

# Title 490 WAC

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

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- 490-04A Authority and organization for commission for vocational education.
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### DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS

#### TITLE

- Chapter 490-04**  
**AUTHORITY AND ORGANIZATION FOR COORDINATING  
COUNCIL FOR OCCUPATIONAL EDUCATION**
- 490-04-010 Name and legal authority. [Orders 72-3 and 72-4, § 490-04-010, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-04A-010.
  - 490-04-020 Organization. [Orders 72-3 and 72-4, § 490-04-020, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-04A-020.
  - 490-04-030 Designation and authority of executive officer. [Orders 72-3 and 72-4, § 490-04-030, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-04A-040.
  - 490-04-040 Designation and authority of state director. [Orders 72-3 and 72-4, § 490-04-040, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76.
  - 490-04-050 Administrative structure of the coordinating council for occupational education. [Order 73-1, § 490-04-050, filed 11/1/73; Orders 72-3 and 72-4, § 490-04-050, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-04A-050.
- Chapter 490-08**  
**RULES OF PRACTICE AND PROCEDURE**
- 490-08-010 Appeal procedures. [Orders 72-3 and 72-4, § 490-08-010, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-08A-010.
  - 490-08-020 Judicial review provisions. [Orders 72-3 and 72-4, § 490-08-020, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-08A-020.
- Chapter 490-12**  
**QUALIFICATIONS OF PERSONNEL**
- 490-12-010 Qualifications of teachers of practical nursing. [Rules (part), filed 3/23/60.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-12A-010.
  - 490-12-020 Qualifications of teachers in trade and industrial extension classes--Shop and trade practice teachers. [Rules (part), filed 3/23/60.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-12A-020.
  - 490-12-022 Qualifications of teachers in trade and industrial extension classes--Related technical teachers. [Rules (part), filed 3/23/60.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-12A-022.
  - 490-12-024 Qualifications of teachers in trade and industrial extension classes--Teachers of general continuation classes. [Rules (part), filed 3/23/60.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-12A-024.
  - 490-12-030 Qualifications of teachers of home economics education--Home economics teachers. [Rules (part), filed 3/23/60.] Repealed by Order 75-4, filed

- 2/18/76. Later promulgation, see WAC 490-12A-030.
- 490-12-032 Qualifications of teachers of home economics education—Teacher for child development laboratory in the home economics program. [Rules (part), filed 3/23/60.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-12A-032.
- 490-12-034 Qualifications of teachers of home economics education—Related subjects teacher. [Rules (part), filed 3/23/60.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-12A-034.
- 490-12-036 Qualifications of teachers of home economics education—Qualifications of teachers for out-of-school group. [Rules (part), filed 3/23/60.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-12A-036.
- 490-12-040 Distributive education—Qualification of teachers and coordinators—Evening extension classes. [Rules (part), filed 3/23/60.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-12A-040.
- 490-12-042 Distributive education—Qualification of teachers and coordinators—Part-time extension classes. [Rules (part), filed 3/23/60.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-12A-042.
- 490-12-044 Distributive education—Qualification of teachers and coordinators—Part-time cooperative classes. [Rules (part), filed 3/23/60.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-12A-044.
- 490-12-046 Distributive education—Qualification of teachers and coordinators—Teachers of related subjects. [Rules (part), filed 3/23/60.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-12A-046.
- 490-12-050 Qualifications of teachers of agriculture—Regular teacher for all-day, day-unit, young farmer, adult farmer or combinations of the same. [Rules (part), filed 3/23/60.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-12A-050.
- 490-12-052 Qualifications of teachers of agriculture—Special teachers. [Rules (part), filed 3/23/60.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-12A-052.

#### Chapter 490-12A

##### QUALIFICATIONS OF PERSONNEL

- 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 No. 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 No. 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 No. 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 No. 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 No. 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 No. 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 No. 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 No. 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 No. 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 No. 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 No. 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 No. 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 No. 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 No. 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.

#### Chapter 490-15

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

- 490-15-001 Authorization. [Order 73-2, § 490-15-001, filed 5/3/73.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-15A-001.
- 490-15-004 Conditions required for approval. [Order 73-2, § 490-15-004, filed 5/3/73.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-15A-004.
- 490-15-008 Standards required for approval. [Order 73-2, § 490-15-008, filed 5/3/73.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-15A-008.

- 490-15-012 Procedures for approval. [Order 73-2, § 490-15-012, filed 5/3/73.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-15A-012.
- 490-15-016 Refund policy. [Order 73-2, § 490-15-016, filed 5/3/73.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-15A-016.
- 490-15-020 Advertising—Publicizing regulations. [Order 73-2, § 490-15-020, filed 5/3/73.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-15A-020.
- 490-15-024 Duration of approval—Nontransferability. [Order 73-2, § 490-15-024, filed 5/3/73.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-15A-024.
- 490-15-028 Reports—Visitation. [Order 73-2, § 490-15-028, filed 5/3/73.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-15A-028.

**Chapter 490-15A**

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

- 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 No. 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 No. 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 No. 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 No. 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 No. 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 No. 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-15A-024 Duration of approval—Nontransferability. [Order 75-3, § 490-15A-024, filed 12/18/75. Formerly WAC 490-15-024.] Repealed by 79-02-019 (Order 79-1, Resolution No. 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 No. 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.

**Chapter 490-16**

**OCCUPATIONAL TRAINING OF VETERANS—APPROVAL OF  
SCHOOLS**

- 490-16-001 Authorization. [Rules (part), filed 8/12/66.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-16A-001.
- 490-16-005 Importance of approval. [Rules (part), filed 8/12/66.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-16A-005.

- 490-16-008 Conditions required for approval. [Rules (part), filed 8/12/66.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-16A-008.
- 490-16-010 Applicability of standards. [Rules (part), filed 8/12/66.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-16A-010.
- 490-16-015 General standards—Prior operation. [Rules (part), filed 8/12/66.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-16A-015.
- 490-16-020 General standards—Minimum number of nonveteran students required. [Rules (part), filed 8/12/66.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-16A-020.
- 490-16-025 General standards—Prior accreditation or licensing. [Rules (part), filed 8/12/66.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-16A-025.
- 490-16-030 General standards—Accredited and nonaccredited courses. [Rules (part), filed 8/12/66.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-16A-030.
- 490-16-035 General standards—Approval by state board. [Rules (part), filed 8/12/66.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-16A-035.
- 490-16-040 General standards—Business organization and ethics. [Rules (part), filed 8/12/66.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-16A-040.
- 490-16-045 General standards—Admission requirements. [Rules (part), filed 8/12/66.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-16A-045.
- 490-16-050 General standards—Qualifications of instructors. [Rules (part), filed 8/12/66.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-16A-050.
- 490-16-055 General standards—Number of teachers and student load. [Rules (part), filed 8/12/66.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-16A-055.
- 490-16-060 General standards—Instructional content. [Rules (part), filed 8/12/66.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-16A-060.
- 490-16-065 General standards—Facilities. [Rules (part), filed 8/12/66.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-16A-065.
- 490-16-070 General standards—Equipment. [Rules (part), filed 8/12/66.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-16A-070.
- 490-16-080 Regulations—Advertising and/or publicizing. [Rules (part), filed 8/12/66.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-16A-080.
- 490-16-085 Regulations—Length of time of approval. [Rules (part), filed 8/12/66.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-16A-085.
- 490-16-090 Regulations—Limited and specific nature of approval. [Rules (part), filed 8/12/66.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-16A-090.
- 490-16-095 Regulations—Change of location or ownership. [Rules (part), filed 8/12/66.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-16A-095.
- 490-16-100 Regulations—Approvals are not precedents. [Rules (part), filed 8/12/66.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-16A-100.
- 490-16-105 Regulations—Reports. [Rules (part), filed 8/12/66.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-16A-105.

