

# Title 490 WAC

## COMMISSION FOR VOCATIONAL EDUCATION AND VOCATIONAL REHABILITATION (SOCIAL AND HEALTH SERVICES, DEPT. OF)

### Chapters

- 490-04A Authority and organization for commission for vocational education.
- 490-08A Rules of practice and procedure.
- 490-12A Qualifications of personnel.
- 490-15A Occupational training of rehabilitation clients--Approval of schools.
- 490-16A Occupational training of veterans--Approval of schools.
- 490-24A Provision for public hearings, public meetings and public information.
- 490-25A Rules and regulations relating to public records of the commission for vocational education.
- 490-28A Minimum qualifications of personnel.
- 490-32A Definitions for terms commonly used in vocational education activities.
- 490-36A Conditions for approval of local educational agency programs.
- 490-37 Adjudication and review rules and procedures.
- 490-38 Service areas of the vocational-technical institutes and outside programs.
- 490-40A Procedures for vocational education program development and services under contracts and agreements.
- 490-44A Allocation of funds.
- 490-48A Vocational youth organizations.
- 490-52A Evaluation and research.
- 490-56A Exemplary programs and projects.
- 490-60A Home and family life education.
- 490-64A Cooperative vocational education programs.
- 490-68A Work-study program.
- 490-72A Residential vocational education schools.
- 490-76A Fiscal control and fund accounting procedures.
- 490-500 Vocational rehabilitation and services for handicapped persons.

### DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

#### Chapter 490-04

#### AUTHORITY AND ORGANIZATION FOR COORDINATING COUNCIL FOR OCCUPATIONAL EDUCATION

- 490-04-010 Name and legal authority. [Order 72-3 and 72-4, § 490-04-010, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-04A-010.
- 490-04-020 Organization. [Order 72-3 and 72-4, § 490-04-020, filed 4/24/72.] Repealed by Order 75-4, filed

- 2/18/76. Later promulgation, see WAC 490-04A-020.
- 490-04-030 Designation and authority of executive officer. [Order 72-3 and 72-4, § 490-04-030, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-04A-040.
- 490-04-040 Designation and authority of state director. [Order 72-3 and 72-4, § 490-04-040, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76.
- 490-04-050 Administrative structure of the coordinating council for occupational education. [Order 73-1, § 490-04-050, filed 11/1/73; Order 72-3 and 72-4, § 490-04-050, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-04A-050.

#### Chapter 490-08

#### RULES OF PRACTICE AND PROCEDURE

- 490-08-010 Appeal procedures. [Order 72-3 and 72-4, § 490-08-010, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-08A-010.
- 490-08-020 Judicial review provisions. [Order 72-3 and 72-4, § 490-08-020, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-08A-020.

#### Chapter 490-12

#### QUALIFICATIONS OF PERSONNEL

- 490-12-010 Qualifications of teachers of practical nursing. [Rules (part), filed 3/23/60.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-12A-010.
- 490-12-020 Qualifications of teachers in trade and industrial extension classes--Shop and trade practice teachers. [Rules (part), filed 3/23/60.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-12A-020.
- 490-12-022 Qualifications of teachers in trade and industrial extension classes--Related technical teachers. [Rules (part), filed 3/23/60.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-12A-022.
- 490-12-024 Qualifications of teachers in trade and industrial extension classes--Teachers of general continuation classes. [Rules (part), filed 3/23/60.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-12A-024.
- 490-12-030 Qualifications of teachers of home economics education--Home economics teachers. [Rules (part), filed 3/23/60.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-12A-030.
- 490-12-032 Qualifications of teachers of home economics education--Teacher for child development laboratory in the home economics program. [Rules (part), filed 3/23/60.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-12A-032.
- 490-12-034 Qualifications of teachers of home economics education--Related subjects teacher. [Rules (part),



- 2/18/76. Later promulgation, see WAC 490-16A-100.
- 490-16-105 Regulations—Reports. [Rules (part), filed 8/12/66.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-16A-105.
- 490-16-110 Regulations—Visitations. [Rules (part), filed 8/12/66.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-16A-110.
- 490-16-115 Regulations—Misrepresentation. [Rules (part), filed 8/12/66.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-16A-115.
- 490-16-120 Regulations—Supporting evidence. [Rules (part), filed 8/12/66.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-16A-120.
- 490-16-130 Regulations—Procedures. [Rules (part), filed 8/12/66.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-16A-130.

**Chapter 490-20****VOCATIONAL REHABILITATION**

- 490-20-010 Standards for personnel providing services—General policies. [Regulation 17.1, filed 4/3/64; Regulation 17.1, filed 6/21/63.] Repealed by Order 72-3, filed 4/24/72.
- 490-20-015 Standards for personnel providing services—Medical diagnosis and treatment. [Regulation 17.2 (part), filed 4/3/64; Regulation 17.2 (part), filed 6/21/63.] Repealed by Order 72-3, filed 4/24/72.
- 490-20-020 Standards for personnel providing services—Dental diagnosis and treatment. [Regulation 17.2 (part), filed 4/3/64; Regulation 17.2 (part), filed 6/21/63.] Repealed by Order 72-3, filed 4/24/72.
- 490-20-025 Standards for personnel providing services—Other personnel. [Regulation 17.2 (part), filed 4/3/64; Regulation 17.2 (part), filed 6/21/63.] Repealed by Order 72-3, filed 4/24/72.
- 490-20-030 Standards for personnel providing services—Maintenance of standards. [Regulation 17.3, filed 4/3/64; Regulation 17.3, filed 6/21/63.] Repealed by Order 72-3, filed 4/24/72.
- 490-20-035 Standards for personnel providing services—Guides for agency personnel. [Regulation 17.4, filed 4/3/64; Regulation 17.4, filed 6/21/63.] Repealed by Order 72-3, filed 4/24/72.
- 490-20-100 Nondisabled service of the division of vocational rehabilitation—General provisions. [Regulation 1, filed 6/21/63; Regulation 1, filed 3/24/60.] Repealed by Order 72-3, filed 4/24/72.
- 490-20-110 Nondisabled service of the division of vocational rehabilitation—Administrative organization. [Regulation 2, filed 6/21/63.] Repealed by Order 72-3, filed 4/24/72.
- 490-20-120 Nondisabled service of the division of vocational rehabilitation—Scope of agency program—Objectives and services. [Rule 6, filed 6/21/63; Rule 4, filed 3/24/60.] Repealed by Order 72-3, filed 4/24/72.
- 490-20-130 Nondisabled service of the division of vocational rehabilitation—Case referral and acceptance. [Regulation 7, filed 6/21/63; Regulation 3, filed 3/24/60.] Repealed by Order 72-3, filed 4/24/72.
- 490-20-140 Nondisabled service of the division of vocational rehabilitation—Eligibility for services. [Regulation 8, filed 6/21/63; Section 2, filed 3/24/60.] Repealed by Order 72-3, filed 4/24/72.
- 490-20-150 Nondisabled service of the division of vocational rehabilitation—Economic need. [Regulation 13, filed 6/21/63.] Repealed by Order 72-3, filed 4/24/72.
- 490-20-160 Nondisabled service of the division of vocational rehabilitation—Confidential information. [Regulation 15, filed 6/21/63; Regulation 6, filed 3/24/60.] Repealed by Order 72-3, filed 4/24/72.
- 490-20-170 Nondisabled service of the division of vocational rehabilitation—Services provided. [Regulation 20, filed 6/21/63; Section 4, filed 3/24/60.] Repealed by Order 72-3, filed 4/24/72.

**Chapter 490-24****PROVISION FOR PUBLIC HEARINGS, PUBLIC MEETINGS AND PUBLIC INFORMATION**

- 490-24-010 Public hearings procedures. [Order 72-3 and 72-4, § 490-24-010, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-24A-010.
- 490-24-020 Public meeting procedures. [Order 72-3 and 72-4, § 490-24-020, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-24A-020.
- 490-24-030 Public information procedures. [Order 73-1, § 490-24-030, filed 11/1/73; Order 72-3 and 72-4, § 490-24-030, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-24A-030.

**Chapter 490-25****RULES AND REGULATIONS RELATING TO PUBLIC RECORDS OF THE COORDINATING COUNCIL FOR OCCUPATIONAL EDUCATION**

- 490-25-010 Purpose. [Order 73-1, § 490-25-010, filed 5/3/73.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-25A-010.
- 490-25-015 Definitions. [Order 73-1, § 490-25-015, filed 5/3/73.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-25A-015.
- 490-25-020 Description of central and field organization of CCOE. [Order 73-1, § 490-25-020, filed 5/3/73.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-25A-020.
- 490-25-025 Public records available. [Order 73-1, § 490-25-025, filed 5/3/73.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-25A-025.
- 490-25-030 Requests for public records. [Order 73-1, § 490-25-030, filed 5/3/73.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-25A-030.
- 490-25-035 Copying. [Order 73-1, § 490-25-035, filed 5/3/73.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-25A-035.
- 490-25-040 Exemptions. [Order 73-1, § 490-25-040, filed 5/3/73.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-25A-040.
- 490-25-045 Review of denials of public records requests. [Order 73-1, § 490-25-045, filed 5/3/73.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-25A-045.
- 490-25-050 Protection of public records. [Order 73-1, § 490-25-050, filed 5/3/73.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-25A-050.
- 490-25-055 Records index. [Order 73-1, § 490-25-055, filed 5/3/73.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-25A-055.
- 490-25-060 Adoption of form—Appendix A. [Order 73-1, § 490-25-060, filed 5/3/73.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-25A-060.

**Chapter 490-28****MINIMUM QUALIFICATIONS OF PERSONNEL**

- 490-28-010 Minimum qualifications of personnel. [Order 73-1, § 490-28-010, filed 11/1/73; Order 72-3 and 72-4, § 490-28-010, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-28A-010.
- 490-28-011 Appeal procedures. [Order 73-1, § 490-28-011, filed 11/1/73.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-28A-011.
- 490-28-012 Minimum standards for local vocational administrative personnel. [Order 73-1, § 490-28-012, filed 11/1/73.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-28A-012.

**Title 490 WAC****Title 490 WAC: Commission for Vocational Education**

- 490-28-013 Minimum standards of state agency personnel. [Order 73-1, § 490-28-013, filed 11/1/73.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-28A-013.
- 490-28-020 Compliance with WAC 490-28-010 by operating agencies. [Order 73-1, § 490-28-020, filed 11/1/73; Order 72-3 and 72-4, § 490-28-020, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-28A-020.
- 490-28-030 Professional improvement. [Order 73-1, § 490-28-030, filed 11/1/73; Order 72-3 and 72-4, § 490-28-030, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-28A-030.
- 490-28-040 Review and modification of personnel qualification standards. [Order 73-1, § 490-28-040, filed 11/1/73.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-28A-040.
- 490-28-050 Program evaluation. [Order 73-1, § 490-28-050, filed 11/1/73.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-28A-050.
- 490-28-060 Review and evaluation of personnel preparation and development. [Order 73-1, § 490-28-060, filed 11/1/73.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-28A-060.

**Chapter 490-30****STATE PLAN ADOPTED PURSUANT TO FEDERAL LAW**

[Sections 1 through 26, 6/27/69.] Repealed by Order 72-3, filed 4/24/72.

**Chapter 490-32****DEFINITIONS FOR TERMS COMMONLY USED IN VOCATIONAL EDUCATION ACTIVITIES**

- 490-32-010 Definitions for terms commonly used in vocational education activities. [Order 72-3 and 72-4, § 490-32-010, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-32A-010.

**Chapter 490-36****CONDITIONS FOR APPROVAL OF LOCAL EDUCATIONAL AGENCY PROGRAMS**

- 490-36-010 Requirement for conformance to standards. [Order 72-3 and 72-4, § 490-36-010, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-36A-010.
- 490-36-020 Advisory committees. [Order 72-3 and 72-4, § 490-36-020, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-36A-020.

**Chapter 490-40****PROCEDURES FOR VOCATIONAL EDUCATION PROGRAM DEVELOPMENT AND SERVICES UNDER CONTRACTS AND AGREEMENTS**

- 490-40-010 Vocational education program development contracts and agreements. [Order 72-3 and 72-4, § 490-40-010, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-40A-010.
- 490-40-020 Agreements with other state agencies. [Order 72-3 and 72-4, § 490-40-020, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-40A-020.
- 490-40-030 Programs, services and activities undertaken by local educational agencies. [Order 73-1, § 490-40-030, filed 11/1/73; Order 72-3 and 72-4, § 490-40-030, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-40A-030.
- 490-40-040 Agreements regarding handicapped and disadvantaged persons. [Order 72-3 and 72-4, § 490-40-040, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-40A-040.

- 490-40-050 Economically depressed areas of high unemployment areas. [Order 72-3 and 72-4, § 490-40-050, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-40A-050.
- 490-40-060 Areas of high youth unemployment or school dropouts. [Order 73-1, § 490-40-060, filed 11/1/73; Order 72-3 and 72-4, § 490-40-060, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-40A-060.
- 490-40-070 Agreements with private post-secondary vocational training institutions. [Order 73-1, § 490-40-070, filed 11/1/73; Order 72-3 and 72-4, § 490-40-070, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-40A-070.
- 490-40-080 Programs, services and activities undertaken by the coordinating council for occupational education. [Order 73-1, § 490-40-080, filed 11/1/73; Order 72-3 and 72-4, § 490-40-080, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-40A-080.
- 490-40-090 Agreements with the department of employment security, state of Washington. [Order 73-1, § 490-40-090, filed 11/1/73; Order 72-3 and 72-4, § 490-40-090, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-40A-090.
- 490-40-100 Agreements with other states. [Order 73-1, § 490-40-100, filed 11/1/73; Order 72-3 and 72-4, § 490-40-100, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-40A-100.
- 490-40-110 Compliance with federal reporting requirements. [Order 72-3 and 72-4, § 490-40-110, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-40A-110.

**Chapter 490-44****ALLOCATION OF FUNDS**

- 490-44-010 Allocation of funds among educational agencies. [Order 72-3 and 72-4, § 490-44-010, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-44A-010.
- 490-44-020 Allocation of funds to local educational agencies for programs, services and activities—Content of local applications. [Order 73-1, § 490-44-020, filed 11/1/73; Order 72-3 and 72-4, § 490-44-020, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-44A-020.
- 490-44-030 Construction requirements. [Order 72-3 and 72-4, § 490-44-030, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-44A-030.
- 490-44-040 Procedures for processing local applications for construction. [Order 73-1, § 490-44-040(3), filed 11/1/73; Order 72-3 and 72-4, § 490-44-040, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-44A-040.
- 490-44-050 Maintenance of effort. [Order 72-3 and 72-4, § 490-44-050, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-44A-050.
- 490-44-060 Overall state matching. [Order 72-3 and 72-4, § 490-44-060, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-44A-060.
- 490-44-070 Reasonable tax effort. [Order 72-3 and 72-4, § 490-44-070, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-44A-070.
- 490-44-080 Criteria for determining relative priority of local applications. [Order 73-1, § 490-44-080, filed 11/1/73; Order 72-3 and 72-4, § 490-44-080, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 390-44A-080.

**Chapter 490-48****VOCATIONAL YOUTH ORGANIZATIONS**

490-48-010 Vocational student organizations. [Order 73-1, § 490-48-010, filed 11/1/73; Order 72-3 and 72-4, § 490-48-010, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-48A-010.

#### Chapter 490-52

##### EVALUATION AND RESEARCH

490-52-010 State research coordinating unit. [Order 73-1, § 490-52-010, filed 11/1/73; Order 72-3 and 72-4, § 490-52-010, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-52A-010.

490-52-020 Effective use of results of program and experience. [Order 72-3 and 72-4, § 490-52-020, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-52A-020.

490-52-030 Research grant application procedures. [Order 72-3 and 72-4, § 490-52-030, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-52A-030.

#### Chapter 490-56

##### EXEMPLARY PROGRAMS AND PROJECTS

490-56-010 Federal funding of state plan. [Order 72-3 and 72-4, § 490-56-010, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-56A-010.

490-56-020 Application procedures. [Order 72-3 and 72-4, § 490-56-020, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-56A-020.

490-56-030 Program or project requirements. [Order 72-3 and 72-4, § 490-56-030, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-56A-030.

#### Chapter 490-60

##### HOME AND FAMILY LIFE EDUCATION

490-60-010 Consumer and homemaking education. [Order 72-3 and 72-4, § 490-60-010, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-60A-010.

490-60-020 Establishing and operating programs. [Order 74-2, § 490-60-020, filed 9/18/74; Order 73-1, § 490-60-020 (part), filed 11/1/73; Order 72-3 and 72-4, § 490-60-020, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-60A-020.

#### Chapter 490-64

##### COOPERATIVE VOCATIONAL EDUCATION PROGRAMS

490-64-010 Cooperative vocational education programs. [Order 72-3 and 72-4, § 490-64-010, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-64A-010.

490-64-020 Procedures for approval of cooperative vocational education programs. [Order 73-1, § 490-64-020, filed 11/1/73; Order 72-3 and 72-4, § 490-64-020, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-64A-020.

490-64-030 Additional costs. [Order 73-1, § 490-64-030, filed 11/1/73; Order 72-3 and 72-4, § 490-64-030, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-64A-030.

490-64-040 Participation of students in nonprofit private schools. [Order 73-1, § 490-64-040, filed 11/1/73; Order 72-3 and 72-4, § 490-64-040, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-64A-040.

490-64-050 Noncommingling of funds. [Order 73-1, § 490-64-050, filed 11/1/73; Order 72-3 and 72-4, § 490-64-050, filed 4/24/72.] Repealed by Order 75-4, filed

2/18/76. Later promulgation, see WAC 490-64A-050.

490-64-060 Local evaluation and follow-up procedures. [Order 73-1, § 490-64-060, filed 11/1/73; Order 72-3 and 72-4, § 490-64-060, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-64A-060.

490-64-070 Ancillary services and activities. [Order 73-1, § 490-64-070, filed 11/1/73; Order 72-3 and 72-4, § 490-64-070, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-64A-070.

#### Chapter 490-68

##### WORK-STUDY PROGRAMS

490-68-010 Work-study programs. [Order 73-1, § 490-68-010, filed 11/1/73; Order 72-3 and 72-4, § 490-68-010, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-68A-010.

490-68-020 Approval of work-study programs. [Order 73-1, § 490-68-020, filed 11/1/73; Order 72-3 and 72-4, § 490-68-020, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-68A-020.

490-68-030 Requirements for work-study program. [Order 73-1, § 490-68-030, filed 11/1/73; Order 72-3 and 72-4, § 490-68-030, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-68A-030.

490-68-040 Use of funds for state plan development and administration. [Order 73-1, § 490-68-040, filed 11/1/73; Order 72-3 and 72-4, § 490-68-040, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-68A-040.

#### Chapter 490-72

##### RESIDENTIAL VOCATIONAL EDUCATION SCHOOLS

490-72-010 Residential vocational education schools. [Order 72-3 and 72-4, § 490-72-010, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-72A-010.

490-72-020 Procedures for establishing residential facilities. [Order 72-3 and 72-4, § 490-72-020, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-72A-020.

490-72-030 Requirements for construction and operation. [Order 72-3 and 72-4, § 490-72-030, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-72A-030.

490-72-040 Notification to commissioner. [Order 72-3 and 72-4, § 490-72-040, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-72A-040.

#### Chapter 490-76

##### FISCAL CONTROL AND FUND ACCOUNTING PROCEDURES

490-76-010 Custody of federal funds. [Order 72-3 and 72-4, § 490-76-010, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-76A-010.

490-76-020 Expenditure of federal funds. [Order 72-3 and 72-4, § 490-76-020, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-76A-020.

490-76-030 Allotment availability. [Order 72-3 and 72-4, § 490-76-030, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-76A-030.

490-76-040 Programs and services. [Order 73-1, § 490-76-040(6), filed 11/1/73; Order 72-3 and 72-4, § 490-76-040, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-76A-040.

- 490-76-050 Construction costs contracts. [Order 72-3 and 72-4, § 490-76-050, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-76A-050.
- 490-76-060 Fiscal records. [Order 73-1, § 490-76-060(4), filed 11/1/73; Order 72-3 and 72-4, § 490-76-060, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-76A-060.

### Chapter 490-04A WAC

#### AUTHORITY AND ORGANIZATION FOR COMMISSION FOR VOCATIONAL EDUCATION

##### WAC

- 490-04A-010 Authority and designation of state board.
- 490-04A-020 Organization.
- 490-04A-040 Designation of executive officer.
- 490-04A-050 Administrative structure of the Commission for Vocational Education.

**WAC 490-04A-010 Authority and designation of state board.** (1) The Washington State Commission for Vocational Education shall be responsible for complying with Federal directives to ensure the development and maintenance of a State Plan for Vocational Education, but the initial planning shall be accomplished by the secondary and postsecondary education system. Prior to the adoption of the State Plan, the Commission shall request comments from the Council on Postsecondary Education (1202 Commission) and the Advisory Council for Vocational Education. The Commission is the sole agency for the receipt and allocation of Federal funds in accordance with the State Plan. The Commission shall be the primary state liaison with the Federal government for the State Plan for Vocational Education. The Commission is further authorized to take whatever action is necessary to ensure compliance with Federal vocational education enactments and State legislative and administrative directives concerning vocational education. The supervision of the State Plan shall be carried out by the Commission; however, daily administration of the State Plan shall be the responsibility of the Superintendent of Public Instruction and the State Board for Community College Education. In addition, the Commission is responsible to administer or supervise the administration of the State Plan in any other public or nonpublic agency within the State that is subject to the administrative authority of the State Plan and the provisions of this chapter.

(2) Throughout this chapter, any reference to the Commission for Vocational Education, hereinafter referred to as the Commission specifically refers to the State Board defined and designated in conformance with Title 20, U.S.C. and Title 45, Chapter 1, Part 102 C.F.R. and P.L. 90-576, Sec. 108(8) and 123(a)(2) and C.F.R. 102.32(a) and (b) and Chapter 174, Laws of 1975, 1st ex. sess. [Order 75-3, § 490-04A-010, filed 12/18/75. Formerly WAC 490-04-010.]

**WAC 490-04A-020 Organization.** (1) The Commission for Vocational Education shall consist of seven members, each of whom shall be a voting member. The Chairman shall be a citizen member chosen by a majority of its members pursuant to its by-laws. Five citizen

members shall be appointed by the Governor and confirmed by the State Senate. The Superintendent of Public Instruction and the Director of the State Board for Community College Education shall serve as the remaining two members. In making citizen member appointments initially, and subsequently thereafter, the Governor shall be cognizant of the desirability of appointing persons well versed regarding vocational and occupational needs of management, labor, and agriculture.

(2) The initial citizen appointments shall be for periods of one, two, three, four, and five years. Thereafter such citizen members shall serve for terms of five years. No citizen member shall be eligible to serve who is also a member of a state or local educational agency, board, council or commission, or who is employed by a common school or institution of higher education. The terms of the members who serve as the result of holding statutory office shall run coextensive to their holding those respective offices. (Chapter 174, Laws of 1975, 1st ex. sess.) [Order 75-3, § 490-04A-020, filed 12/18/75. Formerly WAC 490-04-020.]

**WAC 490-04A-040 Designation of executive officer.** (1) The Commission, in accordance with Section 10 of Chapter 174, Laws of 1975, 1st ex. sess., shall employ a full-time Executive Director and such other personnel as may be necessary to carry out its purposes.

(2) The Executive Director shall be appointed by the Commission and serve at its pleasure, such appointment giving due regard to his fitness and background in vocational education and his knowledge of and recent practical experience in the field of vocational education administration.

(3) The Executive Director shall devote his entire time to the duties of his office and shall not be actively engaged or employed in any other business or have any substantial duties outside of the vocational education program. He shall have no direct pecuniary interest in or any stocks, bonds, or other holdings in any business selling supplies in the educational field in the State or that is a proprietary vocational school as defined under State statute.

(4) The Executive Director, under the Commission's supervision, shall be in charge of the offices of the Commission and responsible for the Commission's staff. He shall, subject to the Commission's approval and consistent with chapter 41.06 RCW, the State's Civil Service Law, appoint such field and office personnel, clerks, and other employees as may be required and authorized for the proper discharge of the functions of the Commission.

(5) The Executive Director, or his designee, shall attend all meetings of the Commission and shall serve as Secretary to the Commission thereat, recording and maintaining on file the proceedings of all meetings and appropriate registers of the Commission's resolutions and adopted orders. He shall serve as liaison officer between the Commission and other Federal, State, regional, and other governmental and educational agencies, the Congress, State Legislature, and the Federal and State

Executive Branches of government, in all matters pertaining to the Commission's responsibilities.

(6) The Commission may, by resolution, delegate to the Executive Director those functions it deems necessary to the operation of the Commission. ([P.L. 90-576, and C.F.R. 102.32(a) and Chapter 174, Laws of 1975, 1st ex. sess.]) [Order 75-3, § 490-04A-040, filed 12/18/75. Formerly WAC 490-04-030.]

**WAC 490-04A-050 Administrative structure of the Commission for Vocational Education.** The Vocational Education staff of the Commission for Vocational Education is divided into an executive office and four major divisions. These four divisions are Planning, Evaluation & Research, Program Development, Leadership Development, and Administrative Services and Special Programs. (1) The functions of each division are as follows:

(a) Planning, Evaluation and Research. The primary purpose of this division is to assure that quality vocational education is meeting the needs of the State of Washington.

This is accomplished by providing forecasts of the statewide vocational education needs and employment opportunities; by managing statewide interagency planning (goals, objectives, activities, schedules and budgets) for vocational education, including the development of the Washington State Plan for Vocational Education; by assuring that the functions are carried out for which the Commission for Vocational Education is responsible and accountable for under the Washington State Plan for Vocational Education; by providing for assurance of quality through evaluations for the purpose of improving the total program of vocational education; by providing for the monitoring of the vocational education program to assure compliance to the State Plan; and by providing for research, analyses of research findings and the dissemination of the findings with recommendations.

(b) Program Development. Management of programs identified through sections for Agriculture and Renewable Natural Resources Education, Business and Office and Distributive Education, Home and Family Life Education, Trade and Industrial, Technical, and Health Occupations Education, Special Needs, MDTA, Disadvantaged and handicapped; coordination and articulation among services; maintenance of appropriate state advisory committees; curriculum material development; assist with new program approval; and provide consulting help to education agencies.

(c) Leadership Development. The Leadership Development Division is responsible for ensuring leadership development for administrators, teachers and students in and connected with vocational education programs. This includes, but is not limited to, programs of: inservice vocational teacher education conducted by the Commission; preservice and inservice vocational teacher education in the State supported institutions of higher education; training for local vocational administrators; and, training for local advisors of vocational student organizations. In addition, the Division provides leadership for the management and coordination of State level vocational student organizations.

(d) Administrative Services and Special Programs. The direction of fire service training programs, instructional materials development, information services; direction of fiscal-accounting services, personnel action services, contractual arrangements, facilities and equipment; direction of compilation of reports; development and maintenance of policies and procedures in the administrative function; and to provide consultative services and to serve in liaison activities as necessary.

(2) Contracted Services. Direct supervision of vocational education in common schools will be provided by staff of the Superintendent of Public Instruction through a written contract (interlocal agreement) covering the services to be provided. Direct supervision of vocational education in the Washington State community college system will be provided by staff of the State Board for Community College Education through a written contract (interlocal agreement) covering the services to be provided. The above services will be in compliance with the State Plan and the contract shall include the following:

(a) Professional staff that are a part of the Office of Superintendent of Public Instruction or the State Board for Community College Education staff will be mutually agreed upon between the respective agency and the Commission for Vocational Education and such staff must meet standards as set forth in the State Plan.

(b) Size of clerical staff will be mutually agreed to by both contracting agencies.

(c) Vocational education staff to be employed will be regular members of the Superintendent of Public Instruction or the State Board for Community College Education professional staff with the same rights and privileges as the rest of the professional staff.

(d) Provision will be made for appropriate articulation and approval of vocational education activities among the three agencies involved. This articulation shall be governed by the policy that overall policy determination in vocational education shall be subject to the approval of the Commission for Vocational Education.

(e) The vocational education responsibilities assigned by the Commission for Vocational Education to the Office of the Superintendent of Public Instruction and to the Office of State Board for Community College Education are as follows:

(i) Initial approval of vocational education programs and initial allocations of federal funds apportioned to the specific agency as a result of program plans.

(ii) Provide for promotion of vocational education programs, services and activities within the appropriate educational system.

(iii) Immediate supervision of vocational education programs.

(iv) Provide for general vocational education consultation services to local centers when needed.

(v) Furnish to the Commission for Vocational Education information on vocational education programs as required for use by that agency in preparing the necessary State and Federal reports, and in preparing the Long-Range Program Plan and the Annual Program Plan.

(3) The vocational education responsibilities retained by the Commission for Vocational Education include, but are not limited to:

(a) Supervision of the administration of the programs, services and activities in the State, under the State Plan for Vocational Education.

(b) Final approval of allocation of federal funds for vocational education.

(c) Disbursement and accounting of expenditures of federal funds for vocational education.

(d) Development and submission to the United States Office of Education of the Washington State Plan for Vocational Education.

(e) Preparation of State and Federal reports on vocational education programs, services and activities and vocational education financial information.

(f) Overall vocational education program planning, evaluation and research.

(g) Preparation and inservice development of vocational education personnel.

(h) Consultative services as required.

(i) Statewide coordination of the activities of student groups in vocational education.

(j) Statewide coordination of vocational teacher and administrator development.

(k) Provide for statewide liaison with various special publics with an interest in vocational education.

(l) Development of curriculum models and guides. [Order 75-3, § 490-04A-050, filed 12/18/75. Formerly WAC 490-04-050.]

### Chapter 490-08A WAC

#### RULES OF PRACTICE AND PROCEDURE

##### WAC

490-08A-010 Appeal procedures.

490-08A-020 Judicial review provisions.

**WAC 490-08A-010 Appeal procedures.** (1) Any educational institution or educational authority which is dissatisfied with the action of the Commission with respect to approval of an application by an educational agency for a grant and/or funding pursuant to this title, the educational agency may appeal the decision of the Commission in writing within 30 days from the date the final action was taken on the application by the Commission. The educational agency will be notified in writing as to time and place of the hearing.

(2) The appeal procedure provides for the adjudication of dissatisfactions wherever they occur and the adjudicating body as provided for all formal appeals shall be the Commission for Vocational Education. In the event a local educational center is dissatisfied with a decision made by either one of the two contracting agencies, then an appeal can be made to the Commission. Similarly, the contracting agency may appeal in the event of dissatisfaction with actions taken by a local education center. It shall be the responsibility of the Commission to resolve all disputes in vocational education that can not otherwise be resolved by the parties involved.

(3) Upon the receipt of the petition from an educational agency or authority, the Commission shall give due deliberation and notice as provided for in chapter 34.04 RCW and chapter 1-08A WAC, and hearing shall be provided as stipulated in the regulations. If there is a hearing, there will be a written record of that hearing. [Order 75-3, § 490-08A-010, filed 12/18/75. Formerly WAC 490-08-010.]

### WAC 490-08A-020 Judicial review provisions. (1)

Upon receipt of notice of final action upon the petition by the Commission, the educational agency/authority may—within 60 days after such final action or notice thereof, whichever is later, file with the United States Court of Appeals for the circuit in which the state is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commission. The Commission thereupon shall file in the court the record of the proceedings on which the Commission based its action as provided in Section 2112 of Title 28, United States Code.

(2) The findings of fact by the Commission, if supported by substantial evidence shall be conclusive; but the court, for good cause shown, may remand the case to the Commission to take further evidence, and the Commission may thereupon make new or modified findings of fact and may modify its previous action, and shall certify to the court the record of the further proceedings.

(3) The court shall have jurisdiction to affirm the action of the Commission or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in Section 1254 of Title 28, United States Code. [Order 75-3, § 490-08A-020, filed 12/18/75. Formerly WAC 490-08-020.]

### Chapter 490-12A WAC

#### QUALIFICATIONS OF PERSONNEL

##### WAC

490-12A-010 Qualifications of teachers of practical nursing.

490-12A-020 Qualifications of teachers in trade and industrial extension classes—Shop and trade practice teachers.

490-12A-022 Qualifications of teachers in trade and industrial extension classes—Related technical teachers.

490-12A-024 Qualifications of teachers in trade and industrial extension classes—Teachers of general continuation classes.

490-12A-030 Qualifications of teachers of home economics education—Home economics teachers.

490-12A-032 Qualifications of teachers of home economics education—Teacher for child development laboratory in the home economics program.

490-12A-034 Qualifications of teachers of home economics education—Related subjects teacher.

490-12A-036 Qualifications of teachers of home economics education—Qualifications of teachers for out-of-school group.

490-12A-040 Distributive education—Qualification of teachers and coordinators—Evening extension classes.

490-12A-042 Distributive education—Qualification of teachers and coordinators—Part-time extension classes.

490-12A-044 Distributive education—Qualification of teachers and coordinators—Part-time cooperative classes.

490-12A-046 Distributive education—Qualification of teachers and coordinators—Teachers of related subjects.



- 490-12A-050 Qualifications of teachers of agriculture—Regular teacher for all-day, day-unit, young farmer, adult farmer or combinations of the same.
- 490-12A-052 Qualifications of teachers of agriculture—Special teachers.

**WAC 490-12A-010 Qualifications of teachers of practical nursing.** (1) Qualifications of teachers of nursing practice and theory who have coordinating responsibilities.

(a) Experience in nursing. Not less than three years' experience as a registered nurse in the administration, supervision, or teacher of nursing.

(b) Training for teaching. Requirements for teaching will be the same as set forth in Washington state plan for vocational education for trade and industrial instructors.

(c) Training for coordination. Refer to (b) above. Same qualifications as for instructors.

(2) Qualifications of teachers of nursing practice who have no coordinating responsibilities.

(a) Experience in nursing. Refer to (1)(a) above.

(b) Training for teaching. Refer to (1)(b) above.

(3) Qualifications of coordinators who have no teaching responsibilities.

(a) Occupational training and experience. Refer to (1)(a) and (1)(b) above.

(b) Training in the coordinating function. Refer to (1)(c).

(4) Qualifications of teachers of nursing practices and theory.

(a) Experience in nursing. Refer to (1)(a).

(b) Training for teaching. Refer to (1)(b).

(5) Qualifications of teachers of subjects supplemental to but inherent in nursing practices.

(a) Qualifications in subject taught. Refer to (1)(b).

(b) Training for teaching. Refer to (1)(b). [Order 75-3, § 490-12A-010, filed 12/18/75. Formerly WAC 490-12-010.]

**WAC 490-12A-020 Qualifications of teachers in trade and industrial extension classes—Shop and trade practice teachers.** (1) Trade experience. Shop and trade practice teachers must have at least three years of recent journeyman experience beyond that of a learning or apprenticeship period. He should be a person who has the respect of his co-workers, and is recognized as a master of his craft or technical field in which he is employed. In special cases where the class organized is a highly specialized short unit subject for which the amount of occupational experience necessary to become a skilled craftsman is less than the above, the instructor will be certified as occupationally competent when satisfactory evidence has been submitted to that effect.

(2) Technical training. The shop or trade practice teachers should have sufficient technical training to definitely correlate the related subjects with the practical work. The technical training of the shop or trade practice teacher who has graduated from a technical school or engineering college may be evaluated and accepted in lieu of not more than two years of the apprenticeship or learning period required in the trade experience qualification.

(3) Training for teaching. A minimum of twelve clock hours of preservice teacher training work prescribed by the Commission for Vocational Education should be organized for evening school instruction wherever possible. Group instruction may be conducted by the local supervisor for the purpose of assisting the instructors in the organization and presentation of course content, developing job analysis, presenting methods of shop organization, all to increase the efficiency of the instructors in service. Instructors must satisfactorily complete thirty clock hours of approved teacher training work before they are eligible for other than a temporary vocational certificate. [Order 75-3, § 490-12A-020, filed 12/18/75. Formerly WAC 490-12-020.]

**WAC 490-12A-022 Qualifications of teachers in trade and industrial extension classes—Related technical teachers.** (1) Trade experience. The related-technical teacher shall have three years of trade experience in the field in which he is teaching or in a field related to the subject to be taught.

(2) Technical training. The related-technical teacher should be a graduate of a technical high school or trade school, or engineering college, or show equivalent training gained through practical experience in the field concerned.

(3) Training for teaching. [Order 75-3, § 490-12A-022, filed 12/18/75. Formerly WAC 490-12-022.]

**WAC 490-12A-024 Qualifications of teachers in trade and industrial extension classes—Teachers of general continuation classes.** (1) Qualifications of teachers of general continuation classes shall be the equivalent of those of the teachers of the same subjects in the secondary school and in addition they must have had two years of practical experience in the type of work being taught; that is, teachers of office subjects must have had two years of office experience, or teachers of store subjects must have had two years of store experience.

(2) The teacher-coordinator of diversified cooperative classes will meet qualifications similar to those established for shop teachers or part-time trade extension or trade preparatory teachers as provided in this chapter, except that a variety of occupational experience may be substituted for the trade experience required of such teachers.

(3) Qualifications of day trade teachers. Same as trade extension teachers. [Order 75-3, § 490-12A-024, filed 12/18/75. Formerly WAC 490-12-024.]

**WAC 490-12A-030 Qualifications of teachers of home economics education—Home economics teachers.** (1) Education. She must meet the requirements for certification set up by the state board of education. Two hundred and twenty-five quarter hours' credit shall be required for graduation in home economics education.

(2) Experience, homemaking and other work. Teachers of home economics shall have a broad understanding of the homemaking problems. They shall have had experience in homemaking, a part of which should have been

in actual management of a home; and should have demonstrated their ability and skill in the various homemaking activities. [Order 75-3, § 490-12A-030, filed 12/18/75. Formerly WAC 490-12-030.]

**WAC 490-12A-032 Qualifications of teachers of home economics education—Teacher for child development laboratory in the home economics program.** (1) Education, technical and professional. Must be a graduate of a four-year college course in homemaking education from an educational institution approved for the training of teachers of vocational education in homemaking including special courses in nursery school education.

(2) Experience. Demonstrated ability to work effectively with adolescents and parents as well as with young children. [Order 75-3, § 490-12A-032, filed 12/18/75. Formerly WAC 490-12-032.]

**WAC 490-12A-034 Qualifications of teachers of home economics education—Related subjects teacher.**

(1) Education, technical and professional. Related subject teachers shall meet the professional requirements for state certification of secondary teachers. In addition to these requirements, they shall have at least a minor in the related subjects which they are to teach.

(2) Experience, professional and other. Related subjects teachers should have had homemaking experience sufficient to give understanding of the relationships of this subject to homemaking education. [Order 75-3, § 490-12A-034, filed 12/18/75. Formerly WAC 490-12-034.]

