

Title 490 WAC

**COMMISSION FOR VOCATIONAL
EDUCATION AND VOCATIONAL
REHABILITATION**

**(SOCIAL AND HEALTH SERVICES, DEPT.
OF)**

Chapters

- 490-02 Incorporation of Federal Regulations by Reference.
- 490-03 Affirmative action policy.
- 490-04A Authority and organization for commission for vocational education.
- 490-05 Full-time personnel and functions to eliminate sex discrimination and sex stereotyping.
- 490-08A Rules of practice and procedure.
- 490-12A Qualifications of personnel.
- 490-15A Occupational training of rehabilitation clients--Approval of schools.
- 490-28A Minimum qualifications of personnel.
- 490-29 Vocational education personnel training.
- 490-31 Apprenticeship programs.
- 490-32A Definitions for terms commonly used in vocational education activities.
- 490-33 Co-op education.
- 490-34 Program evaluation and compliance auditing.
- 490-36A Conditions for approval of local educational agency programs.
- 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.
- 490-53 Program improvement.
- 490-56A Exemplary programs and projects.
- 490-60A Home and family life education.
- 490-64A Cooperative vocational education programs.
- 490-68A Work-study programs.
- 490-72A Residential vocational education schools.
- 490-76A Fiscal control and fund accounting procedures.
- 490-325 Commission for vocational education.
- 490-500 Vocational rehabilitation and services for handicapped persons.
- 490-600 Educational services registration.

Chapter 490-02 WAC

**INCORPORATION OF FEDERAL REGULATIONS
BY REFERENCE**

WAC

490-02-010 Incorporation of federal regulations by reference.

WAC 490-02-010 Incorporation of federal regulations by reference. The purpose of this section is to implement Public Law 94-482, the Federal Vocational Act of 1963, as amended, and certain regulations promulgated thereunder, by the office of education of the Department of Health, Education and Welfare. To this end the Washington State Commission for Vocational Education hereby adopts by reference into the Washington Administrative Code the following federal regulations as contained in 45 CFR Sec. 104 (Federal Register, Vol. 42, No. 191—Monday, October 3, 1977) as now or hereafter amended:

SUBPART I-STATE ADMINISTRATION

Sec.

- 104.1 Scope.
- 104.2 Purpose.
- 104.3 Applicability of General Education Provisions Regulations.
- 104.4 Cross reference to definitions.
- 104.5 Requirements under Part B of the Education of the Handicapped Act.

State Board

- 104.31 Establishment of State board.
- 104.32 Responsibilities of the State board.
- 104.33 Delegation of functions.
- 104.34 State administration and leadership.

**Full-Time Personnel and Functions to Eliminate Sex
Discrimination and Sex Stereotyping.**

- 104.71 Scope.
- 104.72 Selection of full-time personnel to eliminate sex discrimination and sex stereotyping.
- 104.73 Definitions.
- 104.74 Funds for full-time personnel and functions.
- 104.75 Functions of full-time personnel.
- 104.76 Studies to carry out functions.

State Advisory Council

- 104.91 Establishment and certification.
- 104.92 Membership.
- 104.93 Functions and responsibilities.
- 104.94 Meetings and rules.
- 104.95 Staff and services.
- 104.96 Fiscal control.
- 104.97 Annual evaluation report.

Local Advisory Councils

- 104.111 Establishment of local advisory councils.
- 104.112 Duties of local advisory councils.
- 104.116 Vocational education information data system.

National and State Occupational Information Coordinating Committees

- 104.121 Establishment of National Occupational Information Coordinating Committee.
- 104.122 Requirement to establish State occupational information coordinating committees.
- 104.123 Duties of the State occupational information coordinating committee.

General Application

- 104.141 Requirement for filing a general application.

Development of Five-Year State Plan

- 104.161 Submission of five-year State plan.
- 104.162 Representation required in the development of the five-year State plan.
- 104.163 Meetings of participating representatives.
- 104.164 State board adoption of the five-year State plan.
- 104.165 Public hearings on the five-year State plan.
- 104.171 Certification of plans.
- 104.181 Content of five-year State plan.
- 104.182 Procedures to assure compliance with the general application.
- 104.183 Assessment of employment opportunities.
- 104.184 Goals to meet employment needs.
- 104.185 Funding to meet employment needs.
- 104.186 Funding to meet program (purpose) needs.
- 104.187 Policies for eradicating sex discrimination.
- 104.188 Coordination between manpower training programs and vocational education programs.

Development of Annual Program Plan and Accountability Report

- 104.202 Due date of annual program plan.
- 104.203 Due date of annual accountability report.
- 104.204 Representation required in the development of the annual accountability report.
- 104.205 Meetings of participating representatives.
- 104.206 State board adoption of the annual program plan and accountability report.
- 104.207 Public hearings on the annual program plan and accountability report.
- 104.221 Content of annual program plan for fiscal year 1978.
- 104.222 Content of annual program plans for the fiscal years following 1978.
- 104.241 Content of the accountability report.

Approval of Five-Year State Plan and Annual Program Plan and Accountability Report

- 104.261 Conditions for approval of five-year State plan.
- 104.262 Conditions for approval of annual program plan and accountability report.
- 104.263 Notice of approval or disapproval.

Withholding of Approval of Plan

- 104.271 Disapproval of plan.

Hearings Before the Commissioner on Agency or Council Challenges to the Five-Year State Plan or the Annual Program Plan

- 104.281 Opportunity for a hearing.
- 104.282 Appeal to the Commissioner.
- 104.283 Hearing.
- 104.284 Prehearing.
- 104.285 Right to counsel, witnesses, cross examination.
- 104.286 Evidence and standard of evidence.
- 104.287 Determinations to be made by the hearing officer.
- 104.288 Commissioner's decision.
- 104.289 Appeals by State board or agency to the court of appeals.

Suspension and Termination of Payments for Noncompliance

- 104.291 Suspension and termination of payments for noncompliance.

Appeal to the Courts

- 104.292 Appeal by State board on withholding of approval of State plan.
- 104.293 Appeal by eligible recipients to the court of appeals.

Fiscal Requirements**Federal Share**

- 104.301 Application of Federal requirements.
- 104.302 Federal share of expenditures—annual program plan.
- 104.303 Federal share of expenditures—national priority programs.
- 104.304 Allowable expenditures for vocational education for national priority programs.
- 104.305 Federal share of expenditures—100 percent payments.
- 104.306 Federal share of expenditures—State administration.
- 104.307 Federal share of expenditures—local administration.

Minimum Percentages

- 104.311 Percentage requirements with respect to State distribution of Federal funds.
- 104.312 Minimum percentage for the handicapped.

- 104.313 Minimum percentage for the disadvantaged.
- 104.314 Minimum percentage for postsecondary and adult.
- 104.315 Expenditures for programs in secondary schools.

Maintenance of Effort

- 104.321 Maintenance of fiscal effort at the State level.
- 104.322 Withholding of payments.
- 104.323 Five percent rule.
- 104.324 Unusual circumstance rule.
- 104.325 Maintenance of fiscal effort at local level.
- 104.326 Withholding of payments.
- 104.327 Exceptions.
- 104.328 Maintenance of fiscal effort by postsecondary educational institutions.
- 104.329 Withholding of payments.
- 104.330 Exceptions.

State Evaluation

- 104.401 Purpose.
- 104.402 Evaluation by State board.
- 104.403 Use of results of evaluation.
- 104.404 Special data on completers and leavers.
- 104.405 Assurance of compatible data.

SUBPART 2-BASIC GRANTS

General Purposes

- 104.501 Authorization of grants.
- 104.502 Use of funds under the basic grant.

Vocational Education Programs

- 104.511 Use of funds.
- 104.512 Vocational instruction.
- 104.513 Activities of vocational education student organizations.
- 104.514 Vocational instruction under contract.
- 104.515 Apprenticeship programs.

Work Study Programs

- 104.521 Use of funds.
- 104.522 Policy and procedure for work-study programs.
- 104.523 Requirements of work-study programs.

Cooperative Vocational Education Programs

- 104.531 Use of funds.
- 104.532 Assurances in five-year State plan.
- 104.533 Students in nonprofit private schools.

Energy Education

- 104.541 Use of funds.
- 104.542 Applications by postsecondary educational institutions.
- 104.543 Solar energy.

Construction of Area Vocational Education School Facilities

- 104.551 Use of funds.
- 104.552 Types of facilities.
- 104.553 Construction requirements.

Provision of Stipends

- 104.571 Use of funds.
- 104.572 Restrictions on payment of stipends.
- 104.573 Application for payment of stipends by eligible recipients.
- 104.574 Rates for stipends.

Placement Services for Students Who Have Successfully Completed Vocational Education Programs

- 104.581 Use of funds.
- 104.582 Restrictions on placement services.
- 104.583 Application for funds by eligible recipients.

Industrial Arts

- 104.591 Use of funds.
- 104.592 Industrial arts programs.

Support Services for Women

- 104.601 Use of funds.
- 104.602 Types of support services.
- 104.603 Support to increase number of women instructors.

Day Care Services for Children of Students

- 104.611 Use of funds.
- 104.612 Day care services.

Vocational Education Programs for Displaced Homemakers and Other Special Groups

- 104.621 Use of funds.
- 104.622 Scope of programs.

Construction and Operation of Residential Vocational Schools

- 104.631 Use of funds.
- 104.632 Residential vocational schools.
- 104.633 Special considerations for residential vocational schools.
- 104.634 Construction requirements.

SUBPART 3-PROGRAM IMPROVEMENT AND SUPPORTIVE SERVICES

- 104.701 Authorization of grants.

Program Improvements

- 104.702 Purpose.
- 104.703 Research coordinating unit.
- 104.704 Contract requirements.
- 104.705 Use of funds for research programs.
- 104.706 Use of funds for exemplary and innovative programs.
- 104.707 Disposition of exemplary and innovative programs.

- 104.708 Use of funds for curriculum development programs.

Vocational Guidance and Counseling

- 104.761 Purpose.
104.762 Conformity with five-year State plan.
104.763 Kinds of programs, services, and activities.
104.764 Special emphasis.

Vocational Education Personnel Training

- 104.771 Purpose.
104.772 Conformity with five-year State plan.
104.773 Eligible participants.
104.774 Types of training.
104.775 Grants or contracts.
104.776 Stipends to trainees.

Grants to Overcome Sex Bias and Sex Stereotyping

- 104.791 Purpose.
104.792 Conformity with five-year State plan.
104.793 Types of projects.

SUBPART 4-SPECIAL PROGRAMS FOR DISADVANTAGED

- 104.801 Grants to States for special programs for the handicapped.
104.802 Use of funds.
104.803 Students in nonprofit private schools.
104.804 Criteria of need and eligibility.

SUBPART 5-CONSUMER AND HOMEMAKING EDUCATION

- 104.901 Grants to States for consumer and homemaking education.
104.902 Use of funds.
104.903 Programs in consumer and homemaking education.
104.904 Purpose of education programs in consumer and homemaking education.
104.905 Ancillary services.
104.906 Federal share.

Appendix A - Definitions.

Authority: Secs. 101-195 of Title II of Pub. L. 94-482 as further amended by Pub. L. 95-40 (20 U.S.C. 2301 to 2461), unless otherwise noted.

Source: 42 FR 53828, Oct. 3, 1977, unless otherwise noted.

Effective Date Note: The provisions of this Part become effective Nov. 10, 1977; sec. 431(d) of the General Education Provisions Act. [Statutory Authority: RCW 28C.04.060. 79-02-019 (Order 79-1, Resolution 78-32-3), § 490-02-010, filed 1/16/79.]

Chapter 490-03 WAC AFFIRMATIVE ACTION POLICY

WAC
490-03-010 Affirmative action policy.

[1979 WAC Supp.—page 2038]

WAC 490-03-010 Affirmative action policy. No person shall be denied, on the basis of race, sex, creed, national origin, age, physical impairment or veteran status, any of the rights and privileges accorded citizens of the United States in the recruitment and registration as students in vocational preparation and supplementary programs or in the employment as vocational educators within the common school districts, community college districts, state agencies or other community based organizations who receive federal, state or local vocational education funds.

Special emphasis shall be given to the recruitment, registration and placement of persons who are disadvantaged, handicapped and/or members of minority groups, regardless of sex or occupational tradition.

All recipients and contractors delivering vocational education services under the Washington State Plan for Vocational Education shall implement by October 1, 1978 such a policy which shall be maintained in their records for compliance audit purposes. [Statutory Authority: RCW 28C.04.060. 79-02-019 (Order 79-1, Resolution 78-32-3), § 490-03-010, filed 1/16/79.]

Chapter 490-04A WAC

AUTHORITY AND ORGANIZATION FOR COMMISSION FOR VOCATIONAL EDUCATION

WAC

490-04A-010 Authority and designation of state board.
490-04A-040 Designation of executive officer.
490-04A-050 Repealed.
490-04A-060 Functions.
490-04A-070 Administrative structure of the commission for vocational education.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

490-04A-050 Administrative structure of the Commission for Vocational Education. [Order 75-3, § 490-04A-050, filed 12/18/75. Formerly WAC 490-04-050.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060. Later promulgation, see WAC 490-04A-070.

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 regulations and directives to ensure the coordination of the development and maintenance of a state plan for vocational education. Prior to the adoption of the state plan, the commission shall be advised by the state plan planning committee, the Council for Postsecondary Education, 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 P.L. 94-482 and chapter 174, Laws of 1975 1st ex. sess. [Statutory Authority: RCW 28C.04.060. 79-02-019 (Order 79-1, Resolution 78-32-3), § 490-04A-010, filed 1/16/79; Order 75-3, § 490-04A-010, filed 12/18/75. Formerly WAC 490-04-010.]

WAC 490-04A-040 Designation of executive officer. (1) The commission, in accordance with section 10, chapter 174, Laws of 1975 1st ex. sess., shall employ a full-time executive director, who shall also be the full-time state director of vocational education, hereafter identified and referred to as the "state director", as mandated by 104.34 of the Rules and Regulations contained in the Federal Register, Vol. 42, No. 191, dated October 3, 1977, and/or "director", and such other personnel as may be necessary to carry out its purposes.

(2) The state director shall be appointed by the commission and serve at its pleasure.

(3) The state director shall devote full time to the duties of the office and shall not be actively engaged or employed in any other business or have any substantial duties outside of the vocational education program. The director 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 state director, under the commission's supervision, shall be in charge of the offices of the commission and responsible for the commission's staff. The director 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 state director, or a 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. The director 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 state director those functions it deems necessary to

the operation of the commission. (P.L. 94-482 and chapter 174, Laws of 1975 1st ex. sess.) [Statutory Authority: RCW 28C.04.060. 79-02-019 (Order 79-1, Resolution 78-32-3), § 490-04A-040, filed 1/16/79; Order 75-3, § 490-04A-040, filed 12/18/75. Formerly WAC 490-04-030.]

WAC 490-04A-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 490-04A-060 Functions. (1) The commission shall have the functions as specified in chapter 28C.04 RCW.

(2) Under the state plan the commission shall make periodic compliance audits at least once a biennium of the vocational education programs individually and jointly conducted by the common schools and community colleges to insure compliance with the state plan.

