to provide all information requested by the council to assist in making this determination.

(3) The institution shall inform the council immediately of any proposed changes within the institution and/or its offerings that may affect the exemption granted.

(4) The council may suspend or withdraw the exemption granted to an institution that fails to maintain the conditions under which the

exemption was granted; is designated as being on probationary or show cause status or its equivalent by the institution's accrediting agency; engages in false advertising; or allows misleading representations to be made on its behalf. Suspension shall allow the institution a prescribed period of time to address the issues that may have brought the suspension. Withdrawal shall require the institution to cease all degree-granting activities immediately.

(5) In the case of religious exemption, a religious institution shall be required to place the following statement in a prominent position within any catalog, general bulletins, websites, and course schedules: "The Washington student achievement council has determined that (name of institution) qualifies for religious exempt status from the Degree-Granting Institutions Act for the following programs: (List). The council makes no evaluation of the administration, faculty, business practices, financial condition, or quality of the ((~~offerings by this institution. Any person desiring information about the requirements of the act or the applicability of those requirements to the institution~~)) institution's degree programs. If you have questions about this information, you may contact the council at P.O. Box 43430, Olympia, WA 98504-3430 or by email at degreeauthorization@wsac.wa.gov."

(6) An exempt institution is required to notify the council of any adverse action within ((~~thirty~~)) 30 days of the action being taken.

(7) In the event an exempt institution plans to discontinue operations in Washington, it is subject to closure procedures as outlined in WAC 250-61-160.

AMENDATORY SECTION (Amending WSR 17-09-041, filed 4/14/17, effective 5/15/17)

WAC 250-61-085 Accreditation requirements. An institution operating in Washington shall:

(1) Be accredited by an accrediting association recognized by the council ((~~and the Secretary of the U.S. Department of Education~~)); or

(2) Have applied for accreditation to an accrediting association recognized by the council ((~~and the Secretary of the U.S. Department of Education~~)) and such application is pending before the accrediting association; or

(3) Have been granted a temporary waiver by the council of the requirement for accreditation based upon submission of a plan for accreditation as outlined in the initial authorization application; or

(4) Have been granted an exemption by the council of the requirement for accreditation based upon the following condition: The institution has filed, and kept current with appropriate amendments, at the council an affidavit by each president of two separate accredited colleges or universities accredited by an accrediting association recognized by the council and ((~~the Secretary of the U.S. Department of Education~~)) stating that the majority of course credits offered by the unaccredited institution are generally acceptable or transferable to the accredited college or university which each president represents.

(5) An institution whose primary campus is located in another state shall be accredited by an accrediting association recognized by the council prior to authorization to operate in Washington state.

AMENDATORY SECTION (Amending WSR 20-07-008, filed 3/5/20, effective 4/5/20)

WAC 250-61-090 Administrative requirements. (1) Name. The official name of the institution shall be consistent with, and appropriate to, the program(s) of study offered.

(2) Purpose. The institution shall clearly define its purpose or mission in an official statement which describes its role in higher education. The statement shall reflect the practices of the institution.

(3) Administration and governance. The institution shall be governed by bylaws or policies defining a chain of authority and responsibility and shall maintain sufficient administrative stability to fulfill its purpose.

(a) Administrators shall normally be graduates of accredited institutions and have academic credentials and prior higher education administrative experience for their area of responsibility.

(b) The main campus of the institution shall have, as a minimum, personnel to adequately staff the following roles: A chief executive officer, academic officer, registrar, business officer, student services officer, library director, and, if financial aid services are offered, financial aid officer. These officers shall be accessible to students, faculty, and other personnel located at the main campus and at educational sites or centers in Washington. In the event that the proposed Washington site is a branch campus of an out-of-state institution, the branch campus shall also have sufficient personnel to adequately serve the students at that location.

(i) The chief executive and academic officers shall have at least a master's degree from an accredited institution and experience in college-level management, teaching, and academic administration, unless the institution can demonstrate that these are not the normally accepted standards for an institution offering the same level of instruction.

(ii) The registrar shall have at least a baccalaureate degree from an accredited institution and college-level experience in admissions and student records, unless the institution can demonstrate that these are not the normally accepted standards for an institution offering the same level of instruction.

(iii) The business, student services, and financial aid officers and library director shall have at least a baccalaureate degree from an accredited institution and experience in their assigned areas, unless the institution can demonstrate that these are not the normally accepted standards for an institution offering the same level of instruction.

(c) The institution shall specify an individual who will serve as the principal contact person for each educational site or academic center in Washington.

(d) The institution shall have policies and provisions for the involvement of faculty in the academic affairs, curriculum development, and governance of the institution.

(e) The institution shall have policies and provisions for faculty selection, orientation, teaching load, supervision, evaluation, and professional development.

(4) The institution shall not offer performance-based compensation to staff or administrators whose responsibilities include the recruitment or admission of students or the supervision of staff involved in the recruitment or admission of students.

(5) The following conditions shall disqualify an individual as an administrator or owner of a degree-granting institution:

(a) Conviction of a felony that is related to the administration of a degree-granting institution or any standard contained in this chapter within the past ((~~ten~~)) 10 years;

(b) Involuntary surrender of authorization or a license to operate a school as the result of any action by the council or an oversight entity;

(c) Having been served with a cease and desist order for activities in violation of any applicable law or regulation; or

(d) Withdrawal of a license to operate an institution or denial of a renewal of authorization because of violation of any applicable law or regulation; or

(e) Having been found in violation of any law or regulation applicable to the operation of a postsecondary institution.

AMENDATORY SECTION (Amending WSR 20-07-008, filed 3/5/20, effective 4/5/20)

WAC 250-61-100 Academic requirements. (1) Educational programs. Each program shall require the completion of a prescribed program of study leading to the attainment of competence in an interdisciplinary area or specific field of study. Programs shall generally meet the guidelines or standards of an accrediting association recognized by the council ((~~and the Secretary of the U.S. Department of Education~~)) that accredits similar programs of study.

(a) Associate degrees:

(i) An associate degree shall require at least ((~~ninety~~)) 90 quarter credits or ((~~sixty~~)) 60 semester credits.

(A) An associate degree intended for occupational preparation shall require, as a minimum, general education requirements that comprise a recognizable body of instruction in three program-related areas:

(I) Communications;

(II) Computation; and

(III) Human relations.

(B) The general education requirements of all other associate degrees shall be consistent with the current guidelines of Washington's direct transfer agreement associate degree.

(ii) The following associate degree designations shall be acceptable:

(A) The associate of arts (A.A.), and associate of science (A.S.) for programs which emphasize the liberal arts and sciences. These programs generally satisfy the general education requirements for a baccalaureate degree and are transfer oriented.