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

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

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

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

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

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

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

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

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

- 2/18/76. Later promulgation, see WAC 490-28A-012.
- 490-28-013 Minimum standards of state agency personnel. [Order 73-1, § 490-28-013, filed 11/1/73.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-28A-013.
- 490-28-020 Compliance with WAC 490-28-010 by operating agencies. [Order 73-1, § 490-28-020, filed 11/1/73; Orders 72-3 and 72-4, § 490-28-020, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-28A-020.
- 490-28-030 Professional improvement. [Order 73-1, § 490-28-030, filed 11/1/73; Orders 72-3 and 72-4, § 490-28-030, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-28A-030.
- 490-28-040 Review and modification of personnel qualification standards. [Order 73-1, § 490-28-040, filed 11/1/73.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-28A-040.
- 490-28-050 Program evaluation. [Order 73-1, § 490-28-050, filed 11/1/73.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-28A-050.
- 490-28-060 Review and evaluation of personnel preparation and development. [Order 73-1, § 490-28-060, filed 11/1/73.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-28A-060.

**Chapter 490-30**

**STATE PLAN ADOPTED PURSUANT TO FEDERAL LAW**

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

**Chapter 490-32**

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

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

**Chapter 490-36**

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

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

**Chapter 490-40**

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

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

- 2/18/76. Later promulgation, see WAC 490-40A-030.
- 490-40-040 Agreements regarding handicapped and disadvantaged persons. [Orders 72-3 and 72-4, § 490-40-040, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-40A-040.
- 490-40-050 Economically depressed areas of high unemployment areas. [Orders 72-3 and 72-4, § 490-40-050, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-40A-050.
- 490-40-060 Areas of high youth unemployment or school dropouts. [Order 73-1, § 490-40-060, filed 11/1/73; Orders 72-3 and 72-4, § 490-40-060, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-40A-060.
- 490-40-070 Agreements with private post-secondary vocational training institutions. [Order 73-1, § 490-40-070, filed 11/1/73; Orders 72-3 and 72-4, § 490-40-070, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-40A-070.
- 490-40-080 Programs, services and activities undertaken by the coordinating council for occupational education. [Order 73-1, § 490-40-080, filed 11/1/73; Orders 72-3 and 72-4, § 490-40-080, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-40A-080.
- 490-40-090 Agreements with the department of employment security, state of Washington. [Order 73-1, § 490-40-090, filed 11/1/73; Orders 72-3 and 72-4, § 490-40-090, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-40A-090.
- 490-40-100 Agreements with other states. [Order 73-1, § 490-40-100, filed 11/1/73; Orders 72-3 and 72-4, § 490-40-100, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-40A-100.
- 490-40-110 Compliance with federal reporting requirements. [Orders 72-3 and 72-4, § 490-40-110, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-40A-110.

**Chapter 490-44**

**ALLOCATION OF FUNDS**

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

filed 2/18/76. Later promulgation, see WAC 490-44A-070.

- 490-44-080 Criteria for determining relative priority of local applications. [Order 73-1, § 490-44-080, filed 11/1/73; Orders 72-3 and 72-4, § 490-44-080, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 390-44A-080.

#### Chapter 490-44A

##### ALLOCATION OF FUNDS

- 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 No. 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 No. 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 No. 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 No. 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 No. 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 No. 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 No. 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 No. 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.

#### Chapter 490-48

##### VOCATIONAL YOUTH ORGANIZATIONS

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

#### Chapter 490-52

##### EVALUATION AND RESEARCH

- 490-52-010 State research coordinating unit. [Order 73-1, § 490-52-010, filed 11/1/73; Orders 72-3 and 72-4, § 490-52-010, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-52A-010.
- 490-52-020 Effective use of results of program and experience. [Orders 72-3 and 72-4, § 490-52-020, filed

4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-52A-020.

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

#### Chapter 490-52A

##### EVALUATION AND RESEARCH

- 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 No. 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 No. 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 No. 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.

#### Chapter 490-56

##### EXEMPLARY PROGRAMS AND PROJECTS

- 490-56-010 Federal funding of state plan. [Orders 72-3 and 72-4, § 490-56-010, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-56A-010.
- 490-56-020 Application procedures. [Orders 72-3 and 72-4, § 490-56-020, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-56A-020.
- 490-56-030 Program or project requirements. [Orders 72-3 and 72-4, § 490-56-030, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-56A-030.

#### Chapter 490-56A

##### EXEMPLARY PROGRAMS AND PROJECTS

- 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 No. 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 No. 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 No. 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.

#### Chapter 490-60

##### HOME AND FAMILY LIFE EDUCATION

- 490-60-010 Consumer and homemaking education. [Orders 72-3 and 72-4, § 490-60-010, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-60A-010.
- 490-60-020 Establishing and operating programs. [Order 74-2, § 490-60-020, filed 9/18/74; Order 73-1, § 490-60-020 (part), filed 11/1/73; Orders 72-3 and 72-4, § 490-60-020, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-60A-020.

## Chapter 490-64

## COOPERATIVE VOCATIONAL EDUCATION PROGRAMS

- 490-64-010 Cooperative vocational education programs. [Orders 72-3 and 72-4, § 490-64-010, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-64A-010.
- 490-64-020 Procedures for approval of cooperative vocational education programs. [Order 73-1, § 490-64-020, filed 11/1/73; Orders 72-3 and 72-4, § 490-64-020, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-64A-020.
- 490-64-030 Additional costs. [Order 73-1, § 490-64-030, filed 11/1/73; Orders 72-3 and 72-4, § 490-64-030, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-64A-030.
- 490-64-040 Participation of students in nonprofit private schools. [Order 73-1, § 490-64-040, filed 11/1/73; Orders 72-3 and 72-4, § 490-64-040, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-64A-040.
- 490-64-050 Noncommingling of funds. [Order 73-1, § 490-64-050, filed 11/1/73; Orders 72-3 and 72-4, § 490-64-050, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-64A-050.
- 490-64-060 Local evaluation and follow-up procedures. [Order 73-1, § 490-64-060, filed 11/1/73; Orders 72-3 and 72-4, § 490-64-060, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-64A-060.
- 490-64-070 Ancillary services and activities. [Order 73-1, § 490-64-070, filed 11/1/73; Orders 72-3 and 72-4, § 490-64-070, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-64A-070.

## Chapter 490-64A

## COOPERATIVE VOCATIONAL EDUCATION PROGRAMS

- 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 No. 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 No. 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 No. 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-64A-040 Participation of students in nonprofit 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 No. 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.
- 490-64A-050 Noncommingling 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 No. 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 No. 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 No. 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.

## Chapter 490-68

## WORK-STUDY PROGRAMS

- 490-68-010 Work-study programs. [Order 73-1, § 490-68-010, filed 11/1/73; Orders 72-3 and 72-4, § 490-68-010, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-68A-010.
- 490-68-020 Approval of work-study programs. [Order 73-1, § 490-68-020, filed 11/1/73; Orders 72-3 and 72-4, § 490-68-020, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-68A-020.
- 490-68-030 Requirements for work-study program. [Order 73-1, § 490-68-030, filed 11/1/73; Orders 72-3 and 72-4, § 490-68-030, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-68A-030.
- 490-68-040 Use of funds for state plan development and administration. [Order 73-1, § 490-68-040, filed 11/1/73; Orders 72-3 and 72-4, § 490-68-040, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-68A-040.

