

CERTIFICATION OF ENROLLMENT

SENATE BILL 5237

Chapter 39, Laws of 2017

65th Legislature
2017 Regular Session

WORKFORCE INVESTMENT ACT--REFERENCES

EFFECTIVE DATE: 7/23/2017

Passed by the Senate February 28, 2017
Yeas 49 Nays 0

CYRUS HABIB

President of the Senate

Passed by the House April 5, 2017
Yeas 97 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Approved April 17, 2017 11:36 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5237** as passed by Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN

Secretary

FILED

April 17, 2017

**Secretary of State
State of Washington**

SENATE BILL 5237

Passed Legislature - 2017 Regular Session

State of Washington

65th Legislature

2017 Regular Session

By Senators Bailey, Wilson, Chase, Rivers, Keiser, Rolfes, Zeiger, and Kuderer; by request of Workforce Training and Education Coordinating Board

Read first time 01/18/17. Referred to Committee on Higher Education.

1 AN ACT Relating to updating workforce investment act references
2 and making no substantive changes; amending RCW 28B.50.281,
3 28C.18.010, 28C.18.060, 28C.18.150, 28C.18.164, 50.20.250, 50.22.150,
4 50.62.030, and 74.15.020; and reenacting and amending RCW 28C.04.410
5 and 50.22.155.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 28B.50.281 and 2009 c 536 s 9 are each amended to
8 read as follows:

9 (1) The state board shall work with the leadership team, the
10 Washington state apprenticeship and training council, and the office
11 of the superintendent of public instruction to jointly develop, by
12 June 30, 2010, curricula and training programs, to include on-the-job
13 training, classroom training, and safety and health training, for the
14 development of the skills and qualifications identified by the
15 department of community, trade, and economic development under
16 section 7 of this act.

17 (2) The board shall target a portion of any federal stimulus
18 funding received to ensure commensurate capacity for high employer-
19 demand programs of study developed under this section. To that end,
20 the state board must coordinate with the department, the leadership
21 team, the workforce board, or another appropriate state agency in the

1 application for and receipt of any funding that may be made available
2 through the federal youthbuild program, workforce (~~investment~~)
3 innovation and opportunity act, job corps, or other relevant federal
4 programs.

5 (3) The board shall provide an interim report to the appropriate
6 committees of the legislature by December 1, 2011, and a final report
7 by December 1, 2013, detailing the effectiveness of, and any
8 recommendations for improving, the worker training curricula and
9 programs established in this section.

10 (4) Existing curricula and training programs or programs provided
11 by community and technical colleges in the state developed under this
12 section must be recognized as programs of study under RCW 28B.50.273.

13 (5) Subject to available funding, the board may grant enrollment
14 priority to persons who qualify for a waiver under RCW 28B.15.522 and
15 who enroll in curricula and training programs provided by community
16 or technical colleges in the state that have been developed in
17 accordance with this section.

18 (6) The college board may prioritize workforce training programs
19 that lead to a credential, certificate, or degree in green economy
20 jobs. For purposes of this section, green economy jobs include those
21 in the primary industries of a green economy including clean energy,
22 high-efficiency building, green transportation, and environmental
23 protection. Prioritization efforts may include but are not limited
24 to: (a) Prioritization of the use of high employer-demand funding for
25 workforce training programs in green economy jobs, if the programs
26 meet minimum criteria for identification as a high-demand program of
27 study as defined by the state board for community and technical
28 colleges, however any additional community and technical college
29 high-demand funding authorized for the 2009-2011 fiscal biennium and
30 thereafter may be subject to prioritization; (b) increased outreach
31 efforts to public utilities, education, labor, government, and
32 private industry to develop tailored, green job training programs;
33 and (c) increased outreach efforts to target populations. Outreach
34 efforts shall be conducted in partnership with local workforce
35 development councils.

36 (7) The definitions in RCW 43.330.010 apply to this section and
37 RCW 28B.50.282.

38 **Sec. 2.** RCW 28C.04.410 and 2009 c 554 s 1 are each reenacted and
39 amended to read as follows:

1 Unless the context clearly requires otherwise, the definitions in
2 this section apply throughout RCW 28C.04.390 and 28C.04.420.

3 (1) "Applicant" means an educational institution which has made
4 application for a job skills grant under RCW 28C.04.390 and
5 28C.04.420.

6 (2) "Business and industry" means a private corporation,
7 institution, firm, person, group, or association concerned with
8 commerce, trades, manufacturing, or the provision of services within
9 the state, or a public or nonprofit hospital licensed by the
10 department of social and health services.

11 (3) "College board" means the state board for community and
12 technical colleges under chapter 28B.50 RCW.

13 (4) "Dislocated worker" means an individual who meets the
14 definition of dislocated worker contained in P.L. (~~105-220, Sec. 101~~
15 ~~en July 25, 1999~~) 113-128 Sec. 3.

16 (5) "Educational institution" means a public secondary or
17 postsecondary institution, an independent institution, or a private
18 career school or college within the state authorized by law to
19 provide a program of skills training or education beyond the
20 secondary school level. Any educational institution receiving a job
21 skills grant under RCW 28C.04.420 shall be free of sectarian control
22 or influence as set forth in Article IX, section 4 of the state
23 Constitution.

24 (6) "Equipment" means tangible personal property which will
25 further the objectives of the supported program and for which a
26 definite value and evidence in support of the value have been
27 provided by the donor.

28 (7) "Financial support" means any thing of value which is
29 contributed by business, industry, and others to an educational
30 institution which is reasonably calculated to support directly the
31 development and expansion of a particular program under RCW
32 28C.04.390 and 28C.04.420 and represents an addition to any financial
33 support previously or customarily provided to such educational
34 institutions by the donor. "Financial support" includes, but is not
35 limited to, funds, equipment, facilities, faculty, and scholarships
36 for matriculating students and trainees.

37 (8) "Job skills grant" means funding that is provided to an
38 educational institution by the college board for the development or
39 significant expansion of a program under RCW 28C.04.390 and
40 28C.04.420.

1 (9) "Job skills program" means a program of skills training or
2 education separate from and in addition to existing vocational
3 education programs and which:

4 (a) Provides short-term training which has been designated for
5 specific industries;

6 (b) Provides training for prospective employees before a new
7 plant opens or when existing industry expands;

8 (c) Includes training and retraining for workers already employed
9 by an existing industry or business where necessary to avoid
10 dislocation or where upgrading of existing employees would create new
11 vacancies for unemployed persons;

12 (d) Serves areas with high concentrations of economically
13 disadvantaged persons and high unemployment;

14 (e) Promotes the growth of industry clusters;

15 (f) Serves areas where there is a shortage of skilled labor to
16 meet job demands; or

17 (g) Promotes the location of new industry in areas affected by
18 economic dislocation.

19 (10) "Technical assistance" means professional and any other
20 assistance provided by business and industry to an educational
21 institution, which is reasonably calculated to support directly the
22 development and expansion of a particular program and which
23 represents an addition to any technical assistance previously or
24 customarily provided to the educational institutions by the donor.

25 **Sec. 3.** RCW 28C.18.010 and 2013 c 39 s 16 are each amended to
26 read as follows:

27 Unless the context clearly requires otherwise, the definitions in
28 this section apply throughout this title.

29 (1) "Adult basic education" means instruction designed to achieve
30 mastery of skills in reading, writing, oral communication, and
31 computation at a level sufficient to allow the individual to function
32 effectively as a parent, worker, and citizen in the United States,
33 commensurate with that individual's actual ability level, and
34 includes English as a second language and preparation and testing
35 services for a high school equivalency certificate as provided in RCW
36 28B.50.536.

37 (2) "Board" means the workforce training and education
38 coordinating board.

