

and conclusions of law, and specify in reasonable detail the reasons for the decision.

(6) In computing any period of time prescribed or allowed by department rules or by applicable statutes, the date of the act, event or decision after which the designated period of time begins to run is not included. The last day of the period so computed is to be included unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday.

(7) Any party adversely affected by a proposal for decision may file written argument and exception with the director. Written argument and exception must be filed within fifteen days from the date the proposal for decision was mailed to the parties. Such fifteen-day period may be extended by the director or his or her designee upon motion of a party when the motion is filed during the fifteen-day period and good cause for the extension is shown. Good cause includes mistake, inadvertence, and excusable neglect on the part of the moving party or unavoidable casualty or misfortune preventing the moving party from timely filing. Upon a showing of good cause either party may file exception and argument within thirty days of the date the proposed decision was mailed to the parties.

(8) The director, or his or her designee, shall personally consider the whole record or such portions of the record as are cited by a party or parties in exception and argument. The director or designee shall render the final department decision. The director or designee may accept additional evidence to correct omissions in the record upon his or her own motion or the motion of a party. The director or designee may remand the proceedings to the administrative law judge for the taking of additional evidence or argument. [Statutory Authority: RCW 43.60A.070. 85-20-099 (Order 85-01), § 484-20-110, filed 10/1/85; 80-09-069 (Order 80-01), § 484-20-110, filed 7/17/80; Order 7659, § 484-20-110, filed 7/28/77.]

**WAC 484-20-120 Discharge.** A member may be discharged by the superintendent.

(1) When the member so requests;

(2) When the member has sufficient financial ability to support himself or herself outside the home;

(3) When the member no longer needs the care and services of the home, regardless of financial ability;

(4) When the care requirements of the member cannot be provided by the home;

(5) For failure to comply with the provisions of WAC 484-20-065, use of income and assets of member;

(6) For conviction of a felony or gross misdemeanor;

(7) For repeated violation of the general rules of conduct, WAC 484-20-090;

(8) For gross misconduct whether or not such conduct also violates the rules of conduct, WAC 484-20-090;

(9) When a member has been absent without leave for a period in excess of fifteen days;

(10) For failure to fulfill the requirement of any disciplinary sanction;

(11) For failure to correct a condition which violates any rule of conduct pertaining to health and safety of members, staff, or visitors to the home within a reasonable time specified in a written notice to the member from a staff member acting in an official capacity, including member employees in positions of authority which notice specifies that discharge may accompany such failure.

The discharge shall be reduced to writing. If the discharge is disciplinary, it shall state the reasons for the action. [Statutory Authority: RCW 43.60A.070. 85-20-099 (Order 85-01), § 484-20-120, filed 10/1/85; Order 7659, § 484-20-120, filed 7/28/77.]

**WAC 484-20-125 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 484-20-130 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 484-20-155 Repealed.** See Disposition Table at beginning of this chapter.

## Title 490 WAC

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

#### Chapters

<b>490-300</b>	<b>Job skills program.</b>
<b>490-500</b>	<b>Vocational rehabilitation and services for handicapped persons.</b>
<b>490-600</b>	<b>Educational services registration.</b>

#### Chapter 490-300 WAC

#### JOB SKILLS PROGRAM

#### WAC

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490-300-020	Purposes.
490-300-030	Definitions.
490-300-040	Priority for funding.
490-300-050	Eligible educational institutions.
490-300-060	Private sector participation.
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490-300-100	Notification of project approval.
490-300-110	Responsibilities of the employment security department.
490-300-120	Responsibilities of the department of commerce and economic development.

**WAC 490-300-010 Authority.** These rules are promulgated pursuant to the Job Skills Program Act, chapter 21, Laws of 1983 1st ex. sess. [Statutory Authority: RCW 28C.04.420. 84-07-006 (Order 84-3, Resolution No. 83-61-9), § 490-300-010, filed 3/9/84.]

**WAC 490-300-020 Purposes.** The purposes of the Washington state job skills program (JSP) are to:

- (1) Promote a productive and expanding economy in the state of Washington;
- (2) Meet specific, identified employment needs of new and expanding business and industry;
- (3) Increase employment opportunities for residents of the state; and
- (4) Encourage the flow of business and industry support to educational institutions.

Financial support in the form of grants will be awarded eligible educational institutions which enter partnerships with private business and industry to develop or expand specific job skills training. [Statutory Authority: RCW 28C.04.420. 84-07-006 (Order 84-3, Resolution No. 83-61-9), § 490-300-020, filed 3/9/84.]