(3) The commission will be responsible for:

(a) Coordination of the development of policy with respect to programs under the act;

(b) Coordination of the development of the five-year state plan, the annual program plan, and the accountability report;

(c) The submission to the commissioner of the five-year state plan, the annual program plan, and the accountability report;

(d) Consultation with the state advisory council on vocational education and with other state agencies, councils, and individuals; and

(e) The submission to the administrator of the national center for education statistics of the information required for the national vocational education data reporting and accounting system pursuant to section 161(a) of the act. [Statutory Authority: RCW 28C.04.060. 79-02-019 (Order 79-1, Resolution 78-32-3), § 490-04A-060, filed 1/16/79.]

WAC 490-04A-070 Administrative structure of the commission for vocational education. The commission shall provide administration as follows:

(1) State Level Vocational Education Administration:

(a) Direct staff and support services supervised by the commission through the state director, including but not limited to an Administrative Unit, a Planning and Auditing Unit, a Vocational Equity Unit and a Research Coordinating Unit.

(b) Purchased staff and support services provided respectively by the Superintendent of Public Instruction and the Director of the State Board for Community College Education.

(c) The responsibilities of these staff and support services shall be explicitly delineated in the five-year and annual program plans for vocational education for the state of Washington.

(d) The commission reserves for itself the responsibility to determine the level of staff and support services deemed necessary to perform state-level vocational education administration; and to reflect such decisions in the five-year and annual program plans, and in the

Commission's Biennial Budget Request to the Governor and related annual allotment requests.

(2) Other Administration: Staff and support services supervised by the commission through the state director, including but not limited to a Fire Services Training Unit, a Northwest Curriculum Management Center, a Veterans Training and Course Approval Unit and a CETA Vocational Education Services Program Unit.

(a) Funding for these staff and support services will be provided by federal or state funds as is deemed appropriate to the requirements of the federal or state agencies which have ultimate funding authority for these services.

(b) The level of these staff and supportive services shall be reflected in the Commission's Biennial Budget Request to the Governor and its related annual allotments. [Statutory Authority: RCW 28C.04.060. 79-02-019 (Order 79-1, Resolution 78-32-3), § 490-04A-070, filed 1/16/79. Formerly WAC 490-04A-050.]

Chapter 490-05 WAC

FULL-TIME PERSONNEL AND FUNCTIONS TO ELIMINATE SEX DISCRIMINATION AND SEX STEREOTYPING

WAC

- 490-05-001 Full-time personnel and functions to eliminate sex discrimination and sex stereotyping.
 490-05-020 Studies to carry out functions.
 490-05-030 Special considerations and incentives for the reduction of sex bias and sex stereotyping in vocational education.

WAC 490-05-001 Full-time personnel and functions to eliminate sex discrimination and sex stereotyping. In addition to the rules and regulations relating to Full-Time Personnel and Functions to Eliminate Sex Discrimination and Sex Bias, contained in Sections 104.72 through 104.76, Federal Register, Vol. 42, No. 191—Monday, October 3, 1977, the commission adopts the rules set forth in this chapter. [Statutory Authority: RCW 28C.04.060. 79-02-019 (Order 79-1, Resolution 78-32-3), § 490-05-001, filed 1/16/79.]

WAC 490-05-020 Studies to carry out functions. Program improvement and supportive services funds may be used to support studies necessary to carry out the responsibilities of staff assigned to bring about the elimination of sex bias and sex stereotyping in vocational education. [Statutory Authority: RCW 28C.04.060. 79-02-019 (Order 79-1, Resolution 78-32-3), § 490-05-020, filed 1/16/79.]

WAC 490-05-030 Special considerations and incentives for the reduction of sex bias and sex stereotyping in vocational education. Eligible recipients shall, in developing plans, include processes that will assist and encourage actions which will reduce sex stereotyping and sex bias, and provide equal access to all vocational programs and activities for both sexes, and promote

nontraditional enrollment for both sexes. [Statutory Authority: RCW 28C.04.060. 79-02-019 (Order 79-1, Resolution 78-32-3), § 490-05-030, filed 1/16/79.]

Chapter 490-08A WAC

RULES OF PRACTICE AND PROCEDURE

WAC

- 490-08A-001 Appeal procedures.
 490-08A-010 Appeal procedures.

WAC 490-08A-001 Appeal procedures. In addition to the rules and regulations relating to Appeal Procedures, contained in Section 104.293, Federal Register, Vol. 42, No. 191—Monday, October 3, 1977, the commission adopts the rules set forth in this chapter. [Statutory Authority: RCW 28C.04.060. 79-02-019 (Order 79-1, Resolution 78-32-3), § 490-08A-001, filed 1/16/79.]

WAC 490-08A-010 Appeal procedures. (1) An eligible recipient which is dissatisfied with the action of a state educational agency with respect to approval of an application or funding pursuant to this title, after exhausting the established appeal procedures of the parent agency, may appeal the decision to the commission, in writing, within thirty days from the date of the receipt of the notification of the final action taken by the agency.

(2) Eligible recipients dissatisfied with a commission staff decision may appeal directly to the commission within thirty days of the decision notification. The commission must acknowledge the appeal notice within thirty days, schedule and conduct hearings within ninety days and inform the appellant of the commission's decision within thirty days after the hearing.

(3) Other disputes related to vocational education in Washington state will be adjudicated according to chapter 490-37 WAC. [Statutory Authority: RCW 28C.04.060. 79-02-019 (Order 79-1, Resolution 78-32-3), § 490-08A-010, filed 1/16/79; Order 75-3, § 490-08A-010, filed 12/18/75. Formerly WAC 490-08-010.]

Chapter 490-12A WAC

QUALIFICATIONS OF PERSONNEL

WAC

- 490-12A-010 through 490-12A-052 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 490-12A-010 Qualifications of teachers of practical nursing. [Order 75-3, § 490-12A-010, filed 12/18/75. Formerly WAC 490-12-010.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
 490-12A-020 Qualifications of teachers in trade and industrial extension classes—Shop and trade practice teachers. [Order 75-3, § 490-12A-020, filed 12/18/75. Formerly WAC 490-12-020.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.

- 490-12A-022 Qualifications of teachers in trade and industrial extension classes—Related technical teachers. [Order 75-3, § 490-12A-022, filed 12/18/75. Formerly WAC 490-12-022.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-12A-024 Qualifications of teachers in trade and industrial extension classes—Teachers of general continuation classes. [Order 75-3, § 490-12A-024, filed 12/18/75. Formerly WAC 490-12-024.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-12A-030 Qualifications of teachers of home economics education—Home economics teachers. [Order 75-3, § 490-12A-030, filed 12/18/75. Formerly WAC 490-12-030.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-12A-032 Qualifications of teachers of home economics education—Teacher for child development laboratory in the home economics program. [Order 75-3, § 490-12A-032, filed 12/18/75. Formerly WAC 490-12-032.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-12A-034 Qualifications of teachers of home economics education—Related subjects teacher. [Order 75-3, § 490-12A-034, filed 12/18/75. Formerly WAC 490-12-034.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-12A-036 Qualifications of teachers of home economics education—Qualifications of teachers for out-of-school group. [Order 75-3, § 490-12A-036, filed 12/18/75. Formerly WAC 490-12-036.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-12A-040 Distributive education—Qualification of teachers and coordinators—Evening extension classes. [Order 75-3, § 490-12A-040, filed 12/18/75. Formerly WAC 490-12-040.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-12A-042 Distributive education—Qualification of teachers and coordinators—Part-time extension classes. [Order 75-3, § 490-12A-042, filed 12/18/75. Formerly WAC 490-12-042.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-12A-044 Distributive education—Qualification of teachers and coordinators—Part-time cooperative classes. [Order 75-3, § 490-12A-044, filed 12/18/75. Formerly WAC 490-12-044.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-12A-046 Distributive education—Qualification of teachers and coordinators—Teachers of related subjects. [Order 75-3, § 490-12A-046, filed 12/18/75. Formerly WAC 490-12-046.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-12A-050 Qualifications of teachers of agriculture—Regular teacher for all-day, day-unit, young farmer, adult farmer or combinations of the same. [Order 75-3, § 490-12A-050, filed 12/18/75. Formerly WAC 490-12-050.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-12A-052 Qualifications of teachers of agriculture—Special teachers. [Order 75-3, § 490-12A-052, filed 12/18/75. Formerly WAC 490-12-052.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.

WAC 490-12A-010 through 490-12A-052 Repealed. See Disposition Table at beginning of this chapter.

**Chapter 490-15A WAC
OCCUPATIONAL TRAINING OF
REHABILITATION CLIENTS--APPROVAL OF
SCHOOLS**

WAC

490-15A-001 through 490-15A-028 Repealed.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS
CHAPTER**

- 490-15A-001 Authorization. [Order 75-3, § 490-15A-001, filed 12/18/75. Formerly WAC 490-15-001.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-15A-004 Conditions required for approval. [Order 75-3, § 490-15A-004, filed 12/18/75. Formerly WAC 490-15-004.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-15A-008 Standards required for approval. [Order 75-3, § 490-15A-008, filed 12/18/75. Formerly WAC 490-15-008.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-15A-012 Procedures for approval. [Order 75-3, § 490-15A-012, filed 12/18/75. Formerly WAC 490-15-012.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-15A-016 Refund policy. [Order 75-3, § 490-15A-016, filed 12/18/75. Formerly WAC 490-15-016.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-15A-020 Advertising—Publicizing regulations. [Order 75-3, § 490-15A-020, filed 12/18/75. Formerly WAC 490-15-020.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-15A-024 Duration of approval—Non-transferability. [Order 75-3, § 490-15A-024, filed 12/18/75. Formerly WAC 490-15-024.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-15A-028 Reports—Visitation. [Order 75-3, § 490-15A-028, filed 12/18/75. Formerly WAC 490-15-028.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.

WAC 490-15A-001 through 490-15A-028 Repealed. See Disposition Table at beginning of this chapter.

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

WAC

- 490-28A-001 Minimum qualifications of vocational education personnel.
- 490-28A-002 Minimum standards for full-time teaching personnel.
- 490-28A-010 Repealed.
- 490-28A-011 Repealed.

490-28A-012	Minimum standards for local vocational administrative personnel.
490-28A-013	Minimum standards of state agency personnel.
490-28A-014	Safety and occupational health practices standards.
490-28A-030	Repealed.
490-28A-040	Repealed.
490-28A-050	Repealed.
490-28A-060	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

490-28A-010	Minimum qualifications of personnel. [Order 75-3, § 490-28A-010, filed 12/18/75. Formerly WAC 490-28-010.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
490-28A-011	Appeal procedures. [Order 75-3, § 490-28A-011, filed 12/18/75. Formerly WAC 490-28-011.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
490-28A-030	Professional improvement. [Order 75-3, § 490-28A-030, filed 12/18/75. Formerly WAC 490-28-030.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
490-28A-040	Review and modification of personnel qualification standards. [Order 75-3, § 490-28A-040, filed 12/18/75. Formerly WAC 490-28-040.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
490-28A-050	Program evaluation. [Order 75-3, § 490-28A-050, filed 12/18/75. Formerly WAC 490-28-050.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
490-28A-060	Review and evaluation of personnel preparation and development. [Order 75-3, § 490-28A-060, filed 12/18/75. Formerly WAC 490-28-060.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.

WAC 490-28A-001 Minimum qualifications of vocational education personnel. (1) General policy. This section of the Washington Administrative Code 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. Provisions for exceptions to the codified standards shall be identified in the requirements and implementing procedures.

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) 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 will be implemented. The offices of the Superintendent of Public Instruction and the State Board for Community College Education shall provide annually to the commission evidence that their adopted personnel standards meet or exceed the minimum personnel standards

set forth in this chapter. [Statutory Authority: RCW 28C.04.060. 79-02-019 (Order 79-1, Resolution 78-32-3), § 490-28A-001, filed 1/16/79.]

WAC 490-28A-002 Minimum standards for full-time teaching personnel. (1) 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.

(2) 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 to assure professional and technical teaching preparation. 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. There will be evidence in the preparation program of all vocational teachers that the program contains a substantive amount of instruction in the effective utilization of advisory councils and program/craft advisory committees.

(3) Maintaining and improving occupational competencies. The requirements and implementing procedures shall indicate the acceptable procedures for maintaining and for improving occupational competence.

(4) Maintaining and improving teaching competencies. The requirements and implementing procedures shall indicate the acceptable procedures for maintaining and for improving teaching competence.

(5) Other teaching personnel. The requirements and implementing procedures may designate various other personnel assisting the teacher and the requirements for each.

(6) Vocational counselors shall meet the work experience requirement by documenting work experience in one or more occupations other than professional education, which is cumulative to at least two years. [Statutory Authority: RCW 28C.04.060. 79-02-019 (Order 79-1, Resolution 78-32-3), § 490-28A-002, filed 1/16/79.]

WAC 490-28A-010 Repealed. See Disposition Table at beginning of this chapter.

WAC 490-28A-011 Repealed. See Disposition Table at beginning of this chapter.

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) If such exceptions are to be executed, the method(s) for doing so will be contained in the Requirements and Implementing Procedures of SBCCE and SPI. [Statutory Authority: RCW 28C.04.060, 79-02-019 (Order 79-1, Resolution 78-32-3), § 490-28A-012, filed 1/16/79; 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. Minimum Standards for State Agency Administrators (state vocational education program administrators, state vocational education program directors, vocational education program specialists and vocational education teacher educators). 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 Personnel Merit Systems, the agencies and the commission shall employ their staff without discriminatory practices because of political or religious opinions or affiliations, or race, sex, or age.

(1) Teaching experience. Must have taught vocational education for at least three years. 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.

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

(3) 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. [Statutory Authority: RCW 28C.04.060, 79-02-019 (Order 79-1, Resolution 78-32-3), § 490-28A-013, filed 1/16/79; Order 75-3, § 490-28A-013, filed 12/18/75. Formerly WAC 490-28-013.]

WAC 490-28A-014 Safety and occupational health practices standards. The vocational instructor, upon completion of teacher training, will have been trained as a safe worker and will hold a valid first aid certificate

which has been issued in compliance with standards for such certificates promulgated by Washington state department of labor and industries, or other appropriate regulatory agency.

(1) **Definitions:**

(a) "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.

(b) "Vocational program", for the purposes of these regulations, shall meet the definition agreed upon in operating criteria of the commission for vocational education.

(2) **Safety and occupational health standards.** The preparation for vocational teaching for all persons shall include instruction in those safety and occupational health practices common to all occupations sufficient to insure those persons knowledge of an ability to instruct students in those practices at a level consistent with the safety and occupational health practices standards adopted by the commission for vocational education.

(a) 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 ninety calendar days unless that person has met the safety and occupational health practices standards adopted by the commission for vocational education.

(i) The general safety and occupational health standards apply to all 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.

(ii) This standard can be satisfied by completing a fifteen hour course in safety and occupational health taught by an instructor accredited by the SPI or SBCCE or by passing an approved examination which covers the material contained in the fifteen hour course, or by satisfactorily completing a course in safety and occupational health that has been designated by the SPI or SBCCE as meeting this requirement.