**WAC 490-12A-036 Qualifications of teachers of home economics education—Qualifications of teachers for out-of-school group.**

Education, technical and professional. The teacher of adult classes in homemaking must have sufficient training and experience to insure: (1) a concept of the scope and importance of the profession homemaking, (2) the ability to deal with individual and family problems in the field to be taught, and (3) the ability to organize and present subject matter which will meet the needs of the members of the class. The teacher shall have had the education and background consistent with the needs of the group and the instruction to be given. She shall be a graduate of an accredited high school. Special training courses will be recognized. The head state supervisor will approve training programs for special teachers. [Order 75-3, § 490-12A-036, filed 12/18/75. Formerly WAC 490-12-036.]

**WAC 490-12A-040 Distributive education—Qualification of teachers and coordinators—Evening extension classes.**

(1) Successful experience in the distributive subject to be taught, together with a knowledge of the best practices of performing the job activities of those to be instructed. The amount and nature of occupational experience will be determined in each case by the occupational nature and level of the workers to be taught.

(2) Three years of practical experience in the subject to be taught is recommended if the teacher has graduated from high school. Two years of practical experience in the subject to be taught is recommended if the teacher has graduated from college. In no case shall years of experience on the job alone be the determining factor for employment as a teacher of distributive subjects. The results obtained by the teacher while in the occupation shall be considered together with the number of years experience. A prospective teacher may have worked in a distributive occupation for many years, yet have performed on the job only to the extent of holding the position, while a relatively new employee with unusual ability or skill may have a record which clearly demonstrates that such a worker has greater knowledge and skill in the occupation to be taught.

(3) The teacher should have a personality of a type that can deal successfully with the employed distributive workers and their supervisors. [Order 75-3, § 490-12A-040, filed 12/18/75. Formerly WAC 490-12-040.]

**WAC 490-12A-042 Distributive education—Qualification of teachers and coordinators—Part-time extension classes.**

(1) Successful experience in the distributive subject to be taught, together with a knowledge of the best practices of performing the job activities of those to be instructed. The amount and nature of occupational experience will be determined in each case by the occupational nature and level of the workers to be taught.

(2) Three years of practical experience in the subject to be taught is recommended if the teacher has graduated from high school. Two years of practical experience in the subject to be taught is recommended if the teacher has graduated from college. In no case shall years of experience on the job alone be the determining factor for employment as a teacher of distributive subjects. The results obtained by the teacher while in the occupation shall be considered together with the number of years experience. A prospective teacher may have worked in a distributive occupation for many years, yet have performed on the job only to the extent of holding the position, while a relatively new employee with unusual ability or skill may have a record which clearly demonstrates that such a worker has greater knowledge and skill in the occupation to be taught.

(3) The teacher shall have a personality of a type that can deal successfully with employed distributive workers and their supervisors. [Order 75-3, § 490-12A-042, filed 12/18/75. Formerly WAC 490-12-042.]

**WAC 490-12A-044 Distributive education—Qualification of teachers and coordinators—Part-time cooperative classes.**

(1) Successful experience in the distributive subject to be taught, together with a knowledge of the best practices of performing the job activities of those to be instructed. The amount and nature of occupational experience will be determined in each case by the occupational nature and level of the workers to be taught.

(2) Three years of practical experience in the subject to be taught is required if the teacher has graduated

from high school. Two years of practical experience in the subject to be taught is required if the teacher has graduated from college. In no case shall years of experience on the job alone be the determining factor for employment as a teacher of distributive subjects. The results obtained by the teacher while in the occupation shall be considered together with the number of years experience. A prospective teacher may have worked in a distributive occupation for many years, yet have performed on the job only to the extent of holding the position, while a relatively new employee with unusual ability or skill may have a record which clearly demonstrates that such a worker has greater knowledge and skill in the occupation to be taught.

(3) Shall hold a bachelor's degree from a college or university or its equivalent. The equivalent of a bachelor's degree shall mean eight years experience as an employee in distributive occupations. Two of these eight years shall have been spent in work on a supervisory or managerial level.

(4) The teacher shall have a personality of a type that can deal successfully with employed distributive workers and their superiors. [Order 75-3, § 490-12A-044, filed 12/18/75. Formerly WAC 490-12-044.]

**WAC 490-12A-046 Distributive education—Qualification of teachers and coordinators—Teachers of related subjects.** (1) Education. Graduation from high school or its equivalent shall be a requirement of all teachers of related subjects. The equivalent shall be construed to mean not less than four years experience in the field of work or activity in which the related subject is practiced.

(2) Experience. The teacher of related classes shall have had two years experience either as work or other activity in the related subject to be taught.

(3) When regular teachers, such as home economics or commercial, are used as related subjects teachers, such teachers must give evidence that they have the ability to adapt their special knowledge and skills to the actual needs of the students. [Order 75-3, § 490-12A-046, filed 12/18/75. Formerly WAC 490-12-046.]

**WAC 490-12A-050 Qualifications of teachers of agriculture—Regular teacher for all-day, day-unit, young farmer, adult farmer or combinations of the same.**

(1) Technical education. He shall be a graduate of a standard four-year agricultural course of college grade in an accredited college or university of recognized standing which has been approved by the United States office of education for the training of teachers of vocational agriculture.

(2) Professional education. He shall have not less than sixteen semester hours of credit in educational subjects, including courses in "Methods of teaching vocational agriculture," "Directed teaching of vocational agriculture", and any other educational subjects as specified by law for the certification of teachers. All qualified out-of-state teachers employed in Washington for the first time, whether experienced or inexperienced, will be required within one year of date of employment to earn at

least two semester hours of credit in agricultural education (as applied to Washington conditions) in resident or off-campus courses supervised by the state supervisory and/or teacher training staffs. The above requirement will also apply to qualified teachers who have not taught vocational agriculture for three years or more. In addition, each teacher will be required to enroll for a two-weeks' intensive summer session for further professional and technical improvement at least once every four years.

(3) General. He should be a man who will command respect and cooperation of both students and fellow teachers as well as adult farmers in the community. He should possess qualities of leadership as shown by having held responsible leadership positions in school, college or community organizations.

(4) Experience - Farming. Preferably he should have been farm reared until the age sixteen; in any case, he shall have had at least two continuous calendar years of farm experience after arriving at the age of fourteen years. [Order 75-3, § 490-12A-050, filed 12/18/75. Formerly WAC 490-12-050.]

**WAC 490-12A-052 Qualifications of teachers of agriculture—Special teachers.** Special teachers for young farmer and adult farmer classes will be selected on the basis of their ability to do the job. General education and recent practical experience will be of importance in such selection.

(1) Practical experience. Three years' recent successful experience in the field in which he expects to teach. In special cases where the class organized is a highly specialized short-unit subject for which the amount of occupational experience necessary to become a skilled instructor is less than the above, a special teacher may be certified as occupationally competent when satisfactory evidence has been submitted to that effect.

(2) General. All special teachers selected to teach young farmer and/or adult evening school courses in agriculture will have the necessary leadership ability to provide effective teaching. Special teachers may be employed for young farmer and/or adult evening classes and in no manner shall the qualifications of such teachers be misconstrued or confused with the qualifications of regular teachers employed for the all-day vocational agricultural classes. [Order 75-3, § 490-12A-052, filed 12/18/75. Formerly WAC 490-12-052.]

### Chapter 490-15A WAC

### OCCUPATIONAL TRAINING OF REHABILITATION CLIENTS—APPROVAL OF SCHOOLS

#### WAC

490-15A-001	Authorization.
490-15A-004	Conditions required for approval.
490-15A-008	Standards required for approval.
490-15A-012	Procedures for approval.
490-15A-016	Refund policy.
490-15A-020	Advertising—Publicizing regulations.
490-15A-024	Duration of approval—Non-transferability.
490-15A-028	Reports—Visitation.

**WAC 490-15A-001 Authorization.** The legal authority of the Division of Vocational Rehabilitation of the Department of Social and Health Services (hereinafter referred to as DVR) resides in chapter 43.20A RCW and P.L. 89-333 United States Code as amended. The legal authority of the Commission for Vocational Education (hereinafter referred to as Commission) resides in Title 28C RCW and P.L. 90-576 United States Code as amended. Pursuant to chapter 39.34 RCW, by agreement executed between them, DVR transfers to Commission the responsibility to approve courses of training and/or training facilities for utilization by clients of DVR. [Order 75-3, § 490-15A-001, filed 12/18/75. Formerly WAC 490-15-001.]

**WAC 490-15A-004 Conditions required for approval.** (1) Institutions vary widely in types of programs and standards. Frequently, no nationally accepted standards exist by which to appraise the worth of the institution and its work. Commission has formulated and adopted standards to apply in such instances and determined which other evaluations to accept in lieu of its own evaluative processes.

(2) For the purposes of approval under this agreement, it shall be considered prima facie evidence of meeting approval standards for DVR purposes if an institution and/or its specific courses of training are:

(a) accredited by a nationally recognized accrediting body, and/or

(b) approved for the training of veterans by Commission, and/or

(c) approved by DVR prior to January 15, 1973, but who, between July 15, 1973, and January 15, 1974, will have that approval reconfirmed or withdrawn by Commission.

(3) For the purposes of the approval under this agreement, it may be considered prima facie evidence of meeting approval standards for DVR purposes if an institution and/or its specific courses of training are licensed by the Division of Professional Licenses under Title 18 RCW.

(4) For the purposes of this chapter, in the case of training being offered within the state by schools who are domiciled out of state, no formal approval process shall be undertaken by Commission. Commission may secure information regarding such institutions for the information of DVR from the appropriate agency of the state in which it is domiciled. The standards and criteria of the home state shall be considered adequate for the purposes of this chapter.

(5) No formal approval will be required where training of the DVR client occurs entirely in a resident training facility located outside the State of Washington.

(6) In the instance of institutions meeting the requirements under the preceding subsection (2), approval will be issued upon the receipt and authentication of an application for approval upon forms provided by Commission. Existing approvals under subsection (2) will be considered valid during the period required for processing under this section.

(7) In the instance of institutions not meeting the requirements under subsection (2), foregoing, approval by

Commission shall be based upon the criterial standards and procedures described under appropriate other sections for new approvals. [Order 75-3, § 490-15A-004, filed 12/18/75. Formerly WAC 490-15-004.]

**WAC 490-15A-008 Standards required for approval.** (1) "Educational institution" is defined for the purposes of this chapter as any individual, firm, corporation, partnership or other business enterprise whether operated for profit or non-profit, within or without this State, which offers or maintains a course or courses of instruction or study within the State of Washington whether by residence/classroom instruction or correspondence or both, whether in a single location or several, for the purpose of preparing persons for a recognized occupation, trade, craft, or other gainful employment. Included also are non-accredited college or university extension divisions, vocational/adult departments of institutions of high learning, secondary schools, vocational-technical institutes, community colleges and other public educational institutions of a non-accredited nature.

(2) Any educational institution desiring to enroll clients of DVR in vocational training classes, courses, or programs, shall submit a written application for approval to Commission, in the manner and form and on the forms provided by Commission. These will include institutional and personnel data. [Order 75-3, § 490-15A-008, filed 12/18/75. Formerly WAC 490-15-008.]

**WAC 490-15A-012 Procedures for approval.** (1) Applications for approval shall be accompanied by not less than two copies of a current catalog or bulletin of the institution, certified as being true and correct as to content by an authorized official of the institution, together with required data relating to administrative personnel and faculty.

(2) The catalog or bulletin must contain no less than the following data:

(a) The volume, number, and date of publication.

(b) The legal name of the institution.

(c) The names and addresses of its owners, principal officials, and the names and chief assignments of faculty members.

(d) A calendar of the institution indicating school holidays, beginning and ending dates of scheduled training sessions offered such as quarters, terms, semester, etc., and other significant dates affecting students' enrollments or progress through training.

(e) The institution's policies and regulations relating to enrollment.

(f) The institution's policies with respect to leaves of absence, absences, class-cuts, tardiness, and including policies regarding interruption of training for unsatisfactory attendance and those relating to make-up work.

(g) The institution's policies regarding standards of progress required of the student by the institution, including a description of progress records maintained, indicating how and when appropriate progress information is provided to the student and/or DVR.

(h) The institution's policies relating to student conduct and the policies for dismissing a student for unsatisfactory conduct.

(i) A detailed schedule of fees, tuition charges, charges for books, supplies, tools, student activities, laboratory fees, service charges, rentals, deposits, and any other charges connected with entering, being in, and completing a course of training, that are made by the institution.

(j) The policies and regulations of the institution regarding the refunding of the unused portion of tuition, fees and other charges in the event the student fails to enter the course, or withdraws, or is discontinued therefrom prior to completion.

(k) Narrative description, photographs, drawings, or other means to convey an accurate portrayal of the physical facilities of the institution in which the training for which approval is being sought will occur, including a description of the major pieces of equipment available and utilized for the programs being offered.

(3) Commission may approve the application of such institution when it is found upon investigation and evaluation to successfully meet the following criteria:

(a) The information contained in the application is true and correct, with at least the factors relating to physical facilities having been inspected on-site by Commission staff.

(b) Data relating to the educational and experience qualifications of the institution's administrators and faculty has been submitted on forms provided for this purpose, assessed by Commission and found to be satisfactory.

(c) A copy of the institution's catalog or bulletin, together with an outline of the course into which a DVR client is being proposed for enrollment, will be provided by the institution in each instance, to the client, DVR, or both.

(d) Periodic written reports of clients progress in training will be furnished to DVR at intervals established with the institution by DVR, and a diploma, certificate, transcript, or similar document will be provided without charge to each client successfully completing the training agreed upon.

(e) Commission has satisfactory evidence that the institution meets all facility requirements imposed by municipal, county, state and federal regulations such as fire and sanitation codes.

(4) Commission must determine that the institution is financially sound and capable of meeting its commitments for training the affected clients.

(5) Institutions will be notified when applications have been acted upon. The issue of being approved is contingent upon notification, not application.

(6) Additional requirements for approval and/or alterations in procedures may be brought about by future amendment to this chapter.

(7) Appeals from decisions by Commission to withhold or withdraw approvals under the rules and regulations established by this chapter can be made in the following manner:

(a) The affected institution must file a written appeal for review containing appropriate detail within 60 days of the notification of an adverse decision.

(b) Within no more than 30 days from the receipt of such appeal, the Executive Director shall empanel a

Board of Review, which shall consist of himself or his designee and two members of his staff whose normal assignments provide familiarity with the issues under appeal and the Assistant Secretary for Vocational Rehabilitation or his designee and two DVR staff members whose normal assignment provides familiarity with the issues under appeal.

(c) The recommendation of this Board of Review shall be forwarded to Commission at its next regular meeting following convening of the Board of Review.

(d) Commission shall act to sustain or reinstate the withdrawn or withheld approval.

(e) Further appeal from such decisions by Commission may be sought under the provisions of the State Administrative Procedures Act by the affected institution. [Order 75-3, § 490-15A-012, filed 12/18/75. Formerly WAC 490-15-012.]

**WAC 490-15A-016 Refund policy.** The institution must have and maintain a pro-rata refund policy for DVR clients whereby any unused portion of tuition, fees, and other charges will be refunded in event a client fails to enter a course, or withdraws therefrom or is discontinued therefrom at any time prior to completion. Its specific and written policy regarding refund must be provided by the institution for each and every enrollment, for inclusion in the training plan of each client. Such policy must provide that the amount charged to DVR for tuition, fees, and other charges for a portion of the course shall not exceed the appropriate pro-rata portion of the total charges for tuition, fees, and other charges that the length of the completed portion of the course bears to its total length. There must be full disclosure in advance regarding any unrefundable charges or fees. [Order 75-3, § 490-15A-016, filed 12/18/75. Formerly WAC 490-15-016.]

**WAC 490-15A-020 Advertising—Publicizing regulations.** (1) Commission must determine that the institution does not utilize advertising or promotional materials that contain false statements or are misleading as to fact, whether this be by actual misstatement, omission of substantive fact or, by intimation, calculated to mislead.

(2) Any advertising or promotional materials of the institution may indicate only by factual statement that the institution has been approved for the training of DVR clients. It may not claim or imply that "accreditation" has been thus secured or that it has the recommendation or endorsement of Commission or DVR, or that approval constitutes a license. [Order 75-3, § 490-15A-020, filed 12/18/75. Formerly WAC 490-15-020.]

**WAC 490-15A-024 Duration of approval—Non-transferability.** (1) Approvals issued under this chapter are for indeterminate periods, subject to withdrawal for cause established under this chapter or by the dissolution of the agreements under chapter 39.34 RCW upon which this chapter is promulgated. An institution may, at any time, voluntarily surrender its approval.

(2) Surrender of approval may be sought by Commission in instances where no DVR clients have been served by the institution in more than a calendar year.

(3) Approval is issued for a specifically identified course of training and/or training facility and is not transferable without written agreement from Commission, whether to new or substantially altered ownership or management of the institution or to a different location.

(4) Each institution, including each individual location or branch where resident training takes place, or each individual course in the case of correspondence education, is separately approved. Approval of any course or institution is not a precedent for others. [Order 75-3, § 490-15A-024, filed 12/18/75. Formerly WAC 490-15-024.]

**WAC 490-15A-028 Reports—Visitation.** (1) The institution agrees to submit periodic reports to Commission in the manner and form prescribed by Commission.

(2) The institution agrees that in making application for approval it thereby consents to visitations by Commission at any time that the institution is open for business, and that entry will be permitted to inspect and evaluate any portion of the premises. [Order 75-3, § 490-15A-028, filed 12/18/75. Formerly WAC 490-15-028.]

### Chapter 490-16A WAC

#### OCCUPATIONAL TRAINING OF VETERANS— APPROVAL OF SCHOOLS

##### WAC

490-16A-001	Authorization.
490-16A-005	Importance of approval.
490-16A-008	Conditions required for approval.
490-16A-010	Applicability of standards.
490-16A-015	General standards—Prior operation.
490-16A-020	General standards—Minimum number of nonveteran students required.
490-16A-025	General standards—Prior accreditation or licensing.
490-16A-030	General standards—Accredited and nonaccredited courses.
490-16A-035	General standards—Approval by state board.
490-16A-040	General standards—Business organization and ethics.
490-16A-045	General standards—Admission requirements.
490-16A-050	General standards—Qualifications of instructors.
490-16A-055	General standards—Qualifications of instructors—Number of teachers and student load.
490-16A-060	General standards—Instructional content.
490-16A-065	General standards—Facilities.
490-16A-070	General standards—Equipment.
490-16A-080	Regulations—Advertising and/or publicizing.
490-16A-085	Regulations—Length of time of approval.
490-16A-090	Regulations—Limited and specific nature of approval.
490-16A-095	Regulations—Change of location or ownership.
490-16A-100	Regulations—Approvals are not precedents.
490-16A-105	Regulations—Reports.
490-16A-110	Regulations—Visitations.
490-16A-115	Regulations—Misrepresentation.
490-16A-120	Regulations—Supporting evidence.
490-16A-130	Regulations—Procedures.

[Title 490 WAC—p 14]

**WAC 490-16A-001 Authorization.** (1) Pursuant to Public Law 89-358, as it pertains to the state's responsibilities, the following were designated by the governor as the approval agencies for the state of Washington:

State Board of Education  
Old Capitol Building  
Olympia, Washington

Approves All academic schools, colleges,  
and universities—both public and  
private

State Board for Vocational Education  
[Commission for Vocational Education]  
Bldg. 17 Airdustrial Park  
Olympia, Washington 98504

Approves All vocational schools and classes,  
commercial, trade and technical  
schools and institutions offering trade  
and technical instruction—Both  
Public and private

(2) In accordance with the authorization above, the state board for vocation education [Commission for Vocational Education] has the responsibility to adopt regulations and standards for all vocational schools and classes, commercial, trade and technical schools and institutions offering trade and technical instruction—both public and private. (Note: Apprenticeship and specialty for on-the-job training, and education incidental thereto, is subject to approval by the state department of labor and industries, Olympia, Washington.)

(3) The standards for the approval of institutions desiring to offer education and training to veterans have been revised to conform to veterans administration regulations formulated to implement the provisions of Public Law 89-358 for the application of all institutions desiring to offer training to veterans under Public Law 89-358. [Order 75-3, § 490-16A-001, filed 12/18/75. Formerly WAC 490-16-001.]

**WAC 490-16A-005 Importance of approval.** (1) Simply being enrolled in vocational, technical, or commercial schools, either public or private, does not entitle the veteran to the rights and privileges prescribed by Public Law 89-358. He must be in training status in an approved course.

(2) Approval means that the institution is considered to be qualified and equipped to furnish satisfactory instruction in the particular course or courses approved by the state board for vocational education [Commission for Vocational Education]. Upon approval by the state board for vocational education the courses are certified to the veterans administration and the institution is then in position to furnish training to veterans under the provisions of Public Law 89-358.

(3) All institutions desiring to offer courses to veterans under Public Law 89-358 must apply for approval. [Order 75-3, § 490-16A-005, filed 12/18/75. Formerly WAC 490-16-005.]

**WAC 490-16A-008 Conditions required for approval.** (1) Institutions vary widely in types of programs and

standards. Frequently, no well-established or reputable accrediting agency exists to appraise the worth of the institution and its work. For this reason the state board for vocational education [Commission for Vocational Education] has found it necessary to formulate and adopt regulations and standards to serve as a basis for judging whether the institution is qualified and equipped to provide good instruction and training in specific courses.

(2) Courses offered by institutions may be approved upon submission of satisfactory applications when upon investigation they are found to conform to the following standards and regulations. [Order 75-3, § 490-16A-008, filed 12/18/75. Formerly WAC 490-16-008.]

**WAC 490-16A-010 Applicability of standards.** In addition to the following general standards which are applicable to all institutions, specific requirements have been established for certain types of institutions. Upon receipt of inquiry, appropriate specific standards will be sent to the institutions to which the standards apply. [Order 75-3, § 490-16A-010, filed 12/18/75. Formerly WAC 490-16-010.]

**WAC 490-16A-015 General standards—Prior operation.** The enrollment of an eligible veteran will not be approved in any course offered by an educational institution when such a course has been in operation for less than two years immediately prior to the date of enrollment, except that this requirement does not apply to the following:

(1) Courses pursued in a public or tax-supported educational institution.

(2) Courses pursued in institutions which may be considered parochial or religious in character, whose credits are acceptable without condition in the public school system in fulfillment of requirements for graduation.

(3) Any course offered by an educational institution which has been in operation for more than two years if the course is similar in nature to a course previously offered by the institution.

(4) Any course which has been offered by an institution for a period of more than two years, notwithstanding the fact that the institution has moved to another location in the same general locality. [Order 75-3, § 490-16A-015, filed 12/18/75. Formerly WAC 490-16-015.]

**WAC 490-16A-020 General standards—Minimum number of nonveteran students required.** In the case of nonaccredited courses below the college level, at all times at least fifteen percent of the students in each course must be paying for all their tuition, fees or other charges without financial assistance from the institution or the veterans administration. [Order 75-3, § 490-16A-020, filed 12/18/75. Formerly WAC 490-16-020.]

**WAC 490-16A-025 General standards—Prior accreditation or licensing.** (1) Prior accreditation or approval by an acceptable and reputable association is required whenever such accreditation or approval is

available to the institution. Institutions without satisfactory accreditation will be carefully examined to determine that they measure up to the best standards in the field.

(2) Institutions that are subject to operating standards of specific state departments (state department of health, etc.), shall conform to all of the regulations that pertain to their type of institutions before approval can be granted.

(3) Schools and institutions that are licensed and satisfactorily accredited may be approved for courses within the limits of their facilities. [Order 75-3, § 490-16A-025, filed 12/18/75. Formerly WAC 490-16-025.]

**WAC 490-16A-030 General standards—Accredited and nonaccredited courses.** Public Law 89-358 provides for the classification of all courses to be offered to veterans as (1) accredited and (2) nonaccredited. Approval procedures have been established for each classification. Application Form A is the form to be used for accredited courses and application Form B is to be used for nonaccredited courses.

(1) Accredited Courses. Courses offered by educational institutions may be approved as accredited courses when:

(a) Such courses have been accredited and approved by a nationally recognized accrediting agency or association—this includes courses above secondary level offered by the accredited departments, schools, or colleges of a university for credit toward a collegiate certificate or degree, and also secondary level courses offered for Carnegie units of credit by accredited secondary schools:

(b) Credit for such courses are approved by the state office of public instruction for credit toward a high school diploma;

(c) Such courses are conducted under the act of February 23, 1917 (Smith-Hughes Act), as amended (39 Stat. 927), or the Vocational Education Act of 1946 (George-Barden Act) and supplementary acts, or the Vocation Education Act of 1963 (Public Law 88-210), or

(d) Such courses are accepted by the state office of public instruction for credit for a teacher's certificate or a teacher's degree.

(2) Nonaccredited courses.

(a) Nonaccredited courses are any courses which are not approvable as accredited courses under the standards specified in Public Law 89-358 which are offered by a public or private, profit or nonprofit, educational institution. These include nonaccredited courses offered by college extension divisions or by vocational or adult education departments of institutions of higher learning, and nonaccredited courses offered by secondary schools.

(b) Any educational institution desiring to enroll veterans under Public Law 89-358 in nonaccredited technical, vocational or commercial courses shall submit a written application to the state board for vocational education [Commission for Vocational Education]. Such application shall be accompanied by not less than two

copies of the current catalog or bulletin which is certified as true and correct in content and policy by an authorized owner or official of the institution and shall include the following:

(i) Identifying data, such as volume, number and date of publication;

(ii) Name of the institution and its governing body, officials, and faculty;

(iii) A calendar of the institution showing legal holidays, beginning and ending dates of each quarter, term or semester, and other important dates;

(iv) Institution policy and regulations on enrollment with respect to enrollment dates and specific entrance requirements for each course;

(v) Institution policy and regulations relative to leave, absences, class cuts, make-up work, tardiness, and interruptions for unsatisfactory attendance;

(vi) Institution policy and regulations relative to standards of progress required of the student by the institution. This policy will define the grading system of the institution, the minimum grades considered satisfactory, conditions for interruption for unsatisfactory grades or progress, and a description of the probationary period, if any, allowed by the institution and conditions of re-entrance for those students dismissed for unsatisfactory progress. A statement will be made regarding progress records kept by the institution and furnished the student;

(vii) Institution policy and regulations relating to student conduct and conditions for dismissal for unsatisfactory conduct;

(viii) Detailed schedule for fees, charges for tuition, books, supplies, tools, student activities, laboratory fees, service charges, rentals, deposits, and all other charges;

(ix) Policy and regulations of the institution relative to the refund of the unused portion of tuition, fees, and other charges in the event the student does not enter the course, or withdraws, or is discontinued therefrom;

(x) A description of the available space, facilities and equipment;

(xi) A course outline for each course for which approval is requested, showing subjects or units in the course, type of work or skill to be learned, and approximate time and clock hours to be spent on each subject or unit; and

(xii) Policy and regulations of the institution relative to granting credit for previous education and training.

(3) The above supporting material should be submitted in the same form that it is made available to all students. The original, typewritten form is not acceptable. [Order 75-3, § 490-16A-030, filed 12/18/75. Formerly WAC 490-16-030.]

**WAC 490-16A-035 General standards—Approval by state board.** The state board for vocational education [Commission for Vocational Education] may approve the application of such institution when the institution and its nonaccredited courses are found upon investigation to have met the following criteria:

(1) The courses, curriculum, and instruction are consistent in quality, content, and length with similar

courses in public schools and private schools in the state with recognized accepted standards.

(2) There is in the institution adequate space, equipment, instructional material, and instructor personnel to provide training of good quality.

(3) Educational and experience qualifications of directors, administrators, and instructors are adequate.

(4) The institution maintains a written record of the previous education and training of the veteran and clearly indicates that appropriate credit has been given by the institution for previous education and training with the training period shortened proportionately and the veteran and the administrator so notified.

(5) A copy of the course outline, schedule of tuition, fees, and other charges, regulations pertaining to absences, grading policy, and rules of operation and conduct will be furnished the veteran upon enrollment.

(6) Upon completion of training, the veteran is given a certificate by the institution indicating the approved course and indicating that training was satisfactorily completed.

(7) Adequate records as prescribed by the state board for vocational education [Commission for Vocational Education] are kept to show attendance and progress or grades, and satisfactory standards relating to attendance, progress and conduct are enforced.

(8) The institution complies with all local, city, county, municipal, state and federal regulations, such as fire codes, building and sanitation codes. The state board for vocational education [Commission for Vocational Education] may require such evidence of compliance as is deemed necessary.

(9) The institution is financially sound and capable of fulfilling its commitments for training.

(10) The institution does not utilize advertising of any type which is erroneous or misleading, either by actual statement, omission, or intimation. The institution shall not be deemed to have met this requirement until the state board for vocational education [Commission for Vocational Education] has:

(a) Ascertained from the Federal Trade Commission whether the commission has issued an order to the institution to cease and desist from any act or practice, and

(b) If such an order has been issued, has given due weight to that fact.

(11) The institution does not exceed its enrollment limitations as established by the state board for vocational education [Commission for Vocational Education].

(12) The institution's administrators, directors, owners, and instructors are of good reputation and character.

(13) The institution has and maintains a policy for the refund of the unused portion of tuition, fees, and other charges in the event the veteran fails to enter the course or withdraws or is discontinued therefrom at any time prior to completion and such policy must provide that the amount charged to the veteran for tuition, fees, and other charges for a portion of the course shall not exceed the approximate pro rata portion of the total charges for tuition, fees, and other charges that the length of the completed portion of the course bears to its total length.



(14) Such additional criteria as may be deemed necessary by the state board for vocational education [Commission for Vocational Education]. [Order 75-3, § 490-16A-035, filed 12/18/75. Formerly WAC 490-16-035.]

**WAC 490-16A-040 General standards—Business organization and ethics.** (1) The institution shall operate under a functioning business organization, all members of which shall be identified as persons of integrity in character and business practices. The administrators or directors of the institutions shall have recognized standing and experience in the field or fields for which approval is requested.

(2) The institution shall be on a sound financial basis as attested by responsible business firms, credit associations or reputable persons.

(3) The school must operate on the basis of sound administrative policies and at all times shall adhere to ethical practices. [Order 75-3, § 490-16A-040, filed 12/18/75. Formerly WAC 490-16-040.]

**WAC 490-16A-045 General standards—Admission requirements.** The qualifications for admission to the school must be in accordance with recognized practice. Admission must be on a selective basis that will insure acceptance of only those who are fully qualified. Enrollments in courses that are vocational, technical or commercial in nature shall be limited to placement opportunities as determined by occupational analysis. [Order 75-3, § 490-16A-045, filed 12/18/75. Formerly WAC 490-16-045.]

**WAC 490-16A-050 General standards—Qualifications of instructors.** (1) Existing wide variations in the kinds of institutions and courses make it impossible to fully describe here all of the qualifications of instructors. Specific requirements have been established for a number of different types of schools and institutions. For some types of training, instructors would need an education beyond a college degree; for others, high school graduation or the equivalent education in some recognized institution is acceptable. The training of the teacher must be equal to the purpose or must be similar to that required in comparable public institutions of learning.

(2) All instructors of technical or scientific operations shall hold a certificate or license in the fields in which students will be required to obtain licenses. [Order 75-3, § 490-16A-050, filed 12/18/75. Formerly WAC 490-16-050.]

**WAC 490-16A-055 General standards—Qualifications of instructors—Number of teachers and student load.** (1) Except as specified otherwise in the specific approval standards for certain types of courses, the average student load for each full-time instructor shall not exceed twenty-five students in classwork and twenty in shops and laboratories. Maximum enrollment for courses in proprietary schools will be established in keeping with the facilities of the institution and need for the training.

(2) Each institution must employ at least one full-time teacher. After this requirement is met, full- or part-time personnel may be added as required. [Order 75-3, § 490-16A-055, filed 12/18/75. Formerly WAC 490-16-055.]

**WAC 490-16A-060 General standards—Instructional content.** (1) The state board for vocational education [Commission for Vocational Education] declines to assume the responsibility for approving programs that provide training for pleasure, recreation or avocation. Courses must be of a serious and bona fide educational nature. Where a definite job objective in a socially significant field is not apparent, the instruction must clearly provide for a background of knowledge and experience that will enhance the desirable growth and development of the individual.

(2) The course must adequately cover the subject, must be clearly presented, and must be treated in accordance with the best current knowledge and practice of trade, professional or manufacturing standards. Study must extend over a period of time sufficient to complete the work with standards appropriate to the subject and occupation.

(3) Acceptable instruction should result in an individual who:

- (a) Possesses a marketable skill or shows excellent promise of performance in the field of training;
- (b) Possesses and is able to apply technical and related job information;
- (c) Can interpret the business or professional situation in which he finds himself;
- (d) Has the ability and the will to work harmoniously with others.

(4) An outline of the course of study must be submitted in duplicate for each course for which approval is requested. This outline must show a breakdown of the course into units. Under each unit must be listed the lessons, assignments, topics or projects, the time required for each, the materials used and the methods of instruction. The number of hours per week and the total number of hours for the course must be indicated. The outline should be sufficiently detailed to give a clear picture of the course. A suggested method of describing the course follows:

COURSE	NUMBER	TOTAL LENGTH			
	HOURS PER	OF COURSE			
-----	WEEK	-----	IN WEEKS	-----	&HRS. -----
			I. Name of Unit Lesson, assignments, topics or projects.		
			a.	b.	c. ETC.
			Units		
			Time		
			Materials		
			Texts (including pages), references, library materials, exhibits, flat pictures, slides, motion pictures, list of instructional material, etc.		

## Methods

Activities, reports, demonstrations, experiments, field trips, lectures, laboratory, practical shop application, etc.

[Order 75-3, § 490-16A-060, filed 12/18/75. Formerly WAC 490-16-060.]

**WAC 490-16A-065 General standards—Facilities.** The school must operate in an established plant within the state. The type of housing and space available for training purposes shall conform approximately to public school standards. The premises throughout must be well-ordered and well-kept. Home studios are acceptable only if they are relatively free for instructional purposes and conform to all of the requirements mentioned here. The buildings must meet all the requirements of local and state laws regarding fire, health, safety and sanitation. [Order 75-3, § 490-16A-065, filed 12/18/75. Formerly WAC 490-16-065.]

**WAC 490-16A-070 General standards—Equipment.** (1) It is impossible to describe here the minimum equipment standards for the large number of widely varying types of institutions. Special standards have been set up for certain institutions. Generally speaking, the equipment and materials must be of such quantity, quality and kind as to be adequate for the particular type of training.

(2) The equipment and materials must meet all the requirements of local and state laws regarding fire, health, safety and sanitation. [Order 75-3, § 490-16A-070, filed 12/18/75. Formerly WAC 490-16-070.]

**WAC 490-16A-080 Regulations—Advertising and/or publicizing.** A school or training institution may advertise and/or publicize that it is approved by the state board for vocational education [Commission for Vocational Education] to provide training under Public Law 89-358 but it may not advertise or publicize that the school is recommended or endorsed by the state board for vocational education [Commission for Occupation Education]. [Order 75-3, § 490-16A-080, filed 12/18/75. Formerly WAC 490-16-080.]

**WAC 490-16A-085 Regulations—Length of time of approval.** (1) Approval of a course is for an indefinite period of time. Continuation of approval is contingent upon constant maintenance of the prescribed standards. If it is found that the course no longer continues to meet the requirements, approval will be withdrawn.

(2) Approval will also be withdrawn from institutions having no enrollment of veteran students for a period of six months. [Order 75-3, § 490-16A-085, filed 12/18/75. Formerly WAC 490-16-085.]

**WAC 490-16A-090 Regulations—Limited and specific nature of approval.** (1) Approval is granted in

terms of specific courses in individual institutions at single established school locations.

(2) Extensions and branches must be individually approved. Like the original institution, they must have been in successful operation for at least two years prior to the date of application to be eligible for approval.

(3) All of the courses for which approval is requested should be listed in the application. Care should be taken to show the competence of personnel and suitability of facilities for each of the courses. All courses which are added after the initial approval must be submitted for approval to be included in the program. [Order 75-3, § 490-16A-090, filed 12/18/75. Formerly WAC 490-16-090.]

**WAC 490-16A-095 Regulations—Change of location or ownership.** Approval shall not be transferable under a change of location or ownership of the institution without prior approval of the state board for vocational education [Commission for Vocational Education]. In order to continue approval without interruption, it is important for the institution to secure authorization before the change is made. [Order 75-3, § 490-16A-095, filed 12/18/75. Formerly WAC 490-16-095.]

**WAC 490-16A-100 Regulations—Approvals are not precedents.** Approval of a course shall not be considered a precedent for approval of another course of the same type and quality. This regulation is made necessary by the need to hold the number of trainees reasonably close to the placement opportunities in the field. [Order 75-3, § 490-16A-100, filed 12/18/75. Formerly WAC 490-16-100.]

**WAC 490-16A-105 Regulations—Reports.** Institutions having courses approved will be required to submit a report to the state board for vocational education [Commission for Vocational Education] as of June 30 and December 31 of each year. Forms will be provided by the state board for vocational education [Commission for Vocational Education]. [Order 75-3, § 490-16A-105, filed 12/18/75. Formerly WAC 490-16-105.]

**WAC 490-16A-110 Regulations—Visitations.** When a school makes application for approval of a course or courses, it thereby consents to visitations at all times by representatives of the state board for vocational education [Commission for Vocational Education] until such time as the application or approval is withdrawn. When visitations are made, it must be possible for the representative to inspect and evaluate all facilities and instruction. [Order 75-3, § 490-16A-110, filed 12/18/75. Formerly WAC 490-16-110.]

**WAC 490-16A-115 Regulations—Misrepresentation.** When upon investigation, it is found that an institution has been guilty of unscrupulous practices, misrepresentation or fraud, or has failed to conform to the representations in its application, approval of courses

will be denied, or if courses are already approved, approval will be withdrawn. [Order 75-3, § 490-16A-115, filed 12/18/75. Formerly WAC 490-16-115.]

**WAC 490-16A-120 Regulations—Supporting evidence.** Before approval of the application of a course may be given, each item of evidence required must be submitted in satisfactory form and must have the unqualified approval of the state board for vocational education [Commission for Vocational Education]. [Order 75-3, § 490-16A-120, filed 12/18/75. Formerly WAC 490-16-120.]

**WAC 490-16A-130 Regulations—Procedures.** (1) Review the total program. Since approval is granted for specific courses, it is important that the institution consider all of the courses for which it will seek approval so as to include them in the application. The ability of the institution to teach each of the courses must be clearly established.

(2) Use of application form. In some cases the information requested on the application form will not suffice to give a clear picture of the institution and its purposes. It may be necessary to adapt the application form to the peculiarities of the institutions's instructional program.