1 (3) "Director" means the director of the workforce training and
2 education coordinating board.

3 (4) "Industry skill panel" means a regional partnership of
4 business, labor, and education leaders that identifies skill gaps in
5 a key economic cluster and enables the industry and public partners
6 to respond to and be proactive in addressing workforce skill needs.

7 (5) "Training system" means programs and courses of secondary
8 vocational education, technical college programs and courses,
9 community college vocational programs and courses, private career
10 school and college programs and courses, employer-sponsored training,
11 adult basic education programs and courses, programs and courses
12 funded by the federal workforce (~~investment~~) innovation and
13 opportunity act, programs and courses funded by the federal
14 vocational act, programs and courses funded under the federal adult
15 education act, publicly funded programs and courses for adult
16 literacy education, and apprenticeships, and programs and courses
17 offered by private and public nonprofit organizations that are
18 representative of communities or significant segments of communities
19 and provide job training or adult literacy services.

20 (6) "Vocational education" means organized educational programs
21 offering a sequence of courses which are directly related to the
22 preparation or retraining of individuals in paid or unpaid employment
23 in current or emerging occupations requiring other than a
24 baccalaureate or advanced degree. Such programs shall include
25 competency-based applied learning which contributes to an
26 individual's academic knowledge, higher-order reasoning, and problem-
27 solving skills, work attitudes, general employability skills, and the
28 occupational-specific skills necessary for economic independence as a
29 productive and contributing member of society. Such term also
30 includes applied technology education.

31 (7) "Workforce development council" means a local workforce
32 (~~investment~~) development board as established in P.L. (~~105-220~~
33 ~~Sec. 117~~) 113-128 Sec. 107.

34 (8) "Workforce skills" means skills developed through applied
35 learning that strengthen and reinforce an individual's academic
36 knowledge, critical thinking, problem solving, and work ethic and,
37 thereby, develop the employability, occupational skills, and
38 management of home and work responsibilities necessary for economic
39 independence.

1 **Sec. 4.** RCW 28C.18.060 and 2014 c 112 s 103 are each amended to
2 read as follows:

3 The board, in cooperation with the operating agencies of the
4 state training system and private career schools and colleges, shall:

5 (1) Concentrate its major efforts on planning, coordination
6 evaluation, policy analysis, and recommending improvements to the
7 state's training system;

8 (2) Advocate for the state training system and for meeting the
9 needs of employers and the workforce for workforce education and
10 training;

11 (3) Establish and maintain an inventory of the programs of the
12 state training system, and related state programs, and perform a
13 biennial assessment of the vocational education, training, and adult
14 basic education and literacy needs of the state; identify ongoing and
15 strategic education needs; and assess the extent to which employment,
16 training, vocational and basic education, rehabilitation services,
17 and public assistance services represent a consistent, integrated
18 approach to meet such needs;

19 (4) Develop and maintain a state comprehensive plan for workforce
20 training and education, including but not limited to, goals,
21 objectives, and priorities for the state training system, and review
22 the state training system for consistency with the state
23 comprehensive plan. In developing the state comprehensive plan for
24 workforce training and education, the board shall use, but shall not
25 be limited to: Economic, labor market, and populations trends reports
26 in office of financial management forecasts; joint office of
27 financial management and employment security department labor force,
28 industry employment, and occupational forecasts; the results of
29 scientifically based outcome, net-impact and cost-benefit
30 evaluations; the needs of employers as evidenced in formal employer
31 surveys and other employer input; and the needs of program
32 participants and workers as evidenced in formal surveys and other
33 input from program participants and the labor community;

34 (5) In consultation with the student achievement council, review
35 and make recommendations to the office of financial management and
36 the legislature on operating and capital facilities budget requests
37 for operating agencies of the state training system for purposes of
38 consistency with the state comprehensive plan for workforce training
39 and education;

1 (6) Provide for coordination among the different operating
2 agencies and components of the state training system at the state
3 level and at the regional level;

4 (7) Develop a consistent and reliable database on vocational
5 education enrollments, costs, program activities, and job placements
6 from publicly funded vocational education programs in this state;

7 (8)(a) Establish standards for data collection and maintenance
8 for the operating agencies of the state training system in a format
9 that is accessible to use by the board. The board shall require a
10 minimum of common core data to be collected by each operating agency
11 of the state training system;

12 (b) Develop requirements for minimum common core data in
13 consultation with the office of financial management and the
14 operating agencies of the training system;

15 (9) Establish minimum standards for program evaluation for the
16 operating agencies of the state training system, including, but not
17 limited to, the use of common survey instruments and procedures for
18 measuring perceptions of program participants and employers of
19 program participants, and monitor such program evaluation;

20 (10) Every two years administer scientifically based outcome
21 evaluations of the state training system, including, but not limited
22 to, surveys of program participants, surveys of employers of program
23 participants, and matches with employment security department payroll
24 and wage files. Every five years administer scientifically based net-
25 impact and cost-benefit evaluations of the state training system;

26 (11) In cooperation with the employment security department,
27 provide for the improvement and maintenance of quality and utility in
28 occupational information and forecasts for use in training system
29 planning and evaluation. Improvements shall include, but not be
30 limited to, development of state-based occupational change factors
31 involving input by employers and employees, and delineation of skill
32 and training requirements by education level associated with current
33 and forecasted occupations;

34 (12) Provide for the development of common course description
35 formats, common reporting requirements, and common definitions for
36 operating agencies of the training system;

37 (13) Provide for effectiveness and efficiency reviews of the
38 state training system;

39 (14) In cooperation with the student achievement council,
40 facilitate transfer of credit policies and agreements between

1 institutions of the state training system, and encourage articulation
2 agreements for programs encompassing two years of secondary workforce
3 education and two years of postsecondary workforce education;

4 (15) In cooperation with the student achievement council,
5 facilitate transfer of credit policies and agreements between private
6 training institutions and institutions of the state training system;

7 (16) Develop policy objectives for the workforce (~~(investment)~~)
8 innovation and opportunity act, P.L. (~~(105-220)~~) 113-128, or its
9 successor; develop coordination criteria for activities under the act
10 with related programs and services provided by state and local
11 education and training agencies; and ensure that entrepreneurial
12 training opportunities are available through programs of each local
13 workforce (~~(investment)~~) development board in the state;

14 (17) Make recommendations to the commission of student
15 assessment, the state board of education, and the superintendent of
16 public instruction, concerning basic skill competencies and essential
17 core competencies for K-12 education. Basic skills for this purpose
18 shall be reading, writing, computation, speaking, and critical
19 thinking, essential core competencies for this purpose shall be
20 English, math, science/technology, history, geography, and critical
21 thinking. The board shall monitor the development of and provide
22 advice concerning secondary curriculum which integrates vocational
23 and academic education;

24 (18) Establish and administer programs for marketing and outreach
25 to businesses and potential program participants;

26 (19) Facilitate the location of support services, including but
27 not limited to, child care, financial aid, career counseling, and job
28 placement services, for students and trainees at institutions in the
29 state training system, and advocate for support services for trainees
30 and students in the state training system;

31 (20) Facilitate private sector assistance for the state training
32 system, including but not limited to: Financial assistance, rotation
33 of private and public personnel, and vocational counseling;

34 (21) Facilitate the development of programs for school-to-work
35 transition that combine classroom education and on-the-job training,
36 including entrepreneurial education and training, in industries and
37 occupations without a significant number of apprenticeship programs;

38 (22) Include in the planning requirements for local workforce
39 (~~(investment)~~) development boards a requirement that the local
40 workforce (~~(investment)~~) development boards specify how