(iii) Approved courses in safety and occupational health will include, but not be limited to history, causes of accidents, classes and types of accidents, motivating safety, accident prevention, occupational health and industrial insurance.

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

(b) The safety and occupational health information needed for specific occupations may be satisfied by one of the following:

(i) Completion of a course as part of preservice training that is designed to provide the potential vocational instructor with the specific skills and knowledge of

safety and occupational health pertinent to the occupation he/she is training to teach.

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

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

(iv) 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 the name of the vocational instructor, the name(s) of the trainer(s), evidence of the qualifications of the trainer(s), and the content of the training.

(v) 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 occupational health necessary for the occupational area being taught.

(3) **First aid.** The standards for safety and occupational health 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.

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

(b) 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.

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

(d) 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; however, cardiopulmonary resuscitation instruction is required of all vocational instructors.

(4) **Specifically excluded from conformance to this requirement are:**

(a) Vocational counselors.

(b) 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.

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

(d) Vocational instructors who teach ninety 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).

(5) **Safety supervision.** A safety supervisor shall be designated by the local educational agency. The safety supervisor shall, among other things, possess an understanding of all safety and occupational health rules, regulations and requirements affecting the employing agency(ies) or its employees; further, said supervisor shall assure that each employee demonstrates competency in all safety and occupational health rules, regulations that pertain to him/her; and assure that all safety and occupational health rules and regulations that pertain to him/her are being met. The safety supervisor shall meet all of the provisions for safety and occupational health that are mandated for vocational instructions contained in this chapter. [Statutory Authority: RCW 28C.04.060. 79-02-019 (Order 79-1, Resolution 78-32-3), § 490-28A-014, filed 1/16/79.]

WAC 490-28A-030 Repealed. See Disposition Table at beginning of this chapter.

WAC 490-28A-040 Repealed. See Disposition Table at beginning of this chapter.

WAC 490-28A-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 490-28A-060 Repealed. See Disposition Table at beginning of this chapter.

Chapter 490-29 WAC VOCATIONAL EDUCATION PERSONNEL TRAINING

WAC	
490-29-001	Vocational education personnel training.
490-29-002	Responsibility for vocational education personnel training.

WAC 490-29-001 Vocational education personnel training. In addition to the rules and regulations relating to Vocational Education Personnel Training, contained in sections 104.771 through 104.776, Federal Register,

Vol. 42, No. 191—Monday, October 3, 1977, the commission adopts the rules set forth in this chapter. [Statutory Authority: RCW 28C.04.060. 79-02-019 (Order 79-1, Resolution 78-32-3), § 490-29-001, filed 1/16/79.]

WAC 490-29-002 Responsibility for vocational education personnel training. (1) For purposes of articulation, interstate cooperation, and essential federal liaison, the RCU director will serve as the state vocational education personnel training contact person.

(2) The purpose of vocational education personnel training is to improve the state's vocational education programs and the services which support those programs by improving the qualifications of persons serving or preparing to serve in vocational education programs. The agencies accountable for the employment of qualified teaching and administrative vocational personnel, the state board for community college education and state superintendent of public instruction, will each assume responsibility for interagency and intraagency articulation of personnel training. [Statutory Authority: RCW 28C.04.060. 79-02-019 (Order 79-1, Resolution 78-32-3), § 490-29-002, filed 1/16/79.]

Chapter 490-31 WAC APPRENTICESHIP PROGRAMS

WAC
490-31-001 Apprenticeship programs.
490-31-010 Vocational related instruction for apprentices.

WAC 490-31-001 Apprenticeship programs. In addition to the rules and regulations relating to Apprenticeship Programs, contained in Section 104.515, Federal Register, Vol. 42, No. 191—Monday, October 3, 1977, the commission adopts the rules set forth in this chapter. [Statutory Authority: RCW 28C.04.060. 79-02-019 (Order 79-1, Resolution 78-32-3), § 490-31-001, filed 1/16/79.]

WAC 490-31-010 Vocational related instruction for apprentices. Vocational related and supplemental instruction for apprentices shall mean both practical, theoretical and applied instruction. This instruction shall be organized to provide the apprentice with the necessary skills and knowledge of the trade as determined by the local joint apprentice and training committee (JATC) which has been registered with the Washington State Apprenticeship Council in accordance with chapter 49.04 RCW. When apprenticeship-related instruction is offered in any educational system, the JATC will provide the following assurances:

(1) Apprentice involved in apprenticeable occupation must be at least sixteen years of age, except where higher minimum age is otherwise specified in the Apprenticeship Standards.

(2) The apprentice and the program are both registered under the apprenticeship law of the state in which the apprentice is employed or resides. An exception to

this will be where the program and the apprentice are registered with the Bureau of Apprenticeship and Training, United States Department of Labor, under nationally approved standards. (Reference Apprenticeship Act chapter 49.04 RCW.) [Statutory Authority: RCW 28C.04.060. 79-02-019 (Order 79-1, Resolution 78-32-3), § 490-31-010, filed 1/16/79.]

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

WAC
490-32A-001 Definitions for terms commonly used in vocational education activities.
490-32A-010 Definitions for terms.

WAC 490-32A-001 Definitions for terms commonly used in vocational education activities. In addition to the rules and regulations relating to definitions contained in Appendix A, Federal Register, Vol. 42, No. 191—Monday, October 3, 1977, the commission adopts the definitions set forth in this chapter, as well as those contained in Title 28C RCW. [Statutory Authority: RCW 28C.04.060. 79-02-019 (Order 79-1, Resolution 78-32-3), § 490-32A-001, filed 1/16/79.]

WAC 490-32A-010 Definitions for terms. The following definition applies to all vocational education activities carried out under the authority of the commission:

"Local program/craft advisory committee" means a local advisory committee organized to advise about a local vocational program in an occupational area such as distributive education, home and family life education, agriculture education, etc., or a local advisory committee organized to advise on specific crafts or occupations such as food merchandising, child care, carpentry, ornamental horticulture, nurses aides, etc. [Statutory Authority: RCW 28C.04.060. 79-02-019 (Order 79-1, Resolution 78-32-3), § 490-32A-010, filed 1/16/79; Order 75-3, § 490-32A-010, filed 12/18/75. Formerly WAC 490-32-010.]

Chapter 490-33 WAC CO-OP EDUCATION

WAC
490-33-001 Cooperative education.
490-33-010 Assurances.

WAC 490-33-001 Cooperative education. In addition to the rules and regulations relating to Cooperative Education, contained in Sections 104.531 through 104.533, Federal Register, Vol. 42, No. 191—Monday, October 3, 1977, the commission adopts the rules set forth in this chapter. [Statutory Authority: RCW 28C.04.060. 79-02-019 (Order 79-1, Resolution 78-32-3), § 490-33-001, filed 1/16/79.]

WAC 490-33-010 Assurances. (1) The program provides on-the-job training that:

(a) Employs and compensates student-learners in compliance with federal, state and local laws and regulations and in a manner that will not result in the exploitation of the student-learner for private gain; and

(b) Is conducted in accordance with written training agreements between local educational agencies and employers;

(2) Procedures are developed and published for use by local educational agencies for providing ancillary services and activities to assure that quality in cooperative vocational education programs is provided for and may include preservice and in-service training for teacher coordinators, supervision, curriculum materials, travel for students and coordinators necessary to the success of such programs and their evaluations;

(3) Policies and procedures will be adopted for accounting, for continuous evaluation of cooperative vocational education programs, and for follow-up of students who have completed or left these programs;

(4) Students enrolled in, and employed as partial fulfillment of requirements of cooperative vocational education programs, will not displace regular workers doing comparable work.

No funds will be used for reimbursement of added costs to employers for on-the-job training of students enrolled in cooperative programs;

(5) Provisions shall be provided for the coordinator to have sufficient time within his/her regular work schedule to provide on-the-job supervision of the student-learners, and employment/class coordination to assure that the in-class instruction/employment combination constitute a meaningful total instruction/employment combination. [Statutory Authority: RCW 28C.04.060. 79-02-019 (Order 79-1, Resolution 78-32-3), § 490-33-010, filed 1/16/79.]

Chapter 490-34 WAC

PROGRAM EVALUATION AND COMPLIANCE AUDITING

WAC

490-34-001	Program evaluation and compliance auditing.
490-34-010	Evaluation schedule.
490-34-020	Compliance audit.

WAC 490-34-001 Program evaluation and compliance auditing. In addition to the rules and regulations relating to Program Evaluations, contained in sections 104.401 through 104.405, Federal Register, Vol. 42, No. 191—Monday, October 3, 1977, the commission adopts the rules set forth in this chapter. [Statutory Authority: RCW 28C.04.060. 79-02-019 (Order 79-1, Resolution 78-32-3), § 490-34-001, filed 1/16/79.]

WAC 490-34-010 Evaluation schedule. (1) During the five-year period of the state plan, the commission is accountable for the evaluation, in quantitative terms, of the effectiveness of each formally organized program or

project supported by federal, state and local funds. During this same period agencies responsible for the operation of said programs and projects shall, each year of the five-year period, evaluate the formally organized vocational programs and projects conducted by eighteen percent to twenty-two percent of the eligible recipients.

(2) Monitoring will be carried on at the state level and at the local recipient level. The monitoring will be directed at thirty percent of the local eligible recipients operating programs and projects evaluated by the appropriate state agency. [Statutory Authority: RCW 28C.04.060. 79-02-019 (Order 79-1, Resolution 78-32-3), § 490-34-010, filed 1/16/79.]

WAC 490-34-020 Compliance audit. (1) RCW 28C.04.040 states in part: ". . . Under the state plan the commission shall make compliance audits at least once a biennium of the vocational education programs individually and jointly conducted by the common schools and community colleges to insure compliance with the state plan."

(2) Compliance audits will be conducted by statistically valid sampling techniques.

(3) The compliance audit instrument will be developed by the commission staff and adopted by the commission. Recommendations and suggestions will be solicited from the state advisory council and the agencies responsible for program operation in the development of the instrument. [Statutory Authority: RCW 28C.04.060. 79-02-019 (Order 79-1, Resolution 78-32-3), § 490-34-020, filed 1/16/79.]

Chapter 490-36A WAC

CONDITIONS FOR APPROVAL OF LOCAL EDUCATIONAL AGENCY PROGRAMS

WAC

490-36A-001	Advisory councils and committees.
490-36A-020	Local advisory councils.
490-36A-030	Local program/craft advisory committees.

WAC 490-36A-001 Advisory councils and committees. In addition to the rules and regulations relating to advisory councils contained in Sections 104.111 and 104.112, Federal Register, Vol. 42, No. 191—Monday, October 3, 1977, the commission adopts the rules set forth in this chapter. [Statutory Authority: RCW 28C.04.060. 79-02-019 (Order 79-1, Resolution 78-32-3), § 490-36A-001, filed 1/16/79.]

WAC 490-36A-020 Local advisory councils. Each eligible recipient receiving assistance under this act to operate vocational education programs shall establish a local advisory council to provide such agency with advice on current job needs and on the relevancy of courses being offered by such agency in meeting such needs. Such local advisory council shall be composed of members of the general public, with appropriate representation of both sexes, racial and ethnic minorities found in the program area and locality, including, but not limited to representatives of business, industry and labor, and also

should include representative spokespersons for the handicapped and disadvantaged. The responsibility for empanelling members of all local advisory councils shall be that of the local eligible recipient.

(1) Each eligible recipient shall assure the appropriate state agency, in its application for federal or state funds, evidence that documentation of the establishment of a local advisory council is on file.

(2) The local advisory council may be established for:

- (a) Program areas;
- (b) Schools;
- (c) The community; or
- (d) The region in which the eligible recipient is located.

(3) When feasible, council membership should be drawn from across the occupational spectrum represented by existing and proposed programs and from other groups of interested and concerned citizens.

(4) Representatives from several local program/craft committees, or representatives of several school councils within a local education agency, having the requisite representation identified in the opening paragraph, should join together to form a general local advisory council.

(5) The local advisory council may assist the local recipient by:

- (a) Helping to identify the needs of individuals and the community;
- (b) Helping assess labor market requirements;
- (c) Contributing to the establishment and maintenance of realistic and practical vocational programs;
- (d) Participating in the development of community understanding and support;
- (e) Aiding in building the prestige of and respect for the entire program of occupational education;
- (f) Supporting access to all vocational programs for both sexes, racial and ethnic minorities.

(6) The local advisory council shall assist the eligible recipient in developing its application to the commission or to the agency which has been delegated the responsibility for accepting applications by the commission.

(7) The commission shall inquire into the establishment and satisfactory functioning of appropriate local advisory councils as part of the overall evaluations connected with monitoring programs being operated by local educational agencies. [Statutory Authority: RCW 28C.04.060, 79-02-019 (Order 79-1, Resolution 78-32-3), § 490-36A-020, filed 1/16/79; Order 75-3, § 490-36A-020, filed 12/18/75. Formerly WAC 490-36-020.]

WAC 490-36A-030 Local program/craft advisory committees. (1) Each eligible recipient shall provide documentation that a program or craft advisory committee has been empanelled for each craft or program area, including disadvantaged and handicapped, at the most specific occupational level appropriate to the identified skill level for which training is given, except that where evidence is presented with the application for approval that a general advisory committee is more appropriate, such a committee will be allowable. Each eligible

recipient shall also provide evidence that a bona fide effort is being made to assure the effective functioning of each committee. Evidence of the empanelling could include:

- (a) Written documentation of appointments;
 - (b) Written documentation of acceptance by the appointees;
 - (c) Other types of verification.
- (2) Evidence of a bona fide effort being made could be reflected in meeting minutes, which indicate:
- (a) That an adequate number of meetings were held to assure that the input provided a positive effect on the program;
 - (b) That adequate prior notification of meeting dates and times have been given;
 - (c) That meetings have been scheduled on dates and at times to assure maximum employer and employee attendance; and
 - (d) Other corroboration of intent.

(3) The local program/craft advisory committee will have equal representation of employers and employees engaged in the occupation for which training is given.

(4) For programs preparing students for entry into, or upgrading in, apprenticeable trades, the applicable Joint Apprenticeship Training Committee (JATC) shall be invited to be represented equally with one or more employer and employee members or designees. Where satisfactory evidence is furnished indicating that JATC members or designees are unavailable, a committee may be empanelled composed of persons who are familiar with the occupation and geographic area served by the particular program.

(5) The responsibility for empanelling members of the local advisory committees is exclusively that of the local eligible recipient.

(6) The general responsibility of a local program/craft advisory committee is to act in an advisory capacity without administrative or supervisory responsibility. Since a local program/craft advisory committee, to be effective, must provide advice in the planning, development and evaluation of vocational programs, the activities outlined below are not to be considered all inclusive of the activities said committee may perform to assist the vocational educator and/or local eligible recipient.