**WAC 490-300-030 Definitions.** The definitions set forth in this section include and supplement the definitions contained in the act and apply throughout these rules, unless the context clearly indicates to the contrary.

(1) "Applicant" means an educational institution which has made application for a job skills grant under the provisions of this act.

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

(3) "Educational institution" means a public secondary or postsecondary institution or an independent institution within the state authorized by law to provide a program of skills training or education beyond the secondary school level. Any educational institution receiving a job skills grant under the provisions of this act shall be free of sectarian control or influence as set forth in Article IX, section 4 of the state Constitution.

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

(5) "Financial support" means any thing of value which is contributed by business and industry to an educational institution which is reasonably calculated to support directly the development and expansion of a particular program and which represents an addition to any financial support previously provided by the donor to such educational institutions. "Financial support" includes, but is not limited to, funds, equipment, facilities, faculty, and scholarships for matriculating students and trainees.

(6) "Job skills grant" means funding that is provided to an educational institution by the commission for the development or significant expansion of a program under provisions of this act.

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

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

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

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

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

(9) "Commission" or "commission for vocational education" means the commission for vocational education or any successor agency or organization. [Statutory Authority: RCW 28C.04.420. 84-07-006 (Order 84-3, Resolution No. 83-61-9), § 490-300-030, filed 3/9/84.]

**WAC 490-300-040 Priority for funding.** Priority for funding will be given programs which:

(1) Serve areas with high concentrations of economically disadvantaged persons and high unemployment;

(2) Serve areas with new and growing industries;

(3) Serve areas where there is a shortage of skilled labor to meet job demands; or

(4) Promote the location of new industry in areas affected by economic dislocation. [Statutory Authority: RCW 28C.04.420. 84-07-006 (Order 84-3, Resolution No. 83-61-9), § 490-300-040, filed 3/9/84.]

**WAC 490-300-050 Eligible educational institutions.** The following are recognized as educational institutions eligible to receive grants under the job skills program:

(1) Public four-year colleges or universities with degree-granting authority;

(2) Community colleges;

(3) Vocational-technical institutes;

(4) Secondary vocational programs, including those in general and comprehensive high schools and in area vocational skills centers;

(5) Apprenticeship trusts; and

(6) Nonsectarian, private for profit or not-for-profit educational institutions offering programs beyond the secondary level, provided that such institutions are registered with the commission for vocational education or the council for postsecondary education under the Educational Services Registration Act (chapter 28B.05 RCW) or meet legal requirements for exemption from the act. [Statutory Authority: RCW 28C.04.420. 84-07-006 (Order 84-3, Resolution No. 83-61-9), § 490-300-050, filed 3/9/84.]

**WAC 490-300-060 Private sector participation.** (1) Financial participation

Every dollar of job skills grant money must be matched by at least one dollar value of private sector contribution. In addition to cash, matching dollar values can be, but are not limited to, the current fair market value of donated or loaned equipment, donated instructional time by company personnel, use of company facilities, and supplies and materials.

The private sector will be required to provide substantiating documentation regarding the value of such support and contributions.

(2) General participation

In addition to the required financial contribution, private sector participation is encouraged in all aspects of the training program, including but not limited to, the following activities:

- (a) Recruitment and selection of trainees;
- (b) Development of the training curriculum;
- (c) Implementation of the training program, through donation of instructors, equipment, materials and supplies, on-site training opportunities, internships, scholarships, etc.;
- (d) Monitoring and evaluation of the training program; and
- (e) Planning and participation in job development activities, job counseling, and actual job placement and hiring commitments. [Statutory Authority: RCW 28C-.04.420. 84-07-006 (Order 84-3, Resolution No. 83-61-9), § 490-300-060, filed 3/9/84.]

**WAC 490-300-070 Recruitment and selection of trainees.** Procedures for trainee recruitment and selection are as follows:

(1) Recruitment of trainees will be conducted by the employment security department (ESD) in cooperation with the cooperating educational institution and the participating business(es) or industry(ies).

(2) Final responsibility for selecting employees will rest with the participating business(es) or industry(ies).

(3) The business(es) or industry(ies) will determine the number of individuals to be trained for the available entry-level positions identified, allowing for reasonable attrition during the training period.