(B) The associate in applied technology (A.A.T.), associate in applied science (A.A.S.), associate of occupational science (A.O.S.) and other such applied or technology-related degree designations for programs which emphasize preparation for occupations at the technical level. These programs generally do not satisfy the general education requirements for a baccalaureate degree and are not transfer-oriented.

(b) Baccalaureate degrees: A baccalaureate degree shall require at least ((~~one hundred eighty~~)) 180 quarter credits or ((~~one hundred twenty~~)) 120 semester credits. The degree shall require a distinct ma-

jor and, as a minimum, ((~~twenty-five~~)) 25 percent of the program shall be in general education curricula.

(c) Master's degrees:

(i) A master's degree program shall require at least ((~~thirty-six~~)) 36 quarter credits or ((~~twenty-four~~)) 24 semester credits, specialization in an academic or professional area, and a demonstration of mastery.

(ii) The following master's degree designations shall be acceptable:

(A) The master of arts (M.A.) and master of science (M.S.) for programs which advance study and exploration in the discipline. The majority of credit for M.A. and M.S. degrees shall be at the graduate level in the major field.

(B) The master of business administration (M.B.A.), master of fine arts (M.F.A.), master of education (M.Ed.), etc. for programs which emphasize professional preparation.

(d) Doctoral degrees:

(i) Doctoral degree programs shall provide a broad range of advanced course offerings, faculty in ancillary and supporting fields, access to adequate laboratory and research facilities, and a wide range of current reference materials in the subject field. A doctoral degree shall require at least three full academic years of specialized postbaccalaureate study. To obtain a doctoral degree a student shall be required to demonstrate, through comprehensive examination, the ability to perform research at the level of the professional scholar or perform the work of a professional that involves the highest levels of knowledge and expertise.

(ii) The following doctoral degree designations shall be acceptable:

(A) The doctor of philosophy (Ph.D.) degree for programs which are oriented toward original research and require a dissertation.

(B) A professional doctoral degree (J.D., Ed.D., etc.) for programs which emphasize technical knowledge and professional competence and require either a research thesis or a project involving the solution of a substantial problem of professional interest.

(e) Distance learning program(s) shall meet the following guidelines:

(i) Online learning is appropriate to the institution's mission and purposes;

(ii) The institution's plans for developing, sustaining, and, if appropriate, expanding online learning offerings are integrated into its regular planning and evaluation processes;

(iii) Online learning is incorporated into the institution's systems of governance and academic oversight;

(iv) Curricula for the institution's online learning offerings are coherent, cohesive, and comparable in academic rigor to programs offered in traditional instructional formats;

(v) The institution evaluates the effectiveness of its online learning offerings, including the extent to which the online learning goals are achieved, and uses the results of its evaluations to enhance the attainment of the goals;

(vi) Faculty responsible for delivering the online learning curricula and evaluating the students' success in achieving the online learning goals are appropriately qualified and effectively supported;

(vii) The institution provides effective student and academic services to support students enrolled in online learning offerings;

(viii) The institution provides sufficient resources to support and, if appropriate, expand its online learning offerings; and

(ix) The institution assures the integrity of its online offerings.

(f) Prior experiential learning.

(i) Credit for prior experiential learning may be awarded when validated through a portfolio or similar assessment procedure. The institution shall maintain copies of examinations, portfolios, and evaluations used in this process.

(ii) Credit awarded for prior experiential learning at the undergraduate and graduate level must be consistent with the minimum standards as published by the institution's accrediting association. This subsection applies to institutions that meet WAC 250-61-085 (1), (2), or (3).

(iii) Prior experiential learning credit shall constitute no more than ((~~twenty-five~~)) 25 percent of an undergraduate or graduate degree program. This subsection applies to institutions that meet WAC 250-61-085(4).

(2) Faculty.

(a) Faculty shall be professionally prepared and graduates of accredited institutions and, as a group, the institutions from which they earned their degrees shall be diverse.

(b) Faculty shall be sufficient in number and kind and in the proportion of full-time and part-time positions to sustain rigorous courses, programs, and services.

(c) Faculty teaching academic courses at the undergraduate degree level shall have, as a minimum, a master's degree in the assigned or related program area from an accredited institution. Faculty assigned to teach in vocational-technical subjects shall have educational credentials and experience compatible with their teaching assignment. Faculty assigned to teach general education courses within any undergraduate program shall have, as a minimum, a master's degree in a related area from an accredited institution.

(d) Faculty teaching at the master's degree level in programs which emphasize advanced study and exploration in a discipline shall have an earned doctorate in a related field from an accredited institution and experience in directing independent study and research. Faculty teaching in master's programs which emphasize professional preparation shall have, as a minimum, a master's degree from an accredited institution and documented achievement in a related field.

(e) Faculty teaching at the doctoral level shall have an earned doctorate in a related field from an accredited institution and experience in teaching and directing independent study and research.

(3) Admissions. Admission requirements shall be based on the institution's objectives and consistently applied to each program of study. Through preenrollment assessments, testing, and advising, the institution shall determine the readiness and ability of each student to succeed in his/her degree program. Institutions shall use only those tests reviewed and approved by the U.S. Department of Education.

High school graduation or the equivalent shall be required for undergraduate admission. A baccalaureate degree or the equivalent shall be required for admission into graduate programs. Special undergraduate admission may be granted, based on the applicant's general educational development.

(4) Enrollment contract. If an enrollment contract is utilized, the institution shall discuss all terms and provisions of the contract with the student prior to the student's execution of the contract. The

contract shall contain an acknowledgment section directly above the student's signature blank for the student to acknowledge that the institution discussed all terms and provisions of the contract with the student and that the student understands all financial obligations and responsibilities.

(5) The institution's educational offerings shall be limited to students located in the United States and its territories until such time as it has achieved accreditation by an accrediting association recognized by the council ((~~and the U.S. Department of Education~~)).

(6) Evaluation. The institution shall provide evidence that it has procedures for continuing evaluation and improvement of educational programs, quality of instruction, and overall operations of the institution.

(a) Student, alumni, and employer evaluations of the effectiveness of the curricula shall be considered in these evaluations.

(b) The institution's chief academic officer or designee shall periodically evaluate all areas of the institution to determine their effectiveness in fulfilling institutional objectives and meeting the standards set forth in these regulations or implied in the statute. The results of those evaluations shall be submitted to council staff upon request.

AMENDATORY SECTION (Amending WSR 20-07-008, filed 3/5/20, effective 4/5/20)

WAC 250-61-110 Student services and instructional resources requirements. (1) Student services. The institution shall provide reasonable and appropriate services for students in addition to formal instruction. These services shall normally include admissions, advising and guidance, financial assistance, student records, and disability accommodation.