(7) Specific activities in which the program/craft advisory committee can be involved are:

- (a) Advise on current job needs;
- (b) Evaluate the relevance of programs being offered by the eligible recipient in meeting current job needs in the occupational area for which the advisory committee was organized;
- (c) Recommend program startup, continuance, discontinuance and enrollment level, that generally conforms with statewide job opportunities forecasts, unless available data indicates a variance is called for due to changes in the economy. For example, the committee can assist the vocational educator to: Make community surveys; determine and verify need for training; review past accomplishments and forecast trends; counsel and

guide students in relation to the world of work; provide accurate occupational information;

(d) Make recommendations that will assure the curriculum content is consistent with current skills and knowledge of the occupations. For example, the committee can assist the vocational educator: To evaluate the programs; to plan facilities and establish standards for shop and lab planning; to establish standards for selecting equipment and instructional materials; to recognize new technical developments which require changes in the curriculum; by offering guidance and support in technical matters; to select production work to be used as instructional vehicles for accomplishing course objectives; to determine criteria for evaluating student performance; and to develop cooperative work experience programs for students;

(e) Make recommendations to assure that the instructors are experienced and knowledgeable in the occupation. For example, the committee can assist the vocational educator to: Encourage teacher training of recruits from industry; determine criteria for selecting instructors; recommend and/or recruit qualified instructors;

(f) Assist the vocational educator: By providing tangible evidence that industry is supporting the program; by providing financial, legislative and moral support; by interpreting the program to the community, to unions, to employers; by securing donations of equipment and supplies; by finding placement opportunities for students; and by placing an emphasis on providing recruitment and placement opportunities to both sexes in programs considered nontraditional in nature.

(8) If a bona fide member of an advisory committee is in disagreement with the decision of the appointing eligible recipients to the startup, continuance or discontinuance of a program about which she/he has been appointed to give advice, said member may achieve recourse by taking the following action:

(a) Presenting her/his arguments and evidence to the local administration according to the procedures established by the local agency;

(b) If satisfactory resolution of the disagreement has not taken place within ten days of the receipt of the communication by the local administration, the complainant may present his/her arguments to the state agency having jurisdiction over the operation of the program, according to procedures established by that agency, with copies to CVE and other affected agencies.

(c) If satisfactory resolution is again not achieved within twenty days of the receipt of the information by the parent agency, the complainant may present her/his arguments and evidence, orally and in writing, to the commission.

(d) The commission will determine whether a hearing will be held before it, or whether a formal adjudication proceeding is required. [Statutory Authority: RCW 28C.04.060, 79-02-019 (Order 79-1, Resolution 78-32-3), § 490-36A-030, filed 1/16/79.]

Chapter 490-38 WAC

SERVICE AREAS OF THE VOCATIONAL-TECHNICAL INSTITUTES AND OUTSIDE PROGRAMS

WAC

490-38-030 Definitions.

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 sixteen 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.

(7) Days. Unless otherwise indicated in these rules and regulations any reference to "days" shall mean working days exclusive of weekends and holidays. [Statutory Authority: RCW 28C.04.020(6) and 28C.04.150. 78-02-058 (Order 78-1), § 490-38-030, filed 1/20/78; Order 77-1, § 490-38-030, filed 9/28/77.]

Chapter 490-40A WAC

PROCEDURES FOR VOCATIONAL EDUCATION PROGRAM DEVELOPMENT AND SERVICES UNDER CONTRACTS AND AGREEMENTS

WAC

490-40A-010 Vocational education contracts and agreements.

490-40A-020 Agreements with other state agencies.

490-40A-030 Repealed.

490-40A-040 Agreements regarding handicapped and disadvantaged persons.

490-40A-050 Repealed.

490-40A-060 Repealed.

490-40A-070 Repealed.

- 490-40A-080 Repealed.
- 490-40A-090 Repealed.
- 490-40A-100 Repealed.
- 490-40A-110 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 490-40A-030 Programs, services and activities undertaken by local educational agencies. [Order 75-3, § 490-40A-030, filed 12/18/75. Formerly WAC 490-40-030.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-40A-050 Economically depressed areas or high unemployment areas. [Order 75-3, § 490-40A-050, filed 12/18/75. Formerly WAC 490-40-050.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-40A-060 Areas of high youth unemployment or school dropouts. [Order 75-3, § 490-40A-060, filed 12/18/75. Formerly WAC 490-40-060.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-40A-070 Agreements with private postsecondary vocational training institutions. [Order 75-3, § 490-40A-070, filed 12/18/75. Formerly WAC 490-40-070.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-40A-080 Programs, services and activities undertaken by the Commission for Vocational Education. [Order 75-3, § 490-40A-080, filed 12/18/75. Formerly WAC 490-40-080.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-40A-090 Agreements with the Department of Employment Security, State of Washington. [Order 75-3, § 490-40A-090, filed 12/18/75. Formerly WAC 490-40-090.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-40A-100 Agreements with other states. [Order 75-3, § 490-40A-100, filed 12/18/75. Formerly WAC 490-40-100.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-40A-110 Compliance with federal reporting requirements. [Order 75-3, § 490-40A-110, filed 12/18/75. Formerly WAC 490-40-110.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.

WAC 490-40A-010 Vocational education 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) Provision may be made for any portion of the program of instruction on an individual or group basis by private vocational training institutions or other existing institutions capable of carrying out vocational programs through a written contract with the commission or other state or local educational agency in compliance with the directives in 104-514 of the aforementioned federal rules and regulations. The contract shall describe the portion of instruction to be provided by the institution and incorporate the standards and requirements of vocational instruction set forth in the regulations in the subpart and the approved five-year state plan.

The contract for instruction shall be entered into only upon a determination by the commission or other state and local educational agencies that:

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

(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 approved state plan;

(c) The commission and/or other state or local educational agency will review the contracts with the institutions at least once a year; and

(d) The contractee has assured that all applicable federal, state and local vocational education standards are met by the contractor. [Statutory Authority: RCW 28C.04.060. 79-02-019 (Order 79-1, Resolution 78-32-3), § 490-40A-010, filed 1/16/79; 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 in the matter of coordination with other state agencies shall be consistent with Public Law 94-482 and with state law Title 28C RCW. Cooperative arrangements between the various state agencies involved will be by written contracts:

(a) Approved by the commission.

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

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

(d) Approved as to form by the office of the attorney general.

(e) 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. [Statutory Authority: RCW 28C.04.060. 79-02-019 (Order 79-1, Resolution 78-32-3), § 490-40A-020, filed 1/16/79; Order 75-3, § 490-40A-020, filed 12/18/75. Formerly WAC 490-40-020.]

WAC 490-40A-030 Repealed. See Disposition Table at beginning of this chapter.

WAC 490-40A-040 Agreements regarding handicapped and disadvantaged persons. (1) State and federal agencies and major organizations and institutions with a responsibility for persons handicapped and disadvantaged will be invited to 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 defined in the Federal Register, Appendix A, Vol. 42, No. 191, Monday, October 3, 1977 according to the definition in WAC 490-32A-010.

(3) Identification of Disadvantaged Persons. Disadvantaged persons are identified as defined in the Federal Register, Appendix A, Vol. 42, No. 191, Monday, October 3, 1977. [Statutory Authority: RCW 28C.04.060. 79-02-019 (Order 79-1, Resolution 78-32-3), § 490-40A-040, filed 1/16/79; Order 75-3, § 490-40A-040, filed 12/18/75. Formerly WAC 490-40-040.]

WAC 490-40A-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 490-40A-060 Repealed. See Disposition Table at beginning of this chapter.

WAC 490-40A-070 Repealed. See Disposition Table at beginning of this chapter.

WAC 490-40A-080 Repealed. See Disposition Table at beginning of this chapter.

WAC 490-40A-090 Repealed. See Disposition Table at beginning of this chapter.

WAC 490-40A-100 Repealed. See Disposition Table at beginning of this chapter.

WAC 490-40A-110 Repealed. See Disposition Table at beginning of this chapter.

Chapter 490-44A WAC ALLOCATION OF FUNDS

WAC

490-44A-010 through 490-44A-080 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

490-44A-010 Allocation of funds among educational agencies. [Order 75-3, § 490-44A-010, filed 12/18/75. Formerly WAC 490-44-010.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.

490-44A-020 Allocation of funds to local educational agencies for programs, services and activities—Content of local applications. [Order 75-3, § 490-44A-020, filed

12/18/75. Formerly WAC 490-44-020.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.

490-44A-030 Construction requirements. [Order 75-3, § 490-44A-030, filed 12/18/75. Formerly WAC 490-44-030.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.

490-44A-040 Procedures for processing local applications for construction. [Order 75-3, § 490-44A-040, filed 12/18/75. Formerly WAC 490-44-040.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.

490-44A-050 Maintenance of effort. [Order 75-3, § 490-44A-050, filed 12/18/75. Formerly WAC 490-44-050.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.

490-44A-060 Overall state matching. [Order 75-3, § 490-44A-060, filed 12/18/75. Formerly WAC 490-44-060.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.

490-44A-070 Reasonable tax effort. [Order 75-3, § 490-44A-070, filed 12/18/75. Formerly WAC 490-44-070.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.

490-44A-080 Criteria for determining relative priority of local applications. [Order 75-3, § 490-44A-080, filed 12/18/75. Formerly WAC 490-44-080.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.

WAC 490-44A-010 through 490-44A-080 Repealed. See Disposition Table at beginning of this chapter.

Chapter 490-48A WAC VOCATIONAL YOUTH ORGANIZATIONS

WAC

490-48A-010 Vocational student organizations.

WAC 490-48A-010 Vocational student organizations. Leadership development in 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. [Statutory Authority: RCW 28C.04.060. 79-02-019 (Order 79-1, Resolution 78-32-3), § 490-48A-010, filed 1/16/79; 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 through 490-52A-030 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

490-52A-010 State research coordinating unit. [Order 75-3, § 490-52A-010, filed 12/18/75. Formerly WAC 490-52-

010.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.

- 490-52A-020 Effective use of results of program and experience. [Order 75-3, § 490-52A-020, filed 12/18/75. Formerly WAC 490-52-020.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-52A-030 Research grant application procedures. [Order 75-3, § 490-52A-030, filed 12/18/75. Formerly WAC 490-52-030.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.

WAC 490-52A-010 through 490-52A-030 Repealed. See Disposition Table at beginning of this chapter.

Chapter 490-53 WAC PROGRAM IMPROVEMENT

WAC

- 490-53-001 Program improvement.
490-53-010 Research coordinating unit.

WAC 490-53-001 Program improvement. In addition to the rules and regulations relating to Program Improvement, contained in Sections 104.702 through 104.708, Federal Register, Vol. 42, No. 191—Monday, October 3, 1977, the commission adopts the rules set forth in this chapter. [Statutory Authority: RCW 28C.04.060. 79-02-019 (Order 79-1, Resolution 78-32-3), § 490-53-001, filed 1/16/79.]

WAC 490-53-010 Research coordinating unit. In order to expend funds for program improvement, the commission's research coordinating unit will administer the research, exemplary and innovative projects, curriculum development and dissemination activities in the state. The research coordinating unit may contract for the performance of any of the above activities or services, or this unit may perform the activities directly using its own staff. The cost of the professional and support staff of the RCU is supportable with federal funds. The RCU is a component of the commission and will consist of sufficient staff to carry out the duties and responsibilities of the RCU, as determined by the state director. Day-to-day direction and operation of the research coordinating unit will be a responsibility of the RCU director, and the unit will be housed with the commission. [Statutory Authority: RCW 28C.04.060. 79-02-019 (Order 79-1, Resolution 78-32-3), § 490-53-010, filed 1/16/79.]

Chapter 490-56A WAC EXEMPLARY PROGRAMS AND PROJECTS

WAC

- 490-56A-010 through 490-56A-030 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 490-56A-010 Federal funding of state plan. [Order 75-3, § 490-56A-010, filed 12/18/75. Formerly WAC 490-56-010.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-56A-020 Application procedures. [Order 75-3, § 490-56A-020, filed 12/18/75. Formerly WAC 490-56-020.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-56A-030 Program or project requirements. [Order 75-3, § 490-56A-030, filed 12/18/75. Formerly WAC 490-56-030.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.

WAC 490-56A-010 through 490-56A-030 Repealed. See Disposition Table at beginning of this chapter.

Chapter 490-60A WAC HOME AND FAMILY LIFE EDUCATION

WAC

- 490-60A-010 Consumer and homemaking education.

WAC 490-60A-010 Consumer and homemaking education. (1) In addition to the provisions in the state plan, and the rules and regulations relating to consumer and homemaking education also referred to as home and family life education contained in Sections 104.901 through 104.906, Federal Register, Vol. 42, No. 191—Monday, October 3, 1977, the commission adopts the rules set forth in this chapter.

(2) The funds available will be used in accordance with the approved five-year state plan and annual program plan, solely for:

- (a) Educational programs in consumer and homemaking; and
- (b) Ancillary services.

(3) Application and review procedures shall be set forth in the state plan for the allocation of funds from subpart five of the act by each state agency to which program responsibility has been delegated. [Statutory Authority: RCW 28C.04.060. 79-02-019 (Order 79-1, Resolution 78-32-3), § 490-60A-010, filed 1/16/79; Order 75-3, § 490-60A-010, filed 12/18/75. Formerly WAC 490-60-010.]

Chapter 490-64A WAC COOPERATIVE VOCATIONAL EDUCATION PROGRAMS

WAC

- 490-64A-010 through 490-64A-070 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 490-64A-010 Cooperative vocational education programs. [Order 75-3, § 490-64A-010, filed 12/18/75. Formerly WAC 490-64-010.] Repealed by 79-02-019 (Order

- 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-64A-020 Procedures for approval of cooperative vocational education programs. [Order 75-3, § 490-64A-020, filed 12/18/75. Formerly WAC 490-64-020.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-64A-030 Additional costs. [Order 75-3, § 490-64A-030, filed 12/18/75. Formerly WAC 490-64-030.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-64A-040 Participation of students in non-profit private schools. [Order 75-3, § 490-64A-040, filed 12/18/75. Formerly WAC 490-64-040.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-64A-050 Non-commingling of funds. [Order 75-3, § 490-64A-050, filed 12/18/75. Formerly WAC 490-64-050.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-64A-060 Local evaluation and follow-up procedures. [Order 75-3, § 490-64A-060, filed 12/18/75. Formerly WAC 490-64-060.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-64A-070 Ancillary services and activities. [Order 75-3, § 490-64A-070, filed 12/18/75. Formerly WAC 490-64-070.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.

WAC 490-64A-010 through 490-64A-070 Repealed. See Disposition Table at beginning of this chapter.

Chapter 490-68A WAC WORK-STUDY PROGRAMS

- WAC
490-68A-010 through 490-68A-040 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 490-68A-010 Work-study programs. [Order 75-3, § 490-68A-010, filed 12/18/75. Formerly WAC 490-68-010.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-68A-020 Approval of work-study programs. [Order 75-3, § 490-68A-020, filed 12/18/75. Formerly WAC 490-68-020.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-68A-030 Requirements for work-study program. [Order 75-3, § 490-68A-030, filed 12/18/75. Formerly WAC 490-68-030.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-68A-040 Use of funds for state plan development and administration. [Order 75-3, § 490-68A-040, filed 12/18/75. Formerly WAC 490-68-040.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.

WAC 490-68A-010 through 490-68A-040 Repealed. See Disposition Table at beginning of this chapter.