(4) The cooperating business(es) or industry(ies) and educational institution will establish criteria for trainees, including the acceptable level of basic education completed and the amount of previous work experience.

(5) Selection of current employees for retraining or advancement may be made by the business(es) or industry(ies) from among their current work force. In making such selections, the business(es) or industry(ies) must assure that:

(a) The training will create new vacancies for unemployed persons; or

(b) Training is necessary to avoid dislocation. [Statutory Authority: RCW 28C.04.420. 84-07-006 (Order 84-3, Resolution No. 83-61-9), § 490-300-070, filed 3/9/84.]

**WAC 490-300-080 Grant application procedures-- Proposed content.** Grants will be made to eligible educational institutions based on proposals submitted to the

commission for vocational education. Proposals must be submitted on an application form available from the commission for vocational education and shall contain the following information:

(1) Project need: Business(es) or industry(ies) to be served, why JSP funds are required, type of training (entry-level, advanced retraining, or upgrading), evidence that supports employment needs, job titles and descriptions of needed staff, number of people to be trained, compensation levels for trainees upon successful completion of program;

(2) Objectives: Specific objectives for project, including whether training is for business(es) or industry(ies) seeking to relocate or to expand, for employee retraining as a result of industry dislocation, or upgrading where new entry-level jobs will result;

(3) Training plan: Location and length of program (not to exceed twelve months) instructional objective, qualifications of instructors, equipment and materials needed, and program timeliness;

(4) Trainee profile: Proposed training population by age, race, sex, previous employment and/or educational status, public assistance recipient, etc.; skills required for entry into program;

(5) Private sector program involvement: To what extent business(es) or industry(ies) are involved in the following: Recruitment and selection of trainees, development of training curriculum, conduct of program, instruction, monitoring, evaluation, job placement, hiring, financial support;

(6) Linkages: Cooperative efforts with other agencies that will make the program more successful and limit duplication of effort (employment security department, department of social and health services, service delivery areas, private industry councils, etc.), including support services available to trainees;

(7) Budget: Breakdown of estimated costs associated with project, including those for salaries, employee benefits, consumable supplies, contracted services, communications, travel, instructional materials and supplies, equipment rental and services, equipment purchases, facilities, indirect costs, and any other costs. The budget estimate should include the estimated total cost of the project, the amount of state funds requested, the amount of financial contribution expected from participating business and industry, and the amount of any other funds that may be made available for the project;

(8) Previous experience with similar training projects;

(9) Assurances:

(a) No trainee will be excluded from enrollment in the project due to race, color, national origin, sex, or handicap;

(b) The program is in accordance with legal requirements and regulations of state and local laws and in accordance with collective bargaining agreements, if applicable;

(c) Training facilities and equipment will meet Washington state health and safety standards;

(d) Licensed occupational programs are in compliance with licensure regulations; all instructors are qualified to provide the proposed training;

(e) The JSP grant will be used only to cover the costs associated with the program;

(f) Binding commitment for adequate reporting of information and data regarding the program to the commission, particularly information concerning recruitment and employment of trainees; agreement for periodic audit of the books of the educational institution directly related to the program and right of access to financial and other records of the educational institution directly related to the program;

(g) Letter of commitment from the business(es) or industry(ies) regarding funding match, participation and cooperation, and employment of trainees; and

(h) Binding commitment to comply with monitoring and evaluation rules of the commission. [Statutory Authority: RCW 28C.04.420. 84-07-006 (Order 84-3, Resolution No. 83-61-9), § 490-300-080, filed 3/9/84.]

**WAC 490-300-085 Grant application procedure—Proposal review.** (1) Proposals will be sent to the office of the state superintendent of public instruction and the state board for community college education for review and comment at the time of proposal submission. Comments shall be forwarded within two weeks to the proposal review committee for consideration.

(2) Proposals shall be reviewed based on the following criteria.