(3) Submitting the application. Have reviewed the information and instructions contained in these regulations, the institution shall describe its organization, program and personnel on the application for approval, supplementing as necessary or advisable. The application form, together with the supporting material listed under Item 22, should be submitted in duplicate and forwarded to:

Commission for Vocational Education  
Bldg. 17 Airdustrial Park  
Olympia, Washington 98504

(4) Notification. Institutions will be notified when their applications have been acted upon by the state board for vocational education [Commission for Vocational Education] and the veterans administration will be advised of the action taken by the board. [Order 75-3, § 490-16A-130, filed 12/18/75. Formerly WAC 490-16-130.]

#### Chapter 490-24A WAC

### PROVISION FOR PUBLIC HEARINGS, PUBLIC MEETINGS AND PUBLIC INFORMATION

#### WAC

490-24A-010 Public hearings procedures.  
490-24A-020 Public meeting procedures.  
490-24A-030 Public information procedures.

**WAC 490-24A-010 Public hearings procedures.** The procedures for the adoption or repeal of rules, for the opportunity to submit data, and for the effect of non-compliance to the rules of the Commission for Vocational Education are quoted from chapter 34.04 RCW and chapter 42.32 RCW: "34.04.025 Notices of Intention to Adopt Rules—Opportunity to Submit

Data—Noncompliance, Effect. (1) Prior to the adoption amendment or repeal of any rule, each agency shall: (a) Give at least twenty days notice of its intended action by filing the notice with the code reviser, mailing the notice to all persons who have made timely request of the agency for advance notice of its rule-making proceedings, and giving public notice as provided in RCW 42.32.010, as now or hereafter amended. Such notice shall include (i) reference to the authority under which the rule is proposed, (ii) a statement of either the terms or substance of the proposed rule or a description of the subjects and issues involved, and (iii) the time when, the place where, and the manner in which interested persons may present their views thereon. (b) Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. In case of substantive rules, opportunity for oral hearing must be granted if requested by twenty-five persons, by a governmental subdivision or agency, or by an association having not less than twenty-five members. The agency shall consider fully all written and oral submissions respecting the proposed rule. Upon adoption of a rule, the agency, if requested to do so by an interested person either prior to adoption or within thirty days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. (2) No rule hereafter adopted is valid unless adopted in substantial compliance with this section, or if an emergency rule designated as such, adopted in substantial compliance with RCW 34.04.030, as now or hereafter amended. In any proceeding a rule cannot be contested on the ground of noncompliance with the procedural requirements of this section, or of RCW 34.04.030, as now or hereafter amended, after two years have elapsed from the effective date of the rule. (1967 c 237 § 3.)" [Order 75-3, § 490-24A-010, filed 12/18/75. Formerly WAC 490-24-010.]

**WAC 490-24A-020 Public meeting procedures.** "RCW 42.32.010, Rules, Ordinances, etc., to be Adopted at Public Meetings—Notice. No board, commission, agency or authority of the state of Washington, or the governing board, commission, agency or authority of any political subdivision exercising legislative, regulatory or directive powers, shall adopt any ordinance, resolution, rule, regulation, order or directive, except in a meeting open to the public and then only at a meeting, the date of which is fixed by law or rule, or at a meeting of which public notice has been given by notifying press, radio and television in the county and by such other means as may now or hereafter be provided by law: *Provided*, That this chapter shall not apply to the state legislature, the judiciary, or to those regulatory orders of quasi-judicial bodies applicable only to named parties as distinguished from orders having general effect on the public or a class or group. (1953 c 216 § 1)"

"42.32.020 Meetings Declared Public—Executive Sessions. All meetings, regular and special, of any such board, commission, agency and authority are hereby declared to be public meetings, open to the public at all times: *Provided*, That nothing contained in this chapter

shall be construed to prevent any such board, commission, agency or authority from holding executive sessions, from which the public is excluded, for the purposes other than the final adoption of an ordinance, resolution, rule, regulation, order or directive. (1953 c 216 § 2) "42.32.030 Minutes. The minutes of all regular and special meetings except executive sessions of such boards, commissions, agencies or authorities shall be promptly recorded and such records shall be open to public inspection. (1953 c 216 § 3)" [Order 75-3, § 490-24A-020, filed 12/18/75. Formerly WAC 490-24-020.]

**WAC 490-24A-030 Public information procedures.**

(1) In the interest of insuring public understanding of the provisions of the State Plan for Vocational Education and other general directives affecting provision for, and administration of, vocational education, the Commission will distribute the State Plan and other rules and regulations to each agency which has an interest in vocational education.

(a) State Plan distribution will be made to:

- (i) State Library
- (ii) Members of the State Advisory Council on Vocational Education
- (iii) Members of the Commission for Vocational Education
- (iv) Members of the State Board of Education
- (v) Superintendent of Public Instruction and staff
- (vi) Members of the State Board for Community College Education and staff
- (vii) Members of the Community College District Boards of Trustees
- (viii) Each Community College President
- (ix) Each School District Superintendent
- (x) Each Educational Service District Superintendent
- (xi) Each Local Vocational Education Director and Supervisor
- (xii) Each Vocational Guidance Counselor
- (xiii) The Washington Congress of Parents and Teachers and Students
- (xiv) American Federation of Teachers
- (xv) Washington Education Association
- (xvi) Washington Vocational Association
- (xvii) Council on Postsecondary Education
- (xviii) Washington Federation of Teachers
- (xix) Washington State School Directors Association
- (xx) Washington Association of School Administrators
- (xxi) Washington Federation of Private Vocational Schools
- (xxii) Veterans Administration, Regional Office
- (xxiii) Each State Representative and Senator
- (xxiv) Each Member of Washington State Congressional Delegation [Order 75-3, § 490-24A-030, filed 12/18/75. Formerly WAC 490-24-030.]

**Chapter 490-25A WAC**

**RULES AND REGULATIONS RELATING TO PUBLIC RECORDS OF THE COMMISSION FOR VOCATIONAL EDUCATION**

**WAC**

- 490-25A-010 Purpose.
- 490-25A-015 Definitions.
- 490-25A-020 Description of central and field organization of CVE.
- 490-25A-025 Public records available.
- 490-25A-030 Requests for public records.
- 490-25A-035 Copying.
- 490-25A-040 Exemptions.
- 490-25A-045 Review of denials of public records requests.
- 490-25A-050 Protection of public records.
- 490-25A-055 Records index.
- 490-25A-060 Adoption of form—Appendix A.

**WAC 490-25A-010 Purpose.** The purpose of this chapter shall be to ensure compliance by the Commission for Vocational Education with the provisions of chapter 42.17 RCW (Disclosure—Campaign—Finances—Lobbying—Records); and in particular with RCW 42.17.250 through 42.17.320, dealing with public records. [Order 75-3, § 490-25A-010, filed 12/18/75. Formerly WAC 490-25-010.]

**WAC 490-25A-015 Definitions.** (1) **PUBLIC RECORDS.** "Public record" includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) **WRITING.** "Writing means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds; or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents."

(3) **COMMISSION FOR VOCATIONAL EDUCATION.** The Commission for Vocational Education is the agency established by the legislature pursuant to Title 28C RCW. The Commission for Vocational Education shall hereinafter be referred to as the "CVE". Where appropriate, the term "CVE" also refers to the staff and employees of the Commission for Vocational Education. [Order 75-3, § 490-25A-015, filed 12/18/75. Formerly WAC 490-25-015.]

**WAC 490-25A-020 Description of central and field organization of CVE.** (1) The CVE is a code state agency. The Administrative Office of the CVE and its staff are located at Building 17, Airdustrial Park, Olympia, Washington, 98504.

(2) The Commission for Vocational Education operates under the authority contained in Title 28C RCW and P.L. 90-576, U.S. Code. A governing body comprised of seven voting members establishes policies which are implemented by the Commission's Executive Director. A staff of education specialists, support specialists, and clerical staff is employed under civil service

regulations. Salary support is provided for the employment of some specialists in the common schools' system, the community colleges' system and several colleges and universities. All of the directly employed personnel, however, operate from the central office in Olympia. [Order 75-3, § 490-25A-020, filed 12/18/75. Formerly WAC 490-25-020.]

**WAC 490-25A-025 Public records available.** (1) All public records of the Commission for Vocational Education, as defined in WAC 490-25A-015 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 and chapter 490-25A WAC.

(2) The Commission for Vocational Education's public records shall be in the charge of the Public Records Officer designated by the Commission for Vocational Education. The person so designated shall be located in the Administrative Office of the Commission for Vocational Education. The Public Records Officer shall be responsible for the following: The implementation of the Commission for Vocational Education's rules and regulations regarding release of public records, coordinating the staff of the Commission for Vocational Education in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

(3) Public records shall be available for inspection and copying during the customary office hours of the Commission for Vocational Education. For the purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays. [Order 75-3, § 490-25A-025, filed 12/18/75. Formerly WAC 490-25-025.]

**WAC 490-25A-030 Requests for public records.** (1) In accordance with requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(2) A request shall be made in writing upon a form prescribed by the Commission for Vocational Education which shall be available at its Administrative Office. The form shall be presented to the Public Records Officer; or to any member of the Commission for Vocational Education staff if the Public Records Officer is not available, at the Administrative Office of the Commission for Vocational Education during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;

(d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;

(e) If the requested matter is not identifiable by reference to the Commission for Vocational Education's current index, an appropriate description of the record requested.

(3) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested. [Order 75-3, § 490-25A-030, filed 12/18/75. Formerly WAC 490-25-030.]

**WAC 490-25A-035 Copying.** (1) No fee shall be charged for the inspection of public records. The Commission for Vocational Education shall charge a fee of fifteen cents (15¢) per page of copy for providing copies of public records and for use of the Commission for Vocational Education copy equipment. This charge is the amount necessary to reimburse the Commission for Vocational Education for its actual costs incident to such copying.

(2) Copies requested in accordance with the provisions of this chapter shall be reproduced upon equipment available within the agency whenever possible. If copying facilities are not available, the agency will arrange to have copies made commercially under the provisions of this section.

(3) If an unusual number of copies or compliance with a particular request requires an unusual amount of time or equipment not readily available, the agency will provide copies at a rate sufficient to cover any such additional costs.

(4) In any instance where charges for copying are to be incurred, the Records Officer or other authorized staff member shall:

(a) Accurately determine the costs to be incurred in connection with the request for copying, including a firm cost for commercial services required under the provisions of subsection (2), and

(b) Collect the full amount due in advance, in cash, money order or certified check prior to commencing to fill the request. [Order 75-3, § 490-25A-035, filed 12/18/75. Formerly WAC 490-25-035.]

**WAC 490-25A-040 Exemptions.** (1) The Commission for Vocational Education reserves the right to determine that a public record requested in accordance with the procedures outlined in chapter 490-25A WAC is exempt under the provisions of RCW 42.17.310.

(2) In addition, pursuant to RCW 42.17.260, the Commission for Vocational Education reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld. [Order 75-3, § 490-25A-040, filed 12/18/75. Formerly WAC 490-25-040.]

**WAC 490-25A-045 Review of denials of public records requests.** (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the Executive Director of the Commission for Vocational Education. The Executive Director shall immediately consider the matter in consultation with the office of the Attorney General and either affirm or reverse such denial. In any case, the request shall be returned with a final decision, within two business days following the receipt of the request for review of denial.

(3) Administrative remedies shall not be considered exhausted until the Executive Director has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first. [Order 75-3, § 490-25A-045, filed 12/18/75. Formerly WAC 490-25-045.]

**WAC 490-25A-050 Protection of public records.** To maintain the integrity of public records, no documents shall be removed from the offices of the Commission for the purposes of being copied other than by authorized CVE employees. [Order 75-3, § 490-25A-050, filed 12/18/75. Formerly WAC 490-25-050.]

**WAC 490-25A-055 Records index.** (1) INDEX. The Commission for Vocational Education has available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since its inception:

- "(a) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;
- "(b) those statements of policy and interpretations of policy, statute and the Constitution which have been adopted by the agency;
- "(c) administrative staff manuals and instructions to staff that affect a member of the public;
- "(d) planning policies and goals, and interim and final planning decisions;
- "(e) factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

"(f) correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party."

(2) **AVAILABILITY.** The current index promulgated by the Commission for Vocational Education shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection. [Order 75-3, § 490-25A-055, filed 12/18/75. Formerly WAC 490-25-055.]

**WAC 490-25A-060 Adoption of form—Appendix A.** The Commission for Vocational Education hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form attached hereto as Appendix A, entitled "Request for Public Record".

Appendix "A"

REQUEST FOR PUBLIC RECORD TO COMMISSION FOR VOCATIONAL EDUCATION

(a) -----

Name	Signature (Please Print)
------	-----------------------------

-----  
Name of Organization, if Applicable

----- Mailing Address of Applicant	----- Phone number
--	--------------------------

(b) -----

Date Request Made at Office of Commission for Vocational Education	Time of Day Request Made
--	-----------------------------

(c) Nature of Request -----  
-----  
-----

(d) Identification Reference on Current Index -----  
----- (Please describe) -----  
-----

(e) Description of Record or Matter Requested if not  
Identifiable by Reference to the Commission for  
Vocational Education Current Index  
-----  
-----  
-----

Request: Approved \_\_\_\_\_ By \_\_\_\_\_  
 Date \_\_\_\_\_ Public  
 Records  
 Officer

Denied Date \_\_\_\_\_

Reasons for Denial: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Referred to \_\_\_\_\_ By \_\_\_\_\_  
 Date \_\_\_\_\_ Public  
 Records  
 Officer

[Order 75-3, § 490-25A-060 and Appendix A, filed 12/18/75. Formerly WAC 490-25-060 and Appendix A.]

**Chapter 490-28A WAC**

**MINIMUM QUALIFICATIONS OF PERSONNEL**

**WAC**

- 490-28A-010 Minimum qualifications of personnel.
- 490-28A-011 Appeal procedures.
- 490-28A-012 Minimum standards for local vocational administrative personnel.
- 490-28A-013 Minimum standards of state agency personnel.
- 490-28A-020 Compliance with WAC 490-28A-010 by operating agencies.
- 490-28A-030 Professional improvement.
- 490-28A-040 Review and modification of personnel qualification standards.
- 490-28A-050 Program evaluation.
- 490-28A-060 Review and evaluation of personnel preparation and development.

**WAC 490-28A-010 Minimum qualifications of personnel.** (1) General Policy. This section of the Washington State Plan for Vocational Education - Part I (Administrative Provisions) contains the policies relating to minimum qualifications and selection standards for vocational personnel. These policies apply to all personnel in all agencies involved in vocational education under the Washington State Plan for Vocational Education employed after the effective date of this Plan.

Persons employed prior to the effective date may comply either with standards as set forth in this Plan or to the standards which were in effect in the 1969 Washington State Plan for Vocational Education - Part I.

No person as a result of the policies and the requirements and implementing procedures will be exempt from any licensing requirements imposed on the particular area of responsibility.

(2) References to the Revised Code of Washington. The Commission for Vocational Education is the agency responsible for developing and administering the State Plan for Vocational Education, which includes standards for vocational programs, services and activities, including standards for personnel in vocational education (P.L. 90-576-123(a)(7)) (Title 28C RCW).

The Superintendent of Public Instruction, under RCW 28A.70.005, Education Manual, has the responsibility for "... certification of teachers in the common schools. . ."

The State Board for Community College Education, under the Community College 1967 Act, RCW 28B.50-.090, has the responsibility to "... establish minimum standards to govern the operation of the community colleges with respect to qualifications and credentials of instructional and key administrative personnel, except as otherwise provided in the State Plan for Vocational Education. . ."

(3) Requirements and Implementing Procedures. The Superintendent of Public Instruction and the State Board for Community College Education each must adopt requirements and implementing procedures showing specifically how the State Plan policies and standards (1.34, 1.35) will be implemented. These procedures must cite the appropriate State Plan section, be approved by the Commission for Vocational Education (State Board) in session, and have been adopted into the Washington Administrative Code.

(4) Minimum Standards for Teaching Personnel.

(a) Work Experience. Must have recent work experience beyond the learning period as a fully qualified worker in the occupation which will be taught. The requirements and implementing procedures shall indicate the minimum requirements which must be met and the measures which will be used. In no case will the minimum work experience in the occupation be less for teachers than the amount of time normally required for beginning students to learn the occupation, or one year, whichever is greater. The definition of "recent" shall be included in the requirements and implementing procedures.

Provisions for exceptions to the above may be made in the requirements and implementing procedures for new and emerging occupations in which sufficient persons with enough work experience are not available.

(b) Competencies for Teaching. Must have demonstrated the competencies required for teaching. The requirements and implementing procedures shall indicate the minimum requirements which must be met and the measures which will be used. This may be fulfilled and measured in various ways, some of which are: professional vocational teaching methods courses taken, teaching experience, appropriate supervisory experience, degrees received, teaching internships, or combinations of these.

(c) Maintaining and Improving Occupational Competencies. The requirements and implementing procedures shall indicate the acceptable procedures for maintaining and for improving occupational competence.

(d) Maintaining and Improving Teaching Competencies. The requirements and implementing procedures shall indicate the acceptable procedures for maintaining and for improving teaching competence.

(e) Other Teaching Personnel. The requirements and implementing procedures may designate various other personnel assisting the teacher and the requirements for each.

(5) Safety and Industrial Hygiene Practices Standards. The primary purpose of the Safety and Industrial Hygiene Practices Standards Section is to assure that the preparatory trainee, upon completion of his/her training, has been trained to be a safe employee to himself/herself and to those with whom he/she works. The purpose of the first aid provision is to provide emergency treatment availability for students.

(a) Definitions:

(i) "Vocational Instructor", for the purposes of these standards, shall mean any individual who is vocationally certified under the State Plan for Vocational Education and/or who is employed as an instructor in a vocational program approved under the State Plan.

(ii) "Vocational Program", for the purposes of these regulations, shall meet the definition agreed upon in operating criteria of the Commission for Vocational Education.

(b) The standards for safety and industrial hygiene practices adopted by the Commission for Vocational Education shall, where applicable, include the requirement that certain individuals, in addition to other criteria, hold valid first aid certificates issued by or equivalent to the standards of those issued by the Washington Department of Labor and Industries, or the United States Bureau of Mines, or the American Red Cross.

(c) A valid first aid certificate is required for contracted vocational instructors in preparatory vocational programs whose instructional environment brings students into physical proximity with hazardous or potentially hazardous machinery, electrical circuits, biologicals, radioactive substances, chemicals, flammables, intense heat, gases under pressure, excavations, scaffolding and ladders, and other hazards.

(d) The determination of hazard shall be made by the safety supervisor, designated under these regulations by the local educational agency, in cooperation with the appropriate local representative advisory committee.

(e) Specifically excluded with conformance to this requirement are:

(i) Vocational Counselors.

(ii) Those instructors who teach related subjects to vocational students; i.e., mathematics, english or communications skills, etc., when these are taught in classrooms rather than shops and are part of a total vocational program that is under the supervision or direction of vocational instructor(s) possessing valid first aid certificates.

(iii) Physicians, registered nurses, licensed practical nurses and others whose occupational competencies include first aid knowledge equal to or superior to that represented by the first aid certification being required under these regulations.

(iv) Vocational instructors who teach 90 hours or less per school year and whose instruction is a part of a total vocational program that is under the supervision or direction of a vocational instructor(s) possessing valid first aid certificate(s).

(f) The first aid requirement can be met by the successful completion of any first aid course that develops

the competencies necessary to perform the following emergency treatments:

(i) Airway and pulmonary arrest

(ii) Cardiopulmonary resuscitation

(iii) Techniques for handling wounds, bleeding, burns, and shock

(iv) Injuries to face, eyes, neck, chest, and abdomen

(v) Injuries to skull, brain, neck and spine

(vi) Fractures of the upper extremities

(vii) Fractures of the lower extremities

(g) Responsibility for insuring that appropriate staff have first aid training will rest with the district employing the vocational instructor.

(h) The specific type of first aid program required of vocational instructors will be determined by the representative advisory committee organized for the occupation for which the vocational instructor is providing training.

(6) By September 1, 1973, the preparation for vocational teaching for all persons shall include instruction in those safety and industrial hygiene practices common to all occupations sufficient to insure those persons knowledge of and ability to instruct students in those practices at a level consistent with the safety and industrial hygiene practices standards adopted by the Commission for Vocational Education.

No person who receives training for vocational teaching after September 1, 1973, shall be employed by a local educational agency in a program approved under the State Plan for more than 90 calendar days unless that person has met the safety and industrial hygiene practices standards adopted by the Commission for Vocational Education.

The safety and industrial hygiene practices, unique to specific occupations or clusters of occupations, will be developed by September 1, 1974, and will be implemented during the 1974-75 school year and thenceforth, so that all affected vocational teachers will be fully qualified not later than September 1, 1978.

(7) The general safety and industrial hygiene standards apply to all contracted vocational personnel who teach or supervise a vocational class or program in the common schools and community colleges in the State, and all vocational personnel in proprietary schools who are required to hold vocational certification under the State Plan.

(a) This standard can be satisfied by:

(i) Completing a 15-hour course in Safety and Industrial Hygiene taught by an instructor accredited by the Commission for Vocational Education, or

(ii) The passing of an approved examination which covers the material contained in the 15-hour course, or

(iii) By satisfactorily completing a course in Safety and Industrial Hygiene that has been designated by the Commission for Vocational Education as meeting this requirement.

(b) Approved courses in Safety and Industrial Hygiene will include, but not be limited to:

(i) History

(ii) Causes of accidents

(iii) Classes and types of accidents

(iv) Motivating safety



- (v) Accident prevention
- (vi) Industrial hygiene
- (vii) Industrial insurance

(c) The meeting of personnel standards to teach in a vocational program will be accepted as evidence of the individual's ability to teach the appropriate general safety and industrial hygiene necessary for the occupational area being taught.

(8) The safety and industrial hygiene needed for specific occupations may be satisfied by one of the following:

(a) Completion of a course as part of pre-service training that is designed to provide the potential vocational instructor with the specific skills and knowledge of safety and industrial hygiene pertinent to the occupation he/she is training to teach.

(b) Completion of an in-service course that is designed to provide the vocational instructor with the specific skills and knowledge of safety and industrial hygiene pertinent to the occupation he/she is training to teach.

(c) Certification by the local representative advisory committee for the occupation that the vocational instructor does possess the specific skills and knowledge of safety and industrial hygiene pertinent to the occupation he/she is training to teach, together with visible evidence that this is an integral part of his/her instructional program.

(d) Where the advisory committee determines that the vocational instructor has less than the necessary skills and knowledge, an advisory committee meeting or meetings devoted to such training as is needed will satisfy the requirement. Verification of training will be the advisory committee minutes which will include:

- (i) The name of the vocational instructor,
- (ii) The name(s) of the trainer(s),
- (iii) Evidence of the qualifications of the trainer(s),
- (iv) The content of the training.

(9) The meeting of personnel standards to teach in a vocational program will be accepted as evidence of the individual's ability to teach the appropriate specific safety and industrial hygiene necessary for the occupational area being taught. [Order 75-3, § 490-28A-010, filed 12/18/75. Formerly WAC 490-28-010.]

**WAC 490-28A-011 Appeal procedures.** (1) Full-time Teaching Personnel. In extraordinary instances, when a local vocational administrator has reason to feel that a potential full-time instructor has the necessary occupational and teaching competencies even though he has no evidence of meeting the specific requirements as developed under WAC 490-28A-010 but has unique or special capabilities and/or experiences, the following appeal procedure may be invoked. This procedure may result in a probationary exception leading to full authorization.

(a) The hiring vocational administrator should submit the following to the appropriate state agency (Superintendent of Public Instruction or State Board for Community College Education):

(i) A written statement, with appropriate documentation, which clearly states why the administrator feels a probationary exception should be made.

(ii) A written statement from the advisory committee indicating that official action was taken to recommend the person as having the needed occupational and teaching competence, and reasons why a probationary exception should be made.

(iii) A copy of the official minutes of the advisory committee meeting at which the official action took place.

(iv) A complete resume' of the work experience, education, and other pertinent experiences and accomplishments of the applicant.

(v) A written statement from the potential instructor indicating reasons for requesting that a probationary exception be made.

(b) Upon receipt of the above, the Executive Director, an administrator responsible for vocational education on the staff of the Superintendent of Public Instruction, and an administrator responsible for vocational education on the staff of the State Board for Community College Education, will meet as an appeal committee to review the request; make decisions regarding the request; and if approved, to determine the probationary period and the evaluation procedures which will be used to determine whether or not the applicant will be recognized as being fully qualified.

(2) Exception Procedures—Part-time Supplementary Teaching Personnel. In extraordinary instances a local vocational administrator may be unable to employ a part-time supplementary vocational instructor with the necessary occupational and teaching competencies meeting the specific requirements as developed under WAC 490-28A-010. He may employ the instructor on a temporary/emergency status by submitting the following to the appropriate state agency:

(a) A written statement, with appropriate documentation, which clearly states why the administrator made an exception and defining temporary/emergency as here applied.

(b) A complete resume' of the work experience, education and other pertinent experience and accomplishments of the applicant. [Order 75-3, § 490-28A-011, filed 12/18/75. Formerly WAC 490-28-011.]

**WAC 490-28A-012 Minimum standards for local vocational administrative personnel.** (1) Teaching Requirements. Must meet the minimum requirements for teaching personnel as set forth in the particular requirements and implementing procedures relating to the policies under WAC 490-28A-010.

(a) Teaching Experience. Must have taught vocational education for at least three years. The requirements and implementing procedures shall indicate the acceptable equivalent for teaching experience.

(b) Administrative or Supervisory Competencies. Must have demonstrated the competencies required for supervision and administration. The requirements and implementing procedures shall indicate the minimum requirements which must be met and the measures which will be used.

(2) Appeal Procedures. In extraordinary instances, when a hiring administrator has reason to feel that a potential vocational administrator has the necessary competencies even though he does not meet the specific requirements as developed under 490-28A-010 WAC, the following appeal procedure may be invoked. This procedure may result in a probationary exception leading to full authorization:

(a) The hiring administrator shall submit the following to the appropriate state agency (Superintendent of Public Instruction or State Board for Community College Education):

(i) A written statement, with appropriate documentation, which clearly states why the school administrator feels a probationary exception should be made.

(ii) Letters from at least four persons who hold responsible positions in vocational education indicating reasons why a probationary exception should be made.

(iii) A complete resume' of the work experience, education, and other pertinent experiences and accomplishments of the applicant.

(iv) A written statement from the potential vocational administrator indicating reasons for requesting that a probationary exception be made. [Order 75-3, § 490-28A-012, filed 12/18/75. Formerly WAC 490-28-012.]

**WAC 490-28A-013 Minimum standards of state agency personnel.** (1) Minimum Standards for State Agency Administrators (state director of vocational education, state vocational education program administrators, and state vocational education program directors). In accordance with federal (Public Law 88-352) and state (chapter 49.60 RCW) laws, Presidential Executive Orders, the Governor's Executive Orders, the rules and regulations of the Equal Employment Opportunity compliance guidelines, and the rules of the State Department of Personnel Merit System, the Commission for Vocational Education shall employ its staff personnel without discriminatory practices because of political or religious opinions or affiliations, or race, sex, or age.

(a) Teaching Experience. Must have taught vocational education for at least three years.

(b) Administration or Supervision Experience. Must have had at least three years experience in supervision, direction or management of personnel in vocational education.

(c) Education. At least 300 clock hours or 30 quarter credit hours in courses related to the responsibilities or documented evidence of significant accomplishments in the area of responsibilities.

(2) Minimum Standards for State Agency Vocational Education Program Specialists. In accordance with federal (Public Law 88-352) and state (chapter 49.60 RCW) laws, Presidential Executive Orders, the Governor's Executive Orders, the rules and regulations of the Equal Employment Opportunity compliance guidelines, and the rules of the State Department of Personnel Merit System, the Commission for Vocational Education shall employ its staff personnel without discriminatory practices because of political or religious opinions or affiliations, or race, sex, or age.

(a) Experience. At least three years recent (has worked within the area of specialty sometime during the past three years) experience in the area of responsibility.

(b) Education. At least 300 clock hours or 30 quarter credit hours in courses related to the responsibilities or documented evidence of significant accomplishments in the area of responsibilities.

(c) Teaching Experience. Those state agency vocational education program specialists who have direct supervision and/or responsibility for vocational curriculum matters shall have had three years of recent vocational teaching experience within the area of specialty.

(3) Vocational Education Teacher Educators. Must meet the minimum standards for state agency vocational education program specialist under section 2(a), (b), (c), and to assure acceptance of courses as Commission for Vocational Education approved vocational teacher education courses be agreed upon prior to assignment in vocational teacher education by the executive director of the Commission for Vocational Education upon recommendation by the director of leadership development with advice from vocational education professional staff.

In accordance with federal laws (Public Law 88-352), state laws (chapter 49.60 RCW), Presidential Executive Orders, the Governor's Executive Orders, the rules and regulations of the Equal Employment Opportunity compliance guidelines, and the rules of the State Department of Personnel Merit System, the Commission for Vocational Education shall employ its staff personnel without discriminatory practices because of political or religious opinions or affiliations, or race, sex, or age. [Order 75-3, § 490-28A-013, filed 12/18/75. Formerly WAC 490-28-013.]

**WAC 490-28A-020 Compliance with WAC 490-28A-010 by operating agencies.** Position descriptions and standards, in conformance with WAC 490-28A-010, shall be set forth by the state authority responsible. [Order 75-3, § 490-28A-020, filed 12/18/75. Formerly WAC 490-28-020.]

**WAC 490-28A-030 Professional improvement.** (1) Policies and Procedures. Improvement of the competencies of personnel will be the responsibility of the Leadership Development Division of the Commission for Vocational Education.

Statewide professional development is carried on as follows:

(a) Inservice teacher training courses, approved by the Commission for vocational professional development, are carried on by local community colleges and school districts which are a part of the common school system. These are supported by the institutions offering them and do not receive supplementary funding unless the service is specifically requested by the Commission for Vocational Education.

(b) Undergraduate, preservice programs are carried on in the three state-supported colleges and two state-supported universities using federal funds as supplemental support.

(c) Inservice/graduate programs are carried on in the same institutions, including one graduate program directed toward vocational administration.

(d) There are professional development programs in the above institutions, and the majority of private, non-profit teacher education institutions, which are recognized for certification and/or employment standards purposes but which do not receive fiscal assistance.

(e) Professional development programs which are conducted for both public and private teacher educators are carried on by the staff of the Leadership Development Division of the Commission or by contract.

(f) Fiscal support for a professional development program is carried on within the framework of a written agreement between the Commission and the institution or agency which conducts the program.

(2) Preservice Training.

(a) Contractual arrangements and/or agreement on approval of vocational professional development programs are made between the Commission for Vocational Education and those institutions which show evidence that their philosophy, facilities, curriculum and staff are adequate to assure satisfactory improvement and development of the skills and knowledges necessary for vocational personnel to carry out the programs, services and activities provided for in the State Plan. These can be both on-campus and extension courses.

(b) Preservice training may also be conducted by the state staff and by individuals and agencies through seminars, workshops, professional meetings, internships, area meetings and any other group and/or individual means that will assure the improvement and development of skills and knowledges necessary to carry out the goals and objectives of the State Plan.

(3) Inservice Training. In cooperation with the State Superintendent of Public Instruction, the State Director of Community Colleges, and other appropriate educational authorities, provisions are made for the following:

(a) Leadership and advanced training programs.

(b) Project and activity programs of teacher education, short-term institutes, workshops, seminars, internship, cadet teaching, student teacher assistants, teacher aides, and any other training programs that time, effort, and funds will allow, to provide the best education for students.

(c) Training programs designed to familiarize and assist teachers and potential teachers with new and useful curriculum and teaching aid materials.

(4) Other Training. In order to assure that quality professional development training is available to all persons in the State who need it and can benefit from it, the Commission for Vocational Education will:

(a) Cooperate with private business, industry, commercial enterprises, and/or other educational institutions for training vocational education personnel in order to strengthen training programs; these programs to encompass all vocational educators, including those needed for the handicapped and disadvantaged.

(b) Prepare, and make available, programs of instruction that will encourage and provide for improvement on the career ladder of preservice, teacher aides, and other part-time teachers to upgrade their qualifications.

(c) Provide for cooperative arrangements with educational agencies for preservice and inservice teacher training to provide practical teaching experience or facilities for special-shop, laboratory or technical work. [Order 75-3, § 490-28A-030, filed 12/18/75. Formerly WAC 490-28-030.]

**WAC 490-28A-040 Review and modification of personnel qualification standards.** Personnel qualification standards will be periodically reviewed, evaluated, and modified to insure that such qualifications are consistent with the need for personnel in vocational education programs carried out under the State Plan to effect realistic, relevant, and coordinated standards. The state staff will work cooperatively with the State Director of Community Colleges, the State Superintendent of Public Instruction, other educational authorities, and other groups having an interest in these standards.

The Commission for Vocational Education is charged with the responsibility for developing and maintaining qualification standards applicable to changing requirements and special programs. The Leadership Development Division will provide for inservice and preservice teacher education through Commission staff or through contract with other institutions and/or businesses to assure that the program of instruction does, in fact, keep pace with requirements that exist at any given time.

(1) Determining Priorities. Priorities are based on information obtained for the purposes of Part II of the State Plan. On the basis of that information, the staff of the Commission determines state priorities with an eye to the national priorities of the Bureau of Education Profession Development. The effort of personnel development is aimed at meeting critical qualitative and quantitative shortages of vocational education personnel.

(2) Advisory Committee for Personnel Development. The Advisory Committee for Personnel Development is representative of the various vocational services and the user groups. Representation includes the four-year teacher education institutions, the Commission for Vocational Education, the Washington Vocational Association, administrators appointed by the Office of the Superintendent of Public Instruction, administrators appointed by the State Board for Community College Education, and two persons representative of user groups appointed by the Commission for Vocational Education.

Duties of the advisory committee and sub-committees include, but are not limited to:

(a) Developing the bases for the writing of performance based competencies.

(b) Recommendations on cooperative arrangements to be carried out.

(c) Recommendations as to personnel development direction.

(d) Recommendations as to personnel to carry out projects and cooperative arrangements.

(3) Procedures for Obtaining Proposals. The need for personnel development projects is announced to the field. Cooperative arrangements and special projects are requested. Cooperative arrangements and special projects include exchange programs, inservice programs, or short-term programs. Applications for such programs

are directed to the Leadership Development Division of the Commission. The Advisory Committee for Personnel Development establishes broad goals to be met. A subcommittee then establishes the objectives that will cause the goals to be achieved.

(4) Nonsupplanting Assurance. The Commission gives assurance that EPDA Part F funds will supplement and in no case supplant other funds needed for professional development.

(5) Procedures for Coordinating EPDA Programs. There are no vocational educators in the State of Washington participating in any portion of the EPDA program except for Part F. Coordination is carried out through informal discussions between the Program Administrator for Leadership Development of the Commission and the Director of Professional Education and Certification for the Superintendent of Public Instruction. [Order 75-3, § 490-28A-040, filed 12/18/75. Formerly WAC 490-28-040.]

**WAC 490-28A-050 Program evaluation.** Quality vocational education happens at the local level through the efforts of effective leadership. When given additional management tools, such as data and information from local and/or statewide evaluation systems, decision makers will be able to more effectively improve the quality of vocational education programs.

(1) Goals of the Evaluation System. The statewide evaluation system shall collect valid and reliable data for the purpose of comparing program outcomes with program objectives to:

(a) Promote and assist with the development of quality vocational education programs,

(b) Help assure maximum utilization of state and federal funds allocated to vocational education programs,

(c) Provide the state vocational education agencies with necessary data upon which statewide planning for vocational education can be based,

(d) Furnish program operations information to appropriate publics, and

(e) Assist the Commission for Vocational Education in carrying out its functions under the State Plan.

(2) Agencies and Institutions Responsible for Evaluation. Statewide evaluation of vocational programs, services, and activities shall be made by the Commission for Vocational Education, Office of the Superintendent of Public Instruction, and the State Board for Community College Education, or by contract, or by using the results of the evaluations made by other agencies and institutions, including the State Advisory Council. The role of the Commission for Vocational Education shall be to have the responsibility to develop statewide evaluation instruments and systems and to monitor the system to assure quality in vocational education.

Continuous evaluation of local vocational education programs, services and activities is the function and responsibility of the local education agency to assure that their programs are adequately meeting objectives established for these programs and those objectives established for the State.

(3) Frequency of Evaluation. Vocational education programs, services and activities shall be evaluated on a state-wide basis at least annually, and at such other times as may be needed for program assessment. Local education agencies conducting approved vocational education programs, services or activities shall maintain a continuous system of evaluation, and shall submit to the appropriate state office at least annually, statistical and narrative evaluation reports describing program accomplishments and the extent to which local program objectives were met.

(4) Criteria for Evaluation. The criteria used for evaluation shall be selected on the basis of their adequacy in determining how well vocational education program objectives are being achieved. Accepting that certain criteria are basic to an evaluation program, the specific criteria for periodic evaluations shall be developed by professional vocational education staff at the local and state levels, and by other competent individuals who have the experience, interest and ability to interpret the objectives and results of vocational education programs, services and activities.

(5) Program Areas of Consideration. Quality in vocational education programs is dependent upon the composite of a variety of processes and procedures. To provide effective leadership in vocational education and to adequately report the accomplishments of their programs, vocational education managers will have to look at the ingredients of the composite. Data will be collected and analyzed from, but not limited to such vocational program ingredients as: Identifying characteristics, professional personnel qualifications, philosophy and objectives, economic and human needs, delivery systems, organization and management, finance and business support services, advisory committees, program standards, planning processes and results, research and evaluation, student recruitment and admissions, guidance and counseling, student placement and follow-up, student leadership activities, learning resources, and physical plant.

(6) Evaluation Systems Monitoring. The Quality Assurance Section, Planning, Evaluation and Research Division, Commission for Vocational Education shall maintain a continuous process of monitoring the statewide evaluation system to assure the comprehensiveness of the system and to assess the quality of vocational education throughout the State. [Order 75-3, § 490-28A-050, filed 12/18/75. Formerly WAC 490-28-050.]

**WAC 490-28A-060 Review and evaluation of personnel preparation and development.** (1) Proposal Evaluation. Personnel preparation and development proposals will be evaluated by an advisory sub-committee of the advisory committee for personnel development and the state staff of the Leadership Development Division. Committee and staff members will evaluate these proposals in terms of need, justification, adequacy of objectives, appropriateness of learning activities, qualifications of proposed staff, adequacy of facilities, linkage with related school programs, opportunities for

dissemination, appropriateness of eligibility requirements, degree of intra- and inter- institutional cooperation, creative and innovative approaches to meeting stated objectives, opportunities for participants to apply learnings, anticipated institutional change, the degree of involvement of business and industry and the community, and the adequacy of project evaluation design.

(2) Ongoing Evaluation. Personnel development project proposal managers are required to submit interim evaluation reports for programs of a total year. For programs of less than a year, only a final report will be required. Such reports must be reviewed and accepted by the division before the accompanying vouchers will be processed for payments to the agencies.