Chapter 490-72A WAC RESIDENTIAL VOCATIONAL EDUCATION SCHOOLS

- WAC
490-72A-010 through 490-72A-040 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 490-72A-010 Residential vocational education schools. [Order 75-3, § 490-72A-010, filed 12/18/75. Formerly WAC 490-72-010.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-72A-020 Procedures for establishing residential facilities. [Order 75-3, § 490-72A-020, filed 12/18/75. Formerly WAC 490-72-020.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-72A-030 Requirements for construction and operation. [Order 75-3, § 490-72A-030, filed 12/18/75. Formerly WAC 490-72-030.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-72A-040 Notification to commissioner. [Order 75-3, § 490-72A-040, filed 12/18/75. Formerly WAC 490-72-040.] Repealed by 79-02-019 (Order 79-1, Resolution 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.

WAC 490-72A-010 through 490-72A-040 Repealed. See Disposition Table at beginning of this chapter.

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.

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. 94-482, and in accordance with RCW 43.08.090,¹ and RCW 43.08.100² is: Washington State Treasurer, Legislative Building, Olympia, Washington 98504 (Reg. 102.37).

¹"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.)"

²"43.08.100. FISCAL AGENT FOR STATE—DUTIES OF FISCAL AGENT. The fiscal agent of the state shall receive all moneys 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.)"

[Statutory Authority: RCW 28C.04.060. 79-02-019 (Order 79-1, Resolution 78-32-3), § 490-76A-010, filed 1/16/79; 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 state director (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. 94-482.) [Statutory Authority: RCW 28C.04.060. 79-02-019 (Order 79-1, Resolution 78-32-3), § 490-76A-020, filed 1/16/79; Order 75-3, § 490-76A-020, filed 12/18/75. Formerly WAC 490-76-020.]

Chapter 490-325 WAC

COMMISSION FOR VOCATIONAL EDUCATION

WAC

490-325-010	Introduction.
490-325-020	State Environmental Policy Act compliance.
490-325-030	State Environmental Policy Act "responsible official."
490-325-040	Information center and register distribution.
490-325-050	Publication of notice of action.
490-325-060	Time limit for completion of EIS process.

WAC 490-325-010 Introduction. When the Commission for Vocational Education, hereinafter referred to as CVE, begins to consider taking an action which might affect the environment (e.g., developing or revising the master plan, constructing a new building or adding to an existing facility, landscaping, or modifying or installing utilities), the CVE shall follow the steps outlined in WAC 490-325-010 through RCW [WAC] 490-325-060. [Statutory Authority: RCW 43.21C.120 and chapter 28C.04 RCW. 78-04-064 (Order 78-2, Resolution 78-27-2), § 490-325-010, filed 3/31/78.]

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 490-325-020 State Environmental Policy Act compliance. It is the policy of the CVE that capital projects proposed to be developed by the agency shall be accomplished in compliance with chapter 43.21C RCW, the State Environmental Policy Act (SEPA) and in accordance with chapter 197-10 WAC, guidelines for State Environmental Policy Act implementation. To this end, the CVE hereby adopts by reference to the following sections or subsection of chapter 197-10 of the Washington Administrative Code (the "SEPA Guidelines" adopted by the state of Washington Council on Environmental Policy):

WAC 197-10-040:	Definitions
WAC 197-10-060:	Scope Of A Proposal And Its Impacts
WAC 197-10-160:	No Presumption Of Significance For Nonexempt Actions
WAC 197-10-170:	Categorical Exemptions
WAC 197-10-175:	Exemptions And Nonexemptions Applicable To Specific State Agencies

WAC 197-10-180:	Exemption For Emergency Actions
WAC 197-10-190:	Use And Effect Of Categorical Exemptions
WAC 197-10-200:	Lead Agency—Responsibilities
WAC 197-10-203:	Determination Of Lead Agency—Procedures
WAC 197-10-205:	Lead Agency Designation—Governmental Proposals
WAC 197-10-210:	Lead Agency Designation—Private Projects For Which There Is Only One Agency
WAC 197-10-215:	Lead Agency Designation—Private Projects For Which There Is Only One Agency With Jurisdiction
WAC 197-10-220:	Lead Agency Designation—Private Projects Requiring Licenses From More Than One Agency, When One Of The Agencies Is A County/City
WAC 197-10-225:	Lead Agency Designation—Private Projects Requiring Licenses From More Than One State Agency
WAC 197-10-230:	Lead Agency Designation—Specific Proposals
WAC 197-10-235:	Local Agency Transfer Of Lead Agency Status To A State Agency
WAC 197-10-240:	Agreements As To Lead Agency Status
WAC 197-10-245:	Agreements Between Agencies As To Division Of Lead Agency Duties
WAC 197-10-260:	Dispute As To Lead Agency Determination—Resolution by CEP
WAC 197-10-270:	Assumption Of Lead Agency Status By Another Agency With Jurisdiction
WAC 197-10-300:	Threshold Determination Requirement
WAC 197-10-305:	Recommended Timing for Threshold Determination
WAC 197-10-310:	Threshold Determination Procedures—Environmental Checklist
WAC 197-10-320:	Threshold Determination Procedures—Initial Review of Environmental Checklist
WAC 197-10-330:	Threshold Determination Procedures—Information In Addition To Checklist
WAC 197-10-340:	Threshold Determination Procedures—Negative Declarations
WAC 197-10-345:	Assumption Of Lead Agency Status By Another Agency With Jurisdiction Over A Proposal—Prerequisites, Effect And Form of Notice
WAC 197-10-350:	Affirmative Threshold Determination
WAC 197-10-355:	Form Of Declaration Of Significance/Nonsignificance
WAC 197-10-360:	Threshold Determination Criteria—Application of Environmental Checklist
WAC 197-10-365:	Environmental Checklist
WAC 197-10-370:	Withdrawal Of Affirmative Threshold Determination
WAC 197-10-375:	Withdrawal Of Negative Threshold Determination
WAC 197-10-390:	Effect Of Threshold Determination By Lead Agency
WAC 197-10-400:	Duty To Begin Preparation Of A Draft EIS
WAC 197-10-410:	Predraft Consultation Procedures
WAC 197-10-425:	Organization And Style Of A Draft EIS
WAC 197-10-440:	Contents Of A Draft EIS
WAC 197-10-442:	Special Considerations Regarding Contents Of An EIS On A Nonproject Action
WAC 197-10-444:	List Of Elements Of The Environment
WAC 197-10-450:	Public Awareness Of Availability Of Draft EIS
WAC 197-10-455:	Circulation Of The Draft EIS—Review Period
WAC 197-10-460:	Specific Agencies To Which Draft EIS Shall Be Sent
WAC 197-10-465:	Agencies Possessing Environmental Expertise
WAC 197-10-470:	Cost To The Public For Reproduction Of Environmental Documents
WAC 197-10-480:	Public Hearing On A Proposal—When Required
WAC 197-10-485:	Notice Of Public Hearing On Environmental Impact Of The Proposal
WAC 197-10-490:	Public Hearing On The Proposal—Use Of Environmental Documents
WAC 197-10-495:	Preparation Of Amended Or New Draft EIS
WAC 197-10-500:	Responsibilities Of Consulted Agencies—Local Agencies

- WAC 197-10-510: Responsibilities Of Consulted Agencies—State Agencies With Jurisdiction
- WAC 197-10-520: Responsibilities Of Consulted Agencies—State Agencies With Environmental Expertise
- WAC 197-10-530: Responsibilities Of Consulted Agencies—WHEN Prefraft Consultation Has Occurred
- WAC 197-10-535: Cost Of Performance Of Consulted Agency Responsibilities
- WAC 197-10-540: Limitations On Responses To Consultation
- WAC 197-10-545: Effect Of No Written Comment
- WAC 197-10-550: Preparation Of The Final EIS—Time Period Allowed
- WAC 197-10-570: Preparation Of The Final EIS—Contents—When No Critical Comments Received On The Draft EIS
- WAC 197-10-580: Preparation Of The Final EIS—Contents—When Critical Comments Received On Draft EIS
- WAC 197-10-600: Circulation Of The Final EIS
- WAC 197-10-650: Effect Of An Adequate Final EIS Prepared Pursuant To NEPA
- WAC 197-10-652: Supplementation By A Lead Agency Of An Inadequate Final NEPA EIS
- WAC 197-10-660: Use Of Previously Prepared EIS For A Different Proposed Action
- WAC 197-10-690: Use Of Lead Agency's EIS By Other Acting Agencies For The Same Proposal
- WAC 197-10-695: Draft And Final Supplements To A Revised EIS
- WAC 197-10-700: No Action For Seven Days After Publication Of The Final EIS
- WAC 197-10-710: EIS Combined With Existing Planning And Review Processes
- WAC 197-10-831: Responsibility Of Agencies—SEPA Public Information
- WAC 197-10-840: Application Of Agency Guidelines To Ongoing Actions

[Statutory Authority: RCW 43.21C.120 and chapter 28C.04 RCW. 78-04-064 (Order 78-2, Resolution 78-27-2), § 490-325-020, filed 3/31/78.]

WAC 490-325-030 State Environmental Policy Act "responsible official." In compliance with chapter 197-10 WAC, the CVE Executive Director or an individual designated to act for and on behalf of him shall be the "responsible official" for carrying out this policy. [Statutory Authority: RCW 43.21C.120 and chapter 28C.04 RCW. 78-04-064 (Order 78-2, Resolution 78-27-2), § 490-325-030, filed 3/31/78.]

WAC 490-325-040 Information center and register distribution. The SEPA public information center required by chapter 197-10 WAC, shall be maintained in the Office of the CVE Executive Director. Copies or updates of the registers required by WAC 197-10-830(3) shall be sent as required by WAC 197-10-830(4) to those individuals and organizations who make written request therefore. [Statutory Authority: RCW 43.21C.120 and chapter 28C.04 RCW. 78-04-064 (Order 78-2, Resolution 78-27-2), § 490-325-040, filed 3/31/78.]

WAC 490-325-050 Publication of notice of action. Any action, as defined in WAC 197-10-040, undertaken by the CVE, shall be publicized as prescribed in RCW 43.21C.080. [Statutory Authority: RCW 43.21C.120 and chapter 28C.04 RCW. 78-04-064 (Order 78-2, Resolution 78-27-2), § 490-325-050, filed 3/31/78.]

WAC 490-325-060 Time limit for completion of EIS process. As soon as possible after a proposal for action has been formulated and its scope defined the responsible official or his designee shall establish the date by which the EIS process for the particular project must be completed. [Statutory Authority: RCW 43.21C.120 and chapter 28C.04 RCW. 78-04-064 (Order 78-2, Resolution 78-27-2), § 490-325-060, filed 3/31/78.]

Chapter 490-500 WAC

VOCATIONAL REHABILITATION AND SERVICES FOR HANDICAPPED PERSONS

WAC

- 490-500-140 Repealed.
- 490-500-145 Criteria for selection of service.
- 490-500-190 Economic need—Standards for determining.
- 490-500-520 Purchase of services—Selection criteria—Rehabilitation facilities and workshops.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 490-500-140 Accepted for regular services. [Order 1050, § 490-500-140, filed 8/29/75; Order 775, § 490-500-140, filed 3/1/73.] Repealed by 79-04-064 (Order 1383), filed 3/28/79. Statutory Authority: RCW 28A.10.025.

WAC 490-500-140 Repealed. See Disposition Table at beginning of this chapter.

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, use the following order:

Those clients who are most severely disabled will be accepted for service first to be followed by other clients of the department of social and health services second, and then all other clients in order of precedence by date of application with earliest date of application having first priority. [Statutory Authority: RCW 28A.10.025. 79-04-064 (Order 1383), § 490-500-145, filed 3/28/79; Order 1050, § 490-500-145, filed 8/29/75; Order 775, § 490-500-145, 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/her obligations, debts, and expenses is equal to or exceeds the total of his/her income and nonexempt assets or resources. When the value of his/her income and nonexempt assets is greater than the value of his/her 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/her entire family unit, including his/her dependents or, if the client is an unemancipated minor, his/her 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/her family, including any contiguous real property. A house trailer is an exempt asset when it is being regularly occupied by the client or his/her 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/her 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/her 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/her 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,

(b) Shelter and living expenses for the client's dependents,

(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) When maintenance is to be paid by the Division of Vocational Rehabilitation to a client, it shall be in the amount the division has determined to be necessary to maintain the client and dependents up to a maximum of:

(a) \$230.25 for self;

(b) \$64.00 additional for each dependent consistent with DVR policies and criteria. [Statutory Authority: RCW 28A.10.025. 79-04-064 (Order 1383), § 490-500-190, filed 3/28/79; Order 1050, § 490-500-190, filed 8/29/75; Order 775, § 490-500-190, filed 3/1/73.]

WAC 490-500-520 Purchase of services--Selection criteria--Rehabilitation facilities and workshops. (1) 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 full or provisional 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 competitive placement or extended sheltered employment. Certification, whether full or provisional, by the division shall be based, in part, upon compliance with those accreditation criteria, which have been approved by the division, or such other national accreditation body as the division shall deem appropriate. Criteria for accreditation shall include, but are not limited to, evaluations of the organization, administration and stated purpose of the facility; the services provided to the clients; personnel, including educational or other preparation for the position, as well as ongoing training within the facility; the maintenance of record keeping systems adequate to document both the fiscal adequacy and reliability of the facility and the services which are provided to, and the progress of, the client; fiscal management; physical plant, including adequacy, maintenance and compliance with all applicable statutes, regulations and ordinances; and such other evaluations of the program of the facility as a whole as the division shall require. National accreditation shall be one of the essential criteria utilized by the division in its determination of certifiability; however, no facility shall be certified by the division unless the division shall have determined, in

its sole discretion, that there are sufficient potential clients to generate a need for the facility.

(2) Certification will be revoked, suspended or denied for failure to adequately comply with the criteria as determined by the division.

(3) Provisional certification may be granted by the division for not more than two years when a facility has been determined to be in substantial compliance with the above stated criteria, but is not yet eligible for national accreditation.

(4) The department shall maintain available copies of regulations for distribution. These may be found in the Washington state facility plan.

(5) The division may reimburse any rehabilitation facility for its cost of participation in required accreditation surveys performed by a nationally recognized accreditation surveyor which the division deems appropriate. [Statutory Authority: RCW 28A.10.025. 79-05-040 (Order 1391), § 490-500-520, filed 4/26/79; Order 1050, § 490-500-520, filed 8/29/75.]

Chapter 490-600 WAC

EDUCATIONAL SERVICES REGISTRATION

WAC

490-600-010	Authority.
490-600-020	Purpose.
490-600-030	Definitions.
490-600-045	Exemptions.
490-600-046	Recognition of accrediting agencies and associations.
490-600-050	Application, annual renewal and amendments.
490-600-060	Education standards.
490-600-061	Educational standards—Correspondence schools.
490-600-070	Business practices.
490-600-071	Minimum cancellation and refund policy.
490-600-072	Enrollment agreement (contract) checklist.
490-600-073	Bonding.
490-600-075	Denial or discontinuance of certification.
490-600-076	Appeals.
490-600-077	Hearings.
490-600-080	Duties of the commission.