## Chapter 490-68A

## WORK-STUDY PROGRAMS

- 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 No. 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 No. 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 No. 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 No. 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.

## Chapter 490-72

## RESIDENTIAL VOCATIONAL EDUCATION SCHOOLS

- 490-72-010 Residential vocational education schools. [Orders 72-3 and 72-4, § 490-72-010, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-72A-010.
- 490-72-020 Procedures for establishing residential facilities. [Orders 72-3 and 72-4, § 490-72-020, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-72A-020.
- 490-72-030 Requirements for construction and operation. [Orders 72-3 and 72-4, § 490-72-030, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-72A-030.
- 490-72-040 Notification to commissioner. [Orders 72-3 and 72-4, § 490-72-040, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-72A-040.

## Chapter 490-72A

## RESIDENTIAL VOCATIONAL EDUCATION SCHOOLS

- 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 No. 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 No. 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 No. 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 No. 78-32-3), filed 1/16/79. Statutory Authority: RCW 28C.04.060.

#### Chapter 490-76

##### FISCAL CONTROL AND FUND ACCOUNTING PROCEDURES

- 490-76-010 Custody of federal funds. [Orders 72-3 and 72-4, § 490-76-010, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-76A-010.
- 490-76-020 Expenditure of federal funds. [Orders 72-3 and 72-4, § 490-76-020, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-76A-020.
- 490-76-030 Allotment availability. [Orders 72-3 and 72-4, § 490-76-030, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-76A-030.
- 490-76-040 Programs and services. [Order 73-1, § 490-76-040(6), filed 11/1/73; Orders 72-3 and 72-4, § 490-76-040, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-76A-040.
- 490-76-050 Construction costs contracts. [Orders 72-3 and 72-4, § 490-76-050, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-76A-050.
- 490-76-060 Fiscal records. [Order 73-1, § 490-76-060(4), filed 11/1/73; Orders 72-3 and 72-4, § 490-76-060, filed 4/24/72.] Repealed by Order 75-4, filed 2/18/76. Later promulgation, see WAC 490-76A-060.
- 490-600-046 Recognition of accrediting agencies and associations. [Statutory Authority: Chapter 28B.05 RCW. 80-01-065 (Order 79-2, Resolution No. 79-38-2), § 490-600-046, filed 12/21/79.] Repealed by 86-15-076 (Order 86-78-4, Resolution No. 86-78-4), filed 7/23/86. Statutory Authority: RCW 28C.10.010 through 28C.10.220.
- 490-600-050 Application, annual renewal and amendments. [Statutory Authority: RCW 28B.05.050(3) and chapter 28B.05 RCW. 80-15-037 (Order 80-3, Resolution No. 80-42-2), § 490-600-050, filed 10/9/80; 80-01-065 (Order 79-2, Resolution No. 79-38-2), § 490-600-050, filed 12/21/79.] Repealed by 86-15-076 (Order 86-78-4, Resolution No. 86-78-4), filed 7/23/86. Statutory Authority: RCW 28C.10.010 through 28C.10.220.
- 490-600-060 Education standards. [Statutory Authority: Chapter 28B.05 RCW. 80-01-065 (Order 79-2, Resolution No. 79-38-2), § 490-600-060, filed 12/21/79.] Repealed by 86-15-076 (Order 86-78-4, Resolution No. 86-78-4), filed 7/23/86. Statutory Authority: RCW 28C.10.010 through 28C.10.220.
- 490-600-061 Educational standards—Correspondence schools. [Statutory Authority: Chapter 28B.05 RCW. 80-01-065 (Order 79-2, Resolution No. 79-38-2), § 490-600-061, filed 12/21/79.] Repealed by 86-15-076 (Order 86-78-4, Resolution No. 86-78-4), filed 7/23/86. Statutory Authority: RCW 28C.10.010 through 28C.10.220.
- 490-600-070 Business practices. [Statutory Authority: Chapter 28B.05 RCW. 80-01-065 (Order 79-2, Resolution No. 79-38-2), § 490-600-070, filed 12/21/79.] Repealed by 86-15-076 (Order 86-78-4, Resolution No. 86-78-4), filed 7/23/86. Statutory Authority: RCW 28C.10.010 through 28C.10.220.
- 490-600-071 Minimum cancellation and refund policy. [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.] Repealed by 86-15-076 (Order 86-78-4, Resolution No. 86-78-4), filed 7/23/86. Statutory Authority: RCW 28C.10.010 through 28C.10.220.

#### Chapter 490-600

##### EDUCATIONAL SERVICES REGISTRATION

- 490-600-010 Authority. [Statutory Authority: Chapter 28B.05 RCW. 80-01-065 (Order 79-2, Resolution No. 79-38-2), § 490-600-010, filed 12/21/79.] Repealed by 86-15-076 (Order 86-78-4, Resolution No. 86-78-4), filed 7/23/86. Statutory Authority: RCW 28C.10.010 through 28C.10.220.
- 490-600-020 Purpose. [Statutory Authority: Chapter 28B.05 RCW. 80-01-065 (Order 79-2, Resolution No. 79-38-2), § 490-600-020, filed 12/21/79.] Repealed by 86-15-076 (Order 86-78-4, Resolution No. 86-78-4), filed 7/23/86. Statutory Authority: RCW 28C.10.010 through 28C.10.220.
- 490-600-030 Definitions. [Statutory Authority: RCW 28B.05.050. 81-21-003 (Order 81-3, Resolution No. 81-47-3), § 490-600-030, filed 10/8/81. Statutory Authority: Chapter 28B.05 RCW. 80-01-065 (Order 79-2, Resolution No. 79-38-2), § 490-600-030, filed 12/21/79.] Repealed by 86-15-076 (Order 86-78-4, Resolution No. 86-78-4), filed 7/23/86. Statutory Authority: RCW 28C.10.010 through 28C.10.220.
- 490-600-045 Exemptions. [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.] Repealed by 86-15-076 (Order 86-78-4, Resolution No. 86-78-4), filed 7/23/86. Statutory Authority: RCW 28C.10.010 through 28C.10.220.
- 490-600-072 Enrollment agreement (contract) checklist. [Statutory Authority: Chapter 28B.05 RCW. 80-01-065 (Order 79-2, Resolution No. 79-38-2), § 490-600-072, filed 12/21/79.] Repealed by 86-15-076 (Order 86-78-4, Resolution No. 86-78-4), filed 7/23/86. Statutory Authority: RCW 28C.10.010 through 28C.10.220.
- 490-600-073 Bonding. [Statutory Authority: Chapter 28B.05 RCW. 80-01-065 (Order 79-2, Resolution No. 79-38-2), § 490-600-073, filed 12/21/79.] Repealed by 86-15-076 (Order 86-78-4, Resolution No. 86-78-4), filed 7/23/86. Statutory Authority: RCW 28C.10.010 through 28C.10.220.
- 490-600-075 Complaints and violations. [Statutory Authority: RCW 28B.05.050(3) and chapter 28B.05 RCW. 80-15-037 (Order 80-3, Resolution No. 80-42-2), § 490-600-075, filed 10/9/80; 80-01-065 (Order 79-2, Resolution No. 79-38-2), § 490-600-075 (codified as WAC 490-600-075), filed 12/21/79.] Repealed by 86-15-076 (Order 86-78-4, Resolution No. 86-78-4), filed 7/23/86. Statutory Authority: RCW 28C.10.010 through 28C.10.220.
- 490-600-076 Appeals. [Statutory Authority: Chapter 28B.05 RCW. 80-01-065 (Order 79-2, Resolution No. 79-38-2), § 490-600-076, filed 12/21/79.] Repealed by 86-15-076 (Order 86-78-4, Resolution No. 86-78-