(a) Each project will be monitored by a professional staff member from the Leadership Development Division of the Commission, and a member of an advisory subcommittee. The frequency of visits and number of evaluators will be determined by the nature, scope, and duration of the project.

(3) Terminal Evaluation. Final reports of project directors and reports of division evaluators will be reviewed to determine the extent to which the operation of the program met the needs identified at the outset. Data will be reviewed to measure changes in participant knowledge, behavior, and/or skills in order to determine how well the project staff accomplished the workshop's stated objectives.

(4) State Reports. The Commission shall make and submit to the United States Commissioner of Education, on a timely basis, reports in such form and containing such information as the Commissioner may from time to time reasonably require to carry out his functions under the Act; and will keep such records, afford such access thereto, and comply with such other provisions as the Commissioner may find necessary to assure the correctness and verification of such reports. The preparation of most reports is the responsibility of the staff in the agency's Division of Administrative Services. [Order 75-3, § 490-28A-060, filed 12/18/75. Formerly WAC 490-28-060.]

#### Chapter 490-32A WAC

#### DEFINITIONS FOR TERMS COMMONLY USED IN VOCATIONAL EDUCATION ACTIVITIES

##### WAC

490-32A-010 Definitions for terms commonly used in vocational education activities.

**WAC 490-32A-010 Definitions for terms commonly used in vocational education activities.** The following definitions apply to all vocational education activities carried out under the authority of the Commission for Vocational Education:

(1) Vocational Education shall mean a planned series of learning experiences, the specific objective of which is to prepare persons to enter, continue in or upgrade themselves in gainful employment in recognized occupations and homemaking, which are not designated as professional or requiring a baccalaureate or higher degree.

(2) The term "occupational exploration" shall include prevocational education. The term occupational exploration shall mean a series of educational experiences designed to (a) assist individuals in developing their understanding of, appreciation for, aptitudes for, and abilities in recognized occupations; (b) develop an attitude of respect toward work and pride in workmanship; and (c) provide knowledge and experience to assist in the choice of an occupational program.

(3) The terms "industrial arts" and "practical arts" shall mean general education centered around the industrial and technical aspects of current living, offering orientation in and appreciation for production, consumption, and recreation through actual experiences with materials and goods, and also providing exploratory experiences which are helpful in the choice of a vocation.

(4) The term "job" market area" shall mean the geographic area for recruitment and placement of job entrants, usually determined by each industry or by a collective bargaining agreement.

(5) The term "local educational agency" shall mean any legal entity capable of performing vocational services in accordance with the provisions of the State Plan for Vocational Education. [Order 75-3, § 490-32A-010, filed 12/18/75. Formerly WAC 490-32-010.]

#### Chapter 490-36A WAC

#### CONDITIONS FOR APPROVAL OF LOCAL EDUCATIONAL AGENCY PROGRAMS

##### WAC

490-36A-010 Requirement for conformance to standards.  
490-36A-020 Advisory committees.

**WAC 490-36A-010 Requirement for conformance to standards.** Each local educational agency seeking approval for vocational education programs shall, in addition to other provisions of the State Plan for Vocational Education, the Revised Code of Washington and the Washington Administrative Code, conform to the standards contained in this chapter. [Order 75-3, § 490-36A-010, filed 12/18/75. Formerly WAC 490-36-010.]

**WAC 490-36A-020 Advisory committees.** (1) Local Advisory Committees

(a) A condition of approval by the Commission for Vocational Education for a vocational program shall be documentation evidencing the endorsement of that instructional program by a local advisory committee consisting of equal representation of employers and employees engaged in the vocations involved or closely related thereto. *Provided*, that when the trade, craft, or vocation involved specifically prepares students for apprenticeship trades, crafts, or vocations, the applicable Joint Apprenticeship Committee shall be represented on the advisory committee by a minimum of one employee and one employer representative. Where satisfactory evidence is furnished to indicate that the prescribed committee composition is not appropriate to a specific program, a committee may be empanelled composed of

persons who are familiar with the occupational and geographic areas served by the particular program. *Provided further*, that the responsibility for empanelling members of the local advisory committee shall be that of the local educational agency, subject to the approval processes of the Commission for Vocational Education.

(b) In addition to securing and submitting the endorsement of the local advisory committee required for program approval, the local educational agency shall insure that the local advisory committee empanelled is active and performing its functions.

#### (2) General Vocational Program Advisory Committees

(a) General vocational program advisory committees assist in developing and maintaining the entire vocational program of a school or local education agency. The committees' membership should be drawn from across the occupational spectrums represented by existing and proposed programs and often from other groups of interested and concerned citizens. These committees help to identify the needs of individuals and the community; help assess labor market requirements; contribute to establishing and maintaining realistic and practical vocational programs; participate in developing community understanding and support; aid in building the prestige of and respect for the entire program of occupational education; and, are concerned with both immediate and long-range goals.

(b) In any instance where a local educational agency is being served by more than one local advisory committee, it is recommended that the local educational agency additionally empanel a general vocational education advisory committee comprised of representation from those local advisory committees and other knowledgeable persons representing employees, employers, and the public.

(c) While the functions of the general advisory committee do not relate to the program approval criteria for individual programs, the Commission for Vocational Education shall inquire into the establishment and satisfactory functioning of appropriate general advisory committees as part of the overall evaluations connected with monitoring programs being operated by local educational agencies. [Order 75-3, § 490-36A-020, filed 12/18/75. Formerly WAC 490-36-020.]

### Chapter 490-37 WAC

#### ADJUDICATION AND REVIEW RULES AND PROCEDURES

##### WAC

490-37-010	Purpose.
490-37-020	Scope.
490-37-030	Standing.
490-37-031	Questions involving programs beyond districts— Conditions precedent.
490-37-032	Decisions on new or expanded programs—Factors to be considered.
490-37-040	Program standards issues.
490-37-050	Definitions.
490-37-060	Responsibilities and conditions.
490-37-070	Notice of dispute—Prehearing procedures.
490-37-080	Review inquiry—Prehearing procedures.
490-37-090	Hearing officer selection.

490-37-100	General provisions governing hearings.
490-37-110	Special review inquiry.
490-37-120	Decision-making process.
490-37-130	Decision-making criteria.
490-37-140	Compliance auditing.

**WAC 490-37-010 Purpose.** The purposes of these rules and procedures shall be to:

(1) Establish a process by which the CVE will adjudicate disputes between the secondary and postsecondary education systems arising out of decisions on new programs and/or facilities for vocational education.

(2) Provide a forum at which any common school or community college district, the SPI, and the SBCCE, or any other interested parties as authorized by the Commission, can comment upon decisions on new or expanded programs and/or facilities for vocational education.

(3) Provide procedures by which the CVE may review decisions on new or expanded programs and/or facilities for vocational education in order to insure compliance with the state plan and avoid unnecessary duplication of current or projected programs.

(4) Provide for procedures assuring that resolution of differences will be made at the lowest possible level. [Order 76-1, § 490-37-010, filed 7/1/76.]

**WAC 490-37-020 Scope.** (1) These rules and procedures shall apply to:

(a) all unresolved disputes involving program proposals related to the state plan,

(b) any review of such proposals conducted by the Commission, and to

(c) any other inquiry conducted by the CVE into such programs.

(2) The Commission may refuse to hear and decide any alleged dispute or process any request for review inquiry which the parties have not first attempted to resolve at the local level and as provided for in this chapter. The Commission shall have the option to direct the disputants or the party requesting review inquiry to attempt, prior to the implementation of the adjudication provisions provided for herein, to resolve the issue by utilizing the state plan modification and amendment procedures as well as interagency and intra-agency settlement mechanisms.

(3) When the request is one for review inquiry, the Commission may refuse to process the request whenever it deems that action by the office of the Superintendent of Public Instruction, the office of the State Board for Community College Education or any local agency would either eliminate the need for the request or clarify the issue or issues serving as the basis of the request.

(4) In deciding whether a dispute has been processed adequately through other available settlement systems, the Commission shall use the following criteria:

(a) Have the parties met and conferred upon the disputed issue at least four times during the sixty (60) day period immediately prior to the date on which the notice of dispute is filed.

(b) Have the parties collected, analyzed and exchanged factual information relevant to the basic issue under dispute.

(c) Has written notice of intent to file a notice of dispute been provided to the other party at least 48 hours in advance of the filing of said notice.

(5) Any party filing a notice of dispute shall attach to the request an affidavit setting forth the efforts of the parties in attempting to settle the dispute. This affidavit shall include a description of the number of meetings held between parties within the last sixty (60) days, a description of factual information exchanged, and a statement that written notice was provided to the other party at least 48 hours in advance of filing said notice. [Order 76-1, § 490-37-020, filed 7/1/76.]

**WAC 490-37-030 Standing.** No person or persons shall have standing to file and assert a claim under this chapter before the Commission unless authorized to do so in writing by the Commission: *Provided*, That any common school or community college district or the Superintendent of Public Instruction or the State Board for Community College Education shall be allowed to file and assert a claim for review inquiry whether or not authorized to do so by the Commission, *And Provided further*, That the executive director as agent for the CVE shall have the authority to file and prosecute a request for review inquiry for the purpose of insuring compliance with the State Plan and to avoid unnecessary duplication of current or projected programs and/or facilities for vocational education, *And Provided still further*, That the two secondary and postsecondary systems shall be authorized to file a notice of dispute as provided for by these rules and procedures. [Order 76-1, § 490-37-030, filed 7/1/76.]

**WAC 490-37-031 Questions involving programs beyond districts—Conditions precedent.** No dispute or review inquiry shall be processed under this chapter where it appears that the matter at issue involves Commission approval of a new or expanded vocational education program to be offered by a VTI or a community college beyond their respective districts unless it is established by the party filing a notice of dispute or a request for review inquiry that the program approval procedures contained in chapter 490-38 WAC have been completed with respect to the particular new or expanded program. [Order 77-3, § 490-37-031, filed 11/29/77.]

**WAC 490-37-032 Decisions on new or expanded programs—Factors to be considered.** In making a decision upon a new or expanded program to be offered by VTI's or community colleges beyond their respective districts, the Commission shall consider among other things the factors listed in WAC 490-38-080. [Order 77-3, § 490-37-032, filed 11/29/77.]

**WAC 490-37-040 Program standards issues.** If a matter involving a question of program standards has been presented to the Commission as a request for review inquiry, it shall be the prerogative of the Commission to refuse to process the matter and instead direct that a compliance audit be conducted. [Order 76-1, § 490-37-040, filed 7/1/76.]

**WAC 490-37-050 Definitions.** (1) **Dispute** – Dispute as it is used in these rules and procedures shall mean disagreement between the secondary education system as represented by the Superintendent of Public Instruction (SPI) and the postsecondary education system, including the community college system as represented by the State Board for Community College Education (SBCCE) regarding new or expanded programs and/or facilities for vocational education. Disputes which are filed in compliance with these rules and procedures shall be resolved by a final decision rendered by the CVE as provided for by those rules and procedures.

(2) **Review Inquiry** – Any claim filed with the Commission which does not purport on its face to involve a dispute shall be considered a request for a review inquiry.

(3) **Filing** – A notice of dispute or request for review inquiry shall be filed within the meaning of these rules and procedures when written notice or request is received by the executive director of the CVE at the office of the Commission, Olympia, Washington 98504. The executive director shall acknowledge only those requests which are delivered by hand to his office or sent by mail. In the case of the executive director of the CVE, a request for review inquiry shall be filed within the meaning of this section when the executive director sends a copy of the request by mail to each member of the CVE. Copies of request for review inquiry affecting SPI or SBCCE will be mailed to such parties.

(4) **Affected Parties** – For purposes of these rules and procedures, affected parties shall include the parties filing the request, the office of the Superintendent of Public Instruction, the office of the State Board for Community College Education, and such other agencies and persons as the executive director, subject to review by the Commission, shall determine from time to time to be affected by the matter being reviewed or adjudicated. [Order 76-1, § 490-37-050, filed 7/1/76.]

**WAC 490-37-060 Responsibilities and conditions.**

(1) Upon receipt of a correctly filed request for review inquiry the executive director shall examine the document together with any attached affidavits and if it appears that the issue or issues upon which the request is based are untimely and/or substantially without merit, he shall notify the person filing the request by mail of this finding and of the fact that the Commission will not process the request. This notice shall also include the date, time and location of the next regularly scheduled Commission meeting and shall inform the person filing the request that he shall have an opportunity at that meeting to request that the Commission reverse the executive director's finding that the request is untimely or substantially without merit. In the absence of such a reversal, the request shall be considered as invalid for all purposes.

(2) It shall be the responsibility of the party seeking adjudication of a dispute or requesting a review inquiry to commence the process by filing in writing with the executive director of the Commission a notice of dispute

or a request for review inquiry. This notice or request shall include:

(a) a concise and plain summary of the factual circumstances of the dispute, OR, if the matter falls within the definition of a review inquiry, a concise and plain summary of the facts upon which the request is based;

(b) a short statement of the position being advanced by the filing party;

(c) a brief summary of the action being requested by the filing party;

(3) Within ten days after receipt of: (a) A request for review inquiry, the executive director shall notify affected parties of the date, time and location of a preliminary conference at which the executive director will hear arguments prior to certifying the precise question or questions to be reviewed. (b) A notice of dispute, the executive director shall notify the SPI and director of SBCCE of the date, time and location of a preliminary conference at which the executive director will hear arguments prior to certifying the precise question or questions to be adjudicated.

(4) At the preliminary conference, the executive director shall receive all evidence he finds necessary in order to allow him to accurately frame the question or questions to be adjudicated or reviewed.

(5) If the matter involves a notice of dispute, the executive director shall endeavor to frame the question or questions to be adjudicated in a way satisfactory to the parties to the dispute. If, however, agreement on the framing of the question or questions is not forthcoming after a reasonable length of time not to exceed two working days, the executive director shall submit as the question or questions to be adjudicated, the question or questions which have been agreed upon, the question or questions which have not been agreed upon and any other questions which he deems relevant to the dispute. [Order 76-1, § 490-37-060, filed 7/1/76.]

**WAC 490-37-070 Notice of dispute—Prehearing procedures.** (1) Within five working days after the conclusion of the preliminary conference, the executive director shall request of the chairman of the CVE that a special adjudication meeting of the CVE be convened within 30 days following the date of the conference: *Provided* That the executive director may appoint a hearing officer to conduct a hearing in lieu of a hearing before the Commission with the consent of both of the parties to the dispute. If either party to the dispute objects to the appointment of a hearing officer or if the executive director chooses not to appoint a hearing officer, the hearing shall be scheduled to occur before the Commission.

(2) The Commission shall have the authority to refuse, in the interests of economy and efficiency, to hold a dispute adjudication hearing and instead direct that the matter be heard by an appointed hearing officer.

(3) If the matter involves a dispute, the executive director shall have the option of recommending to the Commission that it not adjudicate the matter if the parties to the dispute have not complied with the pre-dispute resolution procedures required by this chapter. He

shall make the recommendation in writing to each of the Commission members, specifying why the refusal is appropriate and recommending that the Commission direct that it be further processed through other available dispute settlement systems.

(4) If the executive director recommends such further processing, he shall place as an action item on the agenda for the next regularly scheduled meeting of the Commission the adoption or rejection of the recommendation.

(5) At the meeting, the Commission shall either:

(a) adopt the recommendation of the executive director and inform the persons filing the dispute of the further processing which shall be required, OR:

(b) reject the recommendation of the executive director and direct him to certify the question or questions to be adjudicated and schedule a hearing as provided for by this chapter.

(6) No dispute which the Commission for Vocational Education has refused to adjudicate may be refiled within 60 days following such a refusal, provided that this 60 day limitation shall not apply where the Commission as a part of its refusal to adjudicate has provided in writing to the person originally filing the dispute a set of written conditions precedent to the refile of the dispute, in which case the dispute may be refiled by attaching to the refiled request for adjudication an affidavit establishing compliance with and satisfaction of the conditions. [Order 76-1, § 490-37-070, filed 7/1/76.]

**WAC 490-37-080 Review inquiry—Prehearing procedures.** (1) If the matter involves a request for review inquiry, the executive director shall within five working days following the preliminary conference either:

(a) request of the Chairman of the CVE that a special review meeting of the Commission be convened within 30 days following the preliminary conference, OR

(b) recommend in writing to each member of the Commission that the CVE refuse to process the request. Such a recommendation shall specify why the refusal is appropriate and shall indicate possible courses of action which the Commission might pursue in order to correct the problems which have been identified as the basis for the refusal.

(2) If the executive director recommends that the Commission refuse to process the request, he shall immediately following the making of the recommendation:

(a) schedule as an action item on the agenda of the next regularly scheduled Commission meeting the adoption or rejection of such a recommendation, and

(b) notify affected parties by written notice of the date, time and location of the Commission meeting, together with a copy of the refusal recommendation and a brief summary of the events which are the basis of the review request.

(3) At the meeting, the Commission shall either:

(a) adopt the recommendation of the executive director, OR:

(b) reject the recommendation of the executive director, in which case the Chairman of the CVE shall schedule a special review meeting of the CVE to occur no later than 30 days from the date of the meeting at



which the executive director's recommendation was rejected.

(4) No request for review inquiry which the Commission has refused to process may be refiled within 120 days following the date of refusal, provided that this 120 day limitation shall not apply where the Commission as a part of its refusal to process has provided to the person originally filing the request a set of written conditions precedent to refileing the request, in which case the request may be refiled by attaching to the refiled request an affidavit establishing compliance with and satisfaction of the conditions. [Order 76-1, § 490-37-080, filed 7/1/76.]

**WAC 490-37-090 Hearing officer selection.** In order to insure impartiality in the selection of a hearing officer to preside over a dispute adjudication hearing, the executive director shall within five working days following the preliminary conference submit to the parties to the dispute a list of three hearing officer candidates. Each of the two parties shall have the right to reject the appointment as hearing officer of one of the candidates on the list of three by identifying the rejected candidate in writing to the executive director at least ten days prior to the hearing date. If the process of rejection outlined in this section fails to yield a final candidate ten days prior to the hearing date, the executive director shall appoint a hearing officer from those candidates who have not been rejected who shall then proceed to conduct the hearing as provided for by these rules and procedures. [Order 76-1, § 490-37-090, filed 7/1/76.]

**WAC 490-37-100 General provisions governing hearings.** (1) If the hearing before a hearing officer or the CVE involves the adjudication of a dispute, the following rules and procedures will prevail:

(a) At the hearing, opportunity shall be afforded all authorized parties to respond and present evidence and argument on all issues involved.

(b) Unless precluded by law, informal disposition may also be made of any dispute by stipulation, agreed settlement, consent order, or default. A written summary of such a disposition shall be filed with the executive director by the disputants.

(c) The record in a case shall include:

(i) all pleadings, motions, intermediate rulings;  
 (ii) evidence received or considered;  
 (iii) a statement of matters officially noticed;  
 (iv) questions and offers of proof, objections, and ruling thereon;

(v) proposed findings and exceptions;

(vi) any decision, opinion, or report by the officer presiding at the hearing;

(d) Oral proceedings shall be recorded for purposes of the Commission's agency decision or rehearing. A copy of the record or any part thereof shall be transcribed and furnished to any party to the hearing upon request therefor and payment of the reasonable costs thereof.

(e) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

(f) The hearing officer as agent for the Commission, or presiding member of the Commission, may;

(i) administer oaths and affirmations, examine witnesses, and receive evidence, and no person shall be compelled to divulge information which he could not be compelled to divulge in a court of law,

(ii) issue subpoenas,

(iii) rule upon offers of proof and receive relevant evidence,

(iv) take or cause depositions to be taken, and no person shall be compelled to divulge information which he could not be compelled to divulge by deposition in connection with a court proceeding,

(v) regulate the course of the hearing,

(vi) hold conferences for the settlement of simplification of the issue by consent of the parties,

(vii) dispose of procedural requests or similar matters,

(viii) take any other action authorized by agency rule consistent with this chapter.

## (2) RULES OF EVIDENCE—CROSS-EXAMINATION

(a) The hearing officer, as agent for the Commission, or presiding member of the Commission, may admit and give probative effect to evidence which possess probative value commonly accepted by reasonably prudent men in the conduct of their affairs. He shall give effect to the rules of privilege recognized by law. He may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence unless overruled by a majority of Commission members.

(b) All evidence, including but not limited to records and documents in the possession of the Commission of which it desires to avail itself, may be offered and made a part of the record in the case, subject to the right of either party to object, and no other factual information or evidence shall be considered in the determination of the case. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.

(c) Every party shall have the right of cross-examination of witnesses who testify, and shall have the right to submit rebuttal evidence.

(d) The hearing officer, as agent for the Commission, or the presiding member of the Commission, may take notice of judicially cognizable facts and in addition may take notice of general, technical, or scientific facts within his specialized knowledge. Parties shall be notified either before or during hearing, or by reference in preliminary reports or otherwise, of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed.

## (3) HEARINGS, OATHS, SUBPOENAS, EVIDENCE, WITNESSES

(a) The hearing officer, as agent for the Commission, or presiding member of the Commission, shall issue a subpoena upon the request of any party and, to the extent required by Commission rule, upon a statement showing general relevance and reasonable scope of the evidence sought: *Provided, however,* That such subpoena may be issued with like effect by the attorney of record of the party to the dispute in whose behalf the witness is required to appear, and the form of such subpoena in

each case may be the same as when issued by the Commission except that it shall only be subscribed by the signature of such attorney;

(b) May issue a subpoena upon his own motion.

(c) The subpoena powers created by this section shall be statewide in effect.

(d) Witnesses in a hearing on a dispute shall be paid the same fees and allowances, in the same manner and under the same conditions, as provided for witnesses in the courts of this state by chapter 2.40 RCW and by RCW 5.56.010, as now or hereafter amended: *Provided*, That the Commission shall have the power to fix the allowance for meals and lodging in like manner as is provided in RCW 5.56.010, as now or hereafter amended, as to courts. Such fees and allowances, and the cost of producing records required to be produced by the Commission subpoena, shall be paid by the Commission or, in a dispute, by the party requesting the issuance of the subpoena.

(e) If an individual fails to obey a subpoena, or obeys a subpoena but refuses to testify when requested concerning any matter under examination or investigation at the hearing, the agency or attorney issuing the subpoena may petition the superior court of the county where the hearing is being conducted for enforcement of the subpoena. The petition shall be accompanied by a copy of the subpoena and proof of service, and shall set forth in what specific manner the subpoena has not been complied with, and shall ask an order of the court to compel the witness to appear and testify before the agency. The court upon such petition shall enter an order directing the witness to appear before the court at a time and place to be fixed in such order and then and there to show cause why he has not responded to the subpoena or has refused to testify. A copy of the order shall be served upon the witness. If it appears to the court that the subpoena was properly issued and that the particular questions which the witness refuses to answer are reasonable and relevant, and that the requested appearance and testimony are necessary to secure information the expected nature of which would reasonably tend to cause the agency to exercise its authority, the court shall enter an order that the witness appear at the time and place fixed in the order and testify or produce the required papers, and on failing to obey said order the witness shall be dealt with as for contempt of court. [Order 76-1, § 490-37-100, filed 7/1/76.]

**WAC 490-37-110 Special review inquiry.** If a special review inquiry meeting is scheduled to occur before the Commission for Vocational Education, the following rules and procedures shall apply:

(1) The Commission for Vocational Education shall designate one of its members to preside over the review proceeding.

(2) At least ten days prior to the date scheduled for the Commission to adjudicate or review the executive director shall:

(a) Request information in the form of testimonial or documentary evidence.

(b) Prepare a special meeting agenda listing the date of the hearing and those persons scheduled to make a presentation in the order of their appearance.

(3) At the hearing, the Commission shall receive any documentary or testimonial evidence which the Presiding Member of the Commission feels is relevant to the issues being reviewed. The Presiding Member of the Commission may unless overruled by a majority of Commission members refuse to receive any evidence deemed not relevant or redundant and cumulative in light of the evidence previously received. The Commission, through the Presiding Member of the Commission shall have the right to call witness or request any documentary evidence which it deems will assist the review process. [Order 76-1, § 490-37-110, filed 7/1/76.]

**WAC 490-37-120 Decision-making process.** After the hearing or special review inquiry is completed, the following decision-making process shall be utilized.

(1) If the hearing has been conducted by an appointed hearing officer, the hearing officer shall, upon conclusion of the hearing:

(a) Review the case against established laws, rules, regulations, legislative authority, agency policies and the Washington State Plan for Vocational Education.

(b) Prepare a detailed written analysis of the case in terms of the Washington State Plan for Vocational Education. This analysis shall include findings of fact and a recommended conclusion of law based upon those facts. Together the findings of fact and conclusions of law shall constitute a recommended final decision.

(c) Submit the recommended final decision to the Commission for Vocational Education by delivering the document to the office of the CVE or by sending the document to the CVE executive director by mail.

(d) Upon receipt of the recommended final decision, the executive director shall send a copy of the document to each member of the CVE. In addition, the executive director shall place on the agenda for the next regularly scheduled commission meeting the adoption or rejection of the recommended final decision.

(e) The Commission shall not adopt as its final decision any recommended decision submitted by a hearing officer without affording to all parties which will be adversely affected by the decision an opportunity to file written exceptions and present written argument to a majority of Commission members.

(i) Oral arguments may be heard in the discretion of the Commission.

(ii) The Superintendent of Public Instruction and director of the SBCCE shall be notified in writing 21 days in advance of any meeting of the CVE called for the purpose of discussing and/or deciding a "dispute", and such meetings shall be scheduled to accommodate the availability of the superintendent and director, but the superintendent and director must make themselves available within a reasonable length of time not to exceed 14 working days.

(2) If the hearing or special review inquiry has been conducted by the Commission as a body, the presiding commission member shall at the conclusion of the hearing:

(a) Poll the Commission members in order to determine whether he shall be instructed to prepare a recommended final decision or in the nonpublic meeting at which the case may be discussed prior to assigning the responsibility for preparing a recommended final decision to Commission members.

(b) Upon completion of the final written decision the Chairman of the Commission shall instruct the executive director to place the matter of adoption of the decision on the agenda for the next regularly scheduled Commission meeting. [Order 76-1, § 490-37-120, filed 7/1/76.]

**WAC 490-37-130 Decision-making criteria.** (1) No matter which hearing procedure is used, the person or persons preparing the recommended final decision and the Commission for Vocational Education in adopting a final decision, shall in reviewing disputes between the two secondary or postsecondary systems regarding the state plan utilize at least the criteria contained in RCW 28C.04.040(2).

(2) The Commission will use at least the following criteria:

(a) Recognition that secondary education is constitutionally the responsibility of the Superintendent of Public Instruction and that by legislative action postsecondary education is the responsibility of institutions of higher education;

(b) Adhere to the general policy set forth in the state plan;

(c) Consider the particular vocational need of the community, region, or state and whether the common school or community college, or both, can best respond to those needs;

(d) Encourage cooperation and coordination rather than competition and program conflict between secondary and postsecondary education systems;

(e) Consider the desires and preferences of the residents of the immediate program service area and of the representatives of the fields of management, labor, and agriculture which benefit from possible program offerings;

(f) Avoid unnecessary duplication of vocational education programs and facilities. [Order 76-1, § 490-37-130, filed 7/1/76.]

**WAC 490-37-140 Compliance auditing.** Upon completion of any compliance audit conducted by the Commission for Vocational Education, the executive director may submit the completed audit to the Commission as a request for review inquiry. [Order 76-1, § 490-37-140, filed 7/1/76.]

**Chapter 490-38 WAC**

**SERVICE AREAS OF THE VOCATIONAL-TECHNICAL INSTITUTES AND OUTSIDE PROGRAMS**

**WAC**

490-38-010	Purpose.
490-38-020	Authority.
490-38-030	Definitions.

490-38-040	Vocational technical institute service areas defined.
490-38-050	Operation of programs beyond district boundaries.
490-38-051	Ongoing courses—Authority to complete.
490-38-060	Operation of vocational education programs outside of districts—Authorized by the commission.
490-38-070	Notice of intent—Content—Form.
490-38-080	Program approval—Factors to be considered.

**WAC 490-38-010 Purpose.** The purpose of this chapter is to establish rules and regulations which: (1) Define the service areas of the common school vocational technical institutes.

(2) Govern the offering of new or expanded vocational education programs by common school vocational technical institutes and community colleges outside their respective service areas.

(3) Establish procedures by which vocational technical institutes and community colleges shall provide reasonable notice to common school districts and/or community college districts of the desire on the part of the vocational technical institute or community college to offer a new or expanded vocational education program affecting such common school districts and/or community college districts. [Order 77-1, § 490-38-010, filed 9/28/77.]

**WAC 490-38-020 Authority.** These rules and regulations are promulgated by the Commission for Vocational Education pursuant to authority contained in RCW 28C.04.020, 28C.04.040, 28C.04.060, and 28C.04.150. [Order 77-1, § 499-38-020, filed 9/28/77.]

**WAC 490-38-030 Definitions.** For purposes of these rules and regulations the following terms shall have the definitions indicated: (1) Program. Program shall mean a planned sequence of courses, services, or activities designed to meet an occupational objective: *Provided*, That, for purposes of these regulations, program shall not mean a cooperative work station, a clinical training station, or a work study position.

(2) Commission. Commission shall mean the Commission for Vocational Education.

(3) State Plan. State Plan shall mean the Washington State Plan for Vocational Education adopted as required by Part A of Title I of the Vocational Education Act of 1963, as amended by Title II of the Education Amendments of 1976, P.L. 94-482.

(4) Vocational Technical Institute. Vocational Technical Institute shall mean a specialized area nongraded vocational education facility established and operated for the purpose of offering comprehensive courses primarily oriented to the job market area in vocational education for persons 16 years of age and older without regard to residence pursuant to laws and rules and regulations pertaining to the maintenance operation and capital funding of vocational technical institutes.

(5) Community College. Community College shall mean an educational institution created by and pursuant to RCW 28B.50.010, et seq., to offer, among other things, vocational technical adult education programs, having a major emphasis on post-high school education.

(6) Local Advisory Committee. Local Advisory Committee shall mean the advisory committee established by community colleges and vocational technical institutes

for the particular occupation. [Order 77-1, § 490-38-030, filed 9/28/77.]

**WAC 490-38-040 Vocational technical institute service areas defined.** The service areas of vocational technical institutes shall be the community college district in which a particular VTI resides. [Order 77-1, § 490-38-040, filed 9/28/77.]

**WAC 490-38-050 Operation of programs beyond district boundaries.** Except as provided for by these rules and regulations, common school vocational technical institutes and community colleges shall not offer new or expanded vocational education programs or any portion thereof outside their respective community college district: *Provided*, That, any program operated by a community college pursuant to RCW 28B.50.092 or, as of the effective date of these regulations, in a state correctional institution with funds received by another state agency, including federal funds, which program has been in existence for five or more years under the administration of one or more community college districts, is hereby deemed approved and authorized by the commission to continue in existence. *Provided further*, That the following vocational education courses offered by vocational technical institutes beyond their community college district boundaries on three or more occasions between September 1972 and June 1977 are hereby approved and authorized by the commission to continue in existence at the location indicated. Previously existing programs authorized to continue in existence are as follows:

VTI	Course	Location
Lake Wash.	Evergreen Parent Education Coop.	Bothell, Wash.
"	Finn Hill Parent Education Coop	Bothell, Wash.
"	Key Punch	Bellevue, Wash.
"	Pre-Release Program	Monroe, Wash.
"	Cosmetology	Bellevue, Wash.
"	Cosmetology	Bothell, Wash.
"	Industrial First Aid	Bothell, Wash.
"	Industrial First Aid	Newhalem, Wash.
Renton Voc. Tech. Inst.	Boilermaker (Preparatory and Supplemental including apprenticeship)	Seattle, Wash.
"	Day care	Seattle, Wash.
"	Day Care	Bellevue, Wash.
"	Electrician and Residential Wireman	Seattle, Wash.
Renton Voc. Tech. Inst.	Electrician and Residential Wireman	Sequim, Wash.
"	"	Port Angeles, Wash.
"	"	Bremerton, Wash.
"	Aircraft Fabrication	Seattle, Wash.
"	"	Everett, Wash.
"	Truck Fabrication	Seattle, Wash.
"	Family Relations (Alcohol Educ.)	Seattle, Wash.
"	"	Federal Way, Wash.
"	"	Bellevue, Wash.

VTI	Course	Location
"	First Aid	Seattle, Wash.
"	"	Bellevue, Wash.
"	"	Federal Way, Wash.
"	Lineman/Wireman/Meterman	Olympia, Wash.
"	Motor Control/Marine Electrician	Seattle, Wash.
"	Parent Education	Federal Way, Wash.
"	Plumbing and Pipefitting	Seattle, Wash.
"	"	Wenatchee, Wash.
"	Roofing	Seattle, Wash.
"	Shipyard Worker	Seattle, Wash.
"	Cosmetology	Seattle, Wash.
"	"	Burien, Wash.
"	Custodial Training	Issaquah, Wash.
"	Institutional Cooking	Issaquah, Wash.
"	Ornamental Horticulture	Issaquah, Wash.
"	School Bus Driving	Wash. state as per contract with the Office of the Superintendent of Public Instruction
Clover Park VTI	Supervisory Skill Training	Auburn, Wash.
"	"	Tacoma, Wash.
Clover Park VTI	Parent Coop. Preschool Trng.	Fox Island, Wash.
"	"	Yelm, Wash.
"	Child Day Care Coop. Program	Tacoma, Wash.
"	Marine Fisheries Courses	Coast of Wash. as per contract with the U.S. Dept. of Commerce (Sea Grant)
Bellingham VTI	School Bus Driving	Wash. state as per contract with the Office of the Superintendent of Public Instruction
"	Marine Fisheries Courses (Sea Grant)	Coast of Wash. as per contract with the U.S. Dept. of Commerce (Sea Grant)
L.H. Bates VTI	Bakers, Apprentice ship	McNeil Island
"	Cabinet & Detail Millmen, Apprenticeship	Mcneil Island
"	Diesel Mechanics, Appren.	McNeil Island
"	Painting & Decorating, Appren.	McNeil Island
"	Electrical (Radio-T.V. Service), Apprenticeship	McNeil Island
"	Machinist, Apprenticeship	McNeil Island
"	Plumbers, Apprenticeship	McNeil Island
"	Welding	McNeil Island
"	Electrical (Radio Communication)	McChord AFB
"	Welding	McChord AFB
"	Automotive Mechanics, Day Prep.	Ft. Lewis
"	Carpentry, Day Prep.	Ft. Lewis
"	Electrical, Day Prep.	Ft. Lewis
"	Outboard, Motorcycle & Small Engine Repair	Ft. Lewis
"	Radio-TV Service Tech.	Ft. Lewis

VTI	Course	Location
"	Trade Welding, Day Prep.	Ft. Lewis
L.H. Bates VTI	Parent-Operated Coop. Pre-School	Puyallup, Wash.
"	"	University Place, Wash.
"	"	Sumner, Wash.
"	"	Midland, Wash.
"	First Aid	Buckley, Wash.
"	"	Sumner, Wash.
"	"	Lakewood, Wash.
"	"	Orting, Wash.
"	"	Puyallup, Wash.
"	"	Fife, Wash.
"	"	University Place
"	"	Ft. Lewis
"	"	Eatonville, Wash.
"	"	Enumclaw, Wash.
"	"	Bremerton, Wash.
"	Supervisory, Formanship, Management & Teacher Training	Ft. Lewis
"	"	McChord AFB
"	"	Seattle, Wash.
"	"	Federal Way, Wash.
"	Childbirth Education	Ft. Lewis
"	Health Occup. - LPN & Medications	Puyallup, Wash.

[Order 77-2, § 490-38-050, filed 11/29/77; Order 77-1, § 490-38-050, filed 9/28/77.]

**WAC 490-38-051 Ongoing courses—Authority to complete.** Nothing in these regulations shall be construed to prohibit a common school VTI or a community college from completing a vocational education course which was in existence prior to adoption of these rules and regulations: *Provided*, That the authority to offer such courses shall exist only for the reasonable period of time necessary to complete the particular course, and: *Provided further*, That unless otherwise provided by these rules and regulations, VTI's and community colleges shall not be authorized to enroll new students in vocational education courses located outside their respective community college district. [Order 77-1, § 490-38-051, filed 9/28/77.]

**WAC 490-38-060 Operation of vocational education programs outside of districts—Authorized by the commission.** Common school vocational technical institutes and community colleges may offer new or expanded vocational education programs outside of their respective community college district when authorized by the Commission for Vocational Education following compliance with the procedures set forth in this section. The procedures shall be as follows:

(1) A common school vocational technical institute or a community college desiring to offer a new or expanded program beyond its district boundaries shall in conjunction with the local advisory committee having responsibility for the particular program determine that the new

or expanded program will fulfill a need currently unmet by a Washington State Vocational education delivery system. This determination shall be in writing and shall be based upon the factors set forth in WAC 490-38-080 of this chapter and shall include a detailed statement of the needs intended to be met by the program and an outline of the program itself. Upon completion a copy of the written determination shall be provided to the Commission for Vocational Education, the Superintendent of Public Instruction, and the State Board for Community College Education.

(2) After making a determination of need as provided for in section (1) above, the institution shall file with the Commission for Vocational Education, the Office of the Superintendent of Public Instruction, the State Board for Community College Education and the common school district and/or community college district in which any portion of a new or expanded vocational education program is to be located, a Notice of Intent to offer a new or expanded vocational education program. The Notice of Intent shall be in a form substantially similar to that contained in WAC 490-38-070 of these rules and regulations and shall include as attachments a copy of the determination of need developed under paragraph (1) of this section.

(3) The common school district and/or community college district in which a particular new or expanded program is to be located shall within five days of receipt of the Notice of Intent notify the Commission for Vocational Education, the Office of the Superintendent of Public Instruction, State Board for Community College Education, and the institution which filed the Notice of any objection to the proposed new or expanded program in writing. If written objection is not received within five days of receipt of the Notice of Intent, the new or expanded program will be deemed approved by the commission for purposes of these regulations: *Provided*, That, the Executive Director of the commission for Vocational Education may within seven days of the receipt of the Notice of Intent in his or her office object in writing to the Office of the Superintendent of Public Instruction and the State Board for Community College Education. The Executive Director may submit the question for resolution to the Office of the Superintendent of Public Instruction and the State Board for Community College Education, and if the question is not resolved, the Executive Director may submit the question of program authorization to the commission for dispute resolution as provided for in paragraph (6) of this section.

(4) In the event that formal written objection is made by a common school district or a community college district as provided for in (3) above to the creation of a new or expanded program, the objecting party and the institution seeking approval shall submit the objection to the Office of the Superintendent of Public Instruction and the State Board for Community College Education who shall attempt to resolve differences regarding the proposed program by utilizing interagency dispute settlement procedures created by the agencies.