(a) Needs: Identified need addresses economic development goals. The project is separate from, in addition to, and not unnecessarily duplicative of existing programs. Provision has been made to use any available alternative funding from local, state, and federal sources;

(b) Other revenue sources: Provision has been made for use of existing federal and state resources for student financial assistance;

(c) Objectives: Objectives address identified need. Attainment of objectives will produce the desired outcomes;

(d) Training plan, activities: Activities can be accomplished within stated time frame, maximize uses of available resources, relate to stated objectives;

(e) Trainee profile: Provision has been made to work with the employment security department to identify and screen potential trainees to assure that wherever possible victims of economic dislocation and persons from minority and economically disadvantaged groups will be selected as program participants;

(f) Staffing: Staff members are clearly identified; duties described; supervision/administration is identified for both education and industry;

(g) Facilities: Adequate for achievement of objectives;

(h) Equipment: Each item is justified and necessary; equipment expenditures are necessary for program success;

(i) Private sector participation: Financial contribution at least equal to JSP funds requested; involved in all aspects of program;

(j) Linkages, consultation: Each agency's role is identified; interagency cooperation is described; resources are identified;

(k) Budget: Costs are adequately itemized and reasonable for proposed activities;

(l) Experience: Applicant has had previous related experience with similar training programs;

(m) Assurances: All required assurances are provided and documented where necessary; and

(n) Cost effectiveness. [Statutory Authority: RCW 28C.04.420. 84-07-006 (Order 84-3, Resolution No. 83-61-9), § 490-300-085, filed 3/9/84.]

**WAC 490-300-090 JSP proposal review committee.** The JSP review committee shall review proposals and make recommendations for funding to the commission. The review committee will be comprised of one representative from each of the following:

(1) Commission for vocational education (CVE);

(2) Employment security department (ESD);

(3) Department of commerce and economic development (CED);

(4) Apprenticeship division, department of labor and industries;

(5) Business and industry, to be appointed by the executive director of the commission; and

(6) Labor, to be appointed by the executive director of the commission.

If appointees (1) through (6) do not include a woman and a minority person, the executive director of the commission is authorized to make additional appointment(s) to ensure such representation. [Statutory Authority: RCW 28C.04.420. 84-07-006 (Order 84-3, Resolution No. 83-61-9), § 490-300-090, filed 3/9/84.]

**WAC 490-300-100 Notification of project approval.** Whenever a job skills program grant is approved, the commission shall notify the employment security department (ESD). The notification to the ESD shall indicate the following:

(1) The trade, occupation, or profession for which participants will be trained;

(2) Description of the curriculum;

(3) Requirements for participation and procedures for making application;

(4) Duration of the program;

(5) Description of the support services available to participants; and

(6) Any other information relevant to encouraging and facilitating the participation in the program of those in economic need. [Statutory Authority: RCW 28C.04.420. 84-07-006 (Order 84-3, Resolution No. 83-61-9), § 490-300-100, filed 3/9/84.]

**WAC 490-300-110 Responsibilities of the employment security department.** The employment security department shall for the purposes of the job skills program:

(1) Work cooperatively with educational institutions providing job skills training programs to identify and screen potential trainees and students;

(2) Perform labor market analyses designed to assure the availability of suitable trainees and students; and

(3) Identify areas with high concentrations of economically disadvantaged persons and high unemployment. [Statutory Authority: RCW 28C.04.420. 84-07-006 (Order 84-3, Resolution No. 83-61-9), § 490-300-110, filed 3/9/84.]

**WAC 490-300-120 Responsibilities of the department of commerce and economic development.** The department of commerce and economic development shall for the purposes of the job skills program:

(1) Work cooperatively with the commission for vocational education to market the job skills program to business and industry and to economic development agencies and other firms;

(2) Recruit business and industry from outside the state to participate in the job skills program; and

(3) Refer business and industry interested in developing a job skills training program to the commission for vocational education. [Statutory Authority: RCW 28C.04.420. 84-07-006 (Order 84-3, Resolution No. 83-61-9), § 490-300-120, filed 3/9/84.]

#### Chapter 490-500 WAC

#### VOCATIONAL REHABILITATION AND SERVICES FOR HANDICAPPED PERSONS

##### WAC

490-500-050	Certification for decision of eligibility or ineligibility.
490-500-055	Notice to applicant.
490-500-110	Extended evaluation—Termination.
490-500-120	Certification of termination of extended evaluation and notice.
490-500-190	Economic need—Standards for determining.
490-500-385	Vocational rehabilitation services—Physical and mental restoration.
490-500-420	Vocational rehabilitation services—Maintenance.
490-500-525	Termination of services for reason of ineligibility.

**WAC 490-500-050 Certification for decision of eligibility or ineligibility.** (1) There will be a certification that the individual has met the basic eligibility requirements specified in eligibility criteria. The statement of eligibility will be dated and signed by the VRC.