(a) Advising and guidance services shall be readily available to students to assist them in program planning, course selection, and other academic activities.

(b) Student records shall be maintained in accordance with the guidelines established by the U.S. Department of Education.

(c) Students with disabilities shall have access to, and reasonable accommodations in, all programs for which they are qualified consistent with the provisions of the Americans with Disabilities Act.

(d) Placement services and employment opportunities, if provided, shall be accurately described.

(e) The institution's policies and practices are fair, reflect sound and ethical practices, and encourage student retention and success.

(f) The institution shall not require a student to pay tuition or fees for any term other than the current term and/or the term immediately following the current term.

(2) Financial aid.

(a) Financial aid administration and distribution, if provided, shall be performed according to institutional, state, and federal policies.

(b) The institution shall not market, sell, or induce students to obtain loan products that financially benefit any owner or agent of the institution, unless it demonstrates that the student has exhausted all federal aid options and has been denied private commercial loan

products. This rule shall apply to any institution with ((~~one hundred fifty~~)) 150 or more students enrolled in the state in any given year or that has been operating in the state for less than two consecutive years.

(c) The institution shall disclose to the council, upon request, all information relating to loan products that are marketed, sold, or otherwise provided to any current or prospective student, as well as all communications with students regarding such loan products.

(3) Facilities for site-based instruction.

(a) The institution shall have adequate space, facilities and equipment, instructional materials, and staff to support quality education and services.

(b) The institution shall comply with all applicable ordinances, laws, codes, and regulations concerning the safety, health, and access of all persons on its premises.

(c) The institution shall not use a residential address as a campus location, teaching site, or mailing address.

(d) The council may conduct a site visit at any time. The fee for a site visit shall be ((~~five hundred dollars~~)) $500, payable to the Washington student achievement council.

(4) Disability accommodations. The institution shall provide reasonable accommodations for students and employees with disabilities. To the extent practicable, the institution must consider diagnosis, assessments, and accommodation plans received from prior secondary and postsecondary educational institutions or employers. The institution shall inform students and employees of local, state, and federal laws regarding discrimination against people with disabilities.

(5) Library. The institution shall provide adequate and accessible library resources and facilities to support the educational needs of students and faculty. If the institution, educational site, or academic center does not maintain its own library on site, it must demonstrate that it can provide sufficient library resources to meet the needs of the program(s) through a written agreement with another institution or organization, or through other mechanisms.

(6) Financial resources.

(a) The institution shall have adequate financial resources necessary to sustain its purpose and commitment to students.

(b) In the case of an institution seeking initial authorization, it shall have sufficient financial resources to sustain itself for one full academic year without the assistance of revenue from tuition and fees.

(7) Financial records.

(a) The institution shall maintain financial records in conformity to generally accepted accounting principles.

(b) The institution shall be audited annually by an independent certified public accountant according to generally accepted auditing standards.

(c) Such records shall be made available to the council upon request.

(8) Transcripts and academic credentials. The institution shall provide accurate and appropriate transcripts of credit for enrolled students and diplomas for graduates.

(a) For each student, the institution shall maintain and make available a transcript that specifies the name of the institution, the name of the student, all courses completed and academic credentials awarded, and an explanation of the institution's evaluation system. Each course entry shall include a title, the number of credits awar-

ded, and a grade or written evaluation. The transcript shall distinguish credits awarded by transfer, for prior learning experience, and credit by examination.

(b) ((~~The institution shall not be required to make copies of transcripts available unless all tuition and fees and other expenses owed by the student to the institution have been paid.~~

~~(c)~~)) In addition to transcripts, the institution shall maintain records to document the performance and progress of each student, including, but not limited to: Financial transactions, admissions records, and records of interruption for unsatisfactory progress or conduct. Transcripts shall be kept permanently after a student has discontinued enrollment. All other records and accounts shall be kept for a minimum of six years after a student has discontinued enrollment.

((~~(d)~~)) (c) The institution shall maintain physical or electronic copies of all transcripts at a secure off-site facility.

AMENDATORY SECTION (Amending WSR 19-03-020, filed 1/4/19, effective 2/4/19)

WAC 250-61-115 Publications. (1) Recruitment and publications. All publications and recruitments relating to the institution shall be accurate and not misleading or deceptive.

(2) Authorized institutions shall not advertise or publicize that they are approved, recommended, accredited, or otherwise endorsed by the council. Such institutions may only state that they are authorized by the council.

(3) The institution shall provide to the council, upon request, any testimonial, endorsement, advertisement, data, or other recruitment made available to prospective students or the public regarding:

(a) Current practices of the school;

(b) Retention or completion rates;

(c) Conditions or opportunities for employment, including probable earnings;

(d) Postgraduation employment, including median hourly and annual earnings or employment statistics;

(e) Financial aid opportunities; or

(f) The ability of graduates to repay loans.

(4) The institution shall present to the council, upon request, any information necessary to confirm or verify the veracity of any statements or claims made in any testimonial, endorsement, advertisement, data, or other recruitment.

(5) The institution shall not present data about the institution or its current or former students that is inconsistent with data posted by the workforce training and education coordinating board's career bridge website or the United States Department of Education.

(6) The institution shall not use any official United States military logo in advertising or promotional materials.

AMENDATORY SECTION (Amending WSR 20-07-008, filed 3/5/20, effective 4/5/20)

WAC 250-61-120 Catalog requirements. (1) An institution granted authorization shall publish a catalog supplemented as necessary by

other published materials, providing sufficient information for students to obtain an adequate understanding of the institution, its programs, policies, and procedures. Institutional catalogs shall be published at least once every two years and be provided to students at the time of their enrollment. Electronic catalogs must be archived and students must have access to the archived information.

(2) The catalog shall include elements as required by the council in application materials such that a prospective student may become reasonably informed about the institution, its offerings, policies, and procedures.

AMENDATORY SECTION (Amending WSR 20-07-008, filed 3/5/20, effective 4/5/20)

WAC 250-61-151 Disclosure requirements. (1) The institution shall make the following disclosures to the council.

(a) The institution shall disclose to the council any adverse action against the institution and any investigation by an oversight entity within ((~~thirty~~)) 30 days of the institution's first knowledge of the action or investigation.

(i) The disclosure must include information about the nature of the adverse action or investigation and any additional documents or materials requested by the council.

(ii) Failure to report an adverse action or an investigation by an oversight entity may result in suspension or withdrawal of the authorization granted.

(b) The institution shall disclose to the council any changes in the institution's operations that are inconsistent with the requirements of this chapter or that may impair the institution's ability to satisfy any requirement of this chapter within ((~~thirty~~)) 30 days of the institution's first knowledge of the change.