(5) If after a reasonable period of time not to exceed five days following the date of receipt of the written objection by the Commission for Vocational Education the objecting agency and/or the institution seeking approval have not notified the commission that the dispute has been resolved the commission or its designee shall appoint a dispute mediator who shall attempt to resolve the dispute by meeting directly with all concerned parties.

(6) If, after five calendar days, following appointment as mediator, the dispute mediator is unable to resolve the disagreement, any party or the Executive Director of the commission may submit the dispute for resolution under chapter 490-37 WAC. [Order 77-2, § 490-38-060, filed 11/29/77; Order 77-1, § 490-38-060, filed 9/28/77.]

**WAC 490-38-070 Notice of intent—Content—Form.**

**NOTICE OF INTENT TO OFFER VOCATIONAL EDUCATION PROGRAM, SERVICE OR ACTIVITY AT EXTENDED LOCATIONS**

Date ..... 19..

TO: .....

.....  
.....

This will notify you that institution intending to operate at extended location has been requested by name of labor organization, community group, etc. to conduct the following vocational education program, service, or activity, not otherwise available to them, within *(school or community college district in which program or portion thereof is to be located)*

Title or description of program: .....

Training location proposed: .....

Anticipated enrollment: .....

Anticipated start date: ..... Anticipated ending date .....

Further particulars regarding this proposed program are available from:

Name, address and telephone number of administrator

The above described activity has been approved by the appropriate name or description advisory committee serving this district.

.....  
.....  
.....

The above form "Notice of Intent" shall be mailed to: The Commission for Vocation Education, The Office of

the Superintendent of Public Instruction, The State Board for Community College Education, the common school district(s), and/or the community college district(s) in which any portion of a new or expanded vocational education program is to be located. [Order 77-1, § 490-38-070, filed 9/28/77.]

**WAC 490-38-080 Program approval—Factors to be considered.** A decision to offer a new or expanded vocational education program beyond the district boundaries of a VTI or a community college shall be based upon a consideration of at least the following factors: (1) The particular vocational need of the community, region and state.

(2) Whether a common school, a community college, or both can best respond to particular vocational education needs.

(3) Whether a new or expanded program will encourage cooperation and coordination rather than competition.

(4) The desires and preferences of community residents and of the representatives of management and labor are considered.

(5) Whether a particular new or expanded program will result in unnecessary duplication of vocational education programs and facilities or in an inefficient utilization of the vocational education resources of the state of Washington.

(6) Whether a particular new or expanded program is consistent with the State Plan for Vocational Education. [Order 77-1, § 490-38-080, filed 9/28/77.]

**Chapter 490-40A WAC  
PROCEDURES FOR VOCATIONAL EDUCATION PROGRAM DEVELOPMENT AND SERVICES UNDER CONTRACTS AND AGREEMENTS**

<b>WAC</b>	
490-40A-010	Vocational education program development contracts and agreements.
490-40A-020	Agreements with other state agencies.
490-40A-030	Programs, services and activities undertaken by local educational agencies.
490-40A-040	Agreements regarding handicapped and disadvantaged persons.
490-40A-050	Economically depressed areas or high unemployment areas.
490-40A-060	Areas of high youth unemployment or school dropouts.
490-40A-070	Agreements with private postsecondary vocational training institutions.
490-40A-080	Programs, services and activities undertaken by the Commission for Vocational Education.
490-40A-090	Agreements with the Department of Employment Security, State of Washington.
490-40A-100	Agreements with other states.
490-40A-110	Compliance with federal reporting requirements.

**WAC 490-40A-010 Vocational education program development contracts and agreements.** (1) In the development of vocational education programs, services, and activities, the Commission may enter into cooperative arrangements with

(a) Other agencies, organizations, and institutions which are concerned with manpower needs and job opportunities, such as institutions of higher education, and model city, business, labor, and community action organizations.

(b) Other agencies, organizations, and institutions concerned with the disadvantaged and handicapped persons, such as state and local vocational rehabilitation and special education agencies, public health agencies, and private organizations concerned with such persons.

(2) Such agreements should include such items as identification of responsible personnel, and plans for implementation, review, and evaluation. Copies of any ensuing agreement between the Commission and other agencies, organizations and institutions shall be submitted by the Commission for filing with the State Plan.

(3) It is anticipated in all situations in which vocational education services will be contracted for, that a written agreement will cover the services to be rendered and that this agreement will include all the necessary information that pertains to that precise service. Such contract shall describe the portion of instruction to be provided by such agency or institution and incorporate the standards and requirements of vocational instruction set forth in the regulations and the State Plan. Such a contract shall be entered into only upon satisfactory assurance that:

(a) The contract is in accordance with state or local law; and

(b) The instruction to be provided under contract will be conducted as a part of the vocational education program of the state and will constitute a reasonable and prudent use of funds available under the State Plan.

(c) Such contract shall be reviewed at least annually by the parties concerned. [Order 75-3, § 490-40A-010, filed 12/18/75. Formerly WAC 490-40-010.]

**WAC 490-40A-020 Agreements with other state agencies.** (1) The procedures to be followed by the Commission for Vocational Education in the matter of coordination with other state agencies shall be consistent with Section 123(a)(6) of Public Law 90-576 and regulation 102.40(c) and 102.52(c)(1) and with state law. Cooperative arrangements between the various state agencies involved will be by written contracts:

(a) Approved by the Commission for Vocational Education.

(b) Approved by the state head of such other system or agency.

(c) Reviewed and approved by the State Office of Program Planning and Fiscal Management when required by state law.

(d) Containing the following information:

(i) Nature and purpose of agreement and compliance with law.

(ii) Agreements.

(iii) Delineation of specific areas of cooperation.

(iv) Provides for liaison.

(v) Provides for any exchanges of information.

(vi) Outlines policies and procedures to be followed.

(vii) Effective date and provisions for termination of agreement. [Order 75-3, § 490-40A-020, filed 12/18/75. Formerly WAC 490-40-020.]

**WAC 490-40A-030 Programs, services and activities undertaken by local educational agencies.** (1) All instructional activities will be operated by schools and vocational technical institutes through either the State Board of Education and the State Superintendent of Public Instruction or the State Board for Community College Education, except that four-year colleges and universities may also operate vocational teacher education programs. For vocational education purposes, the state system of community colleges will be treated as a local educational agency. As previously described, each of these two agencies will have some vocational education staff.

(2) The overall policy governing the conduct of programs in local education agencies must be approved by the Commission for Vocational Education. Within approved policy, however, a local secondary education center and/or vocational-technical school will submit its program plan to the Office of Public Instruction staff in accordance with the agreed-to policy. A community college will submit its program plan to the State Board for Community College Education. The procedure recognizes that the final approval for use of federal vocational funds is the responsibility of the Commission for Vocational Education and cannot be delegated. In those instances where specific applications for assistance are not covered in the existing policy, they will be negotiated individually with the Commission for Vocational Education. [Order 75-3, § 490-40A-030, filed 12/18/75. Formerly WAC 490-40-030.]

**WAC 490-40A-040 Agreements regarding handicapped and disadvantaged persons.** (1) All State and Federal agencies and major organizations and institutions with a responsibility for persons handicapped and disadvantaged will be involved in the statewide planning activities in the identification of needs for vocational education programs, activities and services; in the development of appropriate programs, activities and services; and in the evaluation of the results of programs, activities and services.

(2) Identification of Handicapped Persons. Handicapped persons are identified as:

(a) Having a physical or mental disability as defined in Section 102.3 of the Federal Rules and Regulations.

(b) Having a substantial handicap to employment.

(c) Having a reasonable expectation that vocational education services may render the individual fit to engage in a gainful occupation.

(d) These definitions include, but are not limited to, the following definitions of specific handicaps:

(i) Hard of hearing. Persons who have impaired hearing severe enough to require special instructional methods, materials, supplies and equipment.

(ii) Deaf. Persons who have a hearing loss of 75 to 80 decibels (ISO standards) or greater across the speech range in the better ear, and who even with amplification are unable to develop adequate language and speech.

(iii) Partially seeing. Persons whose vision is limited to 20/70 or less in the better eye after correction. Included are persons who have other medically certified conditions of the eye which require special instructional materials, equipment and services.

(iv) Blind. Persons whose visual acuity is 20/200 or less in the better eye after correction. Included also are persons who have been medically diagnosed with conditions of the eyes that will certify them as legally blind.

(v) Orthopedically handicapped. Persons who are handicapped through congenital or acquired motor defects or health problems requiring protective educational environment to such a degree that they must have special services, materials, supplies, and equipment.

(vi) Neurologically impaired. Persons who have central nervous system dysfunction, so serious that they cannot adjust to a regular or other special education classroom without additional special services. These persons demonstrate average or above average intelligence but exhibit impaired perceptual awareness and understanding of their learning environment.

(vii) Mentally retarded. Persons who, because of retarded intellectual and social development, are incapable of being educated entirely through regular classroom instruction but who may benefit from a special education setting designed to meet their needs. I.Q. criterion is not the primary consideration.

(viii) Emotionally and socially maladjusted. Persons whose emotional development results in incompatible learning behavior which cannot be adjusted or modified to regular classroom procedures without special services. This generally includes persons who show the extremes of acting out or withdrawal behaviors included in the classification of personality disorders.

### (3) Identification of Disadvantaged Persons

(a) The criteria that shall pertain in the identification of disadvantaged persons shall be the criteria set forth in Section 102.3 of the regulations governing the vocational education program. "(i) 'Disadvantaged persons' means persons who have academic, socioeconomic, cultural, or other handicaps that prevent them from succeeding in vocational education or consumer and homemaking programs designed for persons without such handicaps, and who for that reason require specially designed educational programs or related services. The term includes persons whose needs for such programs or services result from poverty, neglect, delinquency, or cultural or linguistic isolation, from the community at large, but does not include physically or mentally handicapped persons (as defined under this section) unless such persons also suffer from the handicaps described in this paragraph."

(b) The following are examples of disadvantaged persons:

(i) Students with low achievement scores and who are not classified as mentally retarded;

(ii) Students who have not found an interest in learning or in school work as a result of poor educational background and home environment;

(iii) Students who demonstrate a continued pattern of failing and seem discouraged in their school work;

(iv) Students who have poor speech, low-level reading ability, and limited formal vocabulary who are not mentally deficient;

(v) Students who have linguistic barriers;

(vi) Students who have poor attendance records and are not making normal academic progress in regular classes;

(vii) Students who have dropped out of high school and are unemployed or underemployed and need training;

(viii) Persons from hardcore poverty areas who live apart from the mainstream of the community;

(ix) Persons who display a negative attitude toward learning and who are plagued by a negative self-image;

(x) Persons who have high incidence of involvement with the police and are hostile toward law and order;

(xi) Persons who lack personal motivation and lack experience with successful "models" of their own ethnic group;

(xii) Persons from low-income families who have nutritional and other health needs and/or lack adequate finances to obtain essentials for going to school (transportation, school supplies, etc.);

(xiii) Persons whose parents are dependent upon public assistance;

(xiv) Persons who are economically illiterate.

(4) Continuous liaison with the Employment Security Department and the various public welfare agencies shall be maintained in order that there will be continually available an inventory of persons in the disadvantaged category who have need for vocational education services. Continuous assessment of the number and location of these individuals will identify special program needs from time to time. Information and assistance will be made available to the local level in order to implement these programs when identified.

(5) Areas of Allocation. Allocation of funds will be made for vocational education for the disadvantaged located in areas of the state having high concentrations of youth unemployment and school dropouts as determined in the State Plan. To the extent feasible, disadvantaged or handicapped persons will be placed in regular vocational education programs and provided with those supplementary special education services which are necessary to enable them to benefit. Funds available for vocational education for disadvantaged or handicapped persons may be used to pay only that part of the cost of supplementary special educational services as are reasonably attributable to providing vocational education to disadvantaged or handicapped persons.

(6) Participation of Disadvantaged Students in Private Non-profit Schools. The participation of students enrolled in private non-profit schools in vocational education programs or projects under Part B supported with funds allotted under Section 102(b) and under Parts D and G of the Act shall be in accordance with the following requirements:

(a) Each program and project carried out under Part B supported with funds allotted under Section 102(b) and under Parts D and G of the Act shall be designed to



include, to the extent consistent with the number of students enrolled in private non-profit schools in the geographic area served by the program or project, vocational education services which will meet the vocational education needs of such students. Services may be provided through such arrangements as dual enrollment, educational radio and television, or mobile equipment, and may include professional and sub-professional services.

(b) The vocational needs of the students enrolled in private non-profit schools located within the geographic areas served by the program or project, the number of such students who will participate in the program or project, and the types of vocational education services which will be provided for them shall be determined, after consultation with persons knowledgeable of the needs of those students on a basis comparable to that used in providing such vocational education services to students enrolled in public schools. Each application submitted by the local educational institution or educational authorities to the Commission shall indicate the number of students enrolled in private non-profit schools who are expected to participate in each program and project proposed by such agency and the degree and manner of their expected participation.

(c) Public school personnel may be made available in other than public school facilities only to the extent necessary to provide vocational educational services required by the students for whose needs the services were designed, and only when the services are not normally provided at the private school. The Commission or local educational institution or educational authorities providing vocational education services to students in private non-profit schools shall maintain administrative control and direction over such services, and each application from a local educational institution or educational authority providing such services shall so provide. Vocational education services provided with federal funds shall not include the payment of salaries of teachers or other employees of private schools, except for services performed outside their regular hours of duty and under public supervision and control, nor shall they include the use of equipment, other than mobile or portable equipment, on private school premises or the construction of private school facilities. Mobile or portable equipment may be used on private school premises for such period of time within the life of the current program or project for which the equipment is intended to be used as is necessary for the successful participation in that program or project by students enrolled in private schools.

(d) Any program or project to be carried out in public facilities and involving joint participation by students enrolled in private non-profit schools and students enrolled in public schools shall include such provisions as are necessary to avoid forming classes that are separated by the school enrollment or religious affiliation of such children.

(7) Non-Commingling of Funds. Local and state educational institutions or educational authorities receiving payments for programs or projects for disadvantaged persons in non-profit private schools shall establish accounting procedures which assure that each expenditure

of federal funds made available for cooperative programs can be separately identified. [Order 75-3, § 490-40A-040, filed 12/18/75. Formerly WAC 490-40-040.]

**WAC 490-40A-050 Economically depressed areas or high unemployment areas.** Economically depressed areas are determined, designated and identified by the Secretary of Commerce as redevelopment areas, and the state will use this as a basis for developing needed vocational education programs to satisfy the people and community needs in the specific areas. [Order 75-3, § 490-40A-050, filed 12/18/75. Formerly WAC 490-40-050.]

**WAC 490-40A-060 Areas of high youth unemployment or school dropouts.** (1) The areas of high youth unemployment and school dropouts are determined respectively by the State Department of Employment Security and information provided by the Office of the State Superintendent of Public Instruction. The age range for these youth is 15 through 19 years of age. Areas are designated when youth unemployment rates exceed the state average. These areas are given specific and special attention and are identified and targeted by the information received from the stated agencies to highlight and provide direction in identifying and implementing vocational education programs to satisfy the needs of youth in these areas. This information is provided once a year with periodic supplemental information supplied as significant interim changes occur.

(2) The method used to determine the areas of high concentration of youth unemployment was obtained from the Department of Labor, the Department of Employment Security and the composite information contained in the State of Washington Manpower Planning Council reports. The primary source for youth unemployment information is the State of Washington Manpower Planning Council. This planning system is comprised of 16 area councils or boards which represent every area and segment of the population of the State. Information concerning local economic conditions is forwarded via a reporting system to the State Manpower Planning Council.

(3) The method used to determine the areas of high level of school dropouts is through information received from the annual report of the State Superintendent of Public Instruction. The rationale for this report is that the information is based on students in grades 9 through 12 who left school during the school year and who, based on school records, did not re-enter any other school. Further, this information does not include those students who finished the previous school year but did not return to school the subsequent fall, therefore assuming enrollment in another school. [Order 75-3, § 490-40A-060, filed 12/18/75. Formerly WAC 490-40-060.]

**WAC 490-40A-070 Agreements with private post-secondary vocational training institutions.** Arrangements may be made for the provision of any portion of the program of instruction on an individual or group basis by non-public agencies or institutions through a written

contract with the State Board for Community College Education or the local school district with the approval of the Superintendent of Public Instruction. Such contract shall describe the portion of instruction and services to be provided by such agency or institution, and shall incorporate the standards to be met. Such contract shall be entered into only upon a determination by the State Board for Community College Education or the local school district of satisfactory assurance that:

(1) The contract is in accordance with state or local law; and

(2) The instruction to be provided under contract will be conducted as a part of the vocational education program of the State, and will constitute a reasonable and prudent use of funds available under the State Plan.

(3) The State Board for Community College Education or the Superintendent of Public Instruction has determined that such private institutions can make a significant contribution to attaining the objectives of the State Plan, and can provide substantially equivalent training at a lesser cost, or can provide equipment or services not available in public agencies or institutions.

(4) Such contract shall be reviewed at least annually by the parties concerned. [Order 75-3, § 490-40A-070, filed 12/18/75. Formerly WAC 490-40-070.]

**WAC 490-40A-080 Programs, services and activities undertaken by the Commission for Vocational Education.** All area schools are operated through local education agencies. The Commission for Vocational Education does not operate vocational programs except as provided for under the authority of RCW 28C.04.140. The Commission for Vocational Education operates the fire service training program as a state operated school. The Commission is authorized to administer any legislation enacted by the legislature or any acts of Congress insofar as the provisions apply to the administration of fire service training; establish and conduct fire service training courses; construct, equip, maintain and operate necessary fire service training facilities; purchase, lease, rent or acquire real estate necessary to establish and operate fire service training facilities; administer the funds provided by the federal government and by the state under provisions of any federal acts and of the acts passed by the legislature for the promotion of fire service training. [Order 75-3, § 490-40A-080, filed 12/18/75. Formerly WAC 490-40-080.]

**WAC 490-40A-090 Agreements with the Department of Employment Security, State of Washington.** For the purposes of providing mutually supportive services designed to improve the delivery of vocational education services to their respective clientele, the Commission for Vocational Education shall enter into appropriate agreements with the State Department of Employment Security. [Order 75-3, § 490-40A-090, filed 12/18/75. Formerly WAC 490-40-090.]

**WAC 490-40A-100 Agreements with other states.** The Commission may enter into a cooperative arrangement with one or more other states for the conduct and

administration of programs, services, and activities under the State Plan. Such agreements shall be prepared in writing and shall set forth provisions such as the legal basis for such interrelationships, the criteria for entering into such arrangements, the basis for transferring funds or other property, and plans for administering, developing, conducting, and evaluating such cooperative activities. Whenever the State enters into such a cooperative arrangement, a copy of the agreement, including joint fiscal arrangements, if any, shall be submitted to the U.S. Office of Education for filing with the State Plan, and such other copies shall be filed with the Office of Program Planning and Fiscal Management or other state agencies as state regulations require. [Order 75-3, § 490-40A-100, filed 12/18/75. Formerly WAC 490-40-100.]

**WAC 490-40A-110 Compliance with federal reporting requirements.** The Commission shall make and submit to the Commissioner, on a timely basis, reports in such form and containing such information as the Commissioner may from time to time reasonably require to carry out his functions under the Act; and will keep such records, afford such access thereto, and comply with such other provisions as the Commissioner may find necessary to assure the correctness and verification of such reports. [Order 75-3, § 490-40A-110, filed 12/18/75. Formerly WAC 490-40-110.]

#### Chapter 490-44A WAC ALLOCATION OF FUNDS

##### WAC

490-44A-010	Allocation of funds among educational agencies.
490-44A-020	Allocation of funds to local educational agencies for programs, services and activities—Content of local applications.
490-44A-030	Construction requirements.
490-44A-040	Procedures for processing local applications for construction.
490-44A-050	Maintenance of effort.
490-44A-060	Overall state matching.
490-44A-070	Reasonable tax effort.
490-44A-080	Criteria for determining relative priority of local applications.

**WAC 490-44A-010 Allocation of funds among educational agencies.** (1) The Commission will allocate federal funds allotted under Part B of the Act among educational agencies through their appropriate authority, State Director of Community Colleges, State Superintendent of Public Instruction, and other involved educational authorities when information and assurances have been satisfied by these agencies that: matching and percentage requirements, the maintenance-of-effort, and tax effort requirements have been fulfilled; educational agency plans show evidence of having had the benefit of consultation and advice from appropriate representative advisory groups, and are compatible with the state's long-range objectives set forth in its long-range program plan and the estimated allocation of funds to program purposes set forth in the state's annual program plan. Allocations of funds will be directed toward serving priority needs and to accomplish specified results.

## (2) Allocation of Funds to Part B Purposes

(a) Federal funds appropriated under Section 102(a) of the Act and allotted to states for the purposes of Part B may be used for vocational education programs, services and activities for the persons identified in Section 122(a)(1) through (4) of P.L. 90-576.

(b) Funds will be allocated to educational agencies for programs that serve the needs of the various population groups in (a) above and for the categories of vocational programs, services and activities conducted by those agencies on a state-wise basis in accordance with the proven need for such funds, and where such programs, services and activities include vocational instruction provided under public supervision or control or under a contract with the Commission to provide such instruction; vocational guidance and counseling designed to aid vocational education students in the selection of, and preparation for, employment in all vocational areas; or, vocational education through arrangements with private post-secondary vocational training institutions which meet the requirements of Section 108(11) of the Act.

## (3) Percentage Requirements for Federal Compliance

## (a) Vocational Education for Disadvantaged Persons.

At least 15 per cent of the total allotment for any fiscal year of funds appropriated under Section 102(a) for Part B of the Act, or 25 per cent of that portion of the state's allotment which is in excess of its base allotment, whichever is greater, shall be used only for vocational education for disadvantaged persons. Federal funds available under Section 102(b) of the Act will be allocated by the Commission for use only for vocational education for disadvantaged persons. The regulations and State Plan requirements for allocations under Section 102(a) of the Act are also applicable to vocational programs assisted under Section 102(b) of the Act.

(b) Post-secondary Vocational Education. At least 15 per cent of the total allotment for any fiscal year to the state of funds appropriated under Section 102(a) of the Act, or 25 per cent of that portion of the state's allotment which is in excess of its base allotment, whichever is greater, shall be used only for post-secondary vocational education.

## (c) Vocational Education for Handicapped Persons.

At least 10 per cent of the total allotment for any fiscal year of funds appropriated under Section 102(a) for Part B of the Act shall be used only for vocational education for handicapped persons.

(4) Criteria for Allocation of Funds for Manpower Needs. Manpower needs and job opportunities on the local, state and national levels will be identified with the help of, but not limited to, such agencies as Employment Security, Department of Agriculture, Department of Commerce and Economic Development, Office of Economic Opportunity, and surveys of business and industry as made available to the Commission.

(a) The results of periodic evaluations will be used to determine the effectiveness of programs, services and activities under this plan.

(b) Information obtained through cooperative arrangements will be evaluated for determining the relevancy of programs, services and activities compared to manpower needs and job opportunities.

(c) Current information about manpower needs and job opportunities will be specified in the state's annual program plan.

## (5) Vocational Education Needs of Groups to Be Served.

(a) The identity of persons in various population groups and their respective vocational education needs will be based on information supplied by local, state, or national agencies, such as: Employment Security, Department of Public Assistance, Office of Economic Opportunity, Office of the State Superintendent of Public Instruction, Office of the State Board for Community Colleges, Model Cities Programs, Bureau of Indian Affairs, and any others. Due consideration will be given to job opportunities, numbers of disadvantaged and handicapped persons, number of potential high school, post-high school and adult enrollees, availability of vocational education opportunities, opportunities and availability for education in private institutions and business or industry in the area of an educational agency including consideration of financial burdens as contrasted with similar factors in other educational agencies in the state.

(b) The magnitude of target-group need, in terms of local socio-economic factors as well as other local factors affecting the dimensions and availability of adequate and necessary educational opportunity, will dictate, in part, the extent of federal fund allocations. [Order 75-3, § 490-44A-010, filed 12/18/75. Formerly WAC 490-44-010.]

**WAC 490-44A-020 Allocation of funds to local educational agencies for programs, services and activities—Content of local applications.**

Each local education agency prepares program plans as its application for operating vocational education programs, services, and activities. The local education agencies operated through the Superintendent of Public Instruction submit their district-wide plan; those operated by the State Board for Community College Education submit their plans as thrust planning objectives.

In certain instances, local education agencies—both secondary and post-secondary—may apply directly to the Commission for Vocational Education for special needs, exemplary programs, and research. [Order 75-3, § 490-44A-020, filed 12/18/75. Formerly WAC 490-44-020.]

**WAC 490-44A-030 Construction requirements. (1)**

The Commission will insure that all projects for construction of area vocational education school facilities and/or residential vocational education school facilities which are to be assisted under Parts B and E of the Act will be undertaken in compliance with the following requirements:

(a) Labor Standards. All laborers and mechanics employed by contractors and subcontractors on all construction projects assisted under the Act will be paid wages at rates not less than those prevailing as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276a-5) and 29 CFR Part 1 (29 F.R. 95), and shall receive overtime compensation in accordance with and subject to the provisions of the

Contract Work Hours Standards Act (40 U.S.C. 327-332), that such contractors and subcontractors shall comply with the provisions of 29 CFR Part 3 (29 F.R. 97), and that all construction contracts and subcontracts shall incorporate the contract clauses required by 29 CFR section 5.5(a) and (c) (29 F.R. 100, 101, 13463).

(b) Equal Employment Opportunity. All construction contracts exceeding \$10,000 shall include the employment nondiscrimination clause prescribed by Section 203 of Executive Order No. 11246 of September 24, 1965 (30 F.R. 12319), and the Commission or local educational agency shall otherwise comply with the requirements of Section 301 of said Executive Order.

(c) Avoidance of Flood Hazards. In the planning of the construction of school facilities under the Act, the Commission or local educational agency shall, in accordance with the provisions of Executive Order No. 11296 of August 10, 1966 (31 F.R. 10663), and such rules and regulations as may be issued by the Department of Health, Education, and Welfare to carry out those provisions, evaluate flood hazards in connection with such school facilities, and as far as practicable, avoid the uneconomic, hazardous, or unnecessary use of flood plains in connection with such construction.

(d) Accessibility to Handicapped Persons. Agencies planning construction of school facilities under the Act, shall, to the extent appropriate in view of the uses to be made of the facilities, take into consideration the accessibility of the facilities to, and the usability of them by, handicapped persons, and of their compliance with the minimum standards contained in "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped" and approved by the American Standard Association, Inc., with appropriate usable segments of "Building Standards of the University of Illinois Rehabilitation Center" and "Occupancy Guide-Department of Veterans Benefits, Regional Offices, Veterans Administration," and with other standards in that regard as the Secretary of Health, Education, and Welfare may prescribe or approve.

(2) Competitive Bidding. All construction contracts shall be awarded on the basis of open competitive bidding, except that:

(a) For the Common School Districts. Whenever the estimated cost of a project exceeds \$250,000, separate bids shall be received for general construction, mechanical work, and electrical work, in accordance with the State Board of Education Code, Chapter 28, School Plant Facilities, paragraph SBE-28-4-6210, Amended 12/1/66. When, in the opinion of the Board of Directors, purchases will equal or exceed the sum of twenty-five hundred dollars, bidding procedures may be in accordance with RCW 28A.58.135.

(b) For the Community College system; bidding for construction projects shall conform to the provisions of RCW 43.19.193 and purchases connected thereto shall be governed by the provisions of RCW 43.19.190 through RCW 43.19.193.

(c) Where applicable to construction in the common school districts and/or community college system, the provisions of chapter 39.04 RCW (Public Works) and

chapter 39.06 RCW (Registration, Licensing of contractors), and chapter 39.12 (Prevailing Wages on Public Works) shall apply. [Order 75-3, § 490-44A-030, filed 12/18/75. Formerly WAC 490-44-030.]

**WAC 490-44A-040 Procedures for processing local applications for construction.** (1) Local applications for construction shall be submitted to the Superintendent of Public Instruction or State Board for Community College Education. These construction project applications shall indicate that:

(a) Labor standards are in accordance with the Davis-Bacon Act.

(b) Adequate evidence of nondiscrimination as is appropriate for equal employment opportunities.

(c) Avoidance of flood hazards as required by Executive Order 11296.

(d) Accessibility to handicapped persons.

(e) Competitive bidding procedure is consistent with regulation specified in Section 102.135.

(2) Projects Undertaken by State Board. At the present time, it is not anticipated that the Commission for Vocational Education will undertake the construction of vocational education facilities as a direct action.

(3) Coordination with Other State Agencies. The procedures to be followed by the Commission for Vocational Education in the matter of coordination with other state agencies shall be consistent with Section 123(a)(6) of Public Law 90-576 and regulation 102.40(c) and 102.52(c)(1) and with state law. Cooperative arrangements between the various state agencies involved will be by written contracts:

(a) Approved by the Commission for Vocational Education.

(b) Approved by the state head of such other system or agency.

(c) Reviewed and approved by the State Office of Program Planning and Fiscal Management when required by state law.

(4) Contracts shall contain at least the following information:

(a) Nature and purpose of agreement and compliance with law.

(b) Agreements regarding:

(i) Delineation of specific areas of cooperation.

(ii) Provides for liaison.

(iii) Provides for any exchanges of information.

(iv) Outlines policies and procedures to be followed.

(v) Effective date and provisions for termination of agreement. [Order 75-3, § 490-44A-040, filed 12/18/75. Formerly WAC 490-44-040.]

**WAC 490-44A-050 Maintenance of effort.** Federal funds made available under Part B of the Act will not supplant state or local funds, but will be so used as to supplement, and to the extent practical, increase the amount of state and local funds that would, in the absence of such federal funds, be made available for the purposes set forth in this Plan. No payments of federal funds under the Plan will be made in any fiscal year to any school or state educational institution or authority

unless the Commission finds that the combined fiscal effort of that agency and the state with respect to the provision of vocational education by that agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding fiscal year by more than five per cent, unless supported by unusual circumstances. (P.L. 90-576, Reg. 102.58) [Order 75-3, § 490-44A-050, filed 12/18/75. Formerly WAC 490-44-050.]

**WAC 490-44A-060 Overall state matching.** (1) The federal share of state and local expenditures incurred for the following purposes and payable from the respective allotments shall not exceed:

(a) 50 per cent of state and local expenditures for vocational education programs under Part B of the Act, except that the federal share shall be:

(i) 100 percent for programs for the disadvantaged in areas of high concentration of youth unemployment and school dropouts under Part B of the Act and financed with funds under section 102(b) of the Act;

(ii) 75 percent of expenditures of state research coordination units under Part C of the Act;

(iii) 90 percent of expenditures for vocational education research and personnel training programs, developmental, experimental, and pilot programs, and dissemination activities under Part C of the Act;

(iv) 100 percent of expenditures for exemplary programs and projects under Part D of the Act;

(v) 50 percent of expenditures for consumer and homemaking programs under Part F of the Act except that the federal share shall be 90 percent for such programs in economically depressed or high unemployment areas, as determined pursuant to section 102.45;

(vi) 100 percent of expenditures for cooperative vocational education programs under Part G of the Act;

(vii) 80 percent of expenditures for vocational work-study programs under Part H of the Act.

(2) Funding will not be made in a manner which requires educational agencies to match federal funds at a percentage ratio uniform throughout the state.

**(3) Non-Federal Share**

(a) Amount. The non-federal share of state and local expenditures shall be the difference between the federal share and the total expenditures for the purposes for which the federal share is paid.

(b) Statewide Application. The non-federal share of expenditures may be on a statewide basis. Only the total expenditures from each allotment to the state (or portion thereof subject to the same federal share percentage limitation) will be considered in determining the required non-federal share of such expenditures. [Order 75-3, § 490-44A-060, filed 12/18/75. Formerly WAC 490-44-060.]

**WAC 490-44A-070 Reasonable tax effort.** (1) No local educational agency which is making a reasonable tax effort will be denied funds for establishing new vocational education programs solely because it is unable to pay the non-federal share of the costs of such programs.

(2) The tax effort of a local educational institution or education authority will be represented by the ratio between the total annual revenues available to the agency for educational purposes and the total wealth of the local area or community served by the agency.

(3) The measurement of local revenues, local wealth and local tax effort will be established on the basis of information supplied by the Department of Revenue as compiled according to state law and will be updated annually.

(4) Reasonable Tax Effort Defined. A local educational institution or educational authority's tax effort shall be considered reasonable whenever it is equal to or greater than the average local tax effort in the state. (Reg. 102.57) [Order 75-3, § 490-44A-070, filed 12/18/75. Formerly WAC 490-44-070.]

**WAC 490-44A-080 Criteria for determining relative priority of local applications.**

(1) Manpower Needs and Job Opportunities. The manpower needs and job opportunities are determined through: endorsement of programs by an appropriate local vocational education advisory committee, a statewide employment/enrollment forecasting system which compares actual enrollment with work force trends and then measures the impact the actual enrollment has on the demand, data from the Washington State Employment Security Department, data from the U.S. Department of Labor, recommendations from the State Advisory Council, and data from other surveys and studies.

(2) Vocational Education Needs. The Commission for Vocational Education will annually identify vocational education needs of the groups of persons described in Section 102.51(a) as to not only reflect the delinquencies made in Section 102.51(d) of the regulations, but also to assure that there is a proper and equitable balance maintained among the various services and activities as covered in Section 102.51(b). Vocational education needs, showing continuing, changing, and/or emerging needs, will be measured by the incidence of dropouts, handicapped students, disadvantaged students and youth unemployment and other information.

The results of the evaluation records will be used as a basis for reviewing existing programs to determine the need for reoffering, improving or cancelling out programs.

(3) Relative Ability to Pay. The relative ability of a local education agency to pay for its educational programs, services and activities is not applicable because of an equalization formula for the common schools and because of state appropriations for community colleges.

(4) Relative Costs of Programs, Services and Activities. Relative excess program costs are factored into the state appropriated fund allocations to each local education agency, and therefore the basic excess costs are generally covered through state appropriations.

(5) Applications of Criteria in Determining the Relative Priority of Local Applications. The procedure set forth in this section for determining the priority value of a local educational agency's application is accomplished by taking into account, in each application, manpower needs, services to students of all categories (vocational

education needs), local effort and ability to pay, and amount of support of excess costs that is needed to supplement state and local capabilities.

Funds will be allocated to local education agencies on the basis of applications submitted to the State Superintendent of Public Instruction or the State Board for Community College Education. Available on file are the specific methods by which the funding priorities are established for each year.

The method of allocations to local education agencies will assure an equitable but not uniform distribution of available federal vocational funds to all communities of the state where a need for vocational education is discovered and expressed, and for which funds are requested.

Requests from local agencies for appropriate approvable expenditures, as shown in each agency's annual and five-year program plan and through other information as requested, will be evaluated and the amount of federal funds authorized as follows:

(a) Common Schools: Federal funds are encumbered for the common schools and are allocated on a reimbursement basis in accordance with the following four factors below:

(i) Manpower Needs: Endorsement of vocational programs by an appropriate vocational education advisory committee constitutes identification of a need for training of manpower for specific occupations. In addition to advisory committee endorsement of on-going programs, data for funding of new programs is extracted from applications for approval of new programs in vocational education.

(ii) Overall Vocational Education Needs: Vocational education needs are measured by such things as the incidence of dropouts, handicapped, disadvantaged, and youth unemployment, and such other local characteristics as may be identified in light of circumstances of time and place, as reported in the annual plan.

(iii) Costs of Program, Services and Activities: Consistent with the unique requirements of each of the components of the common school system (i.e., grades 9-12 and vocational-technical institutes), program reimbursement is based upon, but not limited to, the cost of the following operational characteristics as identified in the annual district-wide plan for vocational education as prepared and submitted by each local educational agency: (1) Vocational direction and supervision, (2) Vocational counseling, (3) Local expenditures for vocational student support compared with local expenditures for nonvocational students, (4) Travel of vocational personnel for vocational purposes, (5) Vocational equipment costs, and (6) Vocational program instructional supplies, materials and ancillary services.

(iv) Ability to Pay: This factor is attended to in the State of Washington by the state equalization formula for common school support.

(b) Community College System: The reimbursement account for each community college district is established in proportion to the factors appropriate to the several purposes of the federal vocational education funds. Expenditure plans of the community college districts are developed in accordance to the purposes of the

funds, consistent with the planning thrusts of the community college system, and take into account manpower needs and job opportunities and vocational education needs. The community colleges are supported by the state, therefore relative ability to pay is not applicable. Relative costs are factored into the state fund allocations to each community college district. [Order 75-3, § 490-44A-080, filed 12/18/75. Formerly WAC 490-44-080.]

### Chapter 490-48A WAC

#### VOCATIONAL YOUTH ORGANIZATIONS

##### WAC

490-48A-010 Vocational student organizations.

**WAC 490-48A-010 Vocational student organizations.** Leadership development in preparatory vocational programs in secondary schools, vocational-technical institutes and community colleges will be made available to all students as an integral part of the instructional programs.

The leadership for the vocational student organizations will be provided by qualified staff of the Commission for Vocational Education. Leadership services will be available to both secondary and post-secondary level programs in the vocational student organizations identified as the Distributive Education Clubs of America, Future Business Leaders of America—Phi Beta Lambda, Future Farmers of America, Future Homemakers of America, and Vocational Industrial Clubs of America. [Order 75-3, § 490-48A-010, filed 12/18/75. Formerly WAC 490-48-010.]

### Chapter 490-52A WAC

#### EVALUATION AND RESEARCH

##### WAC

490-52A-010 State research coordinating unit.  
490-52A-020 Effective use of results of program and experience.  
490-52A-030 Research grant application procedures.

**WAC 490-52A-010 State research coordinating unit.** (1) The Washington State Research Coordinating Unit for Vocational Education shall be a part of the Vocational Education Planning, Evaluation and Research Division. It shall consist of a Director and other personnel. The functions of the Unit shall include but not be limited to the following:

(a) Identifying issues and problems relating to vocational education and conducting research activities that might help resolve them;

(b) Managing a program of research grants and contracts;

(c) Disseminating vocational education research information and materials;

(d) Initiating training projects and conferences in vocational education research;

(e) Providing research consultant services;

(f) Coordinating local, state and federal research activities, reports, and communications; and

(g) Administration of special research projects under contract with the U.S. Office of Education and others as appropriate.

(2) Coordination. The Research Coordinating Unit shall coordinate its research activities with other state and local educational agencies and persons, and with the research programs of other agencies as may be appropriate. Liaison will be maintained with federal, regional, and agencies of other states in order to facilitate coordination.

(3) Application Procedures.