(2) Whenever it has been determined that an individual is ineligible for vocational rehabilitation services, there shall be a certification, dated and signed by the VRC. Certification of ineligibility will be made only after full participation with the individual or, as appropriate, his parent, guardian, or other representative, or after affording a clear opportunity for such consultation. [Statutory Authority: RCW 74.29.025. 84-18-023 (Order 2146), § 490-500-050, filed 8/29/84; Order 1050, § 490-500-050, filed 8/29/75; Order 775, § 490-500-050, filed 3/1/73.]

**WAC 490-500-055 Notice to applicant.** (1) The individual shall be notified in writing of the action taken on ineligibility.

(2) He shall be informed of the division's procedure for administrative review and fair hearings if he is dissatisfied with the division's decision.

(3) If the applicant was determined to be ineligible for vocational rehabilitation services, the certification shall specify in detail how he failed to meet the criteria of eligibility. [Statutory Authority: RCW 74.29.025. 84-10-045 (Order 2098), § 490-500-055, filed 5/2/84; Order 1050, § 490-500-055, filed 8/29/75; Order 775, § 490-500-055, filed 3/1/73.]

**WAC 490-500-110 Extended evaluation—Termination.** (1) At any time prior to the expiration of an eighteen month extended evaluation period, the extended evaluation for the determination of rehabilitation potential shall be terminated when:

(a) The individual is found eligible for vocational rehabilitation services since there is a reasonable assurance that he can be expected to benefit in terms of employability from vocational rehabilitation services; or

(b) The individual is found ineligible for any additional vocational rehabilitation services since it has been determined that he cannot be expected to benefit in terms of employability from vocational rehabilitation services.

(2) In such cases the procedures outlined in WAC 490-500-280 must be followed. [Statutory Authority: RCW 74.29.025. 84-18-023 (Order 2146), § 490-500-110, filed 8/29/84; Order 1050, § 490-500-110, filed 8/29/75; Order 775, § 490-500-110, filed 3/1/73.]

**WAC 490-500-120 Certification of termination of extended evaluation and notice.** The certification of termination of extended evaluation and notice is applicable when the following is considered:

(1) Certification of eligibility for regular case services. Prior to, or simultaneously with acceptance of a handicapped individual for vocational rehabilitation services, there will be a certification that the individual has met the requirements specified. The certified statement will be dated and signed by the VRC.

(2) Certification of ineligibility. When it has been determined that an individual is ineligible for vocational rehabilitation services, there shall be a certification, dated and signed by the VRC. Such certification of ineligibility will be made only after full participation with the individual or, as appropriate, his parent, guardian, or other representative, or after affording a clear opportunity for such consultation. [Statutory Authority: RCW 74.29.025. 84-18-023 (Order 2146), § 490-500-120, filed 8/29/84; Order 1050, § 490-500-120, filed 8/29/75; Order 775, § 490-500-120, filed 8/1/73.]

**WAC 490-500-190 Economic need—Standards for determining.** (1) A client shall be eligible to receive vocational rehabilitation services or extended evaluation services from the division when total obligations, debts, and expenses equals or exceeds income and nonexempt assets and resources. When income and nonexempt assets are greater than the value of obligations, debts, and expenses, the excess is to be made available by the client to pay for rehabilitation services unless the service is exempted by law and/or WAC 490-500-180.

(2) Determination of a client's economic need involves an evaluation of the income, assets, debts, obligations, and expenses of his or her entire family unit, including his or her dependents or, if the client is an unemancipated minor, his or 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 or 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 or 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 or 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 or her dependents by the Veterans' 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 the equipment and/or machinery is being used to provide part or all of the living expenses of the client and his or her dependents or if the equipment and/or machinery may be so used after completion of the vocational rehabilitation plan;

(e) Livestock is an exempt asset to the extent the livestock 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) of this section 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 the nonexempt assets 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, the maintenance paid shall be in the amount the division has determined to be necessary to maintain the client up to a maximum of three hundred four dollars. [Statutory Authority: RCW 74.09.025 [74.29.025]. 84-19-023 (Order 2149), § 490-500-190, filed 9/12/84. Statutory Authority: RCW 28A.10.025. 83-17-100 (Order 2004), § 490-500-190, filed 8/23/83; 82-04-078 (Order 1761), § 490-500-190, filed 2/3/82; 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 490-500-385 Vocational rehabilitation services--Physical and mental restoration.** (1) Physical and mental restoration shall be provided to a client to the extent necessary to achieve his vocational rehabilitation objective provided the clinical status of his condition is stable or slowly progressive, and provided that physical and mental restoration services may be expected to eliminate or substantially reduce the handicapping condition within a reasonable period of time.