WAC 490-600-010 Authority. This rule is promulgated pursuant to the Educational Services Registration Act, chapter 188, Laws of 1979 ex. sess. [chapter 28B.05 RCW], 46th Legislative Session. [Statutory Authority: Chapter 28B.05 RCW. 80-01-065 (Order 79-2, Resolution 79-38-2), § 490-600-010, filed 12/21/79.]

WAC 490-600-020 Purpose. The purpose of this rule is to implement an educational institution registration system for private vocational schools and certain dual-purpose institutions doing business in the state of Washington. [Statutory Authority: Chapter 28B.05 RCW. 80-01-065 (Order 79-2, Resolution 79-38-2), § 490-600-020, filed 12/21/79.]

WAC 490-600-030 Definitions. The definitions set forth in this section are intended to supplement the definitions contained in the act and shall apply throughout this rule, unless the context clearly indicates to the contrary.

(1) "Commission" shall mean the commission for vocational education.

(2) "Charitable institution, organization or agency" shall mean any public or private not-for-profit entity organized substantially to provide or promote services to the general public without charge or for nominal payment and which substantially relies on contributions from the general public, private organizations, the United States, or any state or political subdivision thereof for its operating expenses.

(3) "Institutional accreditation" shall mean certification by an accrediting agency or association that an educational institution as a whole is capable of achieving its educational objectives and of fulfilling its commitment to students.

(4) "Representatives of the public" means representatives who are laymen in the sense that they are not educators in, or members of the profession for which the students are being prepared, nor in any way are directly related to the institutions or programs being evaluated.

(5) "The act" means the Educational Services Registration Act (SSB 2434), chapter 188, Laws of 1979 ex. sess. [chapter 28B.05 RCW] 46th Legislative Session.

(6) "Commissioners" means the voting members of the commission of vocational education holding office pursuant to WAC 490-04A-020.

(7) "School director/manager" means the individual directly responsible for the educational management of a school; its courses, instruction, schedules, facilities, equipment, student services, records management, etc.

(8) "Registrant" means any private vocational school registered under the provision of the act.

(9) "Avocational or recreational" means instruction which clearly is not being offered for the purpose of providing the student with employable skills or with competencies that upon completion of the program, course or class would be customarily applied to gainful employment.

(10) "Supervisor" shall mean that staff person directly responsible for the staff, equipment, instruction, schedules, etc., of a vocational program area (D.E., T&I, B&OE, etc.) or department of the institution.

(11) "Learning period" means the time needed to learn technical competencies of the occupation about which they will instruct. Such competency can be obtained through the completion of an appropriate college or technical school training program, apprenticeship training to journeyman level, or intensive on-the-job training of commensurate duration.

(12) "Ownership" of a school means: (a) In the case of a school owned by an individual, that individual; (b) in the case of a school owned by a partnership, all full, silent, and limited partners; (c) in the case of a school owned by a corporation, the corporation, its directors, officers, and each shareholder owning shares of issued and outstanding stock aggregating at least ten percent of the total of the issued and outstanding shares.

(13) "Gross tuition charges" shall mean for bonding purposes, all charges to the student which have been included in the enrollment agreement or contract: *Provided*, That the charges to defray costs to the institution for equipment and supplies actually used by the student for instructional purposes shall not be included.

(14) "Private vocational school" shall mean an educational institution providing training, the objective of which is to prepare persons to enter, continue in, or upgrade themselves in gainful employment in recognized professions or occupations which do not require a baccalaureate or higher degree.

(15) "Correspondence and/or home study school" shall mean that the instructional format of the school involves the sequential mailing or distribution of lessons to the student, who studies the material, completes a lesson examination, and returns the examination to the school. The school then grades the lesson/examination (and in some instances provides additional comments and instruction), and returns the graded lesson to the student along with the next set of instructional materials.

(16) "Accrediting agency or association" shall mean an educational agency or association of regional or national scope which has adopted criteria reflecting the qualities of sound educational practices, and also provides peer evaluations of institutions to determine whether or not said institutions operate at basic levels of quality. [Statutory Authority: Chapter 28B.05 RCW, 80-01-065 (Order 79-2, Resolution 79-38-2), § 490-600-030, filed 12/21/79.]

WAC 490-600-045 Exemptions. Organizations and institutions claiming exemption under the provisions of section 4, chapter 188, Laws of 1979 ex. sess. [RCW 28B.05.040] shall meet the following additional provisions:

(1) To be considered exempt under the act, charitable organizations must be recognized by the United States Internal Revenue Service as being exempt under Section 501(c)(3) of the Internal Revenue Code as charitable organizations.

(2) Educational institutions that are candidates for accreditation or are on probation concerning their accreditation status are not considered eligible for exemption under the provision of section 4(5), chapter 188, Laws of 1979 ex. sess. [RCW 28B.05.040(5)].

(3) Educational institutions exempted as accredited shall, not later than January 31 of each calendar year, notify the commission of its operating in the state of Washington and shall furnish the commission with one copy of its current catalog.

(4) Educational institutions requesting exemption under the hardship provision of section 13, chapter 188, Laws of 1979 ex. sess. [RCW 28B.05.130] shall make a request in writing which shall include:

(a) Name, address and telephone number of the institution,

(b) Name, title, address and telephone number of the chief administrative officer,

(c) Reference to the specific section or subsection for which the exemption is requested, and

(d) Statements and related probative documents which clearly identify the nature of the hardship and the institution's inability to meet the requirements of the section or subsection of the act or of this rule and for

which the exemption is requested, together with substantiation that such exemption will not unnecessarily frustrate the purposes of the act or of this rule.

(5) Institutions offering instruction on federal installations solely to personnel employed by the Federal government, and their dependents, shall not be required to have separate institutional accreditation in order to qualify for exemption. [Statutory Authority: Chapter 28B.05 RCW, 80-01-065 (Order 79-2, Resolution 79-38-2), § 490-600-045, filed 12/21/79.]

WAC 490-600-046 Recognition of accrediting agencies and associations. (1) Any accrediting agency or association desiring recognition for the purposes of section 4(5) of the act must show:

(a) Functional aspects. Its functional aspects will be demonstrated by:

(i) Its scope of operations.

(A) The agency or association is national or regional in its scope of operations.

(B) The agency or association clearly defines in its charter, bylaws, or accrediting standards the scope of its activities, including the geographical area and the types and levels of institutions or programs covered.

(ii) Its organization.

(A) The agency or association has the administrative personnel and procedures to carry out its operations in a timely and effective manner.

(B) The agency or association defines its fiscal needs, manages its expenditures, and has adequate financial resources to carry out its operations, as shown by an externally audited financial statement.

(C) The agency's or association's fees, if any, for the accreditation process do not exceed the reasonable cost of sustaining and improving the process.

(D) The agency or association uses competent and knowledgeable persons, qualified by experience and training, and selects such persons in accordance with nondiscriminatory practices: (aa) To participate on visiting evaluation teams; (bb) to engage in consultative services for the evaluation and accreditation process; and (cc) to serve on policy and decision-making bodies.

(E) The agency or association includes on each visiting evaluation team at least one person who is not a member of its policy or decision-making body or its administrative staff.

(F) Accredits institutions that are classified as primarily post-secondary, properly chartered and licensed to operate, and offer instruction leading to degrees, diplomas, or certificates with education validity.

(iii) Its procedures.

(A) The agency or association maintains clear definitions of each level of accreditation status and has clearly written procedures for granting, denying, reaffirming, revoking, and reinstating such an accredited status.

(B) The agency or association, if it has developed a preaccreditation status, provides for the application of criteria and procedures that are related in an appropriate manner to those employed for accreditation.

(C) The agency or association requires, as an integral part of its accrediting process, institutional or program

self-analysis and an on-site review by a visiting team.

(aa) The self-analysis shall be a qualitative assessment of the strengths and limitations of the institution, including the achievement of institutional objectives, and should involve a representative portion of the institution's administrative staff, teaching faculty, students, governing body, and other appropriate constituencies.

(bb) The agency or association provides written and consultative guidance to the institution or program and to the visiting team.

(b) Responsibility. Its responsibility will be demonstrated by the way in which—

(i) Its accreditation in the field in which it operates serves clearly identified needs, as follows:

(A) The agency's or association's accreditation program takes into account the rights, responsibilities, and interests of students, the general public, the academic, professional, or occupational fields involved, and institutions.

(B) The agency's or association's purposes and objectives are clearly defined in its charter, by-laws, or accrediting standards.

(ii) It is responsive to the public interest, in that:

(A) The agency or association includes representatives of the public in its policy and decision-making bodies, or as an advisory or consultative capacity that assures attention by the policy and decision-making bodies.

(B) The agency or association publishes or otherwise makes publicly available: (aa) The standards by which institutions are evaluated; (bb) the procedures utilized in arriving at decisions regarding the accreditation status of an institution; (cc) the current accreditation status of institutions and the date of the next currently scheduled review or reconsideration of accreditation; (dd) the names and affiliations of members of its policy and decision-making bodies, and the name(s) of its principal administrative personnel; (ee) a description of the ownership, control and type of legal organization of the agency or association.

(C) The agency or association provides advance notice of proposed or revised standards to all persons, institutions, and organizations significantly affected by its accrediting process, and provides such persons, institutions and organizations adequate opportunity to comment on such standards prior to their adoption.

(D) The agency or association has written procedures for the review of complaints pertaining to institutional or program quality, as these relate to the agency's standards and demonstrates that such procedures are adequate to provide timely treatment of such complaints in a manner that is fair and equitable to the complainant and to the institution or program.

(iii) It assures due process in its accrediting procedures, as demonstrated in part by:

(A) Affording initial evaluation of the institution only when the chief executive officer of the institution applies for accreditation of the institution;

(B) Providing for adequate discussion during an on-site visit between the visiting team and the faculty, administrative staff, students, and other appropriate persons;

(C) Furnishing, as a result of an evaluation visit, a written report to the institution commenting on areas of strengths, areas needing improvement and, when appropriate, suggesting means of improvement and including specific areas, if any, where the institution may not be in compliance with the agency's standards;

(D) Providing the chief executive officer of the institution with an opportunity to comment upon the written report and to file supplemental materials pertinent to the facts and conclusions in the written report of the visiting team before the accrediting agency or association takes action on the report;

(E) Evaluating, when appropriate, the report of the visiting team in the presence of a member of the team, preferably the chairman;

(F) Providing for the withdrawal of accreditation only for cause, after review, or when the institution does not permit re-evaluation, after due notice;

(G) Providing the chief executive officer of the institution with a specific statement of reasons for any adverse accrediting action, and notice of the right to appeal such action;

(H) Establishing and implementing published rules of procedure regarding appeals which will provide for: (aa) No change in the accreditation status of the institution pending disposition of an appeal; (bb) right to a hearing before the appeal body; (cc) supplying the chief executive officer of the institution with a written decision of the appeal body, including a statement of specifics.

(iv) It has demonstrated capability and willingness to foster ethical practices among the institutions which it accredits, including equitable student tuition refunds and nondiscriminatory practices in admissions and employment.

(v) It maintains a program of evaluation of its educational standards designed to assess their validity and reliability.

(vi) It secures sufficient qualitative information regarding the institution which shows an ongoing program of evaluation of outputs consistent with the educational goals of the institution.

(vii) It encourages experimental and innovative programs to the extent that these are conceived and implemented in a manner which ensures the quality and integrity of the institution.

(viii) It accredits only those institutions which meet its published standards, and demonstrates that its standards, policies, and procedures are fairly applied and that its evaluations are conducted and decisions rendered under condition that assure an impartial and objective judgment.

(ix) It reevaluates at reasonable intervals institutions which it has accredited.

(x) It requires that any reference to its accreditation of accredited institutions clearly specifies the areas and levels for which accreditation has been received.

(xi) Reliability. Its reliability is demonstrated by—

(A) Demonstrates reliability, competence, and experience by providing evidence of the acceptance of its policies, evaluate criteria, procedures, and evaluation

decisions by educators, educational institutions, other accrediting bodies, practitioners, and employers;

(B) Regular review of its standards, policies and procedures, in order that the evaluative process shall support constructive analysis, emphasize factors of critical importance, and reflect the educational and training needs of the student;

(C) Not less than two years' experience as an accrediting agency or association;

(D) Reflection in the composition of its policy and decision-making bodies of the community of interests directly affected by the scope of its accreditation.

(xii) Autonomous. Its autonomy is demonstrated by evidence that—

(A) It performs no function that would be inconsistent with the formation of an independent judgment of the quality of an educational program or institution.

(B) It provides in its operating procedures against conflict of interest in the rendering of its judgments and decisions.

(2) Accrediting associations or agencies recognized by the U.S. Office of Education as granting full institutional accreditation are currently recognized as meeting the requirements of this rule: *Provided*, That the commission may at any time require such further evidence and make such further investigation as in its judgment may be necessary to verify compliance with its standards.

(3) The commission shall maintain a list of those accrediting agencies/associations which are recognized by the agency as meeting the requirements of this section and the purposes of this chapter.

(4) The commission retains the right to waive the requirements of this section if it finds such waiver will not frustrate the purposes of the act and these regulations. [Statutory Authority: Chapter 28B.05 RCW. 80-01-065 (Order 79-2, Resolution 79-38-2), § 490-600-046, filed 12/21/79.]

WAC 490-600-050 Application, annual renewal and amendments. (1) At the time an educational institution initially registers it shall file with the commission a statement of organization, in a form determined by that agency, which shall include the following:

(a) Name and address of the institution and a statement of whether it is a "private vocational school" or "dual purpose institution".

(b) Name and address of the owners of the institution, if the institution is incorporated then the names and addresses of the directors, officers and of any shareholders holding more than a ten percent interest shall be listed, or members of the governing board in the case of non-profit institutions.

(c) Name and address of the chief administrative officer and all agents of the institution.

(d) A copy of each of the materials that the institution is required to supply prospective students prior to enrollment in accordance with section 6(4), chapter 188, Laws of 1979 ex. sess. [RCW 28B.05.060(4)], including a list, with addresses, of all locations at which instruction is offered.

(e) A signed written statement from the chief administrative officer of the institution attesting to the truth and accuracy of the information provided in the statement of organization and any amendments thereto and pledging that the institution will comply with all of the requirements of the act and the rules adopted thereunder.

(f) A surety bond, cash or other negotiable security as described in section 11, chapter 188, Laws of 1979 ex. sess. [RCW 28B.05.110].

(g) Copies of enrollment agreement and/or student contract used by the institution.

(h) Copies of current balance sheet and income statement (owner's equity analysis) covering preceding year's operations. Institutions just starting operations at the time of initial registration may substitute a proposed operating budget for the succeeding twelve months period in lieu of an income statement.

(i) The name of a bank or other financial institution that may be consulted as a financial reference for the institution.

(2) At the time of each annual renewal, the institution shall file amended statement of organization indicating any changes from the information previously submitted, as well as evidence of continued compliance with the bonding or security requirement of the act and the certification statement of the chief administrative officer.

(3) Additionally, any change of circumstances which would require amendment to the information reported in the statement of organization must be filed with the commission within thirty days of the change along with a recertification statement by the chief administrative officer. [Statutory Authority: Chapter 28B.05 RCW. 80-01-065 (Order 79-2, Resolution 79-38-2), § 490-600-050, filed 12/21/79.]