(a) Submittal of Applications. Applications for research grants and contracts shall be submitted to the Commission for Vocational Education through the Research Coordinating Unit. It shall be the responsibility of the Research Coordinating Unit to design appropriate application forms and procedures, and disseminate them as needed. The application shall describe the nature, duration, purpose, and plan of the project, the use to be made of the results in regular programs of vocational education, the qualifications of the personnel staff who will be responsible for the program or project, a justification of the amount of grant or contract funds requested, the portion of the cost to be borne by the applicant, and policies and procedures which assure that federal funds made available will not be commingled with state or local funds. The individual authorized to act for the applicant shall be the person designated by the applicant agency to sign official documents including contracts.

(b) Review of Applications. Applications shall be reviewed by an evaluation committee, and recommendations submitted to the Commission for Vocational Education based on the following factors:

(i) Impact on meeting vocational education needs of disadvantaged youth;

(ii) Impact on reducing youth unemployment;

(iii) Extent to which the project promotes cooperation between public education and appropriate manpower agencies;

(iv) Relevance to priority areas in vocational education specified in the long-range program plan and to vocational education programs, services, and activities described in the annual plan;

(v) Adequacy and competence of personnel designated to carry out the program or project;

(vi) Adequacy of facilities;

(vii) Reasonableness of cost estimates; and

(viii) Expected potential of the proposed program or project being made a part of the regular vocational education program.

(c) Action on Applications.

(i) The Commission shall upon receipt of the evaluation committee's report, either approve the application in whole or in part, request modification, disapprove the application, or defer action on the application due to lack of funds or need for further evaluation or information;

(ii) Any deferral or disapproval of an application shall not preclude its reconsideration or resubmission;

(iii) The agency submitting the application shall be notified in writing of the disposition of the application; and

(iv) The award letter and contract shall include the approved budget and award conditions.

(d) Non-Commingling of Funds. Educational authorities receiving payments under Part C of the Act shall establish accounting procedures which will assure that each expenditure of federal funds made available can be separately identified as such.

(e) Notification to Commissioner. The Director of Vocational Education shall forward a copy of the approved proposal, for which a grant or contract is made, to the Commissioner of Education through the U.S. Office of Education, Region X, within 15 days after the Commission's approval.

(f) A copy of the final report or a resume' shall be included in the annual evaluation report for the year in which any given project is completed. [Order 75-3, § 490-52A-010, filed 12/18/75. Formerly WAC 490-52-010.]

**WAC 490-52A-020 Effective use of results of program and experience.** (1) Evaluations will be made to determine the extent the goals and objectives have been met.

(2) Those projects and programs which provide highest benefits will be publicized and encouraged.

(3) All reports and evaluations of programs and projects will be available for in-service education and other activities to assist in the acceptance and implementation of change in vocational education.

(4) The resources of the Research Coordinating Unit will be utilized for making effective use of the results and experience of programs and projects assisted under Parts C through I of the Act. The Research Coordinating Unit will gather and disseminate information about programs and projects. This information will be utilized in programs under other parts of the Act. The Research Coordinating Unit and the Professional Services Section will conduct in-service training programs for persons responsible for gathering and disseminating the above information, and carry out other activities which will produce acceptance and implementation of change and new directions in vocational education. [Order 75-3, § 490-52A-020, filed 12/18/75. Formerly WAC 490-52-020.]

**WAC 490-52A-030 Research grant application procedures.** (1) Applications for research grants shall be submitted to the Commission for Vocational Education through the appropriate state operating agency and shall describe the nature, duration, purpose, and plan of the project, the use to be made of the results in regular programs of vocational education, the qualifications of the personnel staff who will be responsible for the program or project, a justification of the amount of grant or contract funds requested, the portion of the cost to be borne by the applicant, and policies and procedures which assure that federal funds made available will not be commingled with state or local funds. The individual authorized to act for the applicant shall be the person designated by the applicant agency to sign official documents including contracts.

(2) Review of Applications. Applications will be evaluated in terms of the following:

(a) Impact on meeting vocational education needs of disadvantaged youth;

(b) Impact on reducing youth unemployment;

(c) Extent to which the project promotes cooperation between public education and appropriate manpower agencies;

(d) Relevance to priority areas in vocational education specified in the long-range program plan and to vocational education programs, services, and activities described in the annual plan;

(e) Adequacy and competence of personnel designated to carry out the program or project;

(f) Adequacy of facilities;

(g) Reasonableness of cost estimates;

(h) Expected potential of the proposed program or project being made a part of the regular vocational education program.

(3) Action on Applications.

(a) The Commission shall do one of the following: (i) approve the application in whole or in part,

(ii) request modification,

(iii) disapprove the application, or

(iv) defer action on the application due to lack of funds or need for further evaluation or information.

(b) Any deferral or disapproval of an application shall not preclude its reconsideration or resubmission;

(c) The state operating agency shall be notified in writing of the disposition of the applications; and

(d) The award letter for any grant or contract shall include the approved budget and award conditions.

(4) Notification to Commissioner.

(a) The Executive Director shall forward a copy of the approved proposal, for which a grant or contract is made, to the Commissioner within 15 days after the Commission's approval.

(b) A copy of the final evaluation and report shall be included in the annual evaluation report for the year in which any given project is completed. [Order 75-3, § 490-52A-030, filed 12/18/75. Formerly WAC 490-52-030.]

### Chapter 490-56A WAC

#### EXEMPLARY PROGRAMS AND PROJECTS

##### WAC

490-56A-010 Federal funding of state plan.

490-56A-020 Application procedures.

490-56A-030 Program or project requirements.

##### WAC 490-56A-010 Federal funding of state plan.

In addition to the provisions in the State Plan and elsewhere under this title, the following special provisions apply to exemplary programs and projects supported with federal funds under Part D of the Act. [Order 75-3, § 490-56A-010, filed 12/18/75. Formerly WAC 490-56-010.]

##### WAC 490-56A-020 Application procedures. (1)

Submission of applications:

(a) Applications shall be submitted to the Commission for Vocational Education through the appropriate state operating agency and shall describe the nature, duration, purpose, and plan of the project, the use to be made of the results in regular programs of vocational education, the qualifications of the personnel staff who will be responsible for the program or project, a justification of the amount of grant or contract funds requested, the portion of the cost to be borne by the applicant, and policies and procedures which assure that federal funds made available will not be commingled with state or local funds.

(b) Further, the local district shall indicate how many private non-profit school students, if any, will participate in the vocational program. A narrative statement, in the place designated for such statement on the application, will describe the degree and manner of participation of private non-profit school students. The application assures that administrative control over such programs is retained by the local district or the appropriate state agency.

(2) Review of Applications. Applications will be evaluated in terms of the following:

(a) Impact on meeting vocational education needs of disadvantaged youth;

(b) Impact on reducing youth unemployment;

(c) Extent to which the project promotes cooperation between public education and appropriate manpower agencies;

(d) Relevance to priority areas in vocational education specified in the long-range program plan and to vocational education programs, services, and activities described in the annual plan;

(e) Adequacy and competence of personnel designated to carry out the program or project;

(f) Adequacy of facilities;

(g) Reasonableness of cost estimates;

(h) Expected potential of the proposed program or project being made a part of the regular vocational education program.

(3) Action on Applications.

(a) The Commission shall do one of the following: (i) approve the application in whole or in part,

(ii) request modification,

(iii) disapprove the application, or

(iv) defer action on the application due to lack of funds or need for further evaluation or information;

(b) Any deferral or disapproval of an application shall not preclude its reconsideration or resubmission;

(c) The state operating agency shall be notified in writing of the disposition of the applications; and

(d) The award letter for any grant or contract shall include the approved budget and award conditions. [Order 75-3, § 490-56A-020, filed 12/18/75. Formerly WAC 490-56-020.]

##### WAC 490-56A-030 Program or project requirements.

(1) All exemplary programs or projects for which grants or contracts are made will meet the following conditions:

(a) Coordination with Other Programs (Reg. 102.78)



(i) Agencies anticipating the preparation of an application under Title I, Part D, P.L. 90-576, shall submit a letter of intent to the Commission requesting consultation prior to the application preparation to avoid duplication and assure coordination with projects of the same or similar purposes.

(ii) Coordination of same or similar projects conducted pursuant to this part of public education agencies, other public agencies or private agencies, shall be the responsibility of the Commission.

(b) Participation of Students in Private Non-profit Schools. To the extent consistent with the number of students enrolled in non-profit private schools in the area to be served whose educational needs are of the type which the program or project involved is to meet, provisions shall be made for the participation of such students. [(Sec. 143(b) (1) (C); (102.66) (102.103) (102.79)]

(i) Applications shall include evidence of the existence or non-existence of non-profit private school students in the area to be served, and what provisions are to be made to serve them in a meaningful manner. In addition to making available the same on-site facilities and instructional personnel that are provided for public school students to the extent practical for meeting the vocational needs of private non-profit school students, the local educational agency may loan mobile or portable equipment for use on private school premises. Such arrangements will be spelled out in the local application.

(ii) Salaried instructional personnel who will work with private school students in approved vocational programs will do so only under contract with the local educational agency that has submitted the application to conduct such programs under the auspices of the State Superintendent of Public Instruction.

(2) Non-commingling of Funds. Educational authorities receiving payments made under Part D of the Act shall establish accounting procedures which will assure that expenditures of federal funds made available can be separately identified. [(Reg. 102.80)]

(3) Notification to Commissioner. The Executive Director shall forward a copy of the approved proposal, for which a grant or contract is made, to the Commissioner within 15 days after the Commission's approval. [(Reg. 102.81)] [Order 75-3, § 490-56A-030, filed 12/18/75. Formerly WAC 490-56-030.]

### Chapter 490-60A WAC

#### HOME AND FAMILY LIFE EDUCATION

##### WAC

490-60A-010 Consumer and homemaking education.  
490-60A-020 Establishing and operating programs.

**WAC 490-60A-010 Consumer and homemaking education.** In addition to the provisions in the State Plan and elsewhere under this title, the following special provisions apply to consumer and homemaking education (hereinafter referred to as home and family life education) supported with federal funds under Part F of the

Act. [Order 75-3, § 490-60A-010, filed 12/18/75. Formerly WAC 490-60-010.]

**WAC 490-60A-020 Establishing and operating programs.** (1) State Operated. Does not apply to State of Washington at present.

(2) Locally Operated Programs.

(a) Submission of Applications. Applications shall describe the potential students for which the program is intended; identify the specific objectives in terms of competencies to be developed including: a description of planned instruction to meet objectives; the duration and intensity of training; and special facilities and equipment; indicate how, in the program of studies, consumer education is an integral part, professional leadership is encouraged and the study of homemaking has relevance to the dual role of homemakers and the employability of youth and adults and the program is designed for youth and adults who have entered or are preparing to enter the work of the home; and give evidence of greater consideration of the social and cultural conditions and needs, especially in economically depressed areas; describe provisions for supervision, direction or coordination of planned extended learning experiences to home and/or community with assurance that the teacher load will be such that this essential phase of the vocational program be performed satisfactorily; indicate the extent of outside advice furnished concerning the proposed program; and describe provisions for follow-up of students and for general program evaluation.

(b) Procedure for Review of Applications. Applications shall be reviewed to assure that home and family life education programs give consideration to social and cultural conditions and needs, especially in economically depressed areas; are based on annual and long-range plans; encourage preparation for professional leadership; are designed for youth and adults who have entered or are preparing to enter the work of the home; are designed to prepare such youth and adults for the role of the homemaker or to contribute to their employability in the dual role of homemaker and wage earner; include consumer education as an integral part of the program; have adequate facilities and equipment; include accurate cost estimate; have adequate staff including supervision and/or coordination; and have a planned procedure for evaluation.

(c) Action on Applications. Staff action shall be by formal letter indicating action taken, application status, and subsequent action to be taken, if any.

(d) Required Allocation of Funds to Certain Areas. No less than one third of the federal funds allotted to the State of Washington under Part F of Public Law 90-576 shall be used for consumer and homemaking programs in economically depressed areas or areas of high rates of unemployment.

(e) Required Content of Program. Approved home and family life education programs shall be organized to meet the social and cultural conditions and needs of families to be served, especially the economically less advantaged; prepare for professional leadership in home economics; designed for youth and adults who have entered or are preparing to enter the work of the home;

designed to prepare youth and adults for the role of homemaker or contribute to their employability in the dual role of homemaker-wage earner and the program will include consumer education as an integral part thereof.

(3) Ancillary Services and Activities.

(a) Administration and Supervision. The administration and professional staff shall include the Executive Director, Administrator for Program Development, and the Program Director of Home and Family Life Education with the staff sufficiently adequate to provide leadership and consultative services for Home and Family Life Education programs and activities under Part F, Section 161.

(b) Teacher Training Activities. Education for vocational home and family life education personnel will be maintained through programs conducted and/or recommended by the Commission for Vocational Education, designated institutions of higher education, and programs conducted by local education agencies in cooperation with the Commission for Vocational Education. Arrangements will be made through cooperative agreements with state institutions of higher learning and other qualified education agencies to provide for preservice and inservice education of vocational home and family life education personnel.

(c) Curriculum and Instructional Materials Development. The home and family life education staff at the state level shall coordinate efforts to improve existing, develop new, and disseminate curriculum and instructional materials as may be needed to attain the education goals set forth in this State Plan for home and family life education. Contracts may be made with universities, colleges, and public or non-profit private agencies for development of curriculum. Curriculum and instructional materials developed under contract must be made available for statewide use.

(d) Research, Special Demonstration and Experimental Programs. Contracts may be made with local educational agencies or other public or non-profit private agencies, organizations or institutions for research to determine effective means for meeting the goals identified in the State Plan for home and family life education and special demonstration and experimental programs to serve as models and provide guidelines for similar programs in the state. Application for demonstration and experimental program grants and contracts will follow policies and procedures described in the State Plan. In addition, applications will be evaluated in terms of: consideration given to the social and cultural conditions and needs especially in economically depressed areas; design for youth or youth and adults who are preparing to enter the work of the home; design to prepare such youth and adults for the role of the homemaker or to contribute to their employability in the dual role, homemaker and wage-earner; and inclusion of consumer education and nutritional knowledge as an integral part thereof.

(4) Provision of Equipment. Funds received under the Vocational Education Amendments of 1968 may be used for the acquisition of instructional equipment for special demonstration, experimental or new programs. [Order

75-3, § 490-60A-020, filed 12/18/75. Formerly WAC 490-60-020.]

### Chapter 490-64A WAC

#### COOPERATIVE VOCATIONAL EDUCATION PROGRAMS

##### WAC

490-64A-010	Cooperative vocational education programs.
490-64A-020	Procedures for approval of cooperative vocational education programs.
490-64A-030	Additional costs.
490-64A-040	Participation of students in non-profit private schools.
490-64A-050	Non-commingling of funds.
490-64A-060	Local evaluation and follow-up procedures.
490-64A-070	Ancillary services and activities.

**WAC 490-64A-010 Cooperative vocational education programs.** In addition to the provisions in the State Plan and elsewhere under this title, the following special provisions apply to cooperative vocational education programs supported with federal funds under Part G of the Act. [Order 75-3, § 490-64A-010, filed 12/18/75. Formerly WAC 490-64-010.]

**WAC 490-64A-020 Procedures for approval of cooperative vocational education programs.** (1) Submittal of Applications. Applications for cooperative vocational education programs under Part G, P.L. 90-576, shall include the information stipulated in chapter 490-44A WAC.

(2) Review of Applications. Applications shall be reviewed as stipulated in chapter 490-44A WAC.

(3) Requirements of Cooperative Vocational Education Programs. Local and/or state educational agencies, in making application for grants to operate cooperative vocational education programs, must give assurance that:

(a) Purpose. Cooperative vocational education programs under Part G, P.L. 90-576, shall be programs of vocational education for persons who, through a cooperative agreement between the school and public or private employers, receive instruction, including required academic courses and related vocational instruction by alternation of study in school with a job in any occupational field; but these two experiences must be planned and coordinated by the school with employers, so that each contributes to the student's education and to his employability. Work periods and school attendance may be on alternate half-days, full-days, weeks or other periods of time in fulfilling the cooperative vocational education programs. Funds will be used only for developing and operating cooperative vocational education programs which provide training opportunities that may not otherwise be available and which are designed to serve persons who can benefit from such programs and that such programs will not supplant on-going cooperative education programs.

(b) On-The-Job Training Standards. Necessary procedures have been established for cooperation with employment agencies, labor groups, employers, and other

community agencies in identifying suitable jobs for persons who enroll in cooperative vocational educational programs. Such on-the-job training must be related to existing career opportunities and provide for promotion and advancement.

(c) The program must be based on coordinated work experience and in class instruction, observing the following principles:

(i) The program shall be designed to serve individuals who can benefit from the program and will be supervised, coordinated and continuously evaluated by the local educational institution or educational authority.

(ii) The instructional program will include, but not be limited to, units of study relating to getting and holding a job, employee and employer responsibilities, career opportunities in business and industry, development of desirable personal characteristics and job attitudes, application of school curricula to the world of work, and other educational experiences calculated to assist students in drawing the greatest learning value from their job training.

(iii) The type of meaningful work performed by the students in connection with their cooperative vocational education program shall be pre-planned, have a definite educational value and be compatible with stated career or occupational objectives.

(4) Nondisplacement of Workers. Training agreements between the local educational institution or educational authority and employer shall assure that students participating in a cooperative vocational education program will not displace regular employees performing similar work.

(5) Training Agreements. Local educational agencies establishing cooperative vocational education programs will conduct the on-the-job training in accordance to a written training agreement between local educational agencies and employers, copies of which shall be submitted to the State for filing with the local application. Training agreements will include, but not be limited to, the following:

(a) The coordinator-instructor from the local educational institution or educational authority shall be allowed time to supervise the students and training environment during the training period, and to ascertain that the provisions of this section are in effect.

(b) A participating student shall be legally employed and must have passed his sixteenth birthday.

(i) The student shall receive at least the minimum hourly wage as established by the United States Department of Labor or the Washington State Department of Labor and Industries.

(ii) The student shall be covered under the Industrial Insurance Act where applicable.

(iii) The student shall not be placed in hazardous work except as the placement conforms to minimum age requirements for such work.

(c) An employer's report of the student's work record, indicating progress on the job, shall be filed with the school.

(d) Provision shall be included in the training agreement for representatives of the local educational institution or educational authority to have adequate access to

the student and employer for instructional and supervisory visits during the training period.

(6) Identification of Jobs. Local educational institutions or education authority establishing cooperative vocational education programs shall create a local representative advisory committee including, but not limited to, representatives from labor, management, and community organizations with consultant services from other employment agencies such as Employment Security. [Order 75-3, § 490-64A-020, filed 12/18/75. Formerly WAC 490-64-020.]

**WAC 490-64A-030 Additional costs.** (1) Additional Costs to Employers. We do not intend to utilize Part G funds to pay for additional costs to employers.

(2) Costs to Students. We do not intend to utilize Part G funds to pay for costs to students. [Order 75-3, § 490-64A-030, filed 12/18/75. Formerly WAC 490-64-030.]

**WAC 490-64A-040 Participation of students in non-profit private schools.** (1) To the extent consistent with the number of students enrolled in non-profit private schools in the area to be served, by a local educational institution or educational authority whose educational needs are to the type which a program or project in cooperative vocational education is designed to meet, provisions shall be made for the participation of such students, the local educational agency may loan mobile or portable equipment for use on private school premises.

(2) In addition to making available the same on-site facilities and instructional personnel that are provided for public school students to the extent practical for meeting the vocational needs of private non-profit school students, the local educational agency may loan mobile or portable equipment for use on private school premises. [Order 75-3, § 490-64A-040, filed 12/18/75. Formerly WAC 490-64-040.]

**WAC 490-64A-050 Non-commingling of funds.** Local educational institutions or educational authority receiving payments from cooperative vocational education programs or projects shall establish accounting procedures which assure that each expenditure of federal funds made available for cooperative programs can be separately identified as such. [Order 75-3, § 490-64A-050, filed 12/18/75. Formerly WAC 490-64-050.]

**WAC 490-64A-060 Local evaluation and follow-up procedures.** (1) Programs under this section will be evaluated in the same manner as all other vocational education instructional programs are evaluated.

(2) Periodic supervisory visits by state and/or local supervisory personnel will, among other things, result in an evaluation of facilities, equipment, instructional materials and such ancillary services as are required and appropriate to the efficient and effective operation of the program under consideration. [Order 75-3, § 490-64A-060, filed 12/18/75. Formerly WAC 490-64-060.]

**WAC 490-64A-070 Ancillary services and activities.**

(1) Vocational Guidance and Counseling. Vocational education under the State Plan will include vocational guidance and counseling personnel and services sufficient to enable the program of instruction to meet and continue to meet the standards and requirements stated in the State Plan.

(2) Vocational Teacher Training. Vocational education under the State Plan will include the teacher-training program(s) (both pre-employment and in-service) which are adequate to provide for a sufficient supply of qualified instructors, supervisors and other vocational education personnel in the state.

(3) Research, Demonstration and Experimental Programs. Research, studies, investigations, demonstration projects and experimentations are functions of the state board staff and of the professional staff of cooperating public school districts and other public education institutions. Research projects must be under the direction of a qualified researcher. Experimental and demonstration projects will be under the direction of a competent administrator.

(4) Administration, Supervision and Evaluation. Supervision and evaluation of cooperative vocational education and other vocational programs of instruction will be made periodically by state staff members with the results being used for necessary changes or improvement in the program through experimentation, curriculum improvement, teacher training and other means.

(5) Other Ancillary Services and Activities. The state staff shall provide leadership and assistance in the development, dissemination, evaluation and collection of instructional materials; staff recruitment and development; leadership development; and such other services as are required to assure quality in all vocational-technical education programs. [Order 75-3, § 490-64A-070, filed 12/18/75. Formerly WAC 490-64-070.]

### Chapter 490-68A WAC WORK-STUDY PROGRAMS

**WAC**

490-68A-010	Work-study programs.
490-68A-020	Approval of work-study programs.
490-68A-030	Requirements for work-study program.
490-68A-040	Use of funds for state plan development and administration.

**WAC 490-68A-010 Work-study programs.** In addition to the provisions in Part I of the State Plan, the following special provisions apply to work-study programs for vocational education students supported with federal funds under Part H of the Act. [Order 75-3, § 490-68A-010, filed 12/18/75. Formerly WAC 490-68-010.]

**WAC 490-68A-020 Approval of work-study programs.** (1) Submittal of Applications. Applications for work-study programs will include the information stipulated and will include information on nature, duration, and purpose of the program, qualifications of staff, and

financial arrangements for payment of students. Application preference will be given to (educational institutions or educational authorities serving) communities with high concentrations of youth unemployment and school dropouts.

(2) Review of Applications. Applications shall be granted, insofar as financial resources are available, in the order of reduced concentration of youth unemployment and school dropouts, and the applying of other criteria such as relevance to annual and long-range plans, adequacy and competence of staff, reasonableness of cost estimates and expected outcomes.

(3) Action on Applications. The applicant shall be notified in writing regarding the approval, disapproval, or deferral of any application. The letter of award will set forth a specific amount of money which will represent the entitlement of the local center for the activity which is the subject of the application. The amount of money set forth in the letter of award shall represent the amount of money available to the local center upon documentation of actual approved expenditure. [Order 75-3, § 490-68A-020, filed 12/18/75. Formerly WAC 490-68-020.]

**WAC 490-68A-030 Requirements for work-study program.** (1) Administration. The work-study program will be administered by the local educational authority and made reasonably available (to the extent of available funds) to all qualified youths, in the area served by such agency, who are able to meet the requirements in paragraph two of this section.

(2) Eligible Students. Employment under the work-study program will be furnished only to a student who:

(a) Has been accepted for enrollment or, if already enrolled, is in good standing and in full-time attendance as a full-time student in an approved vocational program;

(b) Is in need of the earnings from such employment to commence or continue his vocational education program;

(c) Is at least 15 years of age and less than 21 years of age at the time of commencement of employment, and

(d) Is capable, in the opinion of the appropriate school authorities, or maintaining good standing in his school program while employed under the work-study program.

(3) Limitation on Hours and Compensation.

(a) No student will be employed during an academic year or its equivalent for more than fifteen hours in any week during which classes in which he is enrolled are in session. The compensation for such employment will not exceed \$45 per month or \$350 per academic year, or its equivalent. However, in the case of a student attending a school which is not within reasonable commuting distance from his home, his compensation may not exceed \$60 in any month or \$500 per academic year, or its equivalent. For the purposes of this paragraph, "academic year" means a period of 9 months (exclusive of the summer term) interrupted by the equivalent of one month of vacation;

(b) A student attending a class on full-time basis in the summer school term shall be limited to 15 hours of

employment per week and the monthly compensation of \$45, or \$60 as described in paragraph (a); if the student is not attending classes during the summer, there is no limitation upon his hours of employment or the amount of compensation which he may earn. The total of his summer earnings shall not be limited by, or have the effect of limiting, the compensation paid to him for the academic year pursuant to paragraph (a).

(4) Place of Employment. Employment under work-study programs will be for the educational institution or educational authority or for some other public agency or institution (federal, state, or local) pursuant to a written arrangement between the educational institution or educational authority and such other agency or institution, and work so performed will be adequately supervised and coordinated and will not supplant present employees of such agency or institution who ordinarily perform such work. If employment under work-study programs is for a federal agency or institution, the written arrangement between the local educational institution or educational authority and the federal agency or institution will state that students so employed are not federal employees for any purpose.

(5) Maintenance of Effort. In each fiscal year during which a work-study program remains in effect, the educational institution or educational authority shall expend for employment of its students an amount in state or local funds that is at least equal to the average annual expenditure for work-study programs of a similar nature during the three fiscal years preceding the fiscal year in which the work-study program of such educational agency was approved. [Order 75-3, § 490-68A-030, filed 12/18/75. Formerly WAC 490-68-030.]

**WAC 490-68A-040 Use of funds for state plan development and administration.** The amount of federal funds used to pay the cost of developing the provisions of the State Plan applicable to work-study programs and the cost of administering such provisions after approval by the Commissioner will not exceed one percent of the State's allotment under Part H of the Act for vocational work-study programs, or \$10,000, whichever is greater. [Order 75-3, § 490-68A-040, filed 12/18/75. Formerly WAC 490-68-040.]

## Chapter 490-72A WAC RESIDENTIAL VOCATIONAL EDUCATION SCHOOLS

### WAC

490-72A-010	Residential vocational education schools.
490-72A-020	Procedures for establishing residential facilities.
490-72A-030	Requirements for construction and operation.
490-72A-040	Notification to commissioner.

**WAC 490-72A-010 Residential vocational education schools.** (1) The Commission for Vocational Education shall have the authority to approve residential vocational facilities when it is determined that such facilities are necessary to provide equal vocational education and training for all persons in the state.

(2) Funds allotted to the state for the purpose of Part E of the Act may be used by the state or, with the approval of the Commission, by public educational agencies, organizations, or institutions within the state to pay the federal share of the cost of planning, constructing, and operating residential vocational education school facilities. In addition to the provisions in Part I of the State Plan, and elsewhere under this title, the following special provisions apply to residential vocational education schools supported with federal funds under Part E of the Act. [Order 75-3, § 490-72A-010, filed 12/18/75. Formerly WAC 490-72-010.]

**WAC 490-72A-020 Procedures for establishing residential facilities.** (1) State Operated. No provision is made at this time for the Commission to assume direct administrative responsibility of any residential vocational education facilities.

(2) Locally Operated.

(a) Procedures for Submission of Applications. Public education agencies, organizations, or institutions within the state may submit, through the appropriate state operating agency to the Commission, proposals for constructing, equipping and operating residential vocational education school facilities. Any proposal shall be prepared in sufficient detail to allow the Commission to make a satisfactory appraisal of its contributions to the purpose of the Act and to the vocational education needs of the persons to be served, and such proposal shall include evidence of:

(i) The justification of the proposal in relation to serving the areas of high concentration of unemployed youths and school dropouts, such areas to be determined in accordance with the state plan for vocational education.

(ii) The degree of availability of existing facilities.

(iii) The adherence to standards of construction.

(b) Procedures for Reviewing Applications. The vocational staff will review applications submitted by local educational agencies to determine the impact the application will have in meeting the needs of disadvantaged youth and in reducing youth unemployment. They will be evaluated in terms of reasonableness of costs, adequacy of facilities, etc., in meeting the objectives and in terms of relevance to the annual and longrange plans. The review of applications for establishing locally operated residential facilities will include consideration of the extent to which the proposal has concerned itself with the following:

(i) The relative need for a residential facility, taking into consideration the possible use of existing vocational education facilities.

(ii) The relative number of persons to be benefited.

(iii) The impact on reduction of youth unemployment.

(iv) The impact on needs of disadvantaged youth.

(v) The need and opportunity for persons trained in the occupational fields for which instruction will be provided in relation to the total training needs and employment opportunities in the area and elsewhere.

(vi) The geographic area to be served.

(vii) The reasonableness of cost estimates, to insure the most effective use of federal and state funds.

- (viii) The adequacy of the facilities.
  - (ix) The relevance to annual and long-range plans.
  - (x) The extent to which public education and manpower agencies cooperate.
  - (xi) The adequacy of staffing as it concerns both instructional and "live-in" personnel.
- (3) Action on Applications for Residential Facilities
- (a) Applications with recommendations will come through the state operating agency to the Commission.
  - (b) The Commission shall do one of the following:
    - (i) Approve the application in whole or in part.
    - (ii) Request modification.
    - (iii) Disapprove the application.
    - (iv) Defer action on the application due to lack of funds or need for further evaluation or information.
  - (c) Any deferral or disapproval of an application shall not preclude its reconsideration or resubmission.
  - (d) The applicant shall be notified in writing of the disposition of the application; and
  - (e) The award letter for any state division grant or contract award shall include the approved budget and grant or contract award conditions which the applicant shall accept in accordance with state law.
- (4) Priority Allocation to Certain Areas. Priority will be given to applications from local educational agencies serving geographic areas with high rate of youth unemployment and dropouts; also to be considered are:
- (a) The relative number of persons to be benefited.
  - (b) The geographic area to be served.
  - (c) The impact on needs of disadvantaged youth.
  - (d) The impact on reduction of youth unemployment.
  - (e) The relative need for a residential facility, taking into consideration the possible use of existing vocational education facilities.
  - (f) The extent to which public education and manpower agencies cooperate.
  - (g) The need and opportunity for persons trained in the occupational fields for which instruction will be provided in relation to the total training needs and employment opportunities in the area and elsewhere.
  - (h) The relevance to annual and long-range plans.
  - (i) The adequacy of the facilities.
  - (j) The reasonableness of cost estimates, to insure the most effective use of federal and state funds.
- (5) Clearance with Other State Agencies. Applications for constructing residential vocational educational school facilities will be evaluated and recommended through the appropriate state operating agency. [Order 75-3, § 490-72A-020, filed 12/18/75. Formerly WAC 490-72-020.]

**WAC 490-72A-030 Requirements for construction and operation.** (1) The Commission will insure that the planning, construction, and operation of residential vocational education school facilities will be in accordance with the provisions of the Act and other applicable federal, state, and local regulations.

(2) Purpose of Residential Vocational Education School Facilities. Residential school facilities will be operated and maintained for the purpose of conducting a

residential vocational education program which may include room, board and other necessities the Commissioner determines are appropriate for a residential vocational education school. Students in vocational education programs in residential schools will be youths, at least age fourteen but who have not attained age twenty-one at the time of admission to the training program who need full-time study on a residential basis and who can profit from vocational instruction; but, in no case may juveniles be assigned to such schools as a result of their delinquent conduct.

(3) Nondiscrimination. Adequate provision will be made for appropriate selection without regard to sex, race, color, religion, national origin, or place of residence within the state, of students needing such training at residential schools; and such facilities may not be used in a manner resulting in racial segregation.

(4) Employment Opportunities. Vocational course offerings at residential vocational schools will include fields for which available labor market analyses indicate a present or continuing need for trained manpower, and that the programs, services, and activities offered will be appropriately designed to prepare enrollees for entry into employment or advancement in such fields.

(5) Provisions for Tuition-free Enrollment. No fees, tuition, or other charges will be required of students who occupy the residential vocational education facility. [Order 75-3, § 490-72A-030, filed 12/18/75. Formerly WAC 490-72-030.]

**WAC 490-72A-040 Notification to commissioner.** Within 15 days after the Commission's approval of a grant or contract, the Executive Director will forward to the Commissioner a copy of the approved proposal for which the grant or contract was made. [Order 75-3, § 490-72A-040, filed 12/18/75. Formerly WAC 490-72-040.]

## Chapter 490-76A WAC

### FISCAL CONTROL AND FUND ACCOUNTING PROCEDURES

#### WAC

490-76A-010	Custody of federal funds.
490-76A-020	Expenditure of federal funds.
490-76A-030	Allotment availability.
490-76A-040	Programs and services.
490-76A-050	Construction costs contracts.
490-76A-060	Fiscal records.

**WAC 490-76A-010 Custody of federal funds.** The title and official address of the officer who has legal authority to receive and hold proper custody of federal funds under P.L. 90-576, and in accordance with RCW 43.08.090,<sup>1</sup> and RCW 43.08.100<sup>2</sup> is: Washington State Treasurer, Legislative Building, Olympia, Washington 98504 (Reg. 102.37).

<sup>1</sup>43.08.090. FISCAL AGENT FOR STATE. The state treasurer shall be ex officio the fiscal agent of the state. (1965 c 8 § 43.08.090. Prior: 1891 c 138 § 1; RRS § 5484.)"

<sup>2</sup>43.08.100. FISCAL AGENT FOR STATE—DUTIES OF FISCAL AGENT. The fiscal agent of the state shall receive all mon-

neys due the state from any other state or from the federal government, take all necessary steps for the collection thereof, and apply the same to the funds to which they belong. He shall collect from time to time all moneys that may accrue to the state by virtue of section 13 of the enabling act, or from any other source not otherwise provided for by law. (1965 c 8 § 43.08.100. Prior: (i) 1891 c 138 § 2; RRS § 5485. (ii) 1891 c 138 § 4; RRS § 5487.)"

[Order 75-3, § 490-76A-010, filed 12/18/75. Formerly WAC 490-76-010.]

**WAC 490-76A-020 Expenditure of federal funds.** The official title of the officer who has authority to authorize expenditures under the State Plan is the Executive Director of the Commission for Vocational Education (RCW 28A.09.070, 28A.09.080 and 28C.04-.200). The policies and procedures to be followed by the state in allocating federal funds allotted under P.L. 90-576 for programs, services and activities are determined in accordance with the educational needs for vocational training as detailed in the annual and long-range plans as prepared in consultation with the State Advisory Council and as approved by the Commission. (P.L. 90-576, Sec. 123(a), Reg. 102.31(a).) [Order 75-3, § 490-76A-020, filed 12/18/75. Formerly WAC 490-76-020.]

**WAC 490-76A-030 Allotment availability.** (1) Federal funds for each fiscal year shall be available for use by the state and/or local educational institutions or authorities only during such fiscal year, except that the following allotments shall also be available for use during the succeeding fiscal year:

(a) funds appropriated under section 102(a) of the Act for each fiscal year for vocational education programs and research and training in vocational education and which are either transferred to other allotments or reallocated to other states;

(b) funds appropriated under section 102(b) of the Act for each fiscal year for vocational education for the disadvantaged and which are reallocated to other states;

(c) funds allotted to states for exemplary programs and projects.

(2) Federal appropriations applicable during any fiscal year ending prior to July 1, 1973, which are not obligated or expended prior to the beginning of the next fiscal year, shall remain available for obligation or expenditure during each succeeding fiscal year. (P.L. 91-230, 405(b)) [Order 75-3, § 490-76A-030, filed 12/18/75. Formerly WAC 490-76-030.]

**WAC 490-76A-040 Programs and services.** (1) The state fiscal year extends from July 1 through June 30. The Commission operates on an accrual system of accounting for state and local expenditures, with expenditures chargeable to the fiscal year in which obligations are incurred. Funds used for the purchase of personnel services, utilities, travel, supplies, acquisition and rental of facilities and equipment, acquisition of land and buildings and procurement of architectural engineering and other construction related services, will be charged to the fiscal year in which the service is performed. All obligations of the state will be liquidated within one month after the end of the fiscal year.<sup>1</sup>

(2) Payroll. The payroll register and accompanying miscellaneous deduction register is used as the basic

payment voucher for salaries and wages. The completed payroll is signed by the payroll officer; certifying that those employees listed on the payroll have been employed for the time indicated in the payroll.

(3) Encumbrances. Agencies shall encumber all documents that specifically restrict available funds for future use such as: purchase requisitions, purchase orders, field orders, printing requisitions, and contracts placed by the Division of Purchasing; under which agencies deal directly with the vendor. (4) Direct Payments. An invoice voucher shall be used by the agency to substantiate payment to a vendor where invoices are not employed or where a receiving report is not used. (5) Travel expense vouchers shall be used to substantiate payment of travel expenses to employees.

(6) Advance Payment. Advances from federal funds may be made to defray charges for materials to be furnished or services to be rendered by other state agencies upon approval of the state budget director. Any amount advances shall not be greater than the estimated charges. Advances may be authorized only when the transaction is in the context or RCW 39.34, Interlocal Cooperation Act.

<sup>1</sup>RCW 1.16.020. "Fiscal Biennium." The fiscal biennium of the state shall commence on the first day of July in each oddnumbered year and end on the thirtieth day of June of the next succeeding odd-numbered year. (1953 c 184 § 2; 1923 c 86 § 1; RRS § 10927.)

RCW 1.16.030. "Fiscal Year"—School Districts and other Taxing Districts. August 31st shall end the fiscal year of school districts and December 31st of all other taxing districts. (1975-76 2nd ex. s. c 118 § 21; 1909 c 76 § 13; RRS § 9963.)

RCW 43.88.130. "When Contracts and Expenditures Prohibited. No agency shall expend or contract to expend any money or incur any liability in excess of the amounts appropriated for that purpose: Provided, That nothing in this section shall prevent the making of contracts or the spending of money for capital improvements, nor the making or contracts of lease or for service for a period exceeding the fiscal period in which such contract is made, when such contract is permitted by law. Any contract made in violation of this section shall be null and void. (1965 c 8 § 43.88.130. Prior: 1959 c 328 § 13.)

RCW 43.88.220. "Federal Law Controls in Case of Conflict—Rules." If any part of this chapter shall be found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, such conflicting part of this chapter is hereby declared to be inoperative solely to the extent of such conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this chapter in its application to the agencies concerned. The rules and regulations under this chapter shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state. (1965 c 8 § 43.88.220. Prior: 1959 c 328 § 22.)

[Order 75-3, § 490-76A-040, filed 12/18/75. Formerly WAC 490-76-040.]