(2) Physical and mental restoration services shall be provided to a client accepted for extended evaluation to the extent necessary to complete the evaluation, regardless of whether his condition is stable or slowly progressive.

(3) Physical and mental restoration services shall include all medical and related services exclusive of organ transplantation and experimental procedures by means of which a physical, mental, or emotional disability may be rendered less incapacitating, such as:

(a) Medical treatment including but not limited to therapeutic programs under medical supervision, necessary laboratory work, and necessary medication,

(b) Surgical treatment; surgery for cardiac or gynecological conditions shall be provided only if approved by the regional medical consultant,

(c) Psychiatric treatment only when the diagnostic study clearly indicates a favorable prognosis for relatively short term therapy. A program of psychiatric treatment which will extend beyond twelve months must

have the prior approval of the regional medical consultant,

(d) Dental treatment only when it will significantly increase employability or remove an established vocational handicap, or in emergency situations involving pain, acute infections, or injury. Examples of disabling dental conditions for which restorative services may be authorized include widespread ulceration of teeth, destruction of tooth structures, decay which seriously affects the individual's ability to eat, badly malformed or positioned teeth, or rejection of the individual from employment on the basis of his appearance. Restorative dental services will not be provided when the restoration will not directly affect employability;

(e) Nursing services,

(f) Hospital (either inpatient or outpatient care) and clinic services,

(g) Convalescent, nursing, or rest home care only when there is an expectation of a normal period of convalescence after which other appropriate services leading to the rehabilitation of the client may be initiated or resumed. Such care shall not be provided by the division as a long-term process for conditions not expected to improve,

(h) Drugs and supplies,

(i) Prosthetic, orthoptic or other assistive devices essential to obtaining or retaining employment,

(j) Eyeglasses and visual services,

(k) Podiatry;

(l) Physical therapy; physical therapy shall consist of the employment of the physically beneficial properties of light, heat, cold, water, electricity, massage, manipulation, exercise, and mechanical devices as treatment of disease or injury.

(m) Occupational therapy; occupational therapy shall include all manual skills and recreational activities which provide specific active exercise for physical disabilities and shall include psychologic rehabilitation techniques,

(n) Medical or medically related social work services,

(o) Medically directed speech or hearing therapy,

(p) Treatment of medical applications and emergencies, either acute or chronic, which are associated with or arise out of the provision of physical restoration services, or are inherent in the condition under treatment, and

(q) Short term treatment of minor or temporary illness which, if not cared for, would constitute a hazard to the achievement of the vocational objective (or to the completion of extended evaluation); such short term medical treatment shall not exceed thirty days in the case of any one illness,

(4) Physical and mental restoration services shall be provided by persons licensed to practice in the field of their specialties. It shall be required that physicians providing medical and/or surgical treatment services shall demonstrate eligibility for or certification by the appropriate medical specialty board. Any exceptions to this policy can only be made by the state medical consultant. The state medical consultant for the department shall be responsible for establishing standards of competence for

vendors of physical restoration services provided clients of the department where licensure or other regulatory standards have not been established in the Washington Administrative Code, as amended.

(5) The provision of physical and mental restoration services shall be conditioned on the economic need of the client. [Statutory Authority: RCW 74.29.025. 85-03-071 (Order 2193), § 490-500-385, filed 1/17/85; Order 1050, § 490-500-385, filed 8/29/75; Order 775, § 490-500-385, filed 3/1/73.]

**WAC 490-500-420 Vocational rehabilitation services—Maintenance.** (1) Maintenance services include the client's basic living expenses, such as food, housing, clothing and health care needs, and other subsistence expenses which are essential to enable him to receive full benefit from other vocational rehabilitation services.

(2) Maintenance services shall be provided to the extent necessary to enable a client to derive the full benefit of other vocational rehabilitation services.

(3) Maintenance may be provided at any time during the rehabilitation plan, or following placement, until such time as the client has actually received remuneration for his employment, for a period not to exceed sixty days.

(4) The provision of maintenance services shall be conditioned on the economic need of the client. [Statutory Authority: RCW 74.09.025 [74.29.025]. 84-19-023 (Order 2149), § 490-500-420, filed 9/12/84. Statutory Authority: RCW 74.29.025. 84-10-045 (Order 2098), § 490-500-420, filed 5/2/84; Order 1050, § 490-500-420, filed 8/29/75; Order 775, § 490-500-420, filed 3/1/73.]