WAC 490-600-060 Education standards. An educational institution required to register under the act shall be maintained and operated in compliance with the following standards:

(1) Instructional content:

(a) All programs must be of a vocational nature by developing competencies needed for employment in a recognized occupation as defined in the current edition of Dictionary of Occupational Titles, published by the United States Department of Labor, or occupations generally recognized by the industry in which the occupation is classified.

(b) Programs must adequately cover the subject, must be clearly presented, and must be 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 for employment in the occupation for which trained or in a closely related occupation.

(c) The programs must be consistent in quality, content, and length with similar programs in public or private institutions in the state which are approved by the commission for vocational education.

(2) Instructional practices: Institutions shall provide favorable conditions for effective classroom instruction. A total pattern of successful instruction includes (a) well defined instructional objectives, (b) systematic planning, (c) selection and use of varied types of learning materials and experiences, (d) adaptation of organization and instructional procedures to student needs, (e) use of varied evaluation instruments and procedures, and (f) good student and teacher morale.

(3) Facilities:

(A)[a] The facilities shall be comparable with those found in accredited private schools located in the state of Washington having similar facilities and programs, and shall be in compliance with local and state laws governing physical facilities, particularly with respect to fire, health, safety and sanitation.

(b) The facility shall be adequate to meet the program objectives and provide enough classroom, laboratory, and shop space for the number of students to be trained.

(c) Home studios are acceptable only if unhampered for instructional purposes and conform to all other requirements for facilities and equipment as described herein.

(d) An adequate library must be provided which contains sufficient reference materials so that each student will be provided the essential related information required by the course content and objectives.

(4) Equipment and materials:

(a) Equipment, furniture, instructional devices and aids, machinery and other physical features of the classroom, laboratory, or shop shall contribute directly towards achieving the educational objectives of the course, and shall be comparable in number and quality with those used by accredited private schools in the state of Washington with similar programs and educational objectives.

(b) The equipment must reflect the current equipage of the appropriate trade, business or profession, and be sufficient in quantity for the number of enrolled students.

(c) Equipment and materials must meet all of the requirements of local and state laws regarding fire, health, safety and sanitation.

(5) Qualifications of staff: The wide variations in the kind of institutions and courses make it impractical to describe here all of the qualifications of staff. However, the following criteria are provided to assist institutions in selecting qualified personnel:

(a) School directors and/or managers.

(i) School directors/managers should meet the requirements of a vocational supervisor and have had at least two years of successful experience in vocational program supervision.

(ii) School directors/managers should possess sufficient experience as will convince the school owners or officers of their competence to plan and administer the over-all vocational education program of the institution.

(b) Supervisory staff.

(i) Supervisory personnel should meet all of the education and work experience requirements of full-time

instructors appropriate to their area of specialization, and should have

(ii) Professional training which includes a course in vocational program supervision or not less than two calendar years of successful experience in the capacity of a supervisor in business, industry or public agency.

(c) Instructional staff: Teachers should be qualified in these areas of competency:

(i) Technical competency includes the knowledge of those skills and processes required of employees in the occupations for which the training is designed.

(ii) Instructional methodology includes a knowledge of teaching techniques and media, testing, evaluation, human relations, etc., as applied to vocational programs and courses.

(iii) Classroom management includes the control of the teaching environment to achieve predetermined educational objectives within a prescribed time frame.

(iv) Practical work experience in the occupation for which the teacher is hired to teach or in closely related occupations. A minimum of two calendar years above the learning period is desirable; one of which has been within the past five years.

(v) Others who do not meet the work experience and educational requirements specified above may be employed either on a full-time or a part-time basis, provided that such individuals possess appropriate technical skills and knowledge in the specific program area and work under the direct supervision of, or in direct coordination with, an appropriately qualified professional.

(d) Ancillary personnel (counselors, assistants, etc.), should display a knowledge of and experience in the techniques and procedures applicable to the nature of their duties.

(6) Directors, supervisors, instructors and ancillary personnel should be expected to update their qualifications and keep current with the state-of-the-art in their areas of responsibility.

(7) Directors, supervisors, instructors and ancillary personnel shall, where required by law or regulation, hold an appropriate certificate or license.

(8) Number of teachers and student load:

(a) A vocational class shall be structured so that the maximum number of students per instructor shall be determined by the number of training stations, safety factors, and individual instruction requirements of the specific skills being developed. Maximum enrollments for courses shall be established according to this principle.

(b) The institution shall employ qualified staff including but not limited to instructors, counselors, and supervisory personnel, in such numbers as required to provide all services that are offered.

(9) Entrance requirements. The institution shall use a satisfactory method of selecting students according to recognized educational practices. Entrance requirements shall be based upon the ability of the applicant student to perform at a level commensurate with the physical and/or mental demands of the courses offered by the institution.

(10) Catalog or brochure: Each institution must provide students and other interested parties with a catalog or brochure, supplemented as necessary by other published materials. The catalog or brochure must be updated and published at least every two years, and must include at least the following information:

(a) Identifying data, such as volume number, date of publication, and years for which the catalog is effective.

(b) Name of the school and its governing body, administrative officials, and faculty;

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

(d) School policy and regulations on enrollment with respect to enrollment dates and specific entrance requirements for each of the programs;

(e) School policy and regulations relative to leave, absences, class cuts, makeup work, tardiness, and interruptions for unsatisfactory attendance;

(f) School policy and regulations relative to standards of progress required of the student. This policy will define the grading system of the school, 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 school, and conditions for reenrollment for those students dismissed for unsatisfactory progress. A statement will be made regarding progress records kept by the school and furnished to the student;

(g) School policy and regulations relating to student conduct and conditions for dismissal for unsatisfactory conduct;

(h) Detailed schedule of fees, charges for tuition, books, service charges, rentals, deposits, and all other student charges necessary for the completion of the course of study.

(i) Policy and regulations 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;

(j) A description of the available space, facilities and equipment, and the usual class size;

(k) The educational objective of each course, including the name, nature and level of occupations for which training is provided;

(l) For each program or field of study that prepares students for a licensed or certified occupation, a statement that indicates whether or not the appropriate agency or association recognizes the program for purposes of licensing or certification in that occupation: *Provided*, That if a licensing authority does not review and approve institutions or programs, the institution shall provide students with the name and address of the licensing authority and indicate that a license is required to practice in the occupation toward which the program is directed. For all such programs, this information must be provided at the beginning of each program description in the catalog, brochure and supplementary publications.

(m) An outline for each program showing subject or units in the program, type of work or skill to be learned,

approximate time and clock hours to be spent on each subject or unit, and the length of time in weeks or months normally required for completion.

(n) Policy and procedure relative to granting credit for previous education and training.

(o) Type of educational credential (certificate, diploma, or degree, etc.), awarded upon graduation or completion of the program. Degrees may be granted only by those institutions accredited as degree-granting institutions under the provisions of WAC 490-600-045(5), and section 4(5) of the act.

(p) A detailed and explicit description of the extent and nature of placement assistance available to students and/or graduates.

(q) Specifics describing the extent of other available student services, such as counseling, housing, etc.

(r) A statement on the first page or cover of the catalog says that, "This school is registered with the Washington State Commission for Vocational Education under the Educational Services Act of 1979 and has agreed to comply with the requirements and educational standards established by the commission for private vocational schools in the State of Washington," and that "in addition to any other legal remedies, in the event of a dispute between a student and the school involving a requirement of the act or relevant commission regulations either party may seek the assistance of the Executive Director of the Commission. Prior to seeking such assistance, however, the parties shall attempt to exhaust all institutional grievance and appeals procedures.["]

(s) Such other material facts concerning the institution and the program as are reasonably likely to affect the decision of the student to enroll in the institution.

(t) The catalog shall be supplemented with a printed schedule of classes, times and places for courses that will be offered each term, and said schedule shall be available to students at least two weeks prior to the beginning of classes.

(11) Nothing in this section shall be construed to supersede the authority of other agencies of the state of Washington and of the United States government which specify the educational standards required in schools licensed by those agencies to provide training for licensable occupations: *Provided*, That said educational standards are inclusive of the standards established by the commission under this rule. [Statutory Authority: Chapter 28B.05 RCW. 80-01-065 (Order 79-2, Resolution 79-38-2), § 490-600-060, filed 12/21/79.]

WAC 490-600-061 Educational standards--Correspondence schools. In addition to the appropriate standards outlined in WAC 490-600-060, it is expected that correspondence and homestudy schools shall:

(1) Have clearly defined and simply stated educational objectives for each of its courses, and that such objectives can be achieved through correspondence study,

(2) Offer only those courses that are sufficiently comprehensive, accurate and up-to-date, and the instructional materials and methods are educationally sound in

terms of the course objectives and students to be enrolled, and,

(3) Provide adequate examination services, encouragement to students and attention to individual differences. [Statutory Authority: Chapter 28B.05 RCW. 80-01-065 (Order 79-2, Resolution 79-38-2), § 490-600-061, filed 12/21/79.]

WAC 490-600-070 Business practices. (1) Business organization and ethics:

(a) All owners, officers, agents and faculty of an institution shall at all times adhere to ethical practices, as may be attested to by responsible business or financial firms, credit associations or other reputable persons.

(b) The institution must operate on the basis of sound financial and administrative policies and at all times adhere to ethical practices as may be attested to by responsible business or financial firms, credit associations, or other reputable persons.

(2) Laws and regulations: An institution must operate in compliance with applicable federal and state laws, and local ordinances and regulations.

(3) Advertising:

(a) Statements about the school must be completely truthful and factual and must avoid leaving any misleading, false, or exaggerated impression, either by actual statement, omission, or intimation.

(i) An institution may not advertise or publicize that it is approved, recommended, or endorsed in any way by the Commission for Vocational Education.

(b) Neither the institution nor its agents shall engage in methods of advertising, sales, collection, credit, or other business practices which are false, deceptive, misleading, or unfair.

(4) Records retention:

(a) The records to be retained pursuant to section 18, chapter 188, Laws of 1979 ex. sess. [RCW 28B.05.180] shall include, but not necessarily be limited to:

(i) Records and accounts which are evidence of tuition and fees charged to and received from or on behalf of all students;

(ii) Records of previous education or training of students at the time of admission and records of credit, if any, granted by the institution at the time of admission with the student so notified;

(iii) Records of the student's grades and progress;

(iv) Individual instructor's class records and permanent office records for each student;

(v) Records of leave, absences, class cuts, make-up work, tardiness;

(vi) Records of interruption for unsatisfactory conduct or attendance, and;

(vii) Records of refunds of tuition, fees, and other charges made to the student.

(b) Institutions will maintain and have available for inspection at least three years from date of use, complete records and copies of all advertising, sales, and enrollment materials used by or on behalf of the institution.

(c) In addition, for each student who graduates or withdraws, the institution shall prepare, permanently file and make available a transcript that specifies all courses

undertaken or completed. Each course entry shall include a title, number of credits awarded or clockhours earned, and a grade. The transcript shall separately identify all credit awarded for prior learning or experience, and credit by examination.

(6) The institution shall comply with its published policies, procedures and standards and shall not change their policies, procedures and standards without due notice as required by the act.

(7) Any institution shall grant to the commission access to such records and facilities as may be necessary for that agency to carry out its responsibilities under the act. [Statutory Authority: Chapter 28B.05 RCW. 80-01-065 (Order 79-2, Resolution 79-38-2), § 490-600-070, filed 12/21/79.]

WAC 490-600-071 Minimum cancellation and refund policy. The intent of the minimum cancellation and refund policy, is to see that each applicant/student is assured minimum conditions of refund, and that the school will be assured of its integrity if it meets these minima. Many schools, however, have more liberal practices and the commission encourages such practices.

The school must state its policy and schedule of refunds in clear language that can be easily understood. The policy must apply to all terminations, for any reason, by either party.

(1) Enrollment agreements. The enrollment agreement form must clearly outline the obligations of both the school and the student, and provide details of the cancellation and refund policy of the school. A copy of the enrollment agreement and other data covering student costs must be furnished the applicant before any payment is made. No enrollment agreement is binding until it has been accepted in writing by an appropriate official at the school.

(2) Termination date. The termination date for resident schools for refund computation purposes is the last date of actual attendance by the student. The school may require notice of cancellation or withdrawal to be given by certified mail provided this requirement is stated in the enrollment agreement. The school may require that notice be made by parent or guardian if the student is below legal age.

If a student fails, without written explanation to proper institutional authorities, to attend classes for a period of thirty days during which resident classes are in session, the institution shall officially terminate the student from the program or course of instruction, and refund tuition and fees according to its published refund policy.

(3) Refund policy: Resident schools. Details of the school's own definite and established refund policy for cancellations and terminations must, as a minimum, comply with the following requirements:

(a) Rejection. An applicant rejected by the school shall be entitled to a refund of all moneys paid, less any standard application fee, not to exceed twenty-five dollars.

(b) Three-day cancellation. All moneys paid by an applicant will be refunded if requested within three

business days after signing an enrollment agreement and making an initial payment.

(c) Other cancellation. Any applicant subsequently requesting cancellation, but before entering school and starting the course, shall be entitled to a refund of all moneys paid minus a fee of ten percent of the contract price of the course, but in no event may the school retain more than one hundred dollars.

(d) First week. For a student terminating training after entering school and starting the course of training but within the first week, the tuition charges made by the school shall not exceed ten percent of the contract price of the course plus the registration fee not to exceed one hundred dollars, but in no event more than three hundred dollars.

(e) After first week. For a student terminating training after one week but within the first twenty-five percent of the course, the tuition charges made by the school shall not exceed twenty-five percent of the contract price of the course plus a registration fee not to exceed one hundred dollars.

(f) After twenty-five percent. For a student terminating training after completing twenty-five percent but less than fifty percent of the course, the tuition charges made by the school shall not exceed fifty percent of the contract price of the course plus the registration fee of not more than one hundred dollars, and thereafter,

(g) The institution may retain one hundred percent of the stated tuition plus the registration fee which may not exceed one hundred dollars.

(h) Special cases. In case of student prolonged illness or accident, death in the family, or other circumstances that make it impractical to complete the course, the school shall make a settlement which is reasonable and fair to both.

(4) Application of policy. A school year for resident schools is defined by the period of time that the required learning experiences are fully available to the student. The definition of a "school year" must be established by resident schools for refund computation purposes and be published in the school's catalog.

(a) For courses longer than one school year in length, the cancellation and refund policy shall apply to the stated course price attributable to each school year.

(b) All of the stated course price attributable to the period beyond the first year will be refunded when the student terminates during the first year.

(c) Percentage of course completion shall be computed on the basis of the amount of time in the course as expressed in clock, quarter, or semester hours or other academic periods as listed in the catalog.

(d) Any moneys due the applicant or student shall be refunded within thirty days after cancellation or termination.