1 entrepreneurial training is to be offered through the one-stop system
2 required under the workforce (~~investment~~) innovation and
3 opportunity act, P.L. (~~105-220~~) 113-128, or its successor;

4 (23) Encourage and assess progress for the equitable
5 representation of racial and ethnic minorities, women, and people
6 with disabilities among the students, teachers, and administrators of
7 the state training system. Equitable, for this purpose, shall mean
8 substantially proportional to their percentage of the state
9 population in the geographic area served. This function of the board
10 shall in no way lessen more stringent state or federal requirements
11 for representation of racial and ethnic minorities, women, and people
12 with disabilities;

13 (24) Participate in the planning and policy development of
14 governor set-aside grants under P.L. 97-300, as amended;

15 (25) Administer veterans' programs, licensure of private
16 vocational schools, the job skills program, and the Washington award
17 for vocational excellence;

18 (26) Allocate funding from the state job training trust fund;

19 (27) Work with the director of commerce to ensure coordination
20 among workforce training priorities and economic development and
21 entrepreneurial development efforts, including but not limited to
22 assistance to industry clusters;

23 (28) Conduct research into workforce development programs
24 designed to reduce the high unemployment rate among young people
25 between approximately eighteen and twenty-four years of age. In
26 consultation with the operating agencies, the board shall advise the
27 governor and legislature on policies and programs to alleviate the
28 high unemployment rate among young people. The research shall include
29 disaggregated demographic information and, to the extent possible,
30 income data for adult youth. The research shall also include a
31 comparison of the effectiveness of programs examined as a part of the
32 research conducted in this subsection in relation to the public
33 investment made in these programs in reducing unemployment of young
34 adults. The board shall report to the appropriate committees of the
35 legislature by November 15, 2008, and every two years thereafter.
36 Where possible, the data reported to the legislative committees
37 should be reported in numbers and in percentages;

38 (29) Adopt rules as necessary to implement this chapter.

39 The board may delegate to the director any of the functions of
40 this section.

1 **Sec. 5.** RCW 28C.18.150 and 2009 c 151 s 8 are each amended to
2 read as follows:

3 (1) Workforce development councils, in partnership with local
4 elected officials, shall develop and maintain a local unified plan
5 for the workforce development system including, but not limited to,
6 the local plan required by P.L. (~~105-220, Title I~~) 113-128 Sec.
7 108. The unified plan shall include a strategic plan that assesses
8 local employment opportunities and skill needs, the present and
9 future workforce, the current workforce development system,
10 information on financial resources, diversity, goals, objectives, and
11 strategies for the local workforce development system, and a
12 system-wide financial strategy for implementing the plan. Local
13 workforce development councils shall submit their strategic plans to
14 the board for review and to the governor for approval.

15 (2) The strategic plan shall clearly articulate the connection
16 between workforce and economic development efforts in the local area
17 including the area industry clusters and the strategic clusters the
18 community is targeting for growth. The plan shall include, but is not
19 limited to:

20 (a) Data on current and projected employment opportunities in the
21 local area;

22 (b) Identification of workforce investment needs of existing
23 businesses and businesses considering location in the region, with
24 special attention to industry clusters;

25 (c) Identification of educational, training, employment, and
26 support service needs of job seekers and workers in the local area,
27 including individuals with disabilities and other underrepresented
28 talent sources;

29 (d) Analysis of the industry demand, potential labor force
30 supply, and educational, employment, and workforce support available
31 to businesses and job seekers in the region; and

32 (e) Collaboration with associate development organizations in
33 regional planning efforts involving combined strategies around
34 workforce development and economic development policies and programs.
35 Combined planning efforts shall include, but not be limited to,
36 assistance to industry clusters in the area.

37 (3) The board shall work with workforce development councils to
38 develop implementation and funding strategies for purposes of this
39 section.

1 **Sec. 6.** RCW 28C.18.164 and 2010 1st sp.s. c 24 s 4 are each
2 amended to read as follows:

3 (1) Opportunity internship consortia may apply to the board to
4 offer an opportunity internship program.

5 (a) The board, in consultation with the Washington state
6 apprenticeship and training council, may select those consortia that
7 demonstrate the strongest commitment and readiness to implement a
8 high quality opportunity internship program for low-income high
9 school students. The board shall place a priority on consortia with
10 demonstrated experience working with similar populations of students
11 and demonstrated capacity to assist a large number of students
12 through the progression of internship or preapprenticeship, high
13 school graduation, postsecondary education, and retention in a high-
14 demand occupation. The board shall place a priority on programs that
15 emphasize secondary career and technical education and
16 nonbaccalaureate postsecondary education; however, programs that
17 target four-year postsecondary degrees are eligible to participate.

18 (b)(i) Except as provided in (b)(ii) of this subsection (1), the
19 board shall enter into a contract with each consortium selected to
20 participate in the program. No more than ten consortia per year shall
21 be selected to participate in the program, and to the extent
22 possible, the board shall assure a geographic distribution of
23 consortia in regions across the state emphasizing a variety of
24 targeted industries. Each consortium may select no more than one
25 hundred low-income high school students per year to participate in
26 the program.

27 (ii) For fiscal years 2011 through 2013, the board shall enter
28 into a contract with each consortium selected to participate in the
29 program. No more than twelve consortia per year shall be selected to
30 participate in the program, and to the extent possible, the board
31 shall assure a geographic distribution of consortia in regions across
32 the state emphasizing a variety of targeted industries. No more than
33 five thousand low-income high school students per year may be
34 selected to participate in the program.

35 (2) Under the terms of an opportunity internship program
36 contract, an opportunity internship consortium shall commit to the
37 following activities which shall be conducted using existing federal,
38 state, local, or private funds available to the consortium:

1 (a) Identify high-demand occupations in targeted industries for
2 which opportunity internships or preapprenticeships shall be
3 developed and provided;

4 (b) Develop and implement the components of opportunity
5 internships, including paid or unpaid internships or
6 preapprenticeships of at least ninety hours in length in high-demand
7 occupations with employers in the consortium, mentoring and guidance
8 for students who participate in the program, assistance with
9 applications for postsecondary programs and financial aid, and a
10 guarantee of a job interview with a participating employer for all
11 opportunity internship graduates who successfully complete a
12 postsecondary program of study;

13 (c) Once the internship or preapprenticeship components have been
14 developed, conduct outreach efforts to inform low-income high school
15 students about high-demand occupations, the opportunity internship
16 program, options for postsecondary programs of study, and the
17 incentives and opportunities provided to students who participate in
18 the program;

19 (d) Obtain appropriate documentation of the low-income status of
20 students who participate in the program;

21 (e) Maintain communication with opportunity internship graduates
22 of the consortium who enroll in postsecondary programs of study; and

23 (f) Submit an annual report to the board on the progress of and
24 participation in the opportunity internship program of the
25 consortium.

26 (3) Opportunity internship consortia are encouraged to:

27 (a) Provide paid opportunity internships or preapprenticeships,
28 including during the summer months to encourage students to stay
29 enrolled in high school;

30 (b) Work with high schools to offer opportunity internships as
31 approved worksite learning experiences where students can earn high
32 school credit;

33 (c) Designate the local workforce development council as fiscal
34 agent for the opportunity internship program contract;

35 (d) Work with area high schools to incorporate the opportunity
36 internship program into comprehensive guidance and counseling
37 programs such as the navigation 101 program; and

38 (e) Coordinate the opportunity internship program with other
39 workforce development and postsecondary education programs, including
40 opportunity grants, the college bound scholarship program, federal

1 workforce (~~investment~~) innovation and opportunity act initiatives,
2 and college access challenge grants.

3 (4) The board shall seek federal funds that may be used to
4 support the opportunity internship program, including providing the
5 incentive payments under RCW 28C.18.168.