**WAC 490-500-525 Termination of services for reason of ineligibility.** (1) Services under a written program are to be terminated on the basis that the handicapped individual is not capable of achieving a vocational goal and is then no longer eligible.

(2) Whenever it has been determined that an individual is ineligible for vocational rehabilitation services there shall be a certification, dated and signed by an appropriate staff member and placed in the individual's file. [Statutory Authority: RCW 74.29.025. 84-18-023 (Order 2146), § 490-500-525, filed 8/29/84; Order 1050, § 490-500-525, filed 8/29/75; Order 775, § 490-500-525, filed 3/1/73.]

## Chapter 490-600 WAC

### EDUCATIONAL SERVICES REGISTRATION

#### WAC

490-600-045 Exemptions.

490-600-071 Minimum cancellation and refund policy.

**WAC 490-600-045 Exemptions.** Organizations and institutions claiming exemption under the provisions of RCW 28B.05.040, as now or hereafter amended, 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 RCW 28B.05.040.

(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 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.

(6) Institutions not otherwise exempt that are of a religious character, but only as to those educational programs exclusively devoted to religious or theological objectives, and that are represented in an accurate manner in institutional catalogs or other official publications.

(a) The executive director shall ask the chief administrative office of any institution that may qualify for an exemption on religious grounds to forward to the commission office a copy of the institution's catalog and/or any other official publications that describes the nature of the institution and its programs. This information shall be used to verify the exempt status of the institution.

(b) For purposes of this subsection, "education programs exclusively devoted to religious or theological objectives" shall mean a program that has as its sole stated objective training in the religious beliefs of the controlling religious organization and/or preparation of students for occupations that are primarily church related.

(c) In the case of an institution that offers both religious and secular programs of instruction, the requirements of chapter 28B.05 RCW and chapter 490-600 WAC shall pertain only to the secular programs of the institution.

(d) If the executive director has reasonable cause to believe that the religious or theological programs offered by a religious institution are not represented in a materially accurate manner in the institution's catalog and/or

other official publications the executive director shall proceed in accordance with the provisions of WAC 490-600-075.

(7) Educational institutions that are certified by the Federal Aviation Administration under 14 CFR 141 and those educational institutions certified under CFR 61 which offer instruction solely for avocational or recreational purposes.

(a) The executive director shall ask the chief administrative officer of any institution that is certified by the Federal Aviation Administration under 14 CFR 141 to provide evidence of current certification in order to verify the exempt status of the institution.

(b) Flight schools certified by the Federal Aviation Administration under 14 CFR 141 that collect payment(s) in advance for any flight training shall prepare and execute with each student paying in advance a contract containing at least:

(i) A description of the services to be rendered;

(ii) The terms under which the payments are to be made, and,

(iii) The terms of an equitable policy governing the refund of unused tuition charges that will occur in the event the student withdraws or is discontinued from training prior to completion of the contracted service.

To be considered exempt under the act, such schools shall submit to the commission for its approval a copy of such contract form together with notification to the commission of its operating in the state of Washington. Initial notification shall be made in the instance of existing schools by no later than July 1, 1980 or in the instance of new schools in no less than 15 days prior to the commencement of its operation. In any instance, such notification and submission of document(s) shall occur annually not later than January 31 of each calendar year.

(c) Flight schools certified by the Federal Aviation Administration under 14 CFR 61 to be considered for exemption on the basis of offering instruction solely for avocational or recreational purposes must submit documentation supporting such a sole intent.

(8) Workshops or seminars lasting no longer than three calendar days for which academic credit is not awarded.

(9) Continuing education courses approved under chapters 18.04 (board of accountancy), 18.78 (department of licensing, practical nursing), 18.88 (department of licensing, registered nursing), or 48.17 (office of the insurance commissioner) RCW for licensure. [Statutory Authority: RCW 28B.05.050(3) and chapter 28B.05 RCW. 84-07-007 (Order 84-4, Resolution No. 83-41-4), § 490-600-045, filed 3/9/84; 80-15-037 (Order 80-3, Resolution No. 80-42-2), § 490-600-045, filed 10/9/80; 80-01-065 (Order 79-2, Resolution No. 79-38-2), § 490-600-045, 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) General application of cancellation and refund policies.

(a) Termination date.