(i) The disclosure must include information about the nature of the changes in the institution's operations and any additional documents or materials requested by the council.

(ii) The institution shall have a reasonable opportunity to address or correct any deficiencies within a time period specified by the council.

(2) The institution shall make the following disclosures to current and prospective students.

(a) Any catalog or website that is made available to students describing the educational services offered shall prominently feature the following statement upon the granting of authorization: "(Name of institution) is authorized by the Washington student achievement council (the council) and meets the requirements and minimum educational standards established for degree-granting institutions under the Degree-Granting Institutions Act. This authorization is subject to periodic review and authorizes (name of institution) to offer specific degree programs. The council may be contacted for a list of currently authorized programs. Authorization by the council does not carry with it an endorsement by the council of the institution or its programs. ((~~Any person desiring information about the requirements of the act or the applicability of those requirements to the institution~~)) If you have questions about this information, you may contact the council at P.O. Box 43430, Olympia, Washington 98504-3430 or by email at degreeauthorization@wsac.wa.gov."

(b) An institution granted authorization shall make the following statement regarding transferability available to all students: "The transferability of credits earned at (name of institution) is at the discretion of the receiving college, university, or other educational institution. Students considering transferring to any institution should not assume that credits earned in any program of study at (name of institution) will be accepted by the receiving institution. Similarly, the ability of a degree, certificate, diploma, or other academic credential earned at (name of institution) to satisfy an admission requirement of another institution is at the discretion of the receiving institution. Accreditation does not guarantee credentials or credits earned at (name of institution) will be accepted by or transferred to another institution. To minimize the risk of having to repeat coursework, students should contact the receiving institution in advance for evaluation and determination of transferability of credits and/or acceptability of degrees, diplomas, or certificates earned."

(c) The institution shall disclose the availability of the student complaint portal in all sections of the institutional catalog and website containing information about complaints or complaint processes, or in a manner and location otherwise directed by the council.

(d) The institution shall disclose the availability of the student loan advocate in all sections of the institutional catalog and website containing information about financial aid, or in a manner and location otherwise directed by law or by the council.

(e) Programs leading to licensure. The institution shall provide written disclosure to students and prospective students whether courses or programs potentially leading to licensure or post-licensure requirements meet such requirements in the state in which the student or prospective student is located. After making all reasonable efforts to make such a determination, the institution, if unsuccessful, may notify the student or prospective student in writing that the institution cannot confirm whether the course or program meets the requirements for licensure in the state in which the student or prospective student is located, provide the student or prospective student with current contact information for any applicable licensing boards, and advise the student or prospective student to determine whether the program meets licensure requirements in the state in which the student or prospective student is located.

(f) An institution granted a temporary waiver of the requirement for accreditation that has not yet acquired candidacy status with an accrediting association recognized by the council ((~~and the U.S. Department of Education~~)) shall affirm that prospective students have read and understood the following statement prior to any student enrollment: "(Name of institution) is not accredited by an accrediting association recognized by the ((~~United States Department of Education and the~~)) Washington student achievement council. (Name of institution) has been granted a temporary waiver from Washington state's accreditation requirement based on submission of a plan for accreditation with (name of accrediting agency)."

(g) An institution granted a temporary waiver of the requirement for accreditation that has acquired candidacy status with an accrediting association recognized by the council ((~~and the U.S. Department of Education~~)) shall affirm that prospective students have read and understood the following statement prior to any student enrollment: "(Name of institution) has been granted Candidate for Accreditation status by (name of accrediting association). Candidacy is not accreditation nor does it ensure eventual accreditation. "Candidate for Ac-

creditation" is a status of affiliation with the (name of accrediting association) which indicates that the institution has achieved initial recognition and is progressing towards accreditation." An alternate statement required by the institution's accrediting association may be substituted with the council's prior approval.

(h) An institution that enters into an agreement with a third-party entity to deliver instruction or administrative services for a degree program offered via distance education shall provide written disclosure of such agreement and its contents to current and prospective students in a manner and format agreed upon by the council. Disclosures of such agreements shall be provided to prospective students prior to the student's initial payment of tuition or fees.

AMENDATORY SECTION (Amending WSR 20-07-008, filed 3/5/20, effective 4/5/20)

WAC 250-61-170 Application requirements. (1) Initial application.

(a) Institutions seeking initial standard authorization shall contact the council staff to arrange for a preliminary conference to discuss the authorization criteria, application procedures, and ((~~the~~)) review process.

(b) An institution shall submit a fully completed application packet using forms provided by council staff. The application packet will not be considered complete until all required elements have been received by the council.

(c) An application that fails to satisfy the requirements for authorization under this chapter after three separate attempts shall not be granted authorization.

(d) For standard authorization, the initial application fee shall be ((~~two thousand dollars~~)) $5,000, plus ((~~one thousand dollars~~)) $2,000 for each proposed program, and shall be submitted along with the application packet. The check is to be made payable to the Washington student achievement council.

((~~(d)~~)) (e) For field placement authorization, the initial application fee shall be ((~~two thousand dollars~~)) $4,000, plus $1,000 for each proposed program, and shall be submitted along with the application packet. The check is to be made payable to the Washington student achievement council.

(2) Renewal application.

(a) Authorized institutions must submit an application for renewal of authorization on a biennial basis when requested by council staff.

(b) No later than the due date provided by the council, an institution seeking renewal must submit a fully completed renewal application packet using the forms provided by council staff. Failure to provide all requested materials by the due date may result in temporary suspension of the institution's authorization.

(c) For standard authorization, the renewal application fee shall be ((~~one thousand dollars, plus two hundred and fifty additional dollars~~)) $2,000, plus an additional $500 per program. The check is to be made payable to the Washington student achievement council.

(d) For field placement authorization, ((~~a~~)) the renewal application fee ((~~in the amount of one thousand dollars is to be submitted along with the application packet~~)) shall be $2,000, plus an addition-

al $500 per program. The check is to be made payable to the Washington student achievement council.

(e) Any programs that have been authorized for at least one year prior to the authorization renewal date, but which are not yet made available to students, must be so noted in the renewal application. The authorization granted for these programs will be withdrawn at that time and the institution must seek authorization for these programs through the new program application if it wishes to offer them in the future.

(3) Additional program(s).

(a) If an institution plans to offer additional program(s) of study, the institution shall submit a new program application or a new concentration or certificate program application well in advance of the proposed offering.

(b) An additional program application fee in the amount of ((~~one thousand dollars~~)) $2,000 per program is to be submitted along with the application packet. A new concentration or certificate program application fee in the amount of $500 per concentration or certificate is to be submitted along with the application packet. The check is to be made payable to the Washington student achievement council.

(c) The program(s) of study may not be offered, advertised or promoted prior to the granting of authorization.