6 **Sec. 7.** RCW 50.20.250 and 2012 c 40 s 2 are each amended to read
7 as follows:

8 (1) The legislature finds that the establishment of a
9 self-employment assistance program would assist unemployed
10 individuals and create new businesses and job opportunities in
11 Washington state. The department must inform all individuals eligible
12 under the terms of RCW 50.20.010 of the availability of self-
13 employment assistance and entrepreneurial training programs and of
14 the training provisions of RCW 50.20.043 which would allow them to
15 pursue commissioner-approved training. In addition, when individuals
16 are identified as likely to exhaust benefits under RCW 50.20.011, and
17 when individuals are otherwise eligible for commissioner-approved
18 training under RCW 50.20.043, the department must inform such
19 individuals of the opportunity to enroll in commissioner-approved
20 self-employment assistance programs.

21 (2) An unemployed individual is eligible to participate in a
22 self-employment assistance program if it has been determined that he
23 or she:

24 (a) Is otherwise eligible for regular benefits as defined in RCW
25 50.22.010;

26 (b) Has been identified as likely to exhaust regular unemployment
27 benefits under a profiling system established by the commissioner as
28 defined in P.L. 103-152 or is otherwise eligible for commissioner-
29 approved training under RCW 50.20.043; and

30 (c) Is enrolled in a self-employment assistance program that is
31 approved by the commissioner, and includes entrepreneurial training,
32 business counseling, technical assistance, and requirements to engage
33 in activities relating to the establishment of a business and
34 becoming self-employed.

35 (3) Individuals participating in a self-employment assistance
36 program approved by the commissioner are eligible to receive their
37 regular unemployment benefits.

38 (a) The requirements of RCW 50.20.010 and 50.20.080 relating to
39 availability for work, active search for work, and refusal to accept

1 suitable work are not applicable to an individual in the
2 self-employment assistance program for the first fifty-two weeks of
3 the individual's participation in the program. However, enrollment in
4 a self-employment assistance program does not entitle the enrollee to
5 any benefit payments he or she would not be entitled to had he or she
6 not enrolled in the program.

7 (b) An individual who meets the requirements of this section is
8 considered to be "unemployed" under RCW 50.04.310 and 50.20.010.

9 (4) An individual who fails to participate in his or her approved
10 self-employment assistance program as prescribed by the commissioner
11 is disqualified from continuation in the program.

12 (5) The commissioner must take all steps necessary in carrying
13 out this section to assure collaborative involvement of interested
14 parties in program development, and to ensure that the
15 self-employment assistance programs meet all federal criteria for
16 withdrawal from the unemployment fund. The commissioner may approve,
17 as self-employment assistance programs, existing self-employment
18 training programs available through community colleges, workforce
19 (~~investment~~) development boards, or other organizations and is not
20 obligated by this section to expend any departmental funds for the
21 operation of self-employment assistance programs, unless specific
22 funding is provided to the department for that purpose through
23 federal or state appropriations.

24 (6) The commissioner may adopt rules as necessary to implement
25 this section.

26 **Sec. 8.** RCW 50.22.150 and 2009 c 353 s 4 are each amended to
27 read as follows:

28 (1) This section applies to claims with an effective date before
29 April 5, 2009.

30 (2) Subject to availability of funds, training benefits are
31 available for an individual who is eligible for or has exhausted
32 entitlement to unemployment compensation benefits and who:

33 (a) Is a dislocated worker as defined in RCW 50.04.075;

34 (b) Except as provided under subsection (3) of this section, has
35 demonstrated, through a work history, sufficient tenure in an
36 occupation or in work with a particular skill set. This screening
37 will take place during the assessment process;

38 (c) Is, after assessment of demand for the individual's
39 occupation or skills in the individual's labor market, determined to

1 need job-related training to find suitable employment in his or her
2 labor market. Beginning July 1, 2001, the assessment of demand for
3 the individual's occupation or skill sets must be substantially based
4 on declining occupation or skill sets identified in local labor
5 market areas by the local workforce development councils, in
6 cooperation with the employment security department and its labor
7 market information division, under subsection (11) of this section;

8 (d) Develops an individual training program that is submitted to
9 the commissioner for approval within sixty days after the individual
10 is notified by the employment security department of the requirements
11 of this section;

12 (e) Enters the approved training program by ninety days after the
13 date of the notification, unless the employment security department
14 determines that the training is not available during the ninety-day
15 period, in which case the individual enters training as soon as it is
16 available; and

17 (f) Is enrolled in training approved under this section on a
18 full-time basis as determined by the educational institution, and is
19 making satisfactory progress in the training as certified by the
20 educational institution.

21 (3) Until June 30, 2002, the following individuals who meet the
22 requirements of subsection (2) of this section may, without regard to
23 the tenure requirements under subsection (2)(b) of this section,
24 receive training benefits as provided in this section:

25 (a) An exhaustee who has base year employment in the aerospace
26 industry assigned the standard industrial classification code "372"
27 or the North American industry classification system code "336411";

28 (b) An exhaustee who has base year employment in the forest
29 products industry, determined by the department, but including the
30 industries assigned the major group standard industrial
31 classification codes "24" and "26" or any equivalent codes in the
32 North American industry classification system code, and the
33 industries involved in the harvesting and management of logs,
34 transportation of logs and wood products, processing of wood
35 products, and the manufacturing and distribution of wood processing
36 and logging equipment; or

37 (c) An exhaustee who has base year employment in the fishing
38 industry assigned the standard industrial classification code "0912"
39 or any equivalent codes in the North American industry classification
40 system code.

1 (4) An individual is not eligible for training benefits under
2 this section if he or she:

3 (a) Is a standby claimant who expects recall to his or her
4 regular employer;

5 (b) Has a definite recall date that is within six months of the
6 date he or she is laid off; or

7 (c) Is unemployed due to a regular seasonal layoff which
8 demonstrates a pattern of unemployment consistent with the provisions
9 of RCW 50.20.015. Regular seasonal layoff does not include layoff due
10 to permanent structural downsizing or structural changes in the
11 individual's labor market.

12 (5) The definitions in this subsection apply throughout this
13 section unless the context clearly requires otherwise.

14 (a) "Educational institution" means an institution of higher
15 education as defined in RCW 28B.10.016 or an educational institution
16 as defined in RCW 28C.04.410, including equivalent educational
17 institutions in other states.

18 (b) "Sufficient tenure" means earning a plurality of wages in a
19 particular occupation or using a particular skill set during the base
20 year and at least two of the four twelve-month periods immediately
21 preceding the base year.

22 (c) "Training benefits" means additional benefits paid under this
23 section.

24 (d) "Training program" means:

25 (i) An education program determined to be necessary as a
26 prerequisite to vocational training after counseling at the
27 educational institution in which the individual enrolls under his or
28 her approved training program; or

29 (ii) A vocational training program at an educational institution:

30 (A) That is targeted to training for a high-demand occupation.
31 Beginning July 1, 2001, the assessment of high-demand occupations
32 authorized for training under this section must be substantially
33 based on labor market and employment information developed by local
34 workforce development councils, in cooperation with the employment
35 security department and its labor market information division, under
36 subsection (11) of this section;

37 (B) That is likely to enhance the individual's marketable skills
38 and earning power; and

39 (C) That meets the criteria for performance developed by the
40 workforce training and education coordinating board for the purpose

1 of determining those training programs eligible for funding under
2 Title I of P.L. (~~105-220~~) 113-128.

3 "Training program" does not include any course of education
4 primarily intended to meet the requirements of a baccalaureate or
5 higher degree, unless the training meets specific requirements for
6 certification, licensing, or for specific skills necessary for the
7 occupation.