(i) Residential schools. The termination date for residential 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, notify the student in writing that enrollment has been terminated effective the thirtieth calendar day, and shall refund tuition and fees according to its published refund policy.

(ii) Correspondence schools. The termination date for correspondence schools shall be based upon the last lesson completed by the student providing that the student notifies the institution of the desire to cancel within sixty days after submitting the last lesson. The school may require notice of cancellation or withdrawal to be given by certified mail, provided this requirement is stated in the enrollment agreement.

(iii) Seminars and workshops not exempted under WAC 490-600-045(8). The termination date for seminars or workshops shall be based upon written notification from the student and received by the institution prior to the opening hour of the seminar or workshop. The seminar or workshop may require notice of cancellation or withdrawal to be given by certified mail provided this requirement is stated in the enrollment agreement.

(b) 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.

(c) Subject to subsection (d) below, 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.

(d) Institutions shall modify a student's contract and provide a pro rata refund to the student for any action 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 pro rata refund.

(e) A school year for residential 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 residential schools for refund computation purposes and be published in the school's catalog.

(i) 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.

(ii) 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.

(iii) 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.

(f) Upon cancellation or termination, all money due the student shall be refunded within thirty days.

(2) Refund policy: Resident schools. Details of the educational institution'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) Initial participation. For a student terminating training after entering school and starting the course of training but within the first week, or first ten percent of the program, whichever is less, 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 or ten percent of the program. For a student terminating training after completing one week, or ten percent of the program, whichever is less, 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.

(3) Refund policy: Correspondence and/or home study schools. Details of the educational institution's own definite and established refund policy for cancellations and terminations must, as a minimum, comply with the following requirements.

(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 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 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.

(d) The amount of the course completed shall be the number of completed lesson assignments received by the institution as a percentage of the total lesson assignments in the course.

(e) The refund policy shall pertain to all charges with the exception of charges for materials that are not returned to the institution in their original condition within fifteen days of withdrawal or termination.

(4) Refund policy: Seminars and workshops not exempted under WAC 490-600-045(8). Details of the educational institution'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 institution prior to the initial class shall be entitled to a refund of all moneys paid.

(b) Three-day cancellation. All moneys paid by an applicant in advance shall be refunded if written notification is received by the institution within three calendar days of initial payment and providing the notification is received at least five calendar days prior to the scheduled seminar or workshop.

(c) Other cancellation. An applicant requesting cancellation within five calendar days of the scheduled seminar or workshop but before the initial session shall be entitled to a refund of all moneys paid minus a fee of ten percent of the contract price plus any preidentified charges for parking and/or meals, but in no event may the school retain more than one hundred dollars.

(d) The applicant shall not be entitled to any refund after the scheduled seminar or workshop has opened its initial session. [Statutory Authority: RCW 28B.05.050(3) and chapter 28B.05 RCW. 84-07-007 (Order 84-4, Resolution No. 83-41-4), § 490-600-071, filed 3/9/84. Statutory Authority: RCW 28B.05.050. 81-21-003 (Order 81-3, Resolution No. 81-47-3), § 490-600-071, filed 10/8/81. Statutory Authority: RCW 28B.05.050(3) and chapter 28B.05 RCW. 80-15-037 (Order 80-3, Resolution No. 80-42-2), § 490-600-071, filed 10/9/80; 80-01-065 (Order 79-2, Resolution No. 79-38-2), § 490-600-071, filed 12/21/79.]

**Title 504 WAC**

**WASHINGTON STATE UNIVERSITY**

**Chapter**

**504-17 Campus parking and traffic regulations.**

**Chapter 504-17 WAC**

**CAMPUS PARKING AND TRAFFIC REGULATIONS**

**WAC**

504-17-185 Parking permit fees.  
504-17-190 Repealed.

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

504-17-190 Parking permit fees. [Statutory Authority: RCW 28B.10.560, 28B.10.300 - 28B.10.320, 28B.30.125, 28B.30.150, 28B.30.045 and 28B.15.031. 83-08-060 (Order 83-1, Resolution No. 3/4/83-7), § 504-17-190, filed 4/4/83, effective 7/1/83. Formerly chapter 504-16 WAC.] Repealed by 85-14-051 (Order 85-1, Resolution No. 5/85/10), filed 6/28/85. Statutory Authority: RCW 28B.10.560.

**WAC 504-17-185 Parking permit fees.** (1) Handicap permits will be issued free of charge to those who