- 490-600-077 4), filed 7/23/86. Statutory Authority: RCW 28C.10.010 through 28C.10.220. Hearings. [Statutory Authority: Chapter 28B.05 RCW. 80-01-065 (Order 79-2, Resolution No. 79-38-2), § 490-600-077, filed 12/21/79.] Repealed by 86-15-076 (Order 86-78-4, Resolution No. 86-78-4), filed 7/23/86. Statutory Authority: RCW 28C.10.010 through 28C.10.220.
- 490-600-080 Duties of the commission. [Statutory Authority: Chapter 28B.05 RCW. 80-01-065 (Order 79-2, Resolution No. 79-38-2), § 490-600-080, filed 12/21/79.] Repealed by 86-15-076 (Order 86-78-4, Resolution No. 86-78-4), filed 7/23/86. Statutory Authority: RCW 28C.10.010 through 28C.10.220.

**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:

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- 104.2 Purpose.
- 104.3 Applicability of General Education Provisions Regulations.
- 104.4 Cross reference to definitions.
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- 104.32 Responsibilities of the State board.
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- 104.183 Assessment of employment opportunities.
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#### 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 No. 78–32–3), § 490–02–010, filed 1/16/79.]

### Chapter 490–03 WAC AFFIRMATIVE ACTION POLICY

#### WAC

490–03–010 Affirmative action policy.

**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 No. 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–020 Organization.
- 490–04A–040 Designation of executive officer.
- 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 No. 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 PL 94–482 and chapter 174, Laws of 1975 1st ex. sess.

[Statutory Authority: RCW 28C.04.060. 79–02–019 (Order 79–1, Resolution No. 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–020 Organization.** (1) The commission for vocational education shall consist of seven members, each of whom shall be a voting member. The chairman shall be a citizen member chosen by a majority of its members pursuant to its by-laws. Five citizen members shall be appointed by the governor and confirmed by the state senate. The superintendent of public instruction and the director of the state board for community college education shall serve as the remaining two members. In making citizen member appointments initially, and subsequently thereafter, the governor shall be cognizant of the desirability of appointing persons well versed regarding vocational and occupational needs of management, labor, and agriculture.

(2) The initial citizen appointments shall be for periods of one, two, three, four, and five years. Thereafter such citizen members shall serve for terms of five years.

No citizen member shall be eligible to serve who is also a member of a state or local educational agency, board, council or commission, or who is employed by a common school or institution of higher education. The terms of the members who serve as the result of holding statutory office shall run coextensive to their holding those respective offices. (Chapter 174, Laws of 1975, 1st ex. sess.)

[Order 75-3, § 490-04A-020, filed 12/18/75. Formerly WAC 490-04-020.]

**WAC 490-04A-040 Designation of executive officer.** (1) The commission, in accordance with section 10, 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. (PL 94-482 and chapter 174, Laws of 1975 1st ex. sess.)

[Statutory Authority: RCW 28C.04.060, 79-02-019 (Order 79-1, Resolution No. 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-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 No. 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 No. 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 No. 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 No. 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 No. 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.  
 490-08A-020 Judicial review provisions.

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**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 No. 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 No. 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.]

**WAC 490-08A-020 Judicial review provisions.** (1) Upon receipt of notice of final action upon the petition by the commission, the educational agency/authority may—Within 60 days after such final action or notice thereof, whichever is later, file with the United States Court of Appeals for the circuit in which the state is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the commission. The commission thereupon shall file in the court the record of the proceedings on which the commission based its action as provided in Section 2112 of Title 28, United States Code.

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

(3) The court shall have jurisdiction to affirm the action of the commission or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in Section 1254 of Title 28, United States Code.

[Order 75-3, § 490-08A-020, filed 12/18/75. Formerly WAC 490-08-020.]

**Chapter 490-16A WAC**  
**OCCUPATIONAL TRAINING OF VETERANS--**  
**APPROVAL OF SCHOOLS**

**WAC**

490-16A-001	Authorization.
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490-16A-130	Regulations--Procedures.

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

State Board of Education  
 Old Capitol Building  
 Olympia, Washington

Approves all academic schools, colleges, and universities--Both public and private

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

Approves all vocational schools and classes, commercial, trade and technical schools and institutions offering trade and technical instruction--Both public and private

(2) In accordance with the authorization above, the state board for vocation education [commission for vocational education] has the responsibility to adopt regulations and standards for all vocational schools and classes, commercial, trade and technical schools and institutions offering trade and technical instruction--Both public and private. (Note: Apprenticeship and specialty for on-the-job training, and education incidental thereto, is subject to approval by the State Department of Labor and Industries, Olympia, Washington.)

(3) The standards for the approval of institutions desiring to offer education and training to veterans have

been revised to conform to veterans administration regulations formulated to implement the provisions of Public Law 89-358 for the application of all institutions desiring to offer training to veterans under Public Law 89-358.

[Order 75-3, § 490-16A-001, filed 12/18/75. Formerly WAC 490-16-001.]

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

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

(3) All institutions desiring to offer courses to veterans under Public Law 89-358 must apply for approval.

[Order 75-3, § 490-16A-005, filed 12/18/75. Formerly WAC 490-16-005.]

**WAC 490-16A-008 Conditions required for approval.** (1) Institutions vary widely in types of programs and standards. Frequently, no well-established or reputable accrediting agency exists to appraise the worth of the institution and its work. For this reason the state board for vocational education [commission for vocational education] has found it necessary to formulate and adopt regulations and standards to serve as a basis for judging whether the institution is qualified and equipped to provide good instruction and training in specific courses.

(2) Courses offered by institutions may be approved upon submission of satisfactory applications when upon investigation they are found to conform to the following standards and regulations.

[Order 75-3, § 490-16A-008, filed 12/18/75. Formerly WAC 490-16-008.]

**WAC 490-16A-010 Applicability of standards.** In addition to the following general standards which are applicable to all institutions, specific requirements have been established for certain types of institutions. Upon receipt of inquiry, appropriate specific standards will be sent to the institutions to which the standards apply.

[Order 75-3, § 490-16A-010, filed 12/18/75. Formerly WAC 490-16-010.]

**WAC 490-16A-015 General standards--Prior operation.** The enrollment of an eligible veteran will not be approved in any course offered by an educational institution when such a course has been in operation for less

than two years immediately prior to the date of enrollment, except that this requirement does not apply to the following:

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

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

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

(4) Any course which has been offered by an institution for a period of more than two years, notwithstanding the fact that the institution has moved to another location in the same general locality.

[Order 75-3, § 490-16A-015, filed 12/18/75. Formerly WAC 490-16-015.]

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

[Order 75-3, § 490-16A-020, filed 12/18/75. Formerly WAC 490-16-020.]

**WAC 490-16A-025 General standards—Prior accreditation or licensing.** (1) Prior accreditation or approval by an acceptable and reputable association is required whenever such accreditation or approval is available to the institution. Institutions without satisfactory accreditation will be carefully examined to determine that they measure up to the best standards in the field.

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

(3) Schools and institutions that are licensed and satisfactorily accredited may be approved for courses within the limits of their facilities.