8 (6) Benefits shall be paid as follows:

9 (a)(i) Except as provided in (a)(iii) of this subsection, for
10 exhaustees who are eligible under subsection (2) of this section, the
11 total training benefit amount shall be fifty-two times the
12 individual's weekly benefit amount, reduced by the total amount of
13 regular benefits and extended benefits paid, or deemed paid, with
14 respect to the benefit year; or

15 (ii) For exhaustees who are eligible under subsection (3) of this
16 section, for claims filed before June 30, 2002, the total training
17 benefit amount shall be seventy-four times the individual's weekly
18 benefit amount, reduced by the total amount of regular benefits and
19 extended benefits paid, or deemed paid, with respect to the benefit
20 year; or

21 (iii) For exhaustees eligible under subsection (2) of this
22 section from industries listed under subsection (3)(a) of this
23 section, for claims filed on or after June 30, 2002, but before
24 January 5, 2003, the total training benefit amount shall be seventy-
25 four times the individual's weekly benefit amount, reduced by the
26 total amount of regular benefits and extended benefits paid, or
27 deemed paid, with respect to the benefit year.

28 (b) The weekly benefit amount shall be the same as the regular
29 weekly amount payable during the applicable benefit year and shall be
30 paid under the same terms and conditions as regular benefits. The
31 training benefits shall be paid before any extended benefits but not
32 before any similar federally funded program.

33 (c) Training benefits are not payable for weeks more than two
34 years beyond the end of the benefit year of the regular claim.

35 (7) The requirement under RCW 50.22.010(10) relating to
36 exhausting regular benefits does not apply to an individual otherwise
37 eligible for training benefits under this section when the
38 individual's benefit year ends before his or her training benefits
39 are exhausted and the individual is eligible for a new benefit year.

1 These individuals will have the option of remaining on the original
2 claim or filing a new claim.

3 (8)(a) Except as provided in (b) of this subsection, individuals
4 who receive training benefits under this section or under any
5 previous additional benefits program for training are not eligible
6 for training benefits under this section for five years from the last
7 receipt of training benefits under this section or under any previous
8 additional benefits program for training.

9 (b) With respect to claims that are filed before January 5, 2003,
10 an individual in the aerospace industry assigned the standard
11 industrial code "372" or the North American industry classification
12 system code "336411" who received training benefits under this
13 section, and who had been making satisfactory progress in a training
14 program but did not complete the program, is eligible, without regard
15 to the five-year limitation of this section and without regard to the
16 requirement of subsection (2)(b) of this section, if applicable, to
17 receive training benefits under this section in order to complete
18 that training program. The total training benefit amount that applies
19 to the individual is seventy-four times the individual's weekly
20 benefit amount, reduced by the total amount of regular benefits paid,
21 or deemed paid, with respect to the benefit year in which the
22 training program resumed and, if applicable, reduced by the amount of
23 training benefits paid, or deemed paid, with respect to the benefit
24 year in which the training program commenced.

25 (9) An individual eligible to receive a trade readjustment
26 allowance under chapter 2 of Title II of the Trade Act of 1974, as
27 amended, shall not be eligible to receive benefits under this section
28 for each week the individual receives such trade readjustment
29 allowance. An individual eligible to receive emergency unemployment
30 compensation, so called, under any federal law, shall not be eligible
31 to receive benefits under this section for each week the individual
32 receives such compensation.

33 (10) All base year employers are interested parties to the
34 approval of training and the granting of training benefits.

35 (11) By July 1, 2001, each local workforce development council,
36 in cooperation with the employment security department and its labor
37 market information division, must identify high-demand occupations
38 and occupations in declining employer demand. For the purposes of RCW
39 50.22.130 through 50.22.150 and section 9, chapter 2, Laws of 2000,
40 "high-demand occupation" means an occupation with a substantial

1 number of current or projected employment opportunities. Local
2 workforce development councils must use state and locally developed
3 labor market information. Thereafter, each local workforce
4 development council shall update this information annually or more
5 frequently if needed.

6 (12) The commissioner shall adopt rules as necessary to implement
7 this section.

8 **Sec. 9.** RCW 50.22.155 and 2011 c 4 s 9 and 2011 c 3 s 2 are each
9 reenacted and amended to read as follows:

10 (1) With respect to claims with an effective date on or after
11 April 5, 2009, and before July 1, 2012:

12 (a) Subject to availability of funds, training benefits are
13 available for an individual who is eligible for or has exhausted
14 entitlement to unemployment compensation benefits when:

15 (i) The individual is a dislocated worker as defined in RCW
16 50.04.075 and, after assessment of the individual's labor market,
17 occupation, or skills, is determined to need job-related training to
18 find suitable employment in the individual's labor market. The
19 assessment of demand for the individual's occupation or skill sets
20 must be substantially based on declining occupation or skill sets and
21 high-demand occupations identified in local labor market areas by the
22 local workforce development councils in cooperation with the
23 employment security department and its labor market information
24 division; or

25 (ii) For claims with an effective date on or after September 7,
26 2009, the individual:

27 (A) Earned an average hourly wage in the individual's base year
28 that is less than one hundred thirty percent of the state minimum
29 wage and, after assessment, it is determined that the individual's
30 earning potential will be enhanced through vocational training. The
31 individual's average hourly wage is calculated by dividing the total
32 wages paid by the total hours worked in the individual's base year;

33 (B) Served in the United States military or the Washington
34 national guard during the twelve-month period prior to the
35 application date, was honorably discharged from military service or
36 the Washington national guard and, after assessment, is determined to
37 need job-related training to find suitable employment in the
38 individual's labor market;

1 (C) Is currently serving in the Washington national guard and,
2 after assessment, is determined to need job-related training to find
3 suitable employment in the individual's labor market; or

4 (D) Is disabled due to an injury or illness and, after
5 assessment, is determined to be unable to return to his or her
6 previous occupation and to need job-related training to find suitable
7 employment in the individual's labor market.

8 (b)(i) The individual must develop an individual training program
9 that is submitted to the commissioner for approval within ninety days
10 after the individual is notified by the employment security
11 department of the requirements of this section;

12 (ii) The individual must enter the approved training program by
13 one hundred twenty days after the date of the notification, unless
14 the employment security department determines that the training is
15 not available during the one hundred twenty days, in which case the
16 individual enters training as soon as it is available;

17 (iii) The department may waive the deadlines established under
18 this subsection for reasons deemed by the commissioner to be good
19 cause.

20 (c) The individual must be enrolled in training approved under
21 this section on a full-time basis as determined by the educational
22 institution, except that less than full-time training may be approved
23 when the individual has a physical, mental, or emotional disability
24 that precludes enrollment on a full-time basis.

25 (d) The individual must make satisfactory progress in the
26 training as defined by the commissioner and certified by the
27 educational institution.

28 (e) An individual is not eligible for training benefits under
29 this section if he or she:

30 (i) Is a standby claimant who expects recall to his or her
31 regular employer; or

32 (ii) Has a definite recall date that is within six months of the
33 date he or she is laid off.

34 (f) The following definitions apply throughout this subsection
35 (1) unless the context clearly requires otherwise.

36 (i) "Educational institution" means an institution of higher
37 education as defined in RCW 28B.10.016 or an educational institution
38 as defined in RCW 28C.04.410, including equivalent educational
39 institutions in other states.

1 (ii) "High-demand occupation" means an occupation with a
2 substantial number of current or projected employment opportunities.

3 (iii) "Training benefits" means additional benefits paid under
4 this section.