**WAC 490-76A-050 Construction costs contracts.** (1) Construction projects must first be approved by the Commission with funding approved either simultaneously or at a later date by the Commission. The act of occurrence that charges the federal allotment is the date the Commission authorizes payment. The construction contract must be made within a one-year period from the date of project approval.<sup>1</sup>

<sup>1</sup>RCW 39.04.020. "Plans and Specifications—Estimates—Publication—Emergencies." Whenever the state, or any municipality shall determine that any public work is necessary to be done it shall cause plans and/or specifications thereof and an estimate of the cost of such work to be made and filed in the office of the director, supervisor, commissioner, trustee, board or agency having by law the authority to

require such work to be done.

If the state, or such municipality shall determine that it is necessary or advisable that such work shall be executed by any means or method other than by contract, and it shall appear by such estimate that the probable cost of executing such work will exceed the sum of twenty-five hundred dollars, then the state or such municipality shall at least fifteen days before beginning work cause such estimate, together with a description of the work, to be published at least once in a legal newspaper of general circulation published in or as near as possible to that part of the county in which such work is to be done: PROVIDED, That when any emergency shall require the immediate execution of such public work, upon a finding of the existence of such emergency by the authority having power to direct such public work to be done and duly entered of record, publication of description and estimate may be made within seven days after the commencement of the work. (1975 1st ex.s. c 230 § 2; 1967 c 70 § 1; 1923 c 183 § 2; RRS § 10322-2. Formerly RCW 39.04.020 and 39.04.030.)

[Order 75-3, § 490-76A-050, filed 12/18/75. Formerly WAC 490-76-050.]

**WAC 490-76A-060 Fiscal records.** (1) The official fiscal accounts and documents concerning vocational education programs, services, and activities are maintained by the Commission for Vocational Education in Olympia, Washington.

(2) Retention of Records—General Rule. The Commission for Vocational Education shall provide for keeping accessible and intact all records identified as to individual program allotments to which they relate, supporting claims for federal grants or relating to the accountability of the state or any educational agency participating under the plan for the expenditure of such grants, expenditure of matching funds, and records supporting maintenance of effort, and reasonable tax effort for the establishment of new vocational education programs.

(3) Time Period. Records shall be retained (a) for five years after the close of the fiscal year in which the expenditure was made by the state of any participating educational agency; or (b) until the Commission for Vocational Education is notified of the completion of the federal audit, whichever is earlier.

(4) Audits.

(a) Audit of State Accounts. The accounts of the Commission for Vocational Education are audited by the Division of Departmental Audits of the State Auditor's Office. These audits are made annually and copies of such audits filed in the office of the Commission for Vocational Education.

(b) Audit Standards. The State Division of Departmental Audits, in auditing the fiscal records and documents of the Commission for Vocational Education, State Board for Community College Education, Superintendent of Public Instruction and community college districts, will follow the procedures outlined in the publication, "Financial Management of Federal-State Education Programs," (OE-10019).

(c) Audits of Local Accounts. The Division of Municipal Corporations of the State Auditor's office audits the fiscal records and documents of the local school districts pertaining to the expenditures claimed for federal financial participation under an approved program. These audits are made annually and copies of such audits are filed in the office of the Division of Municipal Corporations or the Division of Departmental Audits, State Auditor's Office, Olympia, Washington. [Order 75-3, §

490-76A-060, filed 12/18/75. Formerly WAC 490-76-060.]

## Chapter 490-500 WAC VOCATIONAL REHABILITATION AND SERVICES FOR HANDICAPPED PERSONS

### WAC

490-500-005	Definitions.
490-500-010	Application for services.
490-500-015	Initial interview.
490-500-020	Preliminary diagnostic study.
490-500-025	Eligibility for services.
490-500-030	Eligibility for services—Criteria.
490-500-050	Certification for decision of eligibility or ineligibility.
490-500-055	Notice to applicant.
490-500-060	Criteria for the severely handicapped.
490-500-070	Extended evaluation.
490-500-075	Extended evaluation—Eligibility criteria.
490-500-077	Certification for extended evaluation to determine rehabilitation potential.
490-500-080	Extended evaluation—Program.
490-500-085	Extended evaluation—Services provided.
490-500-090	Extended evaluation—Services not provided.
490-500-095	Extended evaluation—Duration and scope of services.
490-500-100	Extended evaluation—Assessment.
490-500-105	Extended evaluation—Revision of program
490-500-110	Extended evaluation—Termination.
490-500-120	Certification of termination of extended evaluation and notice.
490-500-140	Accepted for regular services.
490-500-145	Criteria for selection of service.
490-500-180	Economic need.
490-500-185	Economic need—Financial statement required.
490-500-190	Economic need—Standards for determining.
490-500-200	Economic need—Notification of decision.
490-500-255	Thorough diagnostic study.
490-500-257	Vocational rehabilitation program.
490-500-260	Vocational rehabilitation program—Content of regular case program.
490-500-270	Vocational rehabilitation program—Participation of client.
490-500-275	Vocational rehabilitation program—Annual review.
490-500-280	Vocational rehabilitation program—Termination.
490-500-300	Objective of vocational rehabilitation.
490-500-325	Services available from other agencies.
490-500-350	Vocational rehabilitation services.
490-500-380	Vocational rehabilitation services—Counseling and guidance.
490-500-385	Vocational rehabilitation services—Physical and mental restoration.
490-500-387	Vocational rehabilitation services—Public safety officer.
490-500-389	Vocational rehabilitation services—Telecommunications.
490-500-390	Vocational rehabilitation services—Training.
490-500-395	Vocational rehabilitation services—Training—College.
490-500-400	Vocational rehabilitation services—Training—Trade schools.
490-500-405	Vocational rehabilitation services provided—Training—Employment.
490-500-410	Vocational rehabilitation services—Training—Sheltered workshop.
490-500-415	Vocational rehabilitation services—Training materials.
490-500-420	Vocational rehabilitation services—Maintenance.
490-500-425	Vocational rehabilitation services—Placement.
490-500-430	Vocational rehabilitation services—Placement materials.
490-500-435	Vocational rehabilitation services—Transportation.
490-500-440	Vocational rehabilitation services provided—Interpreter services for deaf.



- 490-500-445 Vocational rehabilitation services provided—Services to members of family.
- 490-500-450 Vocational rehabilitation services provided—Other goods and services.
- 490-500-455 Vocational rehabilitation services—Post-employment services.
- 490-500-500 Purchase of services.
- 490-500-505 Purchase of services—Selection criteria—Schools.
- 490-500-510 Purchase of services—Selection criteria—Employment training facilities.
- 490-500-520 Purchase of services—Selection criteria—Rehabilitation facilities and workshops.
- 490-500-525 Termination of services for reason of ineligibility.
- 490-500-530 Termination of services for reasons other than ineligibility.
- 490-500-540 Completion of vocational rehabilitation program.
- 490-500-545 Notification of termination.
- 490-500-550 Confidential information—Disclosure.
- 490-500-560 Administrative review.
- 490-500-570 Fair hearing.
- 490-500-590 Client records.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

- 490-500-150 Acceptability for services—Certification of acceptance. [Order 775, § 490-500-150, filed 3/1/73.] Repealed by Order 1050, filed 8/29/75.
- 490-500-155 Acceptability for services—Certification of nonacceptance. [Order 775, § 490-500-155, filed 3/1/73.] Repealed by Order 1050, filed 8/29/75.
- 490-500-160 Acceptability for services—Notice to applicant. [Order 775, § 490-500-160, filed 3/1/73.] Repealed by Order 1050, filed 8/29/75.
- 490-500-250 Vocational rehabilitation plan. [Order 775, § 490-500-250, filed 3/1/73.] Repealed by Order 1050, filed 8/29/75.
- 490-500-355 Vocational rehabilitation services provided—Evaluation and diagnosis. [Order 775, § 490-500-355, filed 3/1/73.] Repealed by Order 1050, filed 8/29/75.
- 490-500-360 Vocational rehabilitation services provided—Evaluation and diagnosis—Medical. [Order 775, § 490-500-360, filed 3/1/73.] Repealed by Order 1050, filed 8/29/75.
- 490-500-365 Vocational rehabilitation services provided—Evaluation and diagnosis—Psychological and psychiatric. [Order 775, § 490-500-365, filed 3/1/73.] Repealed by Order 1050, filed 8/29/75.
- 490-500-370 Vocational rehabilitation services provided—Evaluation and diagnosis—Social. [Order 775, § 490-500-370, filed 3/1/73.] Repealed by Order 1050, filed 8/29/75.
- 490-500-375 Vocational rehabilitation services provided—Evaluation and diagnosis—Vocational. [Order 775, § 490-500-375, filed 3/1/73.] Repealed by Order 1050, filed 8/29/75.
- 490-500-535 Termination of services—Refusal to accept services. [Order 775, § 490-500-535, filed 3/1/73.] Repealed by Order 1050, filed 8/29/75.

**WAC 490-500-005 Definitions.** (1) "Accepted for services" shall mean that the division has determined that the following conditions have been met and has accordingly reached the decision to supply vocational rehabilitation services to an applicant:

(a) The applicant has been certified as eligible to receive vocational rehabilitation services;

(b) The division has sufficient funds, personnel, facilities, and other resources to undertake and complete the rehabilitation of the individual.

(2) "Act" means the Rehabilitation Act of 1973 (29 U.S.C. chapter 16).

(3) "Applicant" shall mean an individual who has submitted to the division a letter or application requesting vocational rehabilitation services which

(a) has been signed by the individual, his parents or guardian or other representative, and

(b) sets forth the name, address, age, sex, and nature of disability of the requesting individual and source of referral.

(4) "Client" shall mean any handicapped individual

(a) who has applied for services from the division, and

(b) for whom services have not been denied or terminated by the division.

(5) "Department" shall mean the department of social and health services.

(6) "Division" shall mean the division of vocational rehabilitation of the department of social and health services.

(7) "Eligible" or "eligibility", when used in relation to an individual's qualification for vocational rehabilitation services, refers to a certification that:

(a) The individual has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment; and

(b) Vocational rehabilitation services may reasonably be expected to benefit the individual in terms of employability.

(8) "Employability" refers to a determination that the provision of vocational rehabilitation services is likely to enable an individual to enter or retain employment consistent with his capacities and abilities in the competitive labor market; the practice of a profession; self-employment; home-making; farm or family work (including work for which payment is in kind rather than in cash); sheltered employment; homebound employment; or other gainful work.

(9) "Evaluation of rehabilitation potential" means, as appropriate, in each case;

(a) A preliminary diagnostic study to determine:

(i) That an individual has a physical or mental disability which for such individual constitutes or results to a substantial handicap to employment, and

(ii) that vocational rehabilitation services may reasonably be expected to benefit the individual in terms of employability, and that the individual is eligible therefore for vocational rehabilitation services;

(b) A thorough diagnostic study consisting of a comprehensive evaluation of pertinent factors, which bear on the individual's handicap to employment and rehabilitation potential, and an appraisal of the individual's work behavior and ability to develop work patterns suitable for successful job performance in order to determine which vocational rehabilitation services may be of benefit to the individual in terms of employability;

(c) Any other goods or services provided for the purposes of ascertaining the nature of the handicap and whether it may reasonably be expected that the individual can benefit from vocational rehabilitation services in terms of employability;

(d) The provision of vocational rehabilitation services to an individual for a total period of extended evaluation not in excess of 18 months for the purpose of determining whether such individual is a handicapped individual

for whom a vocational goal is feasible, including the initiation and continuing development of an individual written rehabilitation program, and a periodic assessment of the results of the provision of such services to ascertain whether an individual is an eligible individual for whom a vocational goal is feasible.

(10) "Family member" or "member of the family" means:

(a) any relative by blood or marriage of a handicapped individual, and

(b) other individuals living in the same household with whom the handicapped individual has a close interpersonal relationship.

(11) "Handicapped individual" means an individual

(a) Who has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment; and

(b) Who is expected to benefit in terms of employability from the provision of vocational rehabilitation services, or for whom an extended evaluation of rehabilitation potential is necessary for the purpose of determining whether he might benefit in terms of employability from the provision of vocational rehabilitation services.

(12) "Local medical consultant" shall mean a doctor of medicine employed by the division to provide consultation to local office rehabilitation counselors concerning the medical aspects of rehabilitation, usually reviewing and discussing medical problems of individual clients.

(13) "Physical and mental restoration services" means those services which are necessary to correct or substantially modify within a reasonable period of time a physical or mental condition which is stable or slowly progressive.

(14) "Physical or mental disability" means a physical or mental condition which materially limits, contributes to limiting or, if not corrected, will probably result in limiting an individual's activities or functioning.

(15) "Public safety officer" means a person serving the United States or a state or unit of general local government, with or without compensation, in any activity pertaining to:

(a) The enforcement of the criminal laws, including highway patrol, or the maintenance of civil peace by the national guard or the armed forces;

(b) A correctional program, facility, or institution where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees;

(c) A court having criminal or juvenile delinquent jurisdiction where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, parolees;

(d) Firefighting, fire prevention, or emergency rescue missions.

(16) "Referral" is defined as any individual who applied or has been referred to a vocational rehabilitation office by letter, telephone, direct contact or by any other means for whom the minimum information has been furnished;

(a) Name and address;

(b) Disability;

(c) Age and sex;

(d) Date of referral; and

(e) Source of referral.

(17) "Rehabilitation facility" means a facility which is operated for the primary purpose of providing vocational rehabilitation services to handicapped individuals, and which provides one or more of the following services for handicapped individuals:

(a) Vocational rehabilitation services which shall include under one management, medical, psychological, social, and vocational services;

(b) Testing, fitting, or training in the use of prosthetic and orthoptic devices;

(c) Prevocational conditioning or recreational therapy;

(d) Physical and occupational therapy;

(e) Speech and hearing therapy;

(f) Psychological and social services;

(g) Evaluation of rehabilitation potential;

(h) Personal and work adjustment;

(i) Vocational rehabilitation with a view toward career advancement (in combination with other rehabilitation services);

(j) Evaluation or control of specific disabilities;

(k) Transitional or extended employment for those handicapped individuals who cannot be readily absorbed in the competitive labor market provided that all medical and related health services must be prescribed by, or under the formal supervision of, persons licensed to prescribe or supervise the provision of such services in the state.

(18) "Secretary", except when the context indicates otherwise, means the secretary of the department of social and health services.

(19) "Severely handicapped individual" means a handicapped individual,

(a) Who has a severe physical or mental disability which seriously limits his functional capacities (mobility, communication, self-care, self direction, work tolerance, or work skills) in terms of employability; and

(b) Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time, and

(c) Who has one or more physical or mental disabilities resulting from amputation, arthritis, blindness, cancer, cerebral palsy, cystic fibrosis, deafness, heart disease, hemoplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy) paraplegia, quadriplegia, and other spinal cord conditions, sickle cell anemia, and end-stage renal disease, or another disability or combination of disabilities determined on the basis of an evaluation of rehabilitation potential to cause comparable substantial functional limitation.

(20) "Substantial handicap to employment" means that a physical or mental disability (in light of attendant medical, psychological, vocational, educational, and other related factors) impedes an individual's occupational performance, by preventing his obtaining, retaining, or preparing for employment consistent with his capacities and abilities.

(21) "Vocational rehabilitation counselor" (VRC) shall refer to an employee of the division who has direct responsibility for providing, or supervising the provision of, all vocational rehabilitation services to a client of the division.

(22) "Vocational rehabilitation services", shall mean any of the following:

(a) Any goods or services provided to a client that is likely to enable him to enter or retain employment consistent with his capacities and abilities in the competitive labor market.

(b) Any goods or services provided to a client for the purpose of extended evaluation to determine his rehabilitation potential.

(c) The establishment, construction, development, operation, and maintenance of workshops and rehabilitation facilities.

(d) The provision of any facilities and services which promise to contribute substantially to the rehabilitation of a group of individuals but which are not related directly to the rehabilitation program.

(23) "Workshop" means a rehabilitation facility, or that part of a rehabilitation facility, engaged in a production or service operation and which is operated for the primary purpose of providing gainful employment or professional services to the handicapped as an interim step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market or during such time as employment opportunities for them in the competitive labor market do not exist. [Order 1050, § 490-500-005, filed 8/29/75; Order 775, § 490-500-005, filed 3/1/73.]

**WAC 490-500-010 Application for services.** (1)

Any handicapped person may apply for vocational rehabilitation services, including persons who have previously applied for, have previously received, or have previously been denied such services.

(2) Any handicapped person seeking to obtain vocational rehabilitation services from the division shall submit a written application for services to the division.

(3) The written application for services shall be signed by the person requesting services or by his parent or guardian or other representative.

(4) The written application shall contain the following information:

- (a) The applicant's name and address;
- (b) The nature of the applicant's disability;
- (c) The applicant's age and sex;
- (d) The date of application;
- (e) The name of the person or agency, if any, who has referred the applicant to the division.

(5) The division shall not provide vocational rehabilitation services to any person who has failed to submit a signed application in writing containing the above information. [Order 1050, § 490-500-010, filed 8/29/75; Order 775, § 490-500-010, filed 3/1/73.]

**WAC 490-500-015 Initial interview.** (1) An applicant for vocational rehabilitation services shall be interviewed personally by a VRC or by a vocational

rehabilitation staff member under supervision of a VRC as soon as possible after application.

(2) At this initial interview the interviewer shall:

(a) Explain to the applicant the nature and operation of the vocational rehabilitation program as it relates to the applicant,

(b) Specifically inform the applicant of his right to appeal from any decision made by the division with regard to his case through administrative appeal and fair hearing procedures, and

(c) Inform the applicant of his right of confidentiality of information possessed by the division, and

(d) Obtain any general information from the applicant which might be useful in determining his eligibility for vocational rehabilitation services. [Order 1050, § 490-500-015, filed 8/29/75; Order 775, § 490-500-015, filed 3/1/73.]

**WAC 490-500-020 Preliminary diagnostic study.**

(1) A preliminary diagnostic study will be conducted to determine whether:

(a) The individual has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment; and

(b) Vocational rehabilitation services may reasonably be expected to benefit the individual in terms of employability, or whether an extended evaluation of rehabilitation potential is necessary to make such a determination.

(2) The preliminary diagnostic study will include such examinations and diagnostic studies as are necessary to determine eligibility, and

(a) In all cases, will include an appraisal of the current general health status of the individual.

(b) All cases of mental or emotional disorder, an examination will be provided by a physician skilled in the diagnosis and treatment of such disorders, or by a psychologist licensed or certified in accordance with state laws and regulations, in those states where such laws and regulations pertaining to the practice of psychology have been established.

(3) The division shall record in writing the results of each applicant's preliminary study. [Order 1050, § 490-500-020, filed 8/29/75; Order 775, § 490-500-020, filed 3/1/73.]

**WAC 490-500-025 Eligibility for services.** (1) The division shall make an eligibility determination as to every applicant for vocational rehabilitation services. The determination of eligibility shall be made as soon as possible after application.

(2) The division shall base its eligibility determination on the results of the preliminary diagnostic study and extended evaluation, if any. [Order 1050, § 490-500-025, filed 8/29/75; Order 775, § 490-500-025, filed 3/1/73.]

**WAC 490-500-030 Eligibility for services—Criteria.** (1) Eligibility shall be based only upon:

(a) The presence of a physical or mental disability which for the individual constitutes or results in a substantial handicap to employment; and

(b) A reasonable expectation that vocational rehabilitation services may benefit the individual in terms of employability.

(2) Eligibility requirements will be provided by the division without regard to sex, race, age, creed, color, or national origin of the individual applying for service.

(3) No person or group of persons shall be found ineligible for services solely on the basis of type of disability.

(4) No person shall be found ineligible for services solely on the basis of age.

(5) No person shall be found ineligible for services based on residence requirement, durational or other. [Order 1050, § 490-500-030, filed 8/29/75; Order 775, § 490-500-030, filed 3/1/73.]

**WAC 490-500-050 Certification for decision of eligibility or ineligibility.** (1) There will be a certification that the individual has met the basic eligibility requirements specified in eligibility criteria. The statement of eligibility will be dated and signed by the VRC.

(2) Whenever it has been determined beyond any reasonable doubt that an individual is ineligible for vocational rehabilitation services, there shall be a certification, dated and signed by the VRC. Certification of ineligibility will be made only after full participation with the individual or, as appropriate, his parent, guardian, or other representative, or after affording a clear opportunity for such consultation. [Order 1050, § 490-500-050, filed 8/29/75; Order 775, § 490-500-050, filed 3/1/73.]

**WAC 490-500-055 Notice to applicant.** (1) The individual shall be notified in writing of the action taken on eligibility or ineligibility.

(2) He shall be informed of the division's procedure for administrative review and fair hearings if he is dissatisfied with the division's decision.

(3) If the applicant was determined to be ineligible for vocational rehabilitation services, the certification shall specify in detail how he failed to meet the criteria of eligibility.

(4) If the applicant was determined to be eligible for vocational rehabilitation services, the notice shall specify the date of certification of eligibility. [Order 1050, § 490-500-055, filed 8/29/75; Order 775, § 490-500-055, filed 3/1/73.]

**WAC 490-500-060 Criteria for the severely handicapped.** A severely handicapped individual is a handicapped individual.

(1) Who has a severe physical or mental disability which seriously limits his functional capacities (mobility, communication, self-care, self-direction, work tolerance, or work skills) in terms of employability; and

(2) Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time, and

(3) Who has one or more physical or mental disabilities resulting from amputation, arthritis, blindness, cancer, cerebral palsy, cystic fibrosis, deafness, heart

disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia, and other spinal cord conditions, sickle cell anemia and end-stage renal disease, or another disability or combination of disabilities determined on the basis of an evaluation of rehabilitation potential to cause comparable substantial functional limitation. [Order 1050, § 490-500-060, filed 8/29/75.]

**WAC 490-500-070 Extended evaluation.** Extended evaluation is the process by which diagnostic and other vocational rehabilitation services are provided to an applicant for the limited purpose of facilitating the determination of his rehabilitation potential and eligibility. Extended evaluation is provided only when a determination of eligibility has not and can not be made within the usual eligibility determination procedure. [Order 775, § 490-500-070, filed 3/1/73.]

**WAC 490-500-075 Extended evaluation—Eligibility criteria.** Furnishing of vocational rehabilitation services under an extended evaluation to determine rehabilitation potential shall be based only upon:

(1) The presence of a physical or mental disability which for the individual constitutes or results in a substantial handicap to employment; and

(2) An inability to make a determination that vocational rehabilitation services might benefit the individual in terms of employability unless there is an extended evaluation to determine rehabilitation potential. [Order 1050, § 490-500-075, filed 8/29/75; Order 775, § 490-500-075, filed 3/1/73.]

**WAC 490-500-077 Certification for extended evaluation to determine rehabilitation potential.** Prior to, and as a basis for providing an extended evaluation to determine rehabilitation potential, there will be a certification that the individual has met the requirements. The certified statement will be dated and signed by the VRC. [Order 1050, § 490-500-077, filed 8/29/75.]

**WAC 490-500-080 Extended evaluation—Program.** (1) After certification for extended evaluation to determine rehabilitation potential, an individualized written rehabilitation program shall be developed jointly by the VRC and the handicapped individual, or, as appropriate his parent, guardian or other representative.

(2) A copy of the written program and any amendments thereto shall be provided to the handicapped individual, or, as appropriate, parent, guardian or other representative.

(3) The program shall include the basis on which a determination of eligibility has been made that an extended evaluation of rehabilitation potential is necessary.

(4) The program shall specify the nature of the vocational rehabilitation services necessary to determine the client rehabilitation potential and shall specify the arrangements which shall be made to provide for and/or otherwise secure such necessary services.

(5) The projected rate for the initiation of each vocational rehabilitation service, the anticipated duration of each such service, and the time within which the objectives and goals for each individual might be achieved.

(6) The terms and conditions for the provision of vocational rehabilitation services including:

(a) Responsibilities of the handicapped individual in implementing the individualized written rehabilitation program,

(b) The extent of client participation in the cost of services based on the financial need of the client, and

(c) The extent to which the individual is eligible for similar benefits under any other programs.

(7) An assurance that the handicapped individual has been informed of his rights and the means by which he may express and seek remedy for his dissatisfactions, including the opportunity for an administrative review of the division's action or fair hearings.

(8) Where appropriate, assurance that the handicapped individual has been provided a detailed explanation of the availability of the resources within a client assistance project. [Order 1050, § 490-500-080, filed 8/29/75; Order 775, § 490-500-080, filed 3/1/73.]

**WAC 490-500-085 Extended evaluation—Services provided.** The following vocational rehabilitation services will be available to individuals:

(1) Evaluation, including diagnostic and related services;

(2) Counseling and Guidance;

(3) Physical and mental restoration services;

(4) Training, including personal and vocational adjustment, books, tools, and other training materials;

(5) Maintenance;

(6) Transportation;

(7) Services to members of a handicapped individual's family when such services are necessary to the adjustment of rehabilitation of the handicapped individual;

(8) Interpreter services for the deaf;

(9) Telecommunications, sensory and other technological aids and devices;

(10) Other goods and services which are necessary to determine the client's rehabilitation potential. [Order 1050, § 490-500-085, filed 8/29/75; Order 775, § 490-500-085, filed 3/1/73.]

**WAC 490-500-090 Extended evaluation—Services not provided.** The following goods and services cannot be provided until decisions have been reached as to a client's specific employment objectives, and therefore shall not be provided under an extended evaluation plan:

(1) Placement;

(2) Occupational tools and equipment or initial stocks and supplies;

(3) Business enterprises;

(4) Occupational licenses. [Order 775, § 490-500-090, filed 3/1/73.]

**WAC 490-500-095 Extended evaluation—Duration and scope of services.** (1) Vocational rehabilitation services necessary for the determination of rehabilitation

potential, including those provided within a thorough diagnostic study, may be provided to a handicapped individual for a total period not in excess of 18 months.

(2) Other conditions:

(a) The extended evaluation period shall begin with the date of the certification for extended evaluation to determine rehabilitation potential. Only one period not in excess of 18 months shall be permitted during the period that the case is open. If a case has been closed as a result of a determination that the handicapped individual's needs have changed, such case may be re-opened and a subsequent evaluation of rehabilitation potential may be carried out provided that the conditions in "basic conditions of extended evaluation to determine rehabilitation potential" are met.

(b) Vocational rehabilitation services, authorized after the expiration of the extended evaluation period will be provided only if the certification of eligibility required has been executed by the VRC. [Order 1050, § 490-500-095, filed 8/29/75; Order 775, § 490-500-095, filed 3/1/73.]

**WAC 490-500-100 Extended evaluation—Assessment.** A thorough assessment of the individual's progress will be made as frequently as necessary but at least once in every 90 day period during the period in which services are being provided under an extended evaluation of rehabilitation potential, including periodic reports from the institution, facility, or person providing the services, to determine the results of the probation of such services and to determine whether such individual may be determined to be eligible or ineligible. [Order 1050, § 490-500-100, filed 8/29/75; Order 775, § 490-500-100, filed 3/1/73.]

**WAC 490-500-105 Extended evaluation—Revision of program.** A program of extended evaluation may be revised at any time and shall be revised as necessary if the needs of the client have changed or problems have arisen which have interrupted the provision of extended evaluation services. [Order 1050, § 490-500-105, filed 8/29/75; Order 775, § 490-500-105, filed 3/1/73.]

**WAC 490-500-110 Extended evaluation—Termination.** (1) At any time prior to the expiration of an 18-month extended evaluation period, the extended evaluation for the determination of rehabilitation potential shall be terminated when:

(a) The individual is found eligible for vocational rehabilitation services since there is a reasonable assurance that he can be expected to benefit in terms of employability from vocational rehabilitation services; or

(b) The individual is found ineligible for any additional vocational rehabilitation services since it has been determined beyond any reasonable doubt that he cannot be expected to benefit in terms of employability from vocational rehabilitation services.

(2) In such cases the procedures outlined in WAC 490-500-280 must be followed. [Order 1050, § 490-500-110, filed 8/29/75; Order 775, § 490-500-110, filed 3/1/73.]

**WAC 490-500-120 Certification of termination of extended evaluation and notice.** The certification of termination of extended evaluation and notice is applicable when the following is considered:

(1) Certification of eligibility for regular case services. Prior to, or simultaneously with acceptance of a handicapped individual for vocational rehabilitation services, there will be a certification that the individual has met the requirements specified. The certified statement will be dated and signed by the VRC.

(2) Certification of ineligibility. When it has been determined beyond any reasonable doubt that an individual is ineligible for vocational rehabilitation services, there shall be a certification, dated and signed by the VRC. Such certification of ineligibility will be made only after full participation with the individual or, as appropriate, his parent, guardian, or other representative, or after affording a clear opportunity for such consultation. [Order 1050, § 490-500-120, filed 8/29/75; Order 775, § 490-500-120, filed 8/1/73.]

**WAC 490-500-140 Accepted for regular services.** The division shall make an acceptability determination as to every applicant who has been certified as eligible for services. The determination of acceptability for services shall be made simultaneously with or as soon as possible after the certification of eligibility for services. [Order 1050, § 490-500-140, filed 8/29/75; Order 775, § 490-500-140, filed 3/1/73.]

**WAC 490-500-145 Criteria for selection of service.** In selecting handicapped individuals to be provided vocational rehabilitation services when such services cannot be provided to all persons who apply and who have been determined to be eligible or who have been determined to be in need of an extended evaluation of rehabilitation potential to determine eligibility, clients are to be accepted for services in order of priorities listed:

- (1) The most severely handicapped;
- (2) The disabled public assistance recipients;
- (3) The disabled public offenders;
- (4) All other clients will be accepted in order of precedence by date of application with earliest date of application having first priority. [Order 1050, § 490-500-145, filed 8/29/75; Order 775, § 490-500-145, filed 3/1/73.]

**WAC 490-500-180 Economic need.** (1) The division shall provide the following services regardless of the economic need of the client receiving the services:

- (a) Diagnostic and related services,
  - (b) Counseling,
  - (c) Training,
  - (d) Interpreter services for the deaf,
  - (e) Placement.
- (2) The following vocational rehabilitation services shall be provided by the division only if the client receiving the services is eligible for such services on the basis of economic need:
- (a) Physical restoration services,
  - (b) Transportation, except where provided in connection with diagnostic services,

- (c) Training tools, material, books and supplies,
- (d) Placement tools, equipment, and initial stocks and supplies;
- (e) Occupational licenses,
- (f) Maintenance, except where provided in connection with diagnostic services,
- (g) Other goods and services necessary for the client rehabilitation, including post-employment services necessary for the client's rehabilitation. [Order 1050, § 490-500-180, filed 8/29/75; Order 775, § 490-500-180, filed 3/1/73.]

**WAC 490-500-185 Economic need—Financial statement required.** An applicant accepted for vocational rehabilitation services or accepted for extended evaluation to determine rehabilitation potential shall be required to furnish the division with:

- (1) Such information in detail regarding his financial assets, income, debts, obligations, and expenses as may be necessary to enable the division to make a determination of his economic need;
- (2) A signed statement indicating whether he is in need of financial assistance from the division to participate in those vocational rehabilitation services which are conditioned upon economic need. [Order 1050, § 490-500-185, filed 8/29/75; Order 775, § 490-500-185, filed 3/1/73.]

**WAC 490-500-190 Economic need—Standards for determining.** (1) A client shall be eligible on the basis of economic need to receive vocational rehabilitation services or extended evaluation services from the division when the total of his obligations, debts, and expenses is equal to or exceeds the total of his income and nonexempt assets or resources. When the value of his income and nonexempt assets is greater than the value of his obligations, debts, and expenses, the excess of the former over the latter shall be taken into account in planning for payment of the cost of those services which are conditioned upon economic need.

(2) Determination of a client's economic need involves an evaluation of the income, assets, debts, obligations, and expenses of his entire family unit, including his dependents or, if the client is an unemancipated minor, his parents.

(3) The following shall be considered income for the purpose of determining the economic need of a client:

- (a) Wages paid to the client and to any dependent family members living in the home. For purposes of this section wages shall be equal to gross wages less deductions for income taxes, social security, taxes, retirement deductions, and other involuntary deductions.
- (b) Contributions from relatives or others, in cash or in kind, on a regular and predictable basis,
- (c) Net profit from roomers or boarders,
- (d) Net profit from property rentals,
- (e) Net profit from farm products,
- (f) Net profit from business enterprises,
- (g) Scholarship or fellowship funds,
- (h) Income from public or private welfare agencies,

(i) Any other income received on a regular and predictable basis, including but not limited to alimony, dividends from stocks, annuity payment, unemployment compensation, insurance, pensions, etc.

(4) The following types of property shall be considered exempt assets and may not be considered in determining the client's economic need;

(a) The home occupied by the client or his family, including any contiguous real property. A house trailer is an exempt asset when it is being regularly occupied by the client or his family as the principle place of residence or when it will be so occupied in the predictable future.

(b) Household furniture, clothing, life insurance, and other personal effects;

(c) An automobile when one or more of the following conditions is met:

(i) The client and his family have only one automobile, or

(ii) All automobiles used by the family are for the purpose of transportation to work or school, or

(iii) The automobile has been furnished in whole or in part to the client or to one of his dependents by the veteran's administration, or

(iv) The automobile is essential to the client's vocational rehabilitation objective.

(d) Vocational equipment and machinery owned by the client is an exempt asset if it is being used to provide part or all of the living expenses of the client and his dependents or if it may be so used after completion of the vocational rehabilitation plan;

(e) Livestock is an exempt asset to the extent that it produces income or otherwise helps the client to meet normal living requirements.

(5) All types of tangible and intangible property, including but not limited to real property, personal property, stocks, bonds, savings accounts, and checking accounts, which are not exempt under subsection (4) shall constitute the client's nonexempt assets and shall be considered in determining the client's economic need. The value of a nonexempt asset shall be equal to its fair market value less any unpaid encumbrances of record.

(6) The following obligations, debts, and expenses shall be deducted from the client's income and nonexempt assets in determining the client's economic need;

(a) The client's actual shelter and living expenses, not to exceed the normal living requirement as established by the division,

(b) Shelter and living expenses for the client's dependents, not to exceed the normal living requirement as established by the division.

(c) Payments which the client is required to make under court order,

(d) Outstanding taxes on earnings or personal or real property,

(e) Insurance premium payments,

(f) Contractual payments on real or personal property if such obligations were incurred prior to the client's application for vocational rehabilitation services.

(7) The normal living requirements shall be the dollar amount of funds which the division has determined to be necessary to maintain a client and his dependents, if any, on a normal standard of living.

(a) The maximum amounts allowed for the support of an individual client and his dependents shall be:

(i) \$99.80 for self, plus cost of shelter, \$100.00 maximum - \$199.80 total maximum,

(ii) \$136.25 for self and one dependent, plus cost of shelter, \$140.00 maximum - \$276.25 total maximum,

(iii) \$196.90 for self and two dependents, plus cost of shelter, \$150.00 maximum - \$346.90 total maximum,

(iv) \$225.55 for self and three dependents, plus cost of shelter, \$160.00 maximum - \$385.55 total maximum,

(v) \$266.75 for self and four dependents, plus cost of shelter, \$165.00 maximum - \$431.75 total maximum,

(vi) \$308.35 for self and five dependents, plus cost of shelter, \$170.00 maximum - \$478.35 total maximum,

(vii) For each dependent over five, add \$39.80.

(b) Shelter for purposes of determining normal living requirement shall include the actual cost to the client of rent, house payments, taxes, assessments and insurance not to exceed the maximum amounts listed in subsection (7)(a). [Order 1050, § 490-500-190, filed 8/29/75; Order 775, § 490-500-190, filed 3/1/73.]

**WAC 490-500-200 Economic need—Notification of decision.** When it is determined that the client shall be required to contribute financially to his rehabilitation, the division shall explain to him when, how, and for what services his funds will be used. [Order 1050, § 490-500-200, filed 8/29/75; Order 775, § 490-500-200, filed 3/1/73.]

**WAC 490-500-255 Thorough diagnostic study.** (1) There will be a thorough diagnostic study which will determine the nature and scope of services needed by the individual, and which will consist of a comprehensive evaluation of pertinent medical, psychological, vocational, educational, and other related factors which bear on the individual's handicap to employment and rehabilitation needs.

(2) The thorough diagnostic study will be sufficient in each case to determine the vocational rehabilitation services which are needed to attain vocational goals of the handicapped individual and that the findings of such study will be recorded in the individualized written rehabilitation program.

(3) The thorough evaluation shall include, to the extent necessary, an appraisal of the following factors:

(a) Intelligence level;

(b) Educational achievements;

(c) Work experience;

(d) Personal, vocational and social adjustment;

(e) Employment opportunities;

(f) Patterns of work behavior;

(g) Ability to acquire occupational skill;

(h) Capacity for successful job performance which may include trial job situations (simulated or real) to assess capabilities to perform adequately in a work environment.

(4) The thorough evaluation shall include specialty medical examinations as required below whenever the individual is known to have the following conditions:

(a) Visual impairment - ophthalmological or optometric evaluation;

(b) Hearing impairment or deafness – otological and audio-logical evaluation;

(c) Mental retardation – psychological evaluation; [Order 1050, § 490-500-255, filed 8/29/75; Order 775, § 490-500-255, filed 3/1/73.]

**WAC 490-500-257 Vocational rehabilitation program.** An individualized written rehabilitation program will be initiated and continuously developed for each handicapped individual eligible for vocational rehabilitation. [Order 1050, § 490-500-257, filed 8/29/75.]

**WAC 490-500-260 Vocational rehabilitation program—Content of regular case program.** The individualized written rehabilitation program shall place primary emphasis on the determination and achievement of a vocational goal, and as appropriate, shall include, but shall not necessarily be limited to statements concerning the following:

(1) The basis on which the determination of eligibility has been made;

(2) The long-range employment goals established for the individual and the intermediate rehabilitation objectives related to the attainment of such goals;

(3) The determination of the specific vocational rehabilitation services to be provided in order to achieve established employment goals and the terms and conditions for the provision of such services;

(4) The projected rate for the initiation of each vocational rehabilitation service, the anticipated duration of each such service, and the time within which the objectives and goals for each individual might be achieved;

(5) The views of the handicapped individual or, as appropriate, his parent, guardian, or other representative, concerning his goals and objectives and the vocational rehabilitation services being provided;

(6) The terms and conditions for the provision of vocational rehabilitation services including responsibilities of the handicapped individual in implementing the individualized written rehabilitation program:

(a) Extent of client participation in the cost of services based on the financial need of the client, and

(b) Extent to which the individual is eligible for similar benefits under any other programs;

(7) An assurance that the handicapped individual has been informed of his rights and the means by which he may express and seek remedy for his dissatisfactions, including the opportunity for an administrative review of action or fair hearings.

(8) Where appropriate, assurance that the handicapped individual has been provided a detailed explanation of the availability of the resources within a client assistance project.

(9) The basis on which the individual has been determined to be rehabilitated; and

(10) Any plans for the provision of post-employment services after a suitable employment objective has been achieved and the basis on which such plans are developed.