(d) A nonaccredited institution will be limited to no more than two additional programs per calendar year until full accreditation is received.

(4) Additional site(s).

(a) If an institution plans to offer programs at a new site in Washington, the institution shall submit a new site application well in advance of the proposed start of operations at that site.

(b) An additional site application fee in the amount of ((~~five hundred dollars~~)) $1,000 per site is to be submitted along with the application packet. The check is to be made payable to the Washington student achievement council.

(c) The site may not be utilized, advertised, or promoted prior to the granting of authorization.

(5) Late fees. A late fee for applications for renewal of authorization shall be applied to applications received after the renewal application deadline. The late fee imposed shall be ((~~one thousand dollars~~)) $2,000 and shall be added to all other applicable fees.

(6) All fees submitted to the council are nonrefundable.

(7) Change of ownership or control. A significant change of ownership or control of an institution or its parent entity shall nullify any previous authorization or exemption. The chief administrator, representing the new owner(s), shall notify the council as soon as the change is known. If the chief administrator asserts in a written statement that all conditions set forth in the act and these rules are being met or will be met before offering instruction, the council may issue a temporary certificate of authorization for a maximum of ((~~one hundred eighty~~)) 180 days. The new ownership shall complete an application for initial authorization and submit the application to the council no later than ((~~sixty~~)) 60 days prior to the expiration of the temporary certificate of authorization.

(8) Reapplication. An institution, or the owner of an institution, that is denied authorization by the council or whose existing authorization is withdrawn by the council may submit a new initial application for authorization 12 months after receipt of the denial or withdrawal of authorization.

AMENDATORY SECTION (Amending WSR 19-03-020, filed 1/4/19, effective 2/4/19)

WAC 250-61-180 Application review procedures. (1) Staff analysis. Following receipt of a fully completed application, council staff shall review and analyze the material submitted.

(2) Additional documentation and site visit. If council staff determines it is necessary to verify or supplement the information provided in the application, the staff may require additional written documentation and/or arrange for a site visit. The expense for any site visits shall be paid by the institution applying for authorization.

(3) External consultants. At the discretion of the council, the expertise of other higher education experts may be used to assist in the evaluation of the documentation submitted. The cost for the services of the evaluation expert(s) shall be paid by the institution applying for authorization. The fee for such services is ((~~five hundred dollars~~)) $1,000 per program per consultant, to be submitted by the institution upon request by the council during the review process. The check is to be made payable to the Washington student achievement council.

(4) Comment period. Upon completion of a preliminary review, the council shall post a notification of the request for authorization on its website for a set period of time. Any persons having knowledge as to why the institution or its program(s) may not meet the requirements for degree authorization may provide comment to the council on the proposal.

(5) Staff recommendations. After the final review has been completed, council staff shall summarize its findings and develop a recommendation to the executive director regarding the application. This recommendation will take one of the following forms:

(a) That the institution be granted authorization, subject to biennial reporting and maintenance of the conditions under which authorization has been granted.

(b) That the institution be granted conditional authorization, subject to additional conditions as established by the council, and maintenance of the conditions under which authorization has been granted.

(c) That the institution be denied authorization.

(6) Notification. Following the council's decision to authorize or deny the institution's request, a letter signifying the action shall be sent from the council to the chief administrative officer of the institution.

(a) The letter of authorization will serve as official authorization for the institution to operate in Washington for the specific programs and locations designated in the letter.

(b) An institution denied authorization shall be provided with an explanation as to how the institution and/or its programs failed to meet the criteria for authorization.

AMENDATORY SECTION (Amending WSR 17-09-041, filed 4/14/17, effective 5/15/17)

WAC 250-61-190 Complaints. (1) Institutions shall maintain a process for the resolution of student complaints. The student com-

plaint process shall be readily accessible and shall identify a specific contact or mechanism for the submission of complaints. Institutions shall provide the complainant a decision regarding the complaint within 30 days unless a reasonable extension is necessary to review and respond to the complaint or to seek a negotiated resolution.

(2) A student ((~~with~~)) may submit a complaint against an authorized institution ((~~concerning~~)) based on a loss of tuition ((~~and/~~))or fees ((~~due to unfair or deceptive business practices or other violation of the standards for authorization detailed in the act and this chapter by the institution shall make a reasonable effort to resolve the complaint directly with the institution~~)); other loss or injury due to misrepresentation of educational programs, accreditation, support for or statistics relating to job placement, or measurements of student debts and earnings; or other unfair business practices.

(a) A student submitting a complaint shall make a reasonable effort to resolve the complaint directly with the institution.

(b) If a mutually satisfactory solution cannot be reached, the following procedure shall be pursued:

((~~(1)~~)) (i) Upon receipt of a written complaint that an institution has failed or is failing to comply with the provisions of the act or this chapter, and documentation that the student has made a reasonable effort to resolve the complaint directly with the institution, the executive director shall notify the institution of the nature of the complaint and request appropriate information and documentation relating to the specific area(s) of the complaint.

((~~(2)~~)) (ii) Within five business days, the institution must either respond with the requested information and documentation and a recommended resolution to the complaint or acknowledge receipt of the request and provide a reasonable estimate of the amount of time necessary to respond. If a recommended resolution is acceptable to the complainant, the process is completed at this point.

((~~(3)~~)) (iii) If there is no recommended resolution or the complainant is not satisfied with a recommended resolution, the executive director will review the complaint to determine if the complaint falls within the scope of authority of the council under the act and this chapter and indicates a possible violation of the act and this chapter.

((~~(4)~~)) (iv) If a complaint is found by council staff to be actionable, the council will negotiate with the institution to find an appropriate resolution.

((~~(5)~~)) (v) Council staff will then issue a final decision regarding the complaint and may require the institution to repay lost tuition and fees to the student.

((~~(6)~~)) (vi) If the institution is unsatisfied with the final decision, the institution may request the council hold an administrative hearing as provided in WAC 250-61-210.

((~~(7)~~)) (vii) A complainant is not bound by the council's determination of restitution and may pursue any other legal remedy.

((~~(8)~~)) (viii) Any complaints must be filed within two years after the student's last recorded date of attendance in order to be considered by the council, unless a school has discontinued all Washington operations, in which case, complaints must be filed within one year of discontinuance of all Washington operations. Only the student or the student's legal guardian may file a complaint on behalf of the student.

(3) An institution may not require a student to agree to mandatory arbitration of student complaints.

WSR 26-16-042
PERMANENT RULES
DEPARTMENT OF HEALTH
(Board of Osteopathic Medicine and Surgery)
[Filed July 30, 2026, 8:43 a.m., effective August 30, 2026]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Continuing education (CE) certification requirements for osteopathic physicians.