5 (iv) "Training program" means:

6 (A) An education program determined to be necessary as a
7 prerequisite to vocational training after counseling at the
8 educational institution in which the individual enrolls under his or
9 her approved training program; or

10 (B) A vocational training program at an educational institution
11 that:

12 (I) Is targeted to training for a high-demand occupation;

13 (II) Is likely to enhance the individual's marketable skills and
14 earning power; and

15 (III) Meets the criteria for performance developed by the
16 workforce training and education coordinating board for the purpose
17 of determining those training programs eligible for funding under
18 Title I of P.L. (~~105-220~~) 113-128.

19 "Training program" does not include any course of education
20 primarily intended to meet the requirements of a baccalaureate or
21 higher degree, unless the training meets specific requirements for
22 certification, licensing, or for specific skills necessary for the
23 occupation.

24 (g) Benefits shall be paid as follows:

25 (i) The total training benefit amount shall be fifty-two times
26 the individual's weekly benefit amount, reduced by the total amount
27 of regular benefits and extended benefits paid, or deemed paid, with
28 respect to the benefit year.

29 (ii) The weekly benefit amount shall be the same as the regular
30 weekly amount payable during the applicable benefit year and shall be
31 paid under the same terms and conditions as regular benefits.

32 (iii) Training benefits shall be paid before any extended
33 benefits but not before any similar federally funded program.
34 Effective July 3, 2011, training benefits shall be paid after any
35 federally funded program.

36 (iv) Training benefits are not payable for weeks more than two
37 years beyond the end of the benefit year of the regular claim.
38 However, training benefits are not payable for weeks more than three
39 years beyond the end of the benefit year of the regular claim when

1 individuals are eligible for benefits in accordance with RCW
2 50.22.010 (2)((+e)) (b) or (3)((+e)) (b).

3 (h) The requirement under RCW 50.22.010(10) relating to
4 exhausting regular benefits does not apply to an individual otherwise
5 eligible for training benefits under this section when the
6 individual's benefit year ends before his or her training benefits
7 are exhausted and the individual is eligible for a new benefit year.
8 These individuals will have the option of remaining on the original
9 claim or filing a new claim.

10 (i) Individuals who receive training benefits under RCW 50.22.150
11 or this section are not eligible for training benefits under this
12 section for five years from the last receipt of training benefits.

13 (j) An individual eligible to receive a trade readjustment
14 allowance under chapter 2, Title II of the trade act of 1974, as
15 amended, shall not be eligible to receive benefits under this section
16 for each week the individual receives such trade readjustment
17 allowance.

18 (k) An individual eligible to receive emergency unemployment
19 compensation under any federal law shall not be eligible to receive
20 benefits under this section for each week the individual receives
21 such compensation.

22 (l) All base year employers are interested parties to the
23 approval of training and the granting of training benefits.

24 (m) Each local workforce development council, in cooperation with
25 the employment security department and its labor market information
26 division, must identify occupations and skill sets that are declining
27 and high-demand occupations and skill sets. Each local workforce
28 development council shall update this information annually or more
29 frequently if needed.

30 (2) With respect to claims with an effective date on or after
31 July 1, 2012:

32 (a) Training benefits are available for an individual who is
33 eligible for or has exhausted entitlement to unemployment
34 compensation benefits when:

35 (i) The individual is a dislocated worker as defined in RCW
36 50.04.075 and, after assessment of the individual's labor market,
37 occupation, or skills, is determined to need job-related training to
38 find suitable employment in the individual's labor market. The
39 assessment of demand for the individual's occupation or skill sets
40 must be substantially based on declining occupation or skill sets and

1 high-demand occupations identified in local labor market areas by the
2 local workforce development councils in cooperation with the
3 employment security department and its labor market information
4 division; or

5 (ii) Subject to the availability of funds as specified in RCW
6 50.22.140, the individual:

7 (A) Earned an average hourly wage in the individual's base year
8 that is less than one hundred thirty percent of the state minimum
9 wage and, after assessment, it is determined that the individual's
10 earning potential will be enhanced through vocational training. The
11 individual's average hourly wage is calculated by dividing the total
12 wages paid by the total hours worked in the individual's base year;

13 (B) Served in the United States military or the Washington
14 national guard during the twelve-month period prior to the
15 application date, was honorably discharged from military service or
16 the Washington national guard and, after assessment, is determined to
17 need job-related training to find suitable employment in the
18 individual's labor market;

19 (C) Is currently serving in the Washington national guard and,
20 after assessment, is determined to need job-related training to find
21 suitable employment in the individual's labor market; or

22 (D) Is disabled due to an injury or illness and, after
23 assessment, is determined to be unable to return to his or her
24 previous occupation and to need job-related training to find suitable
25 employment in the individual's labor market.

26 (b)(i) Except for an individual eligible under (a)(i) of this
27 subsection, the individual must develop an individual training plan
28 that is submitted to the commissioner for approval within ninety days
29 after the individual is notified by the employment security
30 department of the requirements of this section;

31 (ii) Except for an individual eligible under (a)(i) of this
32 subsection, the individual must enroll in the approved training
33 program by one hundred twenty days after the date of the
34 notification, unless the employment security department determines
35 that the training is not available during the one hundred twenty
36 days, in which case the individual enters training as soon as it is
37 available;

38 (iii) An individual eligible under (a)(i) of this subsection must
39 submit an individual training plan and enroll in the approved
40 training program prior to the end of the individual's benefit year;

1 (iv) The department may waive the deadlines established under
2 (b)(i) and (ii) of this subsection for reasons deemed by the
3 commissioner to be good cause.

4 (c) Except for an individual eligible under (a)(i) of this
5 subsection, the individual must be enrolled in training approved
6 under this section on a full-time basis as determined by the
7 educational institution, except that less than full-time training may
8 be approved when the individual has a physical, mental, or emotional
9 disability that precludes enrollment on a full-time basis.

10 (d) The individual must make satisfactory progress in the
11 training as defined by the commissioner and certified by the
12 educational institution.

13 (e) An individual is not eligible for training benefits under
14 this section if he or she:

15 (i) Is a standby claimant who expects recall to his or her
16 regular employer; or

17 (ii) Has a definite recall date that is within six months of the
18 date he or she is laid off.

19 (f) The following definitions apply throughout this subsection
20 (2) unless the context clearly requires otherwise:

21 (i) "Educational institution" means an institution of higher
22 education as defined in RCW 28B.10.016 or an educational institution
23 as defined in RCW 28C.04.410, including equivalent educational
24 institutions in other states.

25 (ii) "High-demand occupation" means an occupation with a
26 substantial number of current or projected employment opportunities.

27 (iii) "Training benefits" means additional benefits paid under
28 this section.

29 (iv) "Training program" means:

30 (A) An education program determined to be necessary as a
31 prerequisite to vocational training after counseling at the
32 educational institution in which the individual enrolls under his or
33 her approved training program; or

34 (B) A vocational training program at an educational institution
35 that:

36 (I) Is targeted to training for a high-demand occupation;

37 (II) Is likely to enhance the individual's marketable skills and
38 earning power; and

39 (III) Meets the criteria for performance developed by the
40 workforce training and education coordinating board for the purpose

1 of determining those training programs eligible for funding under
2 Title I of P.L. (~~(105-220)~~) 113-128.

3 "Training program" does not include any course of education
4 primarily intended to meet the requirements of a baccalaureate or
5 higher degree, unless the training meets specific requirements for
6 certification, licensing, or for specific skills necessary for the
7 occupation.

8 (g) Available benefits shall be paid as follows:

9 (i) The total training benefit amount shall be fifty-two times
10 the individual's weekly benefit amount, reduced by the total amount
11 of regular benefits paid, or deemed paid, with respect to the benefit
12 year.

13 (ii) The weekly benefit amount shall be the same as the regular
14 weekly amount payable during the applicable benefit year and shall be
15 paid under the same terms and conditions as regular benefits.