[Order 75-3, § 490-16A-025, filed 12/18/75. Formerly WAC 490-16-025.]

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

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

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

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

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

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

(2) Nonaccredited courses.

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

(b) Any educational institution desiring to enroll veterans under Public Law 89-358 in nonaccredited technical, vocational or commercial courses shall submit a written application to the state board for vocational education [commission for vocational education]. Such application shall be accompanied by not less than two copies of the current catalog or bulletin which is certified as true and correct in content and policy by an authorized owner or official of the institution and shall include the following:

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

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

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

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

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

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



progress records kept by the institution and furnished the student;

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

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

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

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

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

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

(3) The above supporting material should be submitted in the same form that it is made available to all students. The original, typewritten form is not acceptable.

[Order 75-3, § 490-16A-030, filed 12/18/75. Formerly WAC 490-16-030.]

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

(1) The courses, curriculum, and instruction are consistent in quality, content, and length with similar courses in public schools and private schools in the state with recognized accepted standards.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(14) Such additional criteria as may be deemed necessary by the state board for vocational education [commission for vocational education].

[Order 75-3, § 490-16A-035, filed 12/18/75. Formerly WAC 490-16-035.]

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

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

(3) The school must operate on the basis of sound administrative policies and at all times shall adhere to ethical practices.

[Order 75-3, § 490-16A-040, filed 12/18/75. Formerly WAC 490-16-040.]

**WAC 490-16A-045 General standards—Admission requirements.** The qualifications for admission to the school must be in accordance with recognized practice.

Admission must be on a selective basis that will insure acceptance of only those who are fully qualified. Enrollments in courses that are vocational, technical or commercial in nature shall be limited to placement opportunities as determined by occupational analysis.

[Order 75-3, § 490-16A-045, filed 12/18/75. Formerly WAC 490-16-045.]

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

(2) All instructors of technical or scientific operations shall hold a certificate or license in the fields in which students will be required to obtain licenses.

[Order 75-3, § 490-16A-050, filed 12/18/75. Formerly WAC 490-16-050.]

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

(2) Each institution must employ at least one full-time teacher. After this requirement is met, full- or part-time personnel may be added as required.

[Order 75-3, § 490-16A-055, filed 12/18/75. Formerly WAC 490-16-055.]

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

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

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

(a) Possesses a marketable skill or shows excellent promise of performance in the field of training;

(b) Possesses and is able to apply technical and related job information;

(c) Can interpret the business or professional situation in which he finds himself;

(d) Has the ability and the will to work harmoniously with others.

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

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

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

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

[Order 75-3, § 490-16A-065, filed 12/18/75. Formerly WAC 490-16-065.]

**WAC 490-16A-070 General standards--Equipment.**

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

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

[Order 75-3, § 490-16A-070, filed 12/18/75. Formerly WAC 490-16-070.]

**WAC 490-16A-080 Regulations--Advertising and/or publicizing.**

A school or training institution may advertise and/or publicize that it is approved by the state board for vocational education [commission for vocational education] to provide training under Public Law 89-358 but it may not advertise or publicize that the school is recommended or endorsed by the state board for vocational education [commission for occupation education].

[Order 75-3, § 490-16A-080, filed 12/18/75. Formerly WAC 490-16-080.]

**WAC 490-16A-085 Regulations--Length of time of approval.**

(1) Approval of a course is for an indefinite period of time. Continuation of approval is contingent upon constant maintenance of the prescribed standards. If it is found that the course no longer continues to meet the requirements, approval will be withdrawn.

(2) Approval will also be withdrawn from institutions having no enrollment of veteran students for a period of six months.

[Order 75-3, § 490-16A-085, filed 12/18/75. Formerly WAC 490-16-085.]

**WAC 490-16A-090 Regulations--Limited and specific nature of approval.** (1) Approval is granted in terms of specific courses in individual institutions at single established school locations.

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

(3) All of the courses for which approval is requested should be listed in the application. Care should be taken to show the competence of personnel and suitability of facilities for each of the courses. All courses which are added after the initial approval must be submitted for approval to be included in the program.

[Order 75-3, § 490-16A-090, filed 12/18/75. Formerly WAC 490-16-090.]

**WAC 490-16A-095 Regulations--Change of location or ownership.** Approval shall not be transferable under a change of location or ownership of the institution without prior approval of the state board for vocational education [commission for vocational education]. In order to continue approval without interruption, it is

important for the institution to secure authorization before the change is made.

[Order 75-3, § 490-16A-095, filed 12/18/75. Formerly WAC 490-16-095.]

**WAC 490-16A-100 Regulations--Approvals are not precedents.** Approval of a course shall not be considered a precedent for approval of another course of the same type and quality. This regulation is made necessary by the need to hold the number of trainees reasonably close to the placement opportunities in the field.

[Order 75-3, § 490-16A-100, filed 12/18/75. Formerly WAC 490-16-100.]

**WAC 490-16A-105 Regulations--Reports.** Institutions having courses approved will be required to submit a report to the state board for vocational education [commission for vocational education] as of June 30 and December 31 of each year. Forms will be provided by the state board for vocational education [commission for vocational education].

[Order 75-3, § 490-16A-105, filed 12/18/75. Formerly WAC 490-16-105.]

**WAC 490-16A-110 Regulations--Visitations.**

When a school makes application for approval of a course or courses, it thereby consents to visitations at all times by representatives of the state board for vocational education [commission for vocational education] until such time as the application or approval is withdrawn. When visitations are made, it must be possible for the representative to inspect and evaluate all facilities and instruction.

[Order 75-3, § 490-16A-110, filed 12/18/75. Formerly WAC 490-16-110.]

**WAC 490-16A-115 Regulations--Misrepresentation.**

When upon investigation, it is found that an institution has been guilty of unscrupulous practices, misrepresentation or fraud, or has failed to conform to the representations in its application, approval of courses will be denied, or if courses are already approved, approval will be withdrawn.

[Order 75-3, § 490-16A-115, filed 12/18/75. Formerly WAC 490-16-115.]

**WAC 490-16A-120 Regulations--Supporting evidence.**

Before approval of the application of a course may be given, each item of evidence required must be submitted in satisfactory form and must have the unqualified approval of the state board for vocational education [commission for vocational education].

[Order 75-3, § 490-16A-120, filed 12/18/75. Formerly WAC 490-16-120.]

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

institution to teach each of the courses must be clearly established.

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

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

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

(4) Notification. Institutions will be notified when their applications have been acted upon by the state board for vocational education [commission for vocational education] and the veterans administration will be advised of the action taken by the board.

[Order 75-3, § 490-16A-130, filed 12/18/75. Formerly WAC 490-16-130.]

#### Chapter 490-24A WAC

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

#### WAC

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

#### WAC 490-24A-010 Public hearings procedures.

The procedures for the adoption or repeal of rules, for the opportunity to submit data, and for the effect of noncompliance to the rules of the commission for vocational education are quoted from chapters 34.04 and 42.32 RCW: "34.04.025 Notices of intention to adopt rules—Opportunity to submit data—Noncompliance, effect.

(1) Prior to the adoption amendment or repeal of any rule, each agency shall:

(a) Give at least twenty days notice of its intended action by filing the notice with the code reviser, mailing the notice to all persons who have made timely request of the agency for advance notice of its rule-making proceedings, and giving public notice as provided in RCW 42.32.010, as now or hereafter amended. Such notice shall include (i) reference to the authority under which the rule is proposed, (ii) a statement of either the terms or substance of the proposed rule or a description of the subjects and issues involved, and (iii) the time when, the place where, and the manner in which interested persons may present their views thereon.