The board of osteopathic medicine and surgery (board) is adopting amendments to WAC 246-853-080 to update the osteopathic physician CE requirements and specify that a maintenance of a certification program may satisfy CE requirements.

The adopted changes add an additional pathway to allow licensed osteopathic physicians to meet CE requirements by participation in maintenance of certification with a member board of the American Board of Osteopathic Medical Specialties or the American Board of Medical Specialties at the time of renewal.

Citation of Rules Affected by this Order: Amending WAC 246-853-080.

Statutory Authority for Adoption: RCW 18.57.005, 18.130.050, and 18.130.250.

Adopted under notice filed as WSR 26-09-112 on April 21, 2026.

A final cost-benefit analysis is available by contacting Becky Cornwall, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4766, fax 360-236-2850, TTY 711, email osteopathic@doh.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: June 5, 2026.

Yuri Tsirulnikov, DO, Chair
Board of Osteopathic Medicine and Surgery

RDS-6754.1

AMENDATORY SECTION (Amending WSR 24-24-038, filed 11/25/24, effective 12/26/24)

WAC 246-853-080 Continuing education. (1) Licensed osteopathic physicians and surgeons must complete 150 hours of creditable continuing medical education (CME) every three years in accordance with chapter 246-12 WAC.

(2) To satisfy the CME requirements in subsection (1) of this section, a licensed osteopathic physician and surgeon may:

(a) Certify or recertify with the American Board of Osteopathic Medical Specialties (ABOMS) or the American Board of Medical Specialties (ABMS) within the last six years;

(b) Meet the requirements for participation in maintenance of certification of a member board of the ABOMS or ABMS at the time of renewal;

(c) Hold a current American Osteopathic Association (AOA) certificate of excellence in CME; or

((~~(c)~~)) (d) Hold a current American Medical Association (AMA) physician's recognition award (PRA).

(3) In addition to subsection (2) of this section, the licensed osteopathic physician and surgeon must complete any Washington state-specific mandated continuing education requirements.

WSR 26-16-064
PERMANENT RULES
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed August 3, 2026, 3:34 p.m., effective September 3, 2026]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Providing clarification regarding reimbursement of medical premiums for law enforcement officers' and firefighters' Plan 2 members who are catastrophically disabled in the line of duty.

Citation of Rules Affected by this Order: Amending WAC 415-104-4801 and 415-104-482.

Statutory Authority for Adoption: RCW 41.50.050.

Adopted under notice filed as WSR 26-13-020 on June 8, 2026.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 2, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 3, 2026.

Kathryn Leathers
Director

RDS-7067.1

AMENDATORY SECTION (Amending WSR 24-13-026, filed 6/7/24, effective 7/8/24)

WAC 415-104-4801 Medical reimbursement for LEOFF 2 catastrophically disabled members. (1) **What type of medical premiums are available for reimbursement for a LEOFF Plan 2 member who is catastrophically disabled in the line of duty?**

(a) LEOFF Plan 2 members who are catastrophically disabled in the line of duty are eligible for reimbursement of medical premiums.

(i) For members who are not eligible for medicare, DRS will pay for the member, spouse, state-registered domestic partner, and eligible dependents:

(A) Employer-provided medical insurance;

(B) Medical insurance offered under the federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA); or

(C) Other medical premiums, which could include vision and dental, not to exceed the COBRA amount. DRS will not pay for separate supplemental plans for vision, dental, and prescriptions.

(ii) For members who are eligible for medicare, DRS will pay medicare Part A and B.

(b) LEOFF Plan 2 members who are catastrophically disabled are eligible for reimbursement for medical insurance premiums paid after June 30, 2013.

(2) **What if I am eligible for medicare coverage?** If you or your spouse become eligible for medicare coverage, you must notify DRS when you become eligible. To remain eligible for the reimbursement payment, you must enroll in and maintain enrollment in medicare Part A and B. At that point, DRS will only reimburse for premiums on employer-provided medical insurance, insurance authorized by the federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), medicare Part A (hospital insurance), and medicare Part ((~~A and~~)) B (medical insurance) to the member or spouse who is a medicare participant. For the member or spouse who is not a medicare participant, DRS will reimburse for medical premiums described in subsection (1)(a)(i) of this section. DRS will not reimburse for any medicare supplemental or prescription plans.

(3) **How do I apply for medical premium reimbursements?** To receive medical premium reimbursements, you must first complete a request for medical reimbursement form and provide proof of medical insurance coverage and premium payment to DRS.

(4) **What is acceptable as proof of insurance coverage?** DRS will accept these documents as proof of insurance coverage:

(a) Invoice from insurance provider.

(b) Certificate from insurance provider.

(c) Invoice from medicare.

(d) Social Security Form SSA-1099.

(5) **What is acceptable as proof of premium payment?** DRS will accept these documents as proof of payment:

(a) Letter from the Social Security Administration showing your medicare deduction from your monthly benefit;

(b) Bank or credit card statement showing insurance payment that is supported by other documentation showing this is for medical insurance;

(c) Receipt from insurance provider; or

(d) Copies of both sides of cashed checks.

(6) **What if my premiums are deducted from my DRS benefit or my spouse's payroll checks?** DRS will accept these documents as proof of both insurance coverage and premium payment:

(a) Premium deduction authorization from your insurance provider, if premium payments are being paid directly from DRS.

(b) Copy of spouse's or partner's pay stub showing insurance deduction amount.

(7) **When is documentation required?**

(a) You must provide proof of insurance coverage and premium payments at the time you apply for reimbursement. After you are enrolled in the reimbursement program, you must submit this form each time DRS requests, at a minimum twice a year, along with requested documentation.

(b) DRS will reach out to each retiree receiving medical reimbursement payments, and retirees will have 90 days from the date of the letter to provide proof of premium payment. DRS will provide notifications of the 90-day window to ensure that retirees are aware of the requirement to reapply and supply proof.

(c) After 90 days, DRS will suspend reimbursement until proof of insurance coverage and premium payments have been received for each missed period. After DRS receives supporting information, DRS will re-

instate reimbursement payments for the month(s) that documentation supports were paid.

(d) Any adjustment in or cancellation of medical premiums paid by retirees may result in an overpayment of the reimbursement paid to the retiree, so changes should be reported to DRS when they occur.

RDS-7068.1

AMENDATORY SECTION (Amending WSR 25-09-023, filed 4/7/25, effective 4/9/25)

WAC 415-104-482 How are the different LEOFF Plan 2 disability benefits calculated? (1) **Line of duty:** As a line of duty disability retiree, you may choose between:

(a) A one-time lump sum payment equal to 150 percent of your retirement contributions; except that, any payments made to restore service credit after the five-year deadline will be paid at 100 percent; or

(b) A monthly disability benefit equal to:

(i) Ten percent of your final average salary (FAS), which is nontaxable; and

(ii) Two percent of your FAS for each year of service beyond five years.