16 (iii) Training benefits shall be paid after any federally funded
17 program.

18 (iv) Training benefits are not payable for weeks more than two
19 years beyond the end of the benefit year of the regular claim.
20 However, training benefits are not payable for weeks more than three
21 years beyond the end of the benefit year of the regular claim when
22 individuals are eligible for benefits in accordance with RCW
23 50.22.010 (2)(~~(e)~~) (b) or (3)(~~(e)~~) (b).

24 (h) The requirement under RCW 50.22.010(10) relating to
25 exhausting regular benefits does not apply to an individual otherwise
26 eligible for training benefits under this section when the
27 individual's benefit year ends before his or her training benefits
28 are exhausted and the individual is eligible for a new benefit year.
29 These individuals will have the option of remaining on the original
30 claim or filing a new claim.

31 (i) Except for individuals eligible under (a)(i) of this
32 subsection, individuals who receive training benefits under RCW
33 50.22.150 or this section are not eligible for training benefits
34 under this section for five years from the last receipt of training
35 benefits.

36 (j) An individual eligible to receive a trade readjustment
37 allowance under chapter 2, Title II of the trade act of 1974, as
38 amended, shall not be eligible to receive benefits under this section
39 for each week the individual receives such trade readjustment
40 allowance.

1 (k) An individual eligible to receive emergency unemployment
2 compensation under any federal law shall not be eligible to receive
3 benefits under this section for each week the individual receives
4 such compensation.

5 (l) All base year employers are interested parties to the
6 approval of training and the granting of training benefits.

7 (m) Each local workforce development council, in cooperation with
8 the employment security department and its labor market information
9 division, must identify occupations and skill sets that are declining
10 and high-demand occupations and skill sets. Each local workforce
11 development council shall update this information annually or more
12 frequently if needed.

13 (3) The commissioner shall adopt rules as necessary to implement
14 this section.

15 **Sec. 10.** RCW 50.62.030 and 2012 c 40 s 4 are each amended to
16 read as follows:

17 (1) Job service resources must be used to assist with the
18 reemployment of unemployed workers using the most efficient and
19 effective means of service delivery. The job service program of the
20 employment security department may undertake any program or activity
21 for which funds are available and which furthers the goals of this
22 chapter. These programs and activities must include, but are not
23 limited to:

24 (a) Giving older unemployed workers and the long-term unemployed
25 the highest priority for all services made available under this
26 section. The employment security department must make the services
27 provided under this chapter available to the older unemployed workers
28 and the long-term unemployed as soon as they register under the
29 employment assistance program;

30 (b) Supplementing basic employment services, with special job
31 search and claimant placement assistance designed to assist
32 unemployment insurance claimants to obtain employment;

33 (c) Providing employment services, such as recruitment,
34 screening, and referral of qualified workers, to agricultural areas
35 where these services have in the past contributed to positive
36 economic conditions for the agricultural industry; and

37 (d) Providing otherwise unobtainable information and analysis to
38 the legislature and program managers about issues related to
39 employment and unemployment.

1 (2) Individuals who are eligible for services under the federal
2 workforce (~~(investment)~~) innovation and opportunity act, P.L.
3 (~~(105-220)~~) 113-128 or its successor(~~([,])~~), must be provided the
4 opportunity to enroll in self-employment assistance or
5 entrepreneurial training programs to prepare them for self-employment
6 on the same basis as they are provided the opportunity to enroll in
7 other training programs funded under the federal workforce
8 (~~(investment)~~) innovation and opportunity act. The department must
9 work with local workforce development councils to ensure that the
10 contracting process with training providers is efficient and that the
11 number of entrepreneurial training providers on the state's eligible
12 training provider list is sufficient to meet demand. Each local
13 workforce development council must:

14 (a) Notify all individuals eligible for services under the
15 workforce (~~(investment)~~) innovation and opportunity act of the
16 availability of self-employment assistance and entrepreneurial
17 training; and

18 (b) Establish and implement a plan for expending workforce
19 (~~(investment)~~) innovation and opportunity act funds on self-
20 employment assistance and entrepreneurial training at a rate that is
21 commensurate with either the demand for such services or the rate of
22 self-employment within the council's workforce development area.

23 **Sec. 11.** RCW 74.15.020 and 2016 c 166 s 1 are each amended to
24 read as follows:

25 The definitions in this section apply throughout this chapter and
26 RCW 74.13.031 unless the context clearly requires otherwise.

27 (1) "Agency" means any person, firm, partnership, association,
28 corporation, or facility which receives children, expectant mothers,
29 or persons with developmental disabilities for control, care, or
30 maintenance outside their own homes, or which places, arranges the
31 placement of, or assists in the placement of children, expectant
32 mothers, or persons with developmental disabilities for foster care
33 or placement of children for adoption, and shall include the
34 following irrespective of whether there is compensation to the agency
35 or to the children, expectant mothers, or persons with developmental
36 disabilities for services rendered:

37 (a) "Child-placing agency" means an agency which places a child
38 or children for temporary care, continued care, or for adoption;

1 (b) "Community facility" means a group care facility operated for
2 the care of juveniles committed to the department under RCW
3 13.40.185. A county detention facility that houses juveniles
4 committed to the department under RCW 13.40.185 pursuant to a
5 contract with the department is not a community facility;

6 (c) "Crisis residential center" means an agency which is a
7 temporary protective residential facility operated to perform the
8 duties specified in chapter 13.32A RCW, in the manner provided in RCW
9 (~~(74.13.032 through 74.13.036)~~) 43.185C.295 through 43.185C.310;

10 (d) "Emergency respite center" is an agency that may be commonly
11 known as a crisis nursery, that provides emergency and crisis care
12 for up to seventy-two hours to children who have been admitted by
13 their parents or guardians to prevent abuse or neglect. Emergency
14 respite centers may operate for up to twenty-four hours a day, and
15 for up to seven days a week. Emergency respite centers may provide
16 care for children ages birth through seventeen, and for persons
17 eighteen through twenty with developmental disabilities who are
18 admitted with a sibling or siblings through age seventeen. Emergency
19 respite centers may not substitute for crisis residential centers or
20 HOPE centers, or any other services defined under this section, and
21 may not substitute for services which are required under chapter
22 13.32A or 13.34 RCW;

23 (e) "Foster-family home" means an agency which regularly provides
24 care on a twenty-four hour basis to one or more children, expectant
25 mothers, or persons with developmental disabilities in the family
26 abode of the person or persons under whose direct care and
27 supervision the child, expectant mother, or person with a
28 developmental disability is placed;

29 (f) "Group-care facility" means an agency, other than a foster-
30 family home, which is maintained and operated for the care of a group
31 of children on a twenty-four hour basis;

32 (g) "HOPE center" means an agency licensed by the secretary to
33 provide temporary residential placement and other services to street
34 youth. A street youth may remain in a HOPE center for thirty days
35 while services are arranged and permanent placement is coordinated.
36 No street youth may stay longer than thirty days unless approved by
37 the department and any additional days approved by the department
38 must be based on the unavailability of a long-term placement option.
39 A street youth whose parent wants him or her returned to home may
40 remain in a HOPE center until his or her parent arranges return of

1 the youth, not longer. All other street youth must have court
2 approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center
3 up to thirty days;

4 (h) "Maternity service" means an agency which provides or
5 arranges for care or services to expectant mothers, before or during
6 confinement, or which provides care as needed to mothers and their
7 infants after confinement;

8 (i) "Resource and assessment center" means an agency that
9 provides short-term emergency and crisis care for a period up to
10 seventy-two hours, excluding Saturdays, Sundays, and holidays to
11 children who have been removed from their parent's or guardian's care
12 by child protective services or law enforcement;

13 (j) "Responsible living skills program" means an agency licensed
14 by the secretary that provides residential and transitional living
15 services to persons ages sixteen to eighteen who are dependent under
16 chapter 13.34 RCW and who have been unable to live in his or her
17 legally authorized residence and, as a result, the minor lived
18 outdoors or in another unsafe location not intended for occupancy by
19 the minor. Dependent minors ages fourteen and fifteen may be eligible
20 if no other placement alternative is available and the department
21 approves the placement;

22 (k) "Service provider" means the entity that operates a community
23 facility.