(b) Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in

writing. In case of substantive rules, opportunity for oral hearing must be granted if requested by twenty-five persons, by a governmental subdivision or agency, or by an association having not less than twenty-five members. The agency shall consider fully all written and oral submissions respecting the proposed rule. Upon adoption of a rule, the agency, if requested to do so by an interested person either prior to adoption or within thirty days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption.

(2) No rule hereafter adopted is valid unless adopted in substantial compliance with this section, or if an emergency rule designated as such, adopted in substantial compliance with RCW 34.04.030, as now or hereafter amended. In any proceeding a rule cannot be contested on the ground of noncompliance with the procedural requirements of this section, or of RCW 34.04.030, as now or hereafter amended, after two years have elapsed from the effective date of the rule. (1967 c 237 § 3.)"

[Order 75-3, § 490-24A-010, filed 12/18/75. Formerly WAC 490-24-010.]

#### WAC 490-24A-020 Public meeting procedures.

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

"42.32.020 Meetings declared public—Executive sessions. All meetings, regular and special, of any such board, commission, agency and authority are hereby declared to be public meetings, open to the public at all times: *Provided*, That nothing contained in this chapter shall be construed to prevent any such board, commission, agency or authority from holding executive sessions, from which the public is excluded, for the purposes other than the final adoption of an ordinance, resolution, rule, regulation, order or directive. (1953 c 216 § 2)" "42.32.030 Minutes. The minutes of all regular and special meetings except executive sessions of such boards, commissions, agencies or authorities shall be promptly recorded and such records shall be open to public inspection. (1953 c 216 § 3.)"

[Order 75-3, § 490-24A-020, filed 12/18/75. Formerly WAC 490-24-020.]

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

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

(a) State plan distribution will be made to:

- (i) State library
- (ii) Members of the state advisory council on vocational education
- (iii) Members of the commission for vocational education
- (iv) Members of the state board of education
- (v) Superintendent of public instruction and staff
- (vi) Members of the state board for community college education and staff
- (vii) Members of the community college district boards of trustees
- (viii) Each community college president
- (ix) Each school district superintendent
- (x) Each educational service district superintendent
- (xi) Each local vocational education director and supervisor
- (xii) Each vocational guidance counselor
- (xiii) The Washington congress of parents and teachers and students
- (xiv) American Federation of Teachers
- (xv) Washington Education Association
- (xvi) Washington Vocational Association
- (xvii) Council on postsecondary education
- (xviii) Washington Federation of Teachers
- (xix) Washington State School Directors Association
- (xx) Washington Association of School Administrators
- (xxi) Washington Federation of Private Vocational Schools
- (xxii) Veterans administration, regional office
- (xxiii) Each state representative and senator
- (xxiv) Each member of Washington state congressional delegation.

[Order 75-3, § 490-24A-030, filed 12/18/75. Formerly WAC 490-24-030.]

**Chapter 490-25A WAC****RULES AND REGULATIONS RELATING TO PUBLIC RECORDS OF THE COMMISSION FOR VOCATIONAL EDUCATION****WAC**

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

(1986 Ed.)

**WAC 490-25A-010 Purpose.** The purpose of this chapter shall be to ensure compliance by the commission for vocational education with the provisions of chapter 42.17 RCW (Disclosure—Campaign finances—Lobbying—Records); and in particular with RCW 42.17.250 through 42.17.320, dealing with public records.

[Order 75-3, § 490-25A-010, filed 12/18/75. Formerly WAC 490-25-010.]

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

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

(3) **COMMISSION FOR VOCATIONAL EDUCATION.** The commission for vocational education is the agency established by the legislature pursuant to Title 28C RCW. The commission for vocational education shall hereinafter be referred to as the "CVE." Where appropriate, the term "CVE" also refers to the staff and employees of the commission for vocational education.

[Order 75-3, § 490-25A-015, filed 12/18/75. Formerly WAC 490-25-015.]

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

(2) The commission for vocational education operates under the authority contained in Title 28C RCW and PL 90-576, U.S. Code. A governing body comprised of seven voting members establishes policies which are implemented by the commission's executive director. A staff of education specialists, support specialists, and clerical staff is employed under civil service regulations. Salary support is provided for the employment of some specialists in the common schools' system, the community colleges' system and several colleges and universities. All of the directly employed personnel, however, operate from the central office in Olympia.

[Order 75-3, § 490-25A-020, filed 12/18/75. Formerly WAC 490-25-020.]

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

[Title 490 WAC—p 21]

(2) The commission for vocational education's public records shall be in the charge of the public records officer designated by the commission for vocational education. The person so designated shall be located in the administrative office of the commission for vocational education. The public records officer shall be responsible for the following: The implementation of the commission for vocational education's rules and regulations regarding release of public records, coordinating the staff of the commission for vocational education in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

(3) Public records shall be available for inspection and copying during the customary office hours of the commission for vocational education. For the purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

[Order 75-3, § 490-25A-025, filed 12/18/75. Formerly WAC 490-25-025.]

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

(2) A request shall be made in writing upon a form prescribed by the commission for vocational education which shall be available at its administrative office. The form shall be presented to the public records officer; or to any member of the commission for vocational education staff if the public records officer is not available, at the administrative office of the commission for vocational education during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the commission for vocational education's current index, an appropriate description of the record requested.

(3) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.

[Order 75-3, § 490-25A-030, filed 12/18/75. Formerly WAC 490-25-030.]

[Title 490 WAC—p 22]

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

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

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

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

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

(b) Collect the full amount due in advance, in cash, money order or certified check prior to commencing to fill the request.

[Order 75-3, § 490-25A-035, filed 12/18/75. Formerly WAC 490-25-035.]

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

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

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

[Order 75-3, § 490-25A-040, filed 12/18/75. Formerly WAC 490-25-040.]

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

other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the executive director of the commission for vocational education. The executive director shall immediately consider the matter in consultation with the office of the attorney general and either affirm or reverse such denial. In any case, the request shall be returned with a final decision, within two business days following the receipt of the request for review of denial.

(3) Administrative remedies shall not be considered exhausted until the executive director has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

[Order 75-3, § 490-25A-045, filed 12/18/75. Formerly WAC 490-25-045.]

**WAC 490-25A-050 Protection of public records.** To maintain the integrity of public records, no documents shall be removed from the offices of the commission for the purposes of being copied other than by authorized CVE employees.

[Order 75-3, § 490-25A-050, filed 12/18/75. Formerly WAC 490-25-050.]

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

"(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

"(b) Those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the agency;

"(c) Administrative staff manuals and instructions to staff that affect a member of the public;

"(d) Planning policies and goals, and interim and final planning decisions;

"(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

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

(2) AVAILABILITY. The current index promulgated by the commission for vocational education shall be available to all persons under the same rules and on the same

conditions as are applied to public records available for inspection.

[Order 75-3, § 490-25A-055, filed 12/18/75. Formerly WAC 490-25-055.]

**WAC 490-25A-060 Adoption of form--Appendix A.** The commission for vocational education hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form attached hereto as Appendix A, entitled "Request for public record."