Calculation of monthly disability benefit:

Example 1: Chris was approved for line of duty disability. The final average salary (FAS) was $10,000. Chris had 20 years of service credit at the time of retirement. To determine the line of duty disability benefit amount:

1.	10% × FAS	=	Nontaxable amount
	.10 × $10,000	=	$1,000
2.	2% × FAS × Number of Service Years beyond Five Years	=	Taxable amount
	.02 × $10,000 × 15	=	$3,000
3.	Nontaxable amount + Taxable amount	=	Total benefit
	$1,000 + $3,000	=	$4,000

Example 2: Pat was approved for line of duty disability. The final average salary (FAS) was $10,000. Pat had 2 years of service credit at the time of retirement. To determine the line of duty disability benefit amount:

1.	10% × FAS	=	Nontaxable amount
	.10 × $10,000	=	$1,000
2.	2% × FAS × Number of Service Years beyond Five Years	=	Taxable amount
	.02 × $10,000 × 0	=	$0
3.	Nontaxable amount + Taxable amount	=	Total benefit
	$1,000 + $0	=	$1,000

(2) **Catastrophic duty disability:** As a catastrophic duty disability retiree, you may choose between:

(a) A one-time lump sum payment equal to 150 percent of your retirement contributions; except that, any payments made to restore service credit after the five-year deadline will be paid at 100 percent. Under this option you waive your right to the medical insurance premium reimbursement; or

(b) A monthly disability benefit equal to:

(i) Seventy percent of your final average salary (FAS), which is nontaxable, reduced by any temporary disability benefits ((~~provided~~)) or permanent total disability benefits provided to the member under Title 51 RCW and federal Social Security disability benefits, if necessary to ensure that the total combined benefits do not exceed 100 percent of the member's final average salary (FAS). Any such adjustment will be applied prospectively from the time the Title 51 RCW or Social Security determination is made, even if the Title 51 RCW or Social Security disability benefits are retroactively adjusted.

(ii) The reduced benefit cannot be less than the earned service retirement benefit. When the earned service benefit is more than the reduced benefit, the difference is taxable.

(3) **LEOFF benefit enhancements.**

(a) If you were a LEOFF Plan 2 member on or before February 1, 2021, and are retiring with more than 15 years of service credit, you will have a choice between the tiered multiplier and the lump-sum benefit with a minimum of $20,000. If a percentage of your monthly pension is nontaxable, the lump-sum enhancement payment will be nontaxable at the same percentage. If you are retiring with less than 15 years of service credit, you will not have a choice and will receive the lump-sum benefit of $20,000.

(b) If you became a LEOFF Plan 2 member after February 1, 2021, and are retiring with more than 15 years of service credit, you will receive the tiered multiplier benefit enhancement. Members retiring with 15 years of service credit or less will receive the standard retirement benefit calculation and not an enhanced benefit.

(c) If you qualify for and elect the lump-sum benefit and it is $20,000 or more you are eligible to purchase a lump-sum annuity with some or all of your funds. The minimum purchase price is $20,000.

Calculation of monthly disability benefit:

Example 1: Terry was approved for catastrophic disability. The final average salary (FAS) was $10,000. Terry was not receiving benefits from LNI (Title 51 RCW) or Social Security disability insurance (SSDI). Terry had 20 years of service credit at the time of retirement. To determine the catastrophic benefit amount:

1.	70% of FAS	=	Monthly disability benefit
	.70 × $10,000	=	$7,000
2.	2% × FAS × Service Years	=	Earned benefit
	.02 × $10,000 × 20	=	$4,000

Since there is no offset and the monthly disability benefit is greater than the earned benefit, Terry's benefit will be $7,000 a month.

Example 2: Pat was approved for catastrophic disability. The final average salary (FAS) was $10,000. Pat was receiving benefits from LNI (Title 51 RCW) and Social Security disability insurance (SSDI) in the amounts of $5,000 and $2,000. Pat had 2 years of service credit at the time of retirement. To determine the catastrophic benefit amount:

1.	70% of FAS	=	Monthly disability benefit
	.70 × $10,000	=	$7,000

2. Monthly disability benefit + LNI benefits + SSDI benefit = Total of all benefits
   $7,000 + $5,000 + $2,000 = $14,000

3. Total of all benefits - FAS = Reduction amount
   $14,000 - $10,000 = $4,000

4. Monthly disability benefit - Reduction Amount = Reduced monthly benefit
   $7,000 - $4,000 = $3,000

5. 2% × FAS × Service Years = Earned benefit
   .02 × $10,000 × 2 = $400

Since the reduced monthly benefit amount is greater than the earned benefit, Pat's nontaxable benefit will be $3,000 a month.

Example 3: Chris was approved for catastrophic disability. The final average salary (FAS) was $10,000. Chris was receiving benefits from LNI (Title 51 RCW) and Social Security disability insurance (SSDI) in the amounts of $5,000 and $2,000 respectively. Chris had 20 years of service credit at the time of retirement. To determine the catastrophic benefit amount:

1. 70% of FAS = Monthly disability benefit
   .70 × $10,000 = $7,000

2. Monthly disability benefit + LNI benefits + SSDI benefit = Total of all benefits
   $7,000 + $5,000 + $2,000 = $14,000

3. Total of all benefits - FAS = Reduction amount (to not exceed 100% of FAS)
   $14,000 - $10,000 = $4,000

4. Monthly disability benefit - Reduction Amount = Reduced monthly benefit
   $7,000 - $4,000 = $3,000

5. 2% × FAS × Service Years = Earned benefit
   .02 × $10,000 × 20 = $4,000

6. Earned benefit - Reduced monthly benefit = Difference
   $4,000 - $3,000 = $1,000

Chris is entitled to the greater of the catastrophic retirement calculation or the earned benefit. Since the earned benefit is greater than the reduced catastrophic benefit, Chris' benefit will be $4,000 a month and $1,000 of that benefit will be taxable.

Calculation of lump-sum benefit enhancement: If you are eligible for and elect the lump-sum benefit enhancement, you will receive a one-time payment equal to $100 per service credit month or $20,000, whichever is greater.

Example 1: Terry retired with 140 service credit months and has elected the lump-sum benefit enhancement payment:

140 months × $100 = $14,000

Terry's lump-sum benefit falls below the minimum amount owed and they will be paid a lump-sum benefit enhancement of $20,000.

Example 2: Pat retired with 300 service credit months and has elected the lump-sum benefit enhancement payment:

300 months × $100 = $30,000

Pat's lump-sum benefit calculation is greater than the minimum and they will be paid their total earned lump-sum benefit enhancement of $30,000.