(11) A copy of the written program, and any amendments thereto shall be provided to the handicapped individual, or, as appropriate, his parents, guardian or other

representative. [Order 1050, § 490-500-260, filed 8/29/75; Order 775, § 490-500-260, filed 3/1/73.]

**WAC 490-500-270 Vocational rehabilitation program—Participation of client.** The individualized written rehabilitation program shall be developed jointly by the VRC and the handicapped individual or, as appropriate, his parent, guardian or other representative, and a copy of the written program, and any amendments thereto, shall be provided to the handicapped individual or, as appropriate, his parent, guardian or other representative. [Order 1050, § 490-500-270, filed 8/29/75; Order 775, § 490-500-270, filed 3/1/73.]

**WAC 490-500-275 Vocational rehabilitation program—Annual review.** The individualized written program shall be reviewed as often as necessary but at least on an annual basis at which time each handicapped individual, or, as appropriate, his parent, guardian or other representative will be afforded an opportunity to review such program and, if necessary, jointly redevelop its terms. [Order 1050, § 490-500-275, filed 8/29/75; Order 775, § 490-500-275, filed 3/1/73.]

**WAC 490-500-280 Vocational rehabilitation program—Termination.** When the services are terminated under a written program on the basis of a determination that the handicapped individual is not capable of achieving a vocational goal and is then no longer eligible, the following conditions and procedures will be made and carried out:

(1) Such decision shall be made only with full participation of such individuals or as appropriate, his parent, guardian, or other representative.

(2) The views of the individual or his representative concerning the decision shall be recorded in the individualized written program.

(3) The rationale for such decision must be thoroughly documented and included as a part or amendment to the written rehabilitation program.

(4) The client will be informed that his case will be reviewed within twelve months, offering the individual clear opportunity for full consultation and reconsideration of such decision of ineligibility. Subsequent reviews may be made only upon his request.

(5) Consultation or annual review would not be scheduled if,

(a) There is a recorded statement by the individual indicating that he does not want to have further consideration;

(b) Individual is uncooperative and shows lack of interest;

(c) Individual is no longer in the state;

(d) Individual's whereabouts are unknown;

(e) Individual's medical condition is rapidly progressive or terminal;

(f) There are other strong reasons that would make an annual review impractical. [Order 1050, § 490-500-280, filed 8/29/75; Order 775, § 490-500-280, filed 3/1/73.]



**WAC 490-500-300 Objective of vocational rehabilitation.** The objective of vocational rehabilitation services is to enable an individual to enter or retain employment consistent with his capacities and abilities in the competitive labor market, the practice of a profession, self-employment, home-making, farm or family work (including work for which payment is in kind rather than in cash; sheltered employment; homebound employment; or other gainful work). Vocational rehabilitation services will be limited to the amount necessary in the individual case to fit the client for his vocational objective not only for the moment, but have suitable continuing employment in varying economic conditions. [Order 1050, § 490-500-300, filed 8/29/75; Order 775, § 490-500-300, filed 3/1/73.]

**WAC 490-500-325 Services available from other agencies.** The division of vocational rehabilitation funds shall not be expended to purchase services for which a client is eligible from another agency which has primary responsibility for providing the needed service. In all cases, full consideration will be given to any similar benefits available to a handicapped individual on any other program. [Order 1050, § 490-500-325, filed 8/29/75; Order 775, § 490-500-325, filed 3/1/73.]

**WAC 490-500-350 Vocational rehabilitation services.** Each client accepted for services shall be provided any rehabilitation services found by the diagnostic study to be necessary for the realization of his rehabilitation objective including but not limited to:

- (1) Evaluation of rehabilitation potential;
- (2) Counseling and guidance;
- (3) Physical and mental restoration services;
- (4) Vocational and other training services, including personal and vocational adjustment, books, tools and other training materials;
- (5) Maintenance;
- (6) Transportation;
- (7) Services to members of a handicapped individual's family when such services are necessary to the adjustment of rehabilitation of the handicapped individual;
- (8) Interpreter services for the deaf;
- (9) Reader services, rehabilitation teaching services, and orientation and mobility services for the blind;
- (10) Telecommunications, sensory and other technological aids and devices;
- (11) Recruitment and training services to provide new employment opportunities and other appropriate public service employment;
- (12) Placement in suitable employment;
- (13) Post-employment services, necessary to assist handicapped individuals to maintain suitable employment;
- (14) Occupational licenses, tools, equipment, initial stocks (including livestock) and supplies; and
- (15) Other goods and services which can reasonably be expected to benefit a handicapped individual in terms of employability. [Order 1050, § 490-500-350, filed 8/29/75; Order 775, § 490-500-350, filed 3/1/73.]

**WAC 490-500-380 Vocational rehabilitation services—Counseling and guidance.** (1) Counseling and guidance shall be provided by the division when necessary to

(a) Assist the client to understand his capacities, aptitudes, and interests,

(b) Assist the client to understand his limitations and the health problems, personal problems, and social problems which may be encountered during the course of and after completion of the rehabilitation process,

(c) Assist the client to select a suitable and realistic vocational goal,

(d) Assist the client to understand the services available to him from the division and other community resources and to understand how such resources can best be obtained and utilized in his rehabilitation process,

(e) Assist the client to adjust to situations encountered during the rehabilitation process, e.g., control of anxieties concerning physical restoration, development of appropriate study and work habits, improvement of personal appearance, management of finances, preparation for job interviews and tests, and establishment and maintenance of effective inter-personal relationships,

(f) Counsel and assist family members, relatives, and friends of the client to aid and assist in the rehabilitation process,

(g) Counsel with prospective employers to determine whether the individual has chosen a feasible and appropriate vocational goal.

(2) Counseling and guidance shall be provided without regard to economic need. [Order 1050, § 490-500-380, filed 8/29/75; Order 775, § 490-500-380, filed 3/1/73.]

**WAC 490-500-385 Vocational rehabilitation services—Physical and mental restoration.** (1) Physical and mental restoration shall be provided to a client to the extent necessary to achieve his vocational rehabilitation objective provided the clinical status of his condition is stable or slowly progressive, and provided that physical and mental restoration services may be expected to eliminate or substantially reduce the handicapping condition within a reasonable period of time.

(2) Physical and mental restoration services shall be provided to a client accepted for extended evaluation to the extent necessary to complete the evaluation, regardless of whether his condition is stable or slowly progressive.

(3) Physical and mental restoration services shall include all medical and related services by means of which a physical, mental, or emotional disability may be rendered less incapacitating, such as:

(a) Medical treatment including but not limited to therapeutic programs under medical supervision, necessary laboratory work, and necessary medication,

(b) Surgical treatment; surgery for cardiac or gynecological conditions shall be provided only if approved by the state medical consultant,

(c) Psychiatric treatment only when the diagnostic study clearly indicates a favorable prognosis for relatively short term therapy. A program of psychiatric treatment which will extend beyond twelve months must have the prior approval of the state medical consultant,

(d) Dental treatment only when it will significantly increase employability or remove an established vocational handicap, or in emergency situations involving pain, acute infections, or injury. Examples of disabling dental conditions for which restorative services may be authorized include widespread ulceration of teeth, destruction of tooth structures, decay which seriously affects the individual's ability to eat, badly malformed or positioned teeth, or rejection of the individual from employment on the basis of his appearance. Restorative dental services will not be provided when the restoration will not directly affect employability;

(e) Nursing services,

(f) Hospital (either inpatient or outpatient care) and clinic services,

(g) Convalescent, nursing, or rest home care only when there is an expectation of a normal period of convalescence after which other appropriate services leading to the rehabilitation of the client may be initiated or resumed. Such care shall not be provided by the division as a long-term process for conditions not expected to improve,

(h) Drugs and supplies,

(i) Prosthetic, orthoptic or other assistive devices essential to obtaining or retaining employment,

(j) Eyeglasses and visual services,

(k) Podiatry;

(l) Physical therapy; physical therapy shall consist of the employment of the physically beneficial properties of light, heat, cold, water, electricity, massage, manipulation, exercise, and mechanical devices as treatment of disease or injury.

(m) Occupational therapy; occupational therapy shall include all manual skills and recreational activities which provide specific active exercise for physical disabilities and shall include psychologic rehabilitation techniques,

(n) Medical or medically related social work services,

(o) Medically directed speech or hearing therapy,

(p) Treatment of medical applications and emergencies, either acute or chronic, which are associated with or arise out of the provision of physical restoration services, or are inherent in the condition under treatment,

(q) Special services for the treatment of individuals suffering from end-stage renal disease, including transplantation, dialysis, artificial kidneys and supplies, and

(r) Short term treatment of minor or temporary illness which, if not cared for, would constitute a hazard to the achievement of the vocational objective (or to the completion of extended evaluation); such short term medical treatment shall not exceed thirty days in the case of any one illness,

(4) Physical and mental restoration services shall be provided by persons licensed to practice in the field of their specialties. It shall be required that physicians providing medical and/or surgical treatment services shall

demonstrate eligibility for or certification by the appropriate medical specialty board. Any exceptions to this policy can only be made by the state medical consultant. The state medical consultant for the department shall be responsible for establishing standards of competence for vendors of physical restoration services provided clients of the department where licensure or other regulatory standards have not been established in the Washington Administrative Code, as amended.

(5) The provision of physical and mental restoration services shall be conditioned on the economic need of the client. [Order 1050, § 490-500-385, filed 8/29/75; Order 775, § 490-500-385, filed 3/1/73.]

**WAC 490-500-387 Vocational rehabilitation services—Public safety officer.** Vocational rehabilitation services will be made available to civil employees of the U.S. government who are disabled in line of duty, under the terms and conditions as are applied to other handicapped individuals. [Order 1050, § 490-500-387, filed 8/29/75.]

**WAC 490-500-389 Vocational rehabilitation services—Telecommunications.** The provision of telecommunications, sensory or other technological aids and devices, individualized prescriptions and fittings must be performed by individuals licensed to fill such prescriptions and licensed to perform such fittings in accordance with state licensure laws, or be appropriately certified professionals. Aids and devices not requiring individual fittings must meet engineering and safety standards recognized by experts in the field. [Order 1050, § 490-500-389, filed 8/29/75.]

**WAC 490-500-390 Vocational rehabilitation services—Training.** (1) A client who has the mental, physical, and emotional qualifications and capacity to benefit from rehabilitation training, and who requires such training in order to achieve his rehabilitation goal, may receive rehabilitation training services from the division. Such services shall include, as necessary, all vocational, pre-vocational, educational, personal adjustment, work adjustment or other types of training which might contribute to the client's rehabilitation. Training may be provided directly by the division or procured from other public or private training facilities and workshops, public or private schools, and commercial or industrial establishments.

(2) Vocational rehabilitation training shall be limited to the amount of training necessary to fit the client for an appropriate and adequate occupational objective.

(3) The division shall provide training services to clients without regard to the economic need of the client. [Order 1050, § 490-500-390, filed 8/29/75; Order 775, § 490-500-390, filed 3/1/73.]

**WAC 490-500-395 Vocational rehabilitation services—Training—College.** (1) College training may be provided when

(a) The nature of the client's disability is such as to require college training to place him on a reasonably competitive basis in a suitable occupation,

(b) The client's interest, abilities, and aptitudes indicate capacity both for a program of advanced study and for the occupation which has been selected as the goal of the advanced study program. Psychological testing shall be provided unless the client has previously demonstrated an ability to handle college courses,

(c) The client's previous school record or other indications of achievement demonstrate an ability to successfully carry on and benefit from college training,

(d) Evaluation of the client's motivation, study habits, personality and character traits, or other similar factors, indicates that it would be appropriate to provide him with college training even though he has otherwise failed to meet minimal intellectual or academic achievement standards.

(2) A client provided with college training services shall be required to meet established scholastic standards. If his grades fall below the standards required in the field of his choice, it may be necessary to select a new objective for his college training program through joint planning between the client and the VRC or to modify or cancel that portion of his rehabilitation plan which involves college training. If college training is cancelled, the VRC shall then counsel with the client about a vocational objective which does not require college training.

(3) No training or training services in institutions of higher education (universities, colleges, community/junior colleges) shall be paid for with funds under this part unless maximum efforts have been made by the division to secure grant assistance in whole or in part from other sources to pay for such training or training services. [Order 1050, § 490-500-395, filed 8/29/75; Order 775, § 490-500-395, filed 3/1/73.]

**WAC 490-500-400 Vocational rehabilitation services provided—Training—Trade schools.** Training may be provided in business, trade and vocational schools. Business, trade and vocational training facilities shall include but not be limited to beauty schools, barber colleges, business schools where secretarial, accounting, and other office work skills are taught, schools for the training of licensed practical nurses, and trade schools teaching such skills as welding, draftsmanship, electrical engineering, radio repair, etc. Such facilities may be either publicly or privately owned and operated. [Order 775, § 490-500-400, filed 3/1/73.]

**WAC 490-500-405 Vocational rehabilitation services provided—Training—Employment.** (1) Employment training services may be provided to a client when necessary to attainment of the client's vocational goal. "Employment training services" shall mean a program of organized training by which a client is given the opportunity to learn an occupation under actual conditions of commercial, industrial, or other on-the-job employment.

(2) Employment training services shall be provided to an individual client only when the VRC has established that the following conditions have been or will be met:

(a) The client's training program has been prepared and outlined in detail and in advance;

(b) The client's training will follow a definite schedule of specified operations, instructions, and practices which will insure well-rounded preparation for the client's selected occupation;

(c) A mutual understanding has been reached between the trainee—client, the trainer—employment training facility, and the VRC as to the provisions of the client's employment training plan, including length of the training period, financial arrangements, and operations and skills to be learned,

(d) The employer will provide careful supervision of the client's work and will submit regular reports on the client's attendance and progress to the VRC;

(e) The training program will meet any requirements for licensing in the trade or occupation which exists in the field or work in which the client is to be employed;

(f) It has been ascertained that the employment training program is acceptable to other employees of the training facility. [Order 775, § 490-500-405, filed 3/1/73.]

**WAC 490-500-410 Vocational rehabilitation services—Training—Sheltered workshop.** (1) The division may provide work adjustment services (employability training) to clients in a sheltered workshop environment. Work adjustment is appropriate where the client's disability is such as to limit his ability to participate in and take advantage of employment training facilities in the competitive labor market, and shall follow a vocational evaluation which will at the least include a measurement of productivity, behavior in inter-personal situations, work characteristics, and manipulative [manipulative] skills.

(2) The purpose of work adjustment services in sheltered workshops shall be to:

(a) Assist clients in understanding the meaning, value and demands of work.

(b) Modify or develop attitudes, personal characteristics, and work behaviors.

(c) To develop functional capacities as required in order to assist clients toward their optimum level of vocational adjustment.

(3) Vocational adjustment in a sheltered workshop shall meet the following criteria:

(a) There shall be an individualized written program establishing immediate and long-range goals and objectives developed and monitored by a qualified staff person.

(b) The program will be in direct response to those problems defined in the evaluation process.

(c) Methods used to correct client problems and to develop acceptable work behaviors will be defined in writing and monitored and reported on at least monthly.

(d) All programs will be developed with the full knowledge and agreement of the VRC and the client.

(e) Work adjustment services will always aim toward the eventual placement of the client into competitive employment.

(f) Work adjustment services will be undertaken only in state certificated rehabilitation facilities. [Order 1050, § 490-500-410, filed 8/29/75. Prior Order 775, § 490-500-410, filed 3/1/73.]

**WAC 490-500-415 Vocational rehabilitation services—Training materials.** Training tools, materials and supplies which the training facility requires the student to use in the course of training shall be supplied by the division subject to the economic need of the client. This includes such items as textbooks, workbooks, papers, pens, uniforms, shoes, tools, and kits, but does not include fees or tuition required for the enrollment of the student. [Order 1050, § 490-500-415, filed 8/29/75; Order 775, § 490-500-415, filed 3/1/73.]

**WAC 490-500-420 Vocational rehabilitation services—Maintenance.** (1) Maintenance services include the client's basic living expenses, such as food, housing, clothing and health care needs, and other subsistence expenses which are essential to enable him to receive full benefit from other vocational rehabilitation services.

(2) Maintenance services shall be provided to the extent necessary to enable a client to derive the full benefit of other vocational rehabilitation services.

(3) Maintenance may be provided at any time during the rehabilitation process, or following placement, until such time as the client has actually received remuneration for his employment, for a period not to exceed sixty days.

(4) Maintenance services provided in connection with diagnostic services shall be provided without regard to the economic need of the client. The provision of maintenance services in connection with any other type of service shall be conditioned on the economic need of the client. [Order 1050, § 490-500-420, filed 8/29/75; Order 775, § 490-500-420, filed 3/1/73.]

**WAC 490-500-425 Vocational rehabilitation services—Placement.** (1) Placement services shall be provided to all clients accepted for vocational rehabilitation services without regard to the economic need of the client.

(2) The division shall attempt to place all clients in suitable employment in the competitive labor market, including self-employment, whenever appropriate and possible. Competitive employment shall be considered suitable when, after a reasonable period of time, it has been confirmed that the following conditions have, insofar as possible, been met:

(a) The client and employer are mutually satisfied;

(b) The client is maintaining adequate interpersonal relationships and acceptable behavior in the employment environment;

(c) The occupation is consistent with the client's earning capacity, skills, and abilities;

(d) The employment and working conditions will not aggravate the client's disability, and the client's disability will not jeopardize the health or safety of himself or others in the employment situation;

(e) The wage and working conditions conform to the state and federal statutory requirements;

(f) The employment is regular, reasonably permanent, and the client receives a wage commensurate with that paid other workers for similar work.

(3) The division shall attempt to place clients in suitable noncompetitive gainful employment whenever competitive employment is not possible or appropriate under the circumstances of the individual case.

(a) Employment in a sheltered workshop shall be considered a suitable noncompetitive gainful occupation if the work done is productive, regular, and financially gainful.

(b) Employment as a homemaker shall be considered a suitable noncompetitive gainful occupation if the client performs substantial household tasks entailed in making a home for himself or for a family and makes a significant socio-economic contribution to the home situation.

(c) Employment as a family worker shall be considered a suitable noncompetitive gainful occupation if the client performs work in a family farm or family business which is productive and regular and which makes a significant socio-economic contribution to the family farm or business.

(d) Other forms of noncompetitive employment shall be considered suitable gainful occupations when they are productive, regular, and result in financial remuneration for the client and his family. [Order 1050, § 490-500-425, filed 8/29/75; Order 775, § 490-500-425, filed 3/1/73.]

**WAC 490-500-430 Vocational rehabilitation services—Placement materials.** (1) The division may provide a client who is being placed with tools, equipment, occupational licenses, and initial stocks and supplies for use in connection with placement. Such material will be provided in such quantity and will be of such quality as to give reasonable assurance of successful operation of the enterprise, performance in the occupation, or practice of the profession.

(2) As used in this section

(a) "Occupational tools and placement equipment" are any tangible implements or appliances required for the efficient performance of a particular trade, business, or occupation;

(b) "Occupational license" is any license, permit, or other written authority required by a governmental unit as a prerequisite to entering a particular occupation;

(c) "Initial stock and supplies" are any items used, consumed or sold in the normal process of an occupation or in the normal course of a business enterprise.

(3) The provision of tools, equipment, initial stocks and supplies, and occupational licenses to clients by the division shall be conditioned upon the economic need of the client. [Order 1050, § 490-500-430, filed 8/29/75; Order 775, § 490-500-430, filed 3/1/73.]

**WAC 490-500-435 Vocational rehabilitation services—Transportation.** (1) Transportation services shall be provided to clients where necessary in connection with the provision of physical restoration, training, placement, extended evaluation, and diagnostic services.

(2) Transportation services shall include the costs of travel and subsistence during travel for clients and their necessary attendants or escorts. Transportation services may also include costs of relocation and moving expenses

where incurred in connection with other vocational rehabilitation services and where necessary to the achievement of a vocational rehabilitation objective.

(3) The provision of transportation expenses shall be conditioned upon the client's economic need except that transportation expenses in connection with diagnostic services shall be provided by the division without regard to need. [Order 1050, § 490-500-435, filed 8/29/75; Order 775, § 490-500-435, filed 3/1/73.]

**WAC 490-500-440 Vocational rehabilitation services provided—Interpreter services for deaf.** Interpreter services shall be provided to deaf clients without regard to their economic need. [Order 775, § 490-500-440, filed 3/1/73.]

**WAC 490-500-445 Vocational rehabilitation services provided—Services to members of family.** (1) Vocational rehabilitation services shall be provided to members of a client's family when such services are necessary and will substantially contribute to the rehabilitation of the client.

(2) The provision of services to members of the family shall be conditioned upon the economic need of the client. [Order 775, § 490-500-445, filed 3/1/73.]

**WAC 490-500-450 Vocational rehabilitation services provided—Other goods and services.** (1) Such other goods and services shall be provided to the client as are essential to a determination of his rehabilitation potential, to his rehabilitation plan, or to render him fit to engage in a gainful occupation.

(2) The provision of other goods and services shall be conditioned upon the economic need of the client except when provided in connection with diagnostic services. [Order 775, § 490-500-450, filed 3/1/73.]

**WAC 490-500-455 Vocational rehabilitation services—Post-employment services.** (1) The division shall provide such follow-up services to clients after placement as are necessary to insure that the placement is suitable and that the vocational rehabilitation of the individual has been achieved.

(2) The division may provide post-employment services to a client whose case has previously been terminated as "rehabilitated" when such services are necessary to overcome emergent or latent problems related to the original disability or handicap for which he was receiving services prior to termination.

(3) All follow-up and post-employment services provided will have the same requirements to meet the economic needs test as those services that require the needs test for a regular program of services. [Order 1050, § 490-500-455, filed 8/29/75; Order 775, § 490-500-455, filed 3/1/73.]

**WAC 490-500-500 Purchase of services.** The division may purchase training from schools or sheltered workshops, or from business establishments which offer on-the-job training services. [Order 1050, § 490-500-500, filed 8/29/75; Order 775, § 490-500-500, filed 3/1/73.]

**WAC 490-500-505 Purchase of services—Selection criteria—Schools.** (1) In determining whether a particular school is appropriate and acceptable as a training facility, the VRC shall evaluate the curriculum, quality of training, and adequacy of total resources in relation to the client's needs. The VRC may also consider such factors as the placement services, if any, offered by the facility, the convenience of the physical arrangements of the plant and their adaptability to their needs of the client, and the willingness of school authorities to adopt and make available such equipment as is necessary to aid the client in the most efficient pursuit of his training.

(2) The use of schools for training purposes shall generally be limited to those which are accredited, licensed, or approved either by a legal authority, or are recognized as adequate by the professional or trade group with which they are associated. The division shall attempt to utilize for training purposes those schools and other training facilities which provide the recipient with the credits, credentials, diplomas, or other certifications required by the profession or trade which is the goal of the recipient's rehabilitation program.

(3) Tax supported schools shall be used in preference to nontax supported schools whenever possible and appropriate in light of the vocational objective of the client in question.

(4) Out-of-state training facilities shall not be used when satisfactory training opportunities exist within the state. Exceptions to this rule should be made only if the training available out of state offers a distinct and significant advantage to the client in realizing his training objective and subsequent job placement.

(5) Prior to the use of a school as a training facility the VRC shall advise the client involved about the status of the school in which the training program will be carried out. The client shall be made particularly aware of any limitation of job opportunities which might result from the use of a school or facility of limited or no accreditation. [Order 1050, § 490-500-505, filed 8/29/75; Order 775, § 490-500-505, filed 3/1/73.]

**WAC 490-500-510 Purchase of services—Selection criteria—Employment training facilities.** A business or industrial establishment which is to be utilized by the division for the provision of employment training services shall meet the following criteria:

(1) The facility has personnel qualified for instructional purposes by knowledge, skills, and personality;

(2) The facility has sufficiently diversified operations and adequate and suitable materials and equipment to insure a trainee thorough preparations and training within the scope and limits of his occupational objective;

(3) The training of clients is only incidental to the business activity of the facility, and in no case shall the major activity of the facility be the training of clients. [Order 1050, § 490-500-510, filed 8/29/75; Order 775, § 490-500-510, filed 3/1/73.]

**WAC 490-500-520 Purchase of services—Selection criteria—Rehabilitation facilities and workshops.** A rehabilitation facility or a sheltered workshop which is

to be utilized by the division for vocational evaluation, vocational adjustment, placement, or extended sheltered employment, shall have a current certification from the division stating those specific services it is qualified to provide. The facility shall show evidence of an ongoing effort to move clients through the rehabilitation process; i.e., from work evaluation, work adjustment to placement or extended sheltered employment. The facility shall have a sufficient range of activities, or job stations that it can adequately evaluate employability and work behaviors of the client referred. [Order 1050, § 490-500-520, filed 8/29/75.]

**WAC 490-500-525 Termination of services for reason of ineligibility.** (1) Services under a written program are to be terminated on the basis that the handicapped individual is not capable of achieving a vocational goal and is then no longer eligible.

(2) Whenever it has been determined beyond any reasonable doubt that an individual is ineligible for vocational rehabilitation services there shall be a certification, dated and signed by an appropriate staff member and placed in the individual's file. [Order 1050, § 490-500-525, filed 8/29/75; Order 775, § 490-500-525, filed 3/1/73.]

**WAC 490-500-530 Termination of services for reasons other than ineligibility.** Vocational rehabilitation services shall be terminated when a client

(1) has died,

(2) cannot be located by the division after reasonable efforts to do so,

(3) has been institutionalized under circumstances which preclude the provision of services for a substantial or indefinite period of time, or

(4) has moved to another jurisdiction and the division has been unable either to continue provision of services or to refer the individual to an appropriate agency within the other jurisdiction.

(5) removes himself for consideration by declining to accept or utilize vocational rehabilitation services after all reasonable effort has been expended to encourage participation. [Order 1050, § 490-500-530, filed 8/29/75; Order 775, § 490-500-530, filed 3/1/73.]

**WAC 490-500-540 Completion of vocational rehabilitation program.** Services shall be terminated on the basis of the completion of the client's vocational rehabilitation if

(1) The program of rehabilitation services as set forth in the client's rehabilitation plan has, insofar as possible, been completed. Services may be terminated in spite of the failure to comply with this requirement only if the VRC and the client have mutually decided that it is necessary and/or appropriate for the client to accept employment before completing the total plan of services set forth in his rehabilitation program; and

(2) Substantial rehabilitation services have been rendered to the client by the division. No client shall be terminated as rehabilitated unless the division has provided him with the following substantial services,

(a) Adequate and necessary guidance in developing an understanding of his capacities and limitations, his vocational potentialities, and the health, personal, and social problems related to his vocational adjustment,

(b) Assistance in understanding the services available from the division and other community resources and in obtaining and utilizing these services to achieve the best possible vocational adjustment,

(c) Counseling and assistance in adjusting to situations encountered during the rehabilitation process, such as control of anxieties concerning physical restoration, development of appropriate study and work habits, improving personal appearance, managing finances, devising effective interpersonal relationships, etc., and

(3) The client must have been, as a minimum, determined to have achieved a suitable employment objective which has been maintained for a period of time not less than 60 days. The client is engaged in a suitable and gainful occupation. An occupation shall be considered suitable when, after a reasonable period of time has passed since placement, it has been confirmed that the following conditions have, insofar as possible, been met:

(a) The client and employer are mutually satisfied,

(b) The client is maintaining adequate interpersonal relationships and acceptable behavior in the employment environment,

(c) The occupation is consistent with the client's capacities, skills, and abilities,

(d) The employment and working conditions will not aggravate the client's disability, and his disability in the employment situation will not jeopardize the health or safety of himself or others,

(e) The wage and working conditions conform to state and federal statutory requirements,

(f) The employment is regular, reasonably permanent, and the client receives a wage commensurate with that paid other workers for similar work. [Order 1050, § 490-500-540, filed 8/29/75; Order 775, § 490-500-540, filed 3/1/73.]

**WAC 490-500-545 Notification of termination.** The division shall provide written notification to every individual who has applied for services whenever any determination is made to terminate services to him. Such written notice shall specify in detail the reasons for the division's decision to terminate services and shall clearly inform the client of his right to an administrative appeal and to a fair hearing on the decision. [Order 1050, § 490-500-545, filed 8/29/75; Order 775, § 490-500-545, filed 3/1/73.]

**WAC 490-500-550 Confidential information—Disclosure.** (1) The term "confidential information" shall mean all information and records as to personal facts regarding any past or present clients of the division, given or made available to the division, its representatives, or its agents in the course of the administration of the vocational rehabilitation program, including, but not limited to, lists of clients' names and addresses, information with respect to clients' financial resources, records of the division's evaluations of factual

information regarding a client, and all other information about a client, whether recorded or not recorded.

(2) The division shall disclose confidential information, whether directly or indirectly, only under the following circumstances:

(a) Where necessary to and directly connected with the administration of the vocational rehabilitation program, or

(b) Where required by order of a court of competent jurisdiction, or

(c) Where the client has given his informed consent in writing to such disclosure.

(3) The division shall refuse to disclose confidential information even when disclosure has been expressly or impliedly requested by the client if the information in question has been provided to the division on the basis that it will not be disclosed to the client. Information so withheld shall be briefly identified and listed, and said list shall be provided to the client or his authorized representative. Such confidential information shall be provided to the client only under the following circumstances:

(a) Where the person or agency which provided the information has given the division express written authorization to release the information to the client, or

(b) Where, during the course of a fair hearing, the hearing officer has made a determination that the information in question is relevant and material to the issue under appeal and has ordered that said information be made available to the client.

(4) Confidential information may be disclosed or released to an employer in connection with the placement of a client. The division shall release to an employer only such confidential information regarding a client as is essential to his successful placement.

(5) Confidential information may be disclosed or released to welfare agencies or programs from which the client has requested services if:

(a) The client has requested services under circumstances from which his consent may be presumed;

(b) The welfare agencies or programs involved have adopted regulations which will assure that the confidential information disclosed will continue to be held confidential; and

(c) The welfare agency or program involved can assure that the confidential information disclosed shall be used only in connection with application for and receipt of services from such agency or program.

(6) Confidential information may be disclosed or released to organizations or individuals engaged in research if:

(a) the research is directly connected with the administration of the vocational rehabilitation program;

(b) the organization or individual has furnished satisfactory assurance that the confidential information will be used only in connection with the research purposes for which it is provided;

(c) the organization or individual furnishes satisfactory assurance that the final product of the research shall not reveal any information that might serve to identify any person about whom information has been obtained

from the division without the written consent of the person involved and of the division.

(7) Upon written request, information shall be released to the client, or, as appropriate, his parent, guardian, or other representative for purposes in connection with any proceeding or action for benefits or damages, including any proceeding or action against any public agency; provided,

(a) that only such information as is relevant to the needs of the client shall be released, and

(b) in the case of medical or psychological information, the knowledge of which may be harmful to the client, such information will be released to the parent, guardian, or other representative of the client by the division, or to the client by a physician or by a licensed or certified psychologist. [Order 1050, § 490-500-550, filed 8/29/75; Order 775, § 490-500-550, filed 3/1/73.]

**WAC 490-500-560 Administrative review.** (1) Any client who feels aggrieved by, or is otherwise dissatisfied with, any decision or action by the division or its agents with regard to his vocational rehabilitation case may file a request with the division for, and shall thereupon receive, an administrative review and redetermination of that decision or action.

(2) A request for an administrative review may be made either verbally or in writing and may be filed in any office of the division. A verbal request shall promptly be reduced to writing.

(3) All requests for administrative reviews shall:

(a) Specify the date of the decision or action being appealed,

(b) Specify as precisely as possible the issue to be resolved by the administrative review,

(c) Set forth the address of the client or of his representative, and

(d) Be signed by the client or by his representative.

(4) A request for an administrative review must be made within sixty days after receiving notice from the division of the decision or action by the division which is the basis for the request for review.

(5) An administrative review and redetermination shall be provided by the district administrator of the vocational rehabilitation district in which the client has been receiving services, and shall be provided within thirty days after the submission of the request for review.

(6) As soon as possible after the conclusion of the administrative review the district administrator shall certify his findings to the client in writing specifying in reasonable detail the reasons for his findings and informing the client of his right to request and receive a fair hearing if dissatisfied with those findings. [Order 1050, § 490-500-560, filed 8/29/75; Order 775, § 490-500-560, filed 3/1/73.]

**WAC 490-500-570 Fair hearing.** (1) Any client dissatisfied with the finding of an administrative review may request from the division, and shall thereupon be granted, a fair hearing. A client who desires a fair hearing shall request such hearing within thirty days after

receiving notice from the division of the finding of the administrative review.

(2) A request for a fair hearing may be made either verbally or in writing and may be filed in any office of the division. If made verbally, such a request shall promptly be reduced to writing.

(3) All requests for fair hearings shall:

(a) Specify the date of the administrative review which is being appealed from,

(b) Specify as precisely as possible the issue to be adjudicated at the fair hearing,

(c) Set forth the address of the client, his representative or his attorney.

(d) Be signed by the client, his representative, or his attorney.

(4) At any time after the filing of a request for a fair hearing, the client shall have the right of access to and may examine any files and records of the division regarding his vocational rehabilitation case which contain information which is relevant and material to his grievance. This right of access and examination shall extend to the client's representative or attorney if so authorized in writing by the client.

(5) A fair hearing shall be held within thirty days after the submission of a request and shall be held either in the county in which the client resides or in the county in which he has been receiving services. The fair hearing shall be conducted by a hearing officer appointed by the secretary for such purposes.

(6) The division shall notify a client who has requested a fair hearing of the time and place of said hearing at least five days prior to the time thereof by registered mail or by personal service upon said client, unless agreed otherwise in writing by the client and the division.

(7) In the fair hearing any party shall be entitled to be represented by counsel and shall be entitled to introduce evidence and to cross-examine witnesses.

(8) Rules of evidence.

(a) All relevant and material evidence is admissible at fair hearings which in the opinion of the hearing officer is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon the admissibility of evidence the officer conducting the hearing shall give consideration to, but shall not be bound to follow, rules of evidence governing civil proceedings.

(b) When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The hearing officer may, at his discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise ground of objection at the time evidence is offered.

(c) The record of the hearing shall contain all evidence, whether oral or documentary, upon which the final decision is based. The final decision shall not take into consideration any evidence or information not introduced as evidence at the hearing and included in the record of the hearing.

(d) Documentary evidence may be received in the form of copies and excerpts or through incorporation by reference.

(9) The division shall not be required to pay fees or mileage to witnesses appearing at fair hearings.

(10) The division or the hearing officer may take, or cause to be taken, depositions and interrogatories for use as evidence in the fair hearing where such action will expedite the fair hearing.

(11) Any party who desires a continuance shall immediately upon receipt of a notice of hearing, or as soon thereafter as facts requiring such continuance come to his knowledge, notify the division or its designated hearing officer of said desire, stating in detail the reasons why such continuance is necessary. The division or its hearing officer, in passing upon a request for continuance, shall consider whether such request was promptly and timely made. The division or its hearing officer may grant a continuance for good cause shown, and may at any time order a continuance upon its own motion. If during the hearing it appears that further testimony or argument should be received in the interest of justice, the hearing officer conducting the hearing may, at his discretion, continue the hearing and fix the date for introduction of additional evidence or presentation of argument.

(12) A client shall have the right to withdraw his appeal at any time prior to the hearing officer's decision by filing a written notice of withdrawal with the division. If, after being duly notified of a hearing a client or his representative fails to appear, the appeal shall be considered abandoned and dismissed for failure to prosecute.

(13) The fair hearing shall be closed to the public, with only the hearing officer, the client and his representative, the client's witnesses, and the division's representatives and witnesses in attendance, unless the client has made a written request to the division that the hearing be open to the public.

(14) In any fair hearing proceedings, the hearing officer may in his discretion direct the parties or their representatives to appear at a specified time and place for a conference to consider a simplification of the issues involved, the possibility of obtaining stipulations, admissions of fact, and relevant documents, and such other matters as may aid in efficient dispositions of the proceedings.

(15) In the absence of controverting evidence, the hearing officer may, upon request made during a fair hearing, officially notice:

(a) General customs and practices followed in the transaction of business,

(b) Facts generally and widely known to all informed persons as are not subject to reasonable dispute,

(c) The disposition of any proceedings then pending before or previously concluded by the division,

(d) Matters within the technical knowledge of the division as a body of experts, or within the scope of pertaining to the subject matter of its duties, responsibilities, or jurisdiction.

(16) The division shall, within thirty days after the date of the fair hearing, notify the client in writing of the decision of the hearing officer. Such notification



shall include a concise statement of the nature of the proceedings, contain appropriate findings of fact and conclusions of law, and specify in reasonable detail the reasons for the hearing officer's decision.

(17) In computing any period of time prescribed or allowed by division rules or by applicable statutes, the date of the act, event or decision after which the designated period of time begins to run is not included. The last day of the period so computed is to be included unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday. [Order 1050, § 490-500-570, filed 8/29/75; Order 775, § 490-500-570, filed 3/1/73.]

**WAC 490-500-590 Client records.** The division will maintain for each applicant for vocational rehabilitation services a case record which will include to the extent pertinent, the following information:

(1) Documentation as to the preliminary diagnostic study, supporting the determination of eligibility, or the determination that an extended evaluation of rehabilitation potential is necessary to make such determination;

(2) In the case of individuals who have applied for vocational rehabilitation services and have been determined to be ineligible, documentation as to the preliminary diagnostic study specifying the reasons for such determination;

(3) Data supporting any determination that the handicapped individual is a severely handicapped individual;

(4) Documentation as to periodic assessment of the individual during an extended evaluation of rehabilitation potential;

(5) An individualized written rehabilitation program as developed and any amendments to such program;

(6) In the event the physical and mental restoration services are provided documentation supporting the determination that the clinical status of the handicapped individual is stable or slowly progressive;

(7) Documentation supporting any decision to provide services to family members;

(8) Data relating to the participation by the handicapped individual in the cost of vocational rehabilitation services if the state elects to condition the provision of any vocational rehabilitation services on the financial need of the handicapped individual;

(9) Data relating to the eligibility of the individual for similar benefits under any other program;

(10) Documentation that the individual has been advised of the confidentiality of all information pertaining to his case, and documentation and other material pertinent to the release of any information concerning the handicapped individual on the basis of the written consent of the handicapped individual;

(11) Documentation as to the reason and justification for closing the case, including the employment status of the client, and if the individual is determined to be rehabilitated, the basis on which the employment was determined to be suitable;

(12) Documentation of any plans for the provision of post-employment services after the employment objective has been achieved, the basis on which such plans

were developed, and a description of the services provided and the outcomes achieved;

(13) Documentation as to any action and decision involving the handicapped individual's request for an administrative review of agency action or fair hearings; and

(14) In the case of an individual who has been provided vocational rehabilitation services under an individualized written program but who has been determined after the initiation of such services to be no longer capable of achieving a vocational goal, documentation of any reviews of such determination. [Order 1050, § 490-500-590, filed 8/29/75; Order 775, § 490-500-590, filed 3/1/73.]