Appendix "A"

REQUEST FOR PUBLIC RECORD TO COMMISSION FOR VOCATIONAL EDUCATION

(a) Name Signature (Please Print) Name of Organization, if Applicable Mailing Address of Applicant Phone number

(b) Date Request Made at Office of Commission for Vocational Education Time of Day Request Made

(c) Nature of Request

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

(e) Description of Record or Matter Requested if not Identifiable by Reference to the commission for vocational education Current Index

Request: Approved Date By Public Records Officer

Denied Date

Reasons for Denial: -----  
-----  
-----

Referred to ----- By -----  
Date Public  
Records  
Officer

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

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

- WAC
- 490-28A-001 Minimum qualifications of vocational education personnel.
- 490-28A-002 Minimum standards for full-time teaching personnel.
- 490-28A-003 Minimum standards for trainers of vocational education personnel.
- 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-020 Compliance with WAC 490-28A-010 by operating agencies.

**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 No. 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 No. 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 No. 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 No. 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 No. 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 No. 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 No. 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 No. 78-32-3), § 490-28A-002, filed 1/16/79.]

**WAC 490-28A-003 Minimum standards for trainers of vocational education personnel.** Trainers of vocational education personnel in the common school system and the community colleges must have training and experience for the particular unit or course to be taught. The requirements and implementing procedures of the office of the state superintendent of public instruction and the state board for community college education shall indicate the minimum requirements which must be met and the measures which will be used.

[Statutory Authority: RCW 28C.04.060, 83-10-003 (Order 83-1, Resolution No. 82-54-12/3), § 490-28A-003, filed 4/21/83.]

**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 No. 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.** State agency personnel must meet the qualifications for the class in which they are employed (vocational education administrator, vocational education program director, vocational education program specialist) as required by the state personnel board in the appropriate current class specification. Staff are employed in accordance with state personnel merit system rules without discrimination because of race, color, creed, national origin, sex, age, handicap, or veterans' status.

[Statutory Authority: RCW 28C.04.060, 81-09-072 (Order 81-1, Resolution No. 81-45-2), § 490-28A-013, filed 4/22/81; 79-02-019 (Order 79-1, Resolution No. 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 No. 78-32-3), § 490-28A-014, filed 1/16/79.]

**WAC 490-28A-020 Compliance with WAC 490-28A-010 by operating agencies.** Position descriptions and standards, in conformance with WAC 490-28A-010, shall be set forth by the state authority responsible.

[Order 75-3, § 490-28A-020, filed 12/18/75. Formerly WAC 490-28-020.]

## 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 No. 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 No. 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 No. 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.)

(1986 Ed.)

[Statutory Authority: RCW 28C.04.060. 79-02-019 (Order 79-1, Resolution No. 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 No. 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 No. 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 No. 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

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(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 No. 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 No. 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.

[Title 490 WAC—p 28]

(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 No. 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 No. 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-010	Requirement for conformance to standards.
490-36A-020	Local advisory councils.
490-36A-030	Local program/craft advisory committees.
490-36A-040	Local annual applications.

**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 No. 78-32-3), § 490-36A-001, filed 1/16/79.]

**WAC 490-36A-010 Requirement for conformance to standards.** Each local educational agency seeking approval for vocational education programs shall, in addition to other provisions of the state plan for vocational education, the Revised Code of Washington and the Washington Administrative Code, conform to the standards contained in this chapter.

[Order 75-3, § 490-36A-010, filed 12/18/75. Formerly WAC 490-36-010.]

**WAC 490-36A-020 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

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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 No. 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) All applications for new or expanded program implementation shall include a favorable written recommendation from the local program/craft advisory committee. The recommendation shall include evidence, in the form of a listing, of advisory committee knowledge of all like programs offered within the service area by any other public or private agency or school.

(5) 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.

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

(7) 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.

(8) 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.

(9) 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 the member has been appointed to give advice, said member may achieve recourse by taking the following action:

(a) Presenting 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 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 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. 81-09-073 (Order 81-2, Resolution No. 81-45-6), § 490-36A-030, filed 4/22/81; 79-02-019 (Order 79-1, Resolution No. 78-32-3), § 490-36A-030, filed 1/16/79.]

**WAC 490-36A-040 Local annual applications.** All local applications shall be developed in consultation with representatives of the educational and training resources available in the area to be served by the applicant, and copies of all applications, including this assurance and all other required assurances, will be available to the commission for review.

[Statutory Authority: RCW 28C.04.060. 83-10-003 (Order 83-1, Resolution No. 82-54-12/3), § 490-36A-040, filed 4/21/83.]

### Chapter 490-37 WAC ADJUDICATION AND REVIEW RULES AND PROCEDURES

#### WAC

490-37-010	Purpose.
490-37-020	Scope.
490-37-030	Standing.
490-37-031	Questions involving programs beyond districts—Conditions precedent.
490-37-032	Decisions on new or expanded programs—Factors to be considered.
490-37-040	Program standards issues.
490-37-050	Definitions.
490-37-060	Responsibilities and conditions.
490-37-070	Notice of dispute—Prehearing procedures.
490-37-080	Review inquiry—Prehearing procedures.
490-37-090	Hearing officer selection.
490-37-100	General provisions governing hearings.
490-37-110	Special review inquiry.
490-37-120	Decision-making process.
490-37-130	Decision-making criteria.
490-37-140	Compliance auditing.

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

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

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

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

(4) Provide for procedures assuring that resolution of differences will be made at the lowest possible level.

[Order 76-1, § 490-37-010, filed 7/1/76.]

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

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

(b) Any review of such proposals conducted by the commission, and to

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

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

(3) When the request is one for review inquiry, the commission may refuse to process the request whenever it deems that action by the office of the superintendent of public instruction, the office of the state board for community college education or any local agency would either eliminate the need for the request or clarify the issue or issues serving as the basis of the request.

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

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

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

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

(5) Any party filing a notice of dispute shall attach to the request an affidavit setting forth the efforts of the parties in attempting to settle the dispute. This affidavit shall include a description of the number of meetings held between parties within the last sixty days, a description of factual information exchanged, and a statement that written notice was provided to the other party at least 48 hours in advance of filing said notice.

[Order 76-1, § 490-37-020, filed 7/1/76.]

**WAC 490-37-030 Standing.** No person or persons shall have standing to file and assert a claim under this chapter before the commission unless authorized to do so in writing by the commission: *Provided*, That any common school or community college district or the superintendent of public instruction or the state board for community college education shall be allowed to file and

assert a claim for review inquiry whether or not authorized to do so by the commission: *And provided further*, That the executive director as agent for the CVE shall have the authority to file and prosecute a request for review inquiry for the purpose of insuring compliance with the state plan and to avoid unnecessary duplication of current or projected programs and/or facilities for vocational education: *And provided still further*, That the two secondary and postsecondary systems shall be authorized to file a notice of dispute as provided for by these rules and procedures.

[Order 76-1, § 490-37-030, filed 7/1/76.]

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

[Order 77-3, § 490-37-031, filed 11/29/77.]

**WAC 490-37-032 Decisions on new or expanded programs--Factors to be considered.** In making a decision upon a new or expanded program to be offered by VTI's or community colleges beyond their respective districts, the commission shall consider among other things the factors listed in WAC 490-38-080.

[Order 77-3, § 490-37-032, filed 11/29/77.]

**WAC 490-37-040 Program standards issues.** If a matter involving a question of program standards has been presented to the commission as a request for review inquiry, it shall be the prerogative of the commission to refuse to process the matter and instead direct that a compliance audit be conducted.

[Order 76-1, § 490-37-040, filed 7/1/76.]

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

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

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

(4) **Affected parties** – For purposes of these rules and procedures, affected parties shall include the parties filing the request, the office of the superintendent of public instruction, the office of the state board for community college education, and such other agencies and persons as the executive director, subject to review by the commission, shall determine from time to time to be affected by the matter being reviewed or adjudicated.