Calculation of a tiered multiplier enhancement payment: If you are eligible for and elect the tiered multiplier enhancement your benefit for years 15-25 will have a 2.5 percent multiplier.

Example 1: Sam retired with 26 service credit years, a final average salary of $9,500 and has elected the tiered multiplier benefit enhancement:

.02 × services years less than 15 and above 25 × final average salary = total 1

.02 × 16 × $9,500 = $3,040

.025 × services years between 15 and 25 × final average salary = total 2

.025 × 10 × $9,500 = $2,375

total 1 + total 2 = total monthly benefit with the tiered multiplier

$3,040 + $2,375 = $5,415

Sam's nontaxable monthly benefit with the tiered multiplier enhancement would be $5,415 per month.

(4) **Do I have a benefit enhancement choice between the tiered multiplier and lump-sum benefit?**

(a) If you were a LEOFF Plan 2 member on or before February 1, 2021, and are retiring with more than 15 years of service credit, you will have a choice between the tiered multiplier and the lump-sum benefit with a minimum of $20,000. If you are retiring with less than 15 years of service credit, you will not have a choice and will receive the lump-sum benefit with a minimum of $20,000.

(b) If you elect the lump-sum benefit and it is $20,000 or more, you are eligible to purchase a lump-sum annuity with some or all of your funds. The minimum annuity purchase price is $20,000.

(c) If you became a LEOFF Plan 2 member after February 1, 2021, and are retiring with more than 15 years of service credit, you will receive the tiered multiplier benefit enhancement. Members retiring with 15 years of service credit or less will receive the standard retirement benefit calculation and not an enhanced benefit.

(5) **Nonduty disability:** As a nonduty disability retiree, you receive a benefit of two percent times your final average salary times your service credit years. This disability benefit will be actuarially reduced to reflect the difference in age at the time of disability retirement and age 53.

Calculation of monthly disability benefit:

Example 1 – Full actuarial reduction:

Chris, age 47, was approved for a nonduty disability. The final average salary (FAS) was $10,000. Chris had 20 years of service credit at the time of retirement. To determine the nonduty disability benefit amount:

2% × FAS × Service Years × early retirement factor (2018 table)	=	Benefit amount
.02 × $10,000 × 20 × 0.5980	=	$2,392

(6) **Do I have a benefit enhancements choice between the tiered multiplier and lump-sum benefit?**

(a) If you were a LEOFF Plan 2 member on or before February 1, 2021, and are retiring with more than 15 years of service credit, you will have a choice between the tiered multiplier and the lump-sum benefit. If you are retiring with less than 15 years of service credit, you will not have a choice and will receive the lump-sum benefit of $20,000.

(b) If you elect the lump-sum benefit and it is $20,000 or more, you are eligible to purchase an annuity with some or all of your funds. The minimum annuity purchase price is $20,000.

(c) If you became a LEOFF Plan 2 member after February 1, 2021, and are retiring with more than 15 years of service credit, you will receive the tiered multiplier benefit enhancement. Members retiring with 15 years of service credit or less will receive the standard retirement benefit calculation and not an enhanced benefit.

WSR 26-16-066
PERMANENT RULES
HEALTH CARE AUTHORITY
[Filed August 4, 2026, 7:51 a.m., effective September 4, 2026]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The health care authority is repealing WAC 182-550-5500. This section is not current and is redundant. The current payment methodology for rural health clinics is found in chapter 182-549 WAC.

Citation of Rules Affected by this Order: Repealing WAC 182-550-5500.

Statutory Authority for Adoption: RCW 41.05.021 and 41.05.160.

Adopted under notice filed as WSR 26-12-020 on May 22, 2026.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 1.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 1.

Date Adopted: August 4, 2026.

Wendy Barcus
Rules Coordinator

RDS-7217.1

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 182-550-5500 Payment——Hospital-based RHCs.

WSR 26-16-077
PERMANENT RULES
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES

[Filed August 4, 2026, 1:55 p.m., effective September 4, 2026]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule change amends the department of children, youth, and families' public disclosure fax number, mailing address, and form name used by the public when making public records requests.

Citation of Rules Affected by this Order: Amending WAC 110-01-0120 How to make a public records request.

Statutory Authority for Adoption: RCW 42.26.040.

Adopted under notice filed as WSR 26-12-064 on June 1, 2026.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 4, 2026.

Brenda Villarreal
Rules Coordinator

RDS-7230.2

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-01-0120 How to make a public records request. (1) Public records requests ((~~should~~)) may be made directly to the department's public records officer((~~.~~
~~(2) Public records requests may be made verbally or in writing.~~
~~(a) Written requests may be sent by email to dcyf.publicrecords@dcyf.wa.gov, by fax to 360-725-4925 or mail. Requests may be delivered to 1500 Jefferson Street S.E., Olympia, Washington or P.O. Box 40975, Olympia, WA 98504-0975.~~
~~(b)))~~)):

(a) Verbally; or

(b) In writing.

(2) Public records requests made in writing may be:

(a) Emailed to dcyf.publicdisclosure@dcyf.wa.gov;

(b) Faxed to 360-407-5571;

(c) Mailed to P.O. Box 40992, Olympia, WA 98504-0992; or

(d) Delivered in-person to 1500 Jefferson Street S.E., Olympia, Washington.

(3) The department's public records request form is available on its website or can be requested from the public records officer. The department recommends that requestors submit requests in writing using the department's public records request form.

((~~(c) A~~)) (4) The department advises that written public records request~~s made~~ without using the ((~~DEL~~)) department's public records request form ((~~should~~)) contain at least the following information:

((~~(i)~~)) (a) Name of requestor;

((~~(ii)~~)) (b) Address of requestor;

((~~(iii)~~)) (c) Other contact information, including telephone number and ((~~any~~)) email address;

((~~(iv) The date on which~~)) (d) Date of the request ((~~was made~~));

((~~(v)~~)) (e) A ((~~sufficient~~)) detailed description of the identifiable record~~s being~~ requested; and

((~~(vi)~~)) (f) If the record~~s~~ being requested ((~~may~~)) include~~s~~ a list of individuals or businesses, a statement that the list will not be used for commercial purposes, which is prohibited by law.

((~~(3)~~)) (5) The department may ask ((~~an~~)) individual~~s~~ requesting ((~~a~~)) public record~~s~~ for proof of identification or authorization when the law restricts disclosure to ((~~a~~)) specific ((~~person~~)) individuals. Requests by third parties for confidential records, including records governed by chapter 13.50 RCW, must be accompanied by a valid authorization as set forth in WAC 110-01-0205.