24 (2) "Agency" shall not include the following:

25 (a) Persons related to the child, expectant mother, or person
26 with developmental disability in the following ways:

27 (i) Any blood relative, including those of half-blood, and
28 including first cousins, second cousins, nephews or nieces, and
29 persons of preceding generations as denoted by prefixes of grand,
30 great, or great-great;

31 (ii) Stepfather, stepmother, stepbrother, and stepsister;

32 (iii) A person who legally adopts a child or the child's parent
33 as well as the natural and other legally adopted children of such
34 persons, and other relatives of the adoptive parents in accordance
35 with state law;

36 (iv) Spouses of any persons named in (a)(i), (ii), or (iii) of
37 this subsection (2), even after the marriage is terminated;

38 (v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this
39 subsection (2), of any half sibling of the child; or

1 (vi) Extended family members, as defined by the law or custom of
2 the Indian child's tribe or, in the absence of such law or custom, a
3 person who has reached the age of eighteen and who is the Indian
4 child's grandparent, aunt or uncle, brother or sister, brother-in-law
5 or sister-in-law, niece or nephew, first or second cousin, or
6 stepparent who provides care in the family abode on a twenty-four-
7 hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

8 (b) Persons who are legal guardians of the child, expectant
9 mother, or persons with developmental disabilities;

10 (c) Persons who care for a neighbor's or friend's child or
11 children, with or without compensation, where the parent and person
12 providing care on a twenty-four-hour basis have agreed to the
13 placement in writing and the state is not providing any payment for
14 the care;

15 (d) A person, partnership, corporation, or other entity that
16 provides placement or similar services to exchange students or
17 international student exchange visitors or persons who have the care
18 of an exchange student in their home;

19 (e) A person, partnership, corporation, or other entity that
20 provides placement or similar services to international children who
21 have entered the country by obtaining visas that meet the criteria
22 for medical care as established by the United States citizenship and
23 immigration services, or persons who have the care of such an
24 international child in their home;

25 (f) Schools, including boarding schools, which are engaged
26 primarily in education, operate on a definite school year schedule,
27 follow a stated academic curriculum, accept only school-age children
28 and do not accept custody of children;

29 (g) Hospitals licensed pursuant to chapter 70.41 RCW when
30 performing functions defined in chapter 70.41 RCW, nursing homes
31 licensed under chapter 18.51 RCW and assisted living facilities
32 licensed under chapter 18.20 RCW;

33 (h) Licensed physicians or lawyers;

34 (i) Facilities approved and certified under chapter 71A.22 RCW;

35 (j) Any agency having been in operation in this state ten years
36 prior to June 8, 1967, and not seeking or accepting moneys or
37 assistance from any state or federal agency, and is supported in part
38 by an endowment or trust fund;

39 (k) Persons who have a child in their home for purposes of
40 adoption, if the child was placed in such home by a licensed child-

1 placing agency, an authorized public or tribal agency or court or if
2 a replacement report has been filed under chapter 26.33 RCW and the
3 placement has been approved by the court;

4 (l) An agency operated by any unit of local, state, or federal
5 government or an agency licensed by an Indian tribe pursuant to RCW
6 74.15.190;

7 (m) A maximum or medium security program for juvenile offenders
8 operated by or under contract with the department;

9 (n) An agency located on a federal military reservation, except
10 where the military authorities request that such agency be subject to
11 the licensing requirements of this chapter;

12 (o) A host home program, and host home, operated by a tax exempt
13 organization for youth not in the care of or receiving services from
14 the department, if that program: (i) Recruits and screens potential
15 homes in the program, including performing background checks on
16 individuals over the age of eighteen residing in the home through the
17 Washington state patrol or equivalent law enforcement agency and
18 performing physical inspections of the home; (ii) screens and
19 provides case management services to youth in the program; (iii)
20 obtains a notarized permission slip or limited power of attorney from
21 the parent or legal guardian of the youth authorizing the youth to
22 participate in the program and the authorization is updated every six
23 months when a youth remains in a host home longer than six months;
24 (iv) obtains insurance for the program through an insurance provider
25 authorized under Title 48 RCW; (v) provides mandatory reporter and
26 confidentiality training; and (vi) registers with the secretary of
27 state as provided in RCW 24.03.550. A host home is a private home
28 that volunteers to host youth in need of temporary placement that is
29 associated with a host home program. Any host home program that
30 receives local, state, or government funding shall report the
31 following information to the office of homeless youth prevention and
32 protection programs annually by December 1st of each year: The number
33 of children the program served, why the child was placed with a host
34 home, and where the child went after leaving the host home, including
35 but not limited to returning to the parents, running away, reaching
36 the age of majority, or becoming a dependent of the state. A host
37 home program shall not receive more than one hundred thousand dollars
38 per year of public funding, including local, state, and federal
39 funding. A host home shall not receive any local, state, or
40 government funding.

1 (3) "Department" means the state department of social and health
2 services.

3 (4) "Juvenile" means a person under the age of twenty-one who has
4 been sentenced to a term of confinement under the supervision of the
5 department under RCW 13.40.185.

6 (5) "Performance-based contracts" or "contracting" means the
7 structuring of all aspects of the procurement of services around the
8 purpose of the work to be performed and the desired results with the
9 contract requirements set forth in clear, specific, and objective
10 terms with measurable outcomes. Contracts may also include provisions
11 that link the performance of the contractor to the level and timing
12 of the reimbursement.

13 (6) "Probationary license" means a license issued as a
14 disciplinary measure to an agency that has previously been issued a
15 full license but is out of compliance with licensing standards.

16 (7) "Requirement" means any rule, regulation, or standard of care
17 to be maintained by an agency.

18 (8) "Secretary" means the secretary of social and health
19 services.

20 (9) "Street youth" means a person under the age of eighteen who
21 lives outdoors or in another unsafe location not intended for
22 occupancy by the minor and who is not residing with his or her parent
23 or at his or her legally authorized residence.

24 (10) "Supervising agency" means an agency licensed by the state
25 under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has
26 entered into a performance-based contract with the department to
27 provide child welfare services.

28 (11) "Transitional living services" means at a minimum, to the
29 extent funds are available, the following:

30 (a) Educational services, including basic literacy and
31 computational skills training, either in local alternative or public
32 high schools or in a high school equivalency program that leads to
33 obtaining a high school equivalency degree;

34 (b) Assistance and counseling related to obtaining vocational
35 training or higher education, job readiness, job search assistance,
36 and placement programs;

37 (c) Counseling and instruction in life skills such as money
38 management, home management, consumer skills, parenting, health care,
39 access to community resources, and transportation and housing
40 options;

1 (d) Individual and group counseling; and
2 (e) Establishing networks with federal agencies and state and
3 local organizations such as the United States department of labor,
4 employment and training administration programs including the
5 workforce ((~~investment~~)) innovation and opportunity act which
6 administers private industry councils and the job corps; vocational
7 rehabilitation; and volunteer programs.

Passed by the Senate February 28, 2017.

Passed by the House April 5, 2017.

Approved by the Governor April 17, 2017.

Filed in Office of Secretary of State April 17, 2017.

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