(5) Extra expenses, items of extra expense to the student, such as housing, board, instructional supplies or equipment, tools, student activities, laboratory fees, service charges, rentals, deposits, and all other extra

charges for which the student has contracted or paid in advance need not be considered in tuition refund computations provided they are separately shown in the enrollment agreement, catalog, or in other published data furnished to the student before enrollment, and provided further that the student received the complete materials or services during the period the student was actually enrolled. When items of major extra expense are separately shown for this purpose the school must also state its policy for reasonable settlement of such charges in the event of early termination of the student and in no event shall the charges be more than the actual value of the materials or services used by the student.

(6) If promissory notes or contracts for tuition are sold or discounted to third parties, students or their financial sponsors must sign a statement authorizing such sales, and the school must comply with its cancellation and refund policy. Schools must notify all third parties of the cancellation and refund policy of the school.

(7) Institutions shall modify a student's contract and provide a pro rata refund to the student for any arbitrary and unilateral change by the institution that reduces contracted training time, which reduces course content, or other actions which adversely affect the training time or course content. The burden of proof that such changes did not adversely affect the student rests with the school if any dispute arises over a failure to apply such prorata refund.

(8) For correspondence and/or home study schools the following applies as minimum refund policies:

(a) An enrollment may be canceled by an applicant student within three days from the day on which the enrollment agreement is signed. An applicant student requesting cancellation in whatever manner within this time shall be given a refund of all money paid to the school or its representatives.

(b) From three days after the day on which the enrollment agreement is signed and until the time the school receives the first completed lesson assignment from the student, upon cancellation, the school is entitled to the registration fee of either twenty-five dollars or fifteen percent of the tuition up to one hundred dollars, whichever is less.

(c) After receipt of the first completed lesson assignment, if the student requests cancellation, the school shall be entitled to a tuition charge which shall not exceed the following:

(i) Up to and including the first ten percent of the course, the registration fee plus ten percent of the tuition.

(ii) After completing ten percent of the course and up to and including the completion of twenty-five percent of the course, the registration fee plus twenty-five percent of the tuition.

(iii) After completing twenty-five percent of the course and up to and including completion of fifty percent of the course, the registration fee plus fifty percent of the tuition.

(iv) If the student completes more than half of the course, the full tuition. The amount of the course completed shall be the completed lesson assignments received for service by the school as compared to the total lesson assignments in the course.

(d) Upon cancellation, all money due the student shall be refunded within thirty days. [Statutory Authority: Chapter 28B.05 RCW. 80-01-065 (Order 79-2, Resolution 79-38-2), § 490-600-071, filed 12/21/79.]

WAC 490-600-072 Enrollment agreement (contract) checklist. A contractual relationship exists between a school and its applicant or student. The terms of such agreements are considered to be of substantial importance and should be clearly understood by all concerned parties, including unsophisticated applicants and parents. Therefore, a school is required to utilize a written enrollment agreement clearly outlining the obligations of the school and the student, including details of the school's refund policy, and to provide a copy of the agreement to the applicant before any payment is made. This checklist has been prepared to serve as a guide in preparing contracts. It is not necessary for the various elements to be stated in any special phraseology or listed in any particular sequence, so long as the overall document conveys the terms of the agreement in a manner that can be easily understood.

(1) Required elements. These elements must be included in each enrollment agreement. A copy of the agreement must be furnished to the applicant before any payment is made. Since each applicant should be fully informed as to the nature of the obligations, responsibilities, and rights under the contract before signing it, the applicant should also have a copy of the school's catalog and any other necessary supporting documents detailing the services outlined in the agreement.

(a) Title. Identified as a contract or agreement.

(b) School. Name and address of the school to be attended.

(c) Course or program. Course or program title as identified in the catalog.

(d) Time required. Number of clock hours and number of weeks or months normally required for completion.

(e) Certificate, diploma or degree, etc. Identification of type of document to be received by student upon successful completion of the course or program.

(f) Costs.

(i) Tuition. Total tuition for the course. If subject to change, the tuition for the period which the agreement covers (e.g. quarter, semester, etc.), and the number and length of such periods required for completion must be clearly disclosed.

(ii) Books and supplies. May be estimated if necessary. A separate listing must be provided the applicant if these costs are included in tuition charges.

(iii) Other costs. Specify other costs and charges made by the school. If the course requires purchase of items or services from outside sources, this fact must also be specified.

(iv) Payment. Method and terms of payment. Must comply with Federal Truth-In-Lending and state retail installment requirements.

(g) Starting date. Scheduled class starting date.

(h) Class schedule. All day, morning, afternoon, evening, split, or other time of class attendance.

(i) Termination by school. Grounds for termination by the school prior to completion (such as insufficient progress, nonpayment, failure to comply with rules, etc.).

(j) Cancellation or termination by student. How to cancel or voluntarily terminate.

(k) Refund policy. Details of the school's refund policy for cancellations and terminations which, as a minimum, complies with the cancellation and refund policy stated in WAC 490-600-071.

(l) Employment assistance. Employment guarantee disclaimer.

(m) Effective date. Not binding until accepted in writing by the designated school official authorized in writing and policy to accept such contracts and agreements and that the effective date of the contract shall not precede the date upon which all parties have signed the contract.

(n) Acknowledgements. Acknowledgement that signers have read, and received a copy of the contract must appear on the contract in large and conspicuous type.

(o) Signatures. Date and signature of applicant (and parent or other sponsor if applicant is below legal age).

(p) School signature. Acceptance date and signature of appropriate official at the school if not otherwise accepted in writing (by letter, etc.).

(q) Other elements. Other elements required by various governmental bodies (such as state licensing and approval agencies, consumer protection laws, etc.).

(i) A statement that the school is registered under this chapter, and that the student has certain rights under the Washington Educational Services Registration Act, chapter 188, Laws of 1979 ex. sess. [chapter 28B.05 RCW] (46th Legislative Session).

(ii) A notification that, in addition to any other remedies in the event of any dispute concerning the terms of the contract, either party may seek resolution of the dispute by consulting the Commission for Vocational Education or the Attorney General of the state of Washington.

(2) Conditional elements. The contract must also disclose and outline any other conditions, circumstances, or qualifications imposed by the school. The following are some specific examples.

(a) Single page. If the contract is not completed on one side of a single sheet of paper, a notation on the face of the first sheet must clearly and conspicuously refer to any terms or conditions appearing elsewhere as being a part of the contract.

(b) Starting date. If the scheduled starting date is subject to postponement:

(i) Reasons and maximum period for possible delay.

(ii) Alternatives, and effect or change of the refund policy.

(c) Training changes. If the course content, materials, or schedule are subject to change at the discretion of the school:

(i) Nature and extent of possible change.

(ii) Extra expenses to the student.

(d) Graduation requirements. Listing of any special graduation conditions or requirements.

(e) Extra charges. If any extra charges may be assessed:

(i) Nature of charge (such as make-up, repeat, special testing, equipment, housing, late charge, or other school services).

(ii) A fair refund policy, if payment for extras is collected in advance.

(f) Tuition changes. If the school reserves the right to adjust tuition rates before completion of the course:

(i) Specific points in the course at which changes may occur (school year, quarter, etc.).

(ii) The amount of reasonable advance notice to be provided to students.

(g) Sale of contract. If contracts or promissory notes are sold, discounted, or otherwise transferred:

(i) Authorization of the applicant (and financial sponsors, if any).

(ii) Statement that the refund policy continues to apply.

(h) Disclosures. Such elements as may be necessary to clarify any other requirements which are subject to being easily misunderstood.

(i) Items identified by previous misunderstandings.

(ii) Clear disclosure of expected conditions not otherwise covered.

(iii) Specific rights and obligations of the parties. [Statutory Authority: Chapter 28B.05 RCW. 80-01-065 (Order 79-2, Resolution 79-38-2), § 490-600-072, filed 12/21/79.]

WAC 490-600-073 Bonding. (1) The amount of the bond shall be ten percent of the preceding year's gross tuition charges derived from students receiving educational services in Washington, but not in excess of seventy-five thousand. Institutions not having been in operation prior to the date of their initial registration shall base their bond amount upon the tuition fees estimated in the budget required by WAC 490-600-050(h).

(2) In lieu of the surety bond provided for herein, the institution may furnish, file and deposit with the commission, cash or other negotiable security. Such deposits in lieu of a bond shall be in the amount and of such proportions as required in subsection (1) of this section. The following types of deposits are acceptable:

(a) Escrow account which provides the state of Washington with a recourse against the assets in the account as it would have against an insurance company on a bond.

(b) Certificate of deposit or government securities with a power of attorney which authorizes the state of Washington to have a full recourse to the assets of the instrument as it would to an insurance company on a bond. The bank will assume the responsibility of keeping the instrument safe and would not release same to the

owner or school unless the commission advises for a release.

(c) Irrevocable letter of credit from a bank, made payable to the commission and deposited with the agency as would a bond.

(d) Any other negotiable security acceptable to the executive director. [Statutory Authority: Chapter 28B.05 RCW. 80-01-065 (Order 79-2, Resolution 79-38-2), § 490-600-073, filed 12/21/79.]

WAC 490-600-075 Denial or discontinuance of certification. If the commission shall determine that any school is not maintained and operated, or cannot be reasonably maintained and operated, in compliance with the minimum standards prescribed in the act and by this rule, the commission after notice and an opportunity for a hearing may deny the issuance or continuance of a certificate of registration or may establish conditions in conformity with these provisions which shall be met by said school prior to issuance or continuance of such a certificate. If the commission finds that the public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, a summary suspension of a certificate of registration may be ordered pending proceedings for revocation or other actions. [Statutory Authority: Chapter 28B.05 RCW. 80-01-065 (Order 79-2, Resolution 79-38-2), § 490-600-075 (codified as WAC 490-600-075), filed 12/21/79.]

WAC 490-600-076 Appeals. Any person or educational institution feeling aggrieved by any dispute arising from the following actions may request a hearing pursuant to WAC 490-600-077 and chapter 34.04 RCW:

(1) A denial of recognition of an accrediting agency or association under WAC 490-600-046.

(2) A denial of an exemption under section 4 of the act and WAC 490-600-045.

(3) A denial, suspension or revocation of registration under WAC 490-600-075.

(4) Any other action taken by the staff of the commission which is alleged to adversely affect the institutions or students, and which is not in keeping with the intent and purposes of the act or these rules and regulations. [Statutory Authority: Chapter 28B.05 RCW. 80-01-065 (Order 79-2, Resolution 79-38-2), § 490-600-076, filed 12/21/79.]

WAC 490-600-077 Hearings. Any hearing called for under the act or WAC 490-600-076 shall be conducted in the following manner:

(1) The executive director or a designated hearing officer shall conduct a hearing and make findings and conclusions in accordance with the Administrative Procedure Act, chapter 34.04 RCW. The findings, conclusions, and any recommendations for action shall be submitted to the commissioners for final action pursuant to RCW 34.04.110.

(2) The commissioners may accept or reject, in whole or in part, any recommendations made by the hearings officer, may remand for further findings, or take any

other action they deem appropriate under the circumstances, pursuant to the provisions of the act and these rules. [Statutory Authority: Chapter 28B.05 RCW. 80-01-065 (Order 79-2, Resolution 79-38-2), § 490-600-077, filed 12/21/79.]

WAC 490-600-080 Duties of the commission. The executive officer, Commission for Vocational Education, shall provide for the administration of the provisions of the act and the rules adopted thereunder, except that the commissioners shall:

(1) Adopt reasonable policies, rules and regulations needed for carrying out the provisions and purposes of the act.

(2) Conduct hearings as required by the act and WAC 490-600-076 as provided for in WAC 490-600-077. [Statutory Authority: Chapter 28B.05 RCW. 80-01-065 (Order 79-2, Resolution 79-38-2), § 490-600-080, filed 12/21/79.]

Title 508 WAC

DEPARTMENT OF WATER RESOURCES

Chapters

508-02	Departmental course and operation--Information available to public.
508-52	Procedure to establish a method whereby an aggrieved person may request a hearing from the department of water resources.
508-60	Administration of flood control zones.
508-86	Registration of water right claims.

Chapter 508-02 WAC

DEPARTMENTAL COURSE AND OPERATION-- INFORMATION AVAILABLE TO PUBLIC

WAC

508-02-010 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

508-02-010 General description of course and operation of department--How public may obtain information from the department. [Order 67-12, filed 1/2/68.] Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78. Statutory Authority: RCW 42.17.250-42.17.340.

WAC 508-02-010 Repealed. See Disposition Table at beginning of this chapter.

Chapter 508-52 WAC

PROCEDURE TO ESTABLISH A METHOD WHEREBY AN AGGRIEVED PERSON MAY REQUEST A HEARING FROM THE DEPARTMENT OF WATER RESOURCES

WAC

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

508-52-010 through 508-52-060 Repealed.

Chapter 508-52

PROCEDURE TO ESTABLISH A METHOD WHEREBY AN AGGRIEVED PERSON MAY REQUEST A HEARING FROM THE DEPARTMENT OF WATER RESOURCES

508-52-010 Purpose. [Order 68-6, § 508-52-010, filed 8/13/68, effective 9/13/68.] Repealed by 80-01-023 (Order DE 79-30), filed 12/14/79. Statutory Authority: RCW 43.21A.080 and 43.27A.090(11).

508-52-020 Hearing request. [Order 68-6, § 508-52-020, filed 8/13/68, effective 9/13/68.] Repealed by 80-01-023 (Order DE 79-30), filed 12/14/79. Statutory Authority: RCW 43.21A.080 and 43.27A.090(11).

508-52-030 Computation of time. [Order 68-6, § 508-52-030, filed 8/13/68, effective 9/13/68.] Repealed by 80-01-023 (Order DE 79-30), filed 12/14/79. Statutory Authority: RCW 43.21A.080 and 43.27A.090(11).

508-52-040 Staying of orders. [Order 68-6, § 508-52-040, filed 8/13/68, effective 9/13/68.] Repealed by 80-01-023 (Order DE 79-30), filed 12/14/79. Statutory Authority: RCW 43.21A.080 and 43.27A.090(11).

508-52-050 Appeal of orders. [Order 68-6, § 508-52-050, filed 8/13/68, effective 9/13/68.] Repealed by 80-01-023 (Order DE 79-30), filed 12/14/79. Statutory Authority: RCW 43.21A.080 and 43.27A.090(11).

508-52-060 Intervention. [Order 68-6, § 508-52-060, filed 8/13/68, effective 9/13/68.] Repealed by 80-01-023 (Order DE 79-30), filed 12/14/79. Statutory Authority: RCW 43.21A.080 and 43.27A.090(11).

WAC 508-52-010 through 508-52-060 Repealed. See Disposition Table at beginning of this chapter.

Chapter 508-60 WAC

ADMINISTRATION OF FLOOD CONTROL ZONES

WAC

508-60-040 Flood channel and floodway usage.

WAC 508-60-040 Flood channel and floodway usage. All complete applications for flood control zone permits that request authorization for the construction, reconstruction, or modification of any works or structures upon the floodway or over or in the channel of any body of water or drainway will be examined by the department to insure compliance with all of the following requirements:

(1) The structures or works are designed so as not to be appreciably damaged by flood waters.

(2) The structures or works shall be firmly anchored or affixed to the realty in order to prevent dislocation by flood water and damage to life, health, and property.

(3) The structures or works will not adversely influence the regimen of any body of water by restricting, altering, hindering, or increasing flow of the flood waters