[Order 76-1, § 490-37-050, filed 7/1/76.]

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

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

(2) It shall be the responsibility of the party seeking adjudication of a dispute or requesting a review inquiry to commence the process by filing in writing with the executive director of the commission a notice of dispute or a request for review inquiry. This notice or request shall include:

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

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

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

(3) Within ten days after receipt of:

(a) A request for review inquiry, the executive director shall notify affected parties of the date, time and location of a preliminary conference at which the executive director will hear arguments prior to certifying the precise question or questions to be reviewed.

(b) A notice of dispute, the executive director shall notify the SPI and director of SBCCE of the date, time and location of a preliminary conference at which the executive director will hear arguments prior to certifying the precise question or questions to be adjudicated.

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

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

[Order 76-1, § 490-37-060, filed 7/1/76.]

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

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

(3) If the matter involves a dispute, the executive director shall have the option of recommending to the commission that it not adjudicate the matter if the parties to the dispute have not complied with the predispute resolution procedures required by this chapter. He shall make the recommendation in writing to each of the commission members, specifying why the refusal is appropriate and recommending that the commission direct that it be further processed through other available dispute settlement systems.

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

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

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

(b) Reject the recommendation of the executive director and direct him to certify the question or questions



to be adjudicated and schedule a hearing as provided for by this chapter.

(6) No dispute which the commission for vocational education has refused to adjudicate may be refiled within 60 days following such a refusal, provided that this 60 day limitation shall not apply where the commission as a part of its refusal to adjudicate has provided in writing to the person originally filing the dispute a set of written conditions precedent to the refiling of the dispute, in which case the dispute may be refiled by attaching to the refiled request for adjudication an affidavit establishing compliance with and satisfaction of the conditions.

[Order 76-1, § 490-37-070, filed 7/1/76.]

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

(a) Request of the chairman of the CVE that a special review meeting of the commission be convened within 30 days following the preliminary conference, OR

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

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

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

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

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

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

(b) Reject the recommendation of the executive director, in which case the chairman of the CVE shall schedule a special review meeting of the CVE to occur no later than 30 days from the date of the meeting at which the executive director's recommendation was rejected.

(4) No request for review inquiry which the commission has refused to process may be refiled within 120 days following the date of refusal, provided that this 120 day limitation shall not apply where the commission as a part of its refusal to process has provided to the person originally filing the request a set of written conditions precedent to refiling the request, in which case the request may be refiled by attaching to the refiled request an affidavit establishing compliance with and satisfaction of the conditions.

[Order 76-1, § 490-37-080, filed 7/1/76.]

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

[Order 76-1, § 490-37-090, filed 7/1/76.]

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

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

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

(c) The record in a case shall include:

(i) All pleadings, motions, intermediate rulings;

(ii) Evidence received or considered;

(iii) A statement of matters officially noticed;

(iv) Questions and offers of proof, objections, and ruling thereon;

(v) Proposed findings and exceptions;

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

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

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

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

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

(ii) Issue subpoenas,

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

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

(v) Regulate the course of the hearing,

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

(vii) Dispose of procedural requests or similar matters,

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

(2) RULES OF EVIDENCE—CROSS-EXAMINATION

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

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

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

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

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

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

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

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

(d) Witnesses in a hearing on a dispute shall be paid the same fees and allowances, in the same manner and under the same conditions, as provided for witnesses in the courts of this state by chapter 2.40 RCW and by RCW 5.56.010, as now or hereafter amended: *Provided,*

That the commission shall have the power to fix the allowance for meals and lodging in like manner as is provided in RCW 5.56.010, as now or hereafter amended, as to courts. Such fees and allowances, and the cost of producing records required to be produced by the commission subpoena, shall be paid by the commission or, in a dispute, by the party requesting the issuance of the subpoena.

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

[Order 76-1, § 490-37-100, filed 7/1/76.]

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

(1) The commission for vocational education shall designate one of its members to preside over the review proceeding.

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

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

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

(3) At the hearing, the commission shall receive any documentary or testimonial evidence which the presiding member of the commission feels is relevant to the issues being reviewed. The presiding member of the commission may unless overruled by a majority of commission members refuse to receive any evidence deemed not relevant or redundant and cumulative in light of the evidence previously received. The commission, through the presiding member of the commission shall have the right

to call witness or request any documentary evidence which it deems will assist the review process.

[Order 76-1, § 490-37-110, filed 7/1/76.]

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

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

(a) Review the case against established laws, rules, regulations, legislative authority, agency policies and the Washington state plan for vocational education.

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

(c) Submit the recommended final decision to the commission for vocational education by delivering the document to the office of the CVE or by sending the document to the CVE executive director by mail.

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

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

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

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

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

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

(b) Upon completion of the final written decision the chairman of the commission shall instruct the executive director to place the matter of adoption of the decision

on the agenda for the next regularly scheduled commission meeting.

[Order 76-1, § 490-37-120, filed 7/1/76.]

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

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

(a) Recognition that secondary education is constitutionally the responsibility of the superintendent of public instruction and that by legislative action postsecondary education is the responsibility of institutions of higher education;

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

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

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

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

(f) Avoid unnecessary duplication of vocational education programs and facilities.

[Order 76-1, § 490-37-130, filed 7/1/76.]

**WAC 490-37-140 Compliance auditing.** Upon completion of any compliance audit conducted by the commission for vocational education, the executive director may submit the completed audit to the commission as a request for review inquiry.

[Order 76-1, § 490-37-140, filed 7/1/76.]

### Chapter 490-38 WAC

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

##### WAC

490-38-090	Purpose.
490-38-100	Authority.
490-38-110	Definitions.
490-38-120	Vocational-technical institute service areas defined.
490-38-130	Operation of programs beyond district boundaries.
490-38-131	Ongoing courses—Authority to complete.
490-38-140	Operation of vocational education programs outside of districts—Authorized by the commission.
490-38-150	Notice of intent—Content—Form.
490-38-160	Program approval—Factors to be considered.

## DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 490-38-010 Purpose. [Order 77-1, § 490-38-010, filed 9/28/77.] Repealed by 80-05-062 (Order 80-1, Resolution No. 80-40-4), filed 4/22/80. Statutory Authority: Chapter 28C.04 RCW.
- 490-38-020 Authority. [Order 77-1, § 490-38-020, filed 9/28/77.] Repealed by 80-05-062 (Order 80-1, Resolution No. 80-40-4), filed 4/22/80. Statutory Authority: Chapter 28C.04 RCW.
- 490-38-030 Definitions. [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.] Repealed by 80-05-062 (Order 80-1, Resolution No. 80-40-4), filed 4/22/80. Statutory Authority: Chapter 28C.04 RCW.
- 490-38-040 Vocational-technical institute service areas defined. [Order 77-1, § 490-38-040, filed 9/28/77.] Repealed by 80-05-062 (Order 80-1, Resolution No. 80-40-4), filed 4/22/80. Statutory Authority: Chapter 28C.04 RCW.
- 490-38-050 Operation of programs beyond district boundaries. [Order 77-2, § 490-38-050, filed 11/29/77; Order 77-1, § 490-38-050, filed 9/28/77.] Repealed by 80-05-062 (Order 80-1, Resolution No. 80-40-4), filed 4/22/80. Statutory Authority: Chapter 28C.04 RCW.
- 490-38-051 Ongoing courses—Authority to complete. [Order 77-1, § 490-38-051, filed 9/28/77.] Repealed by 80-05-062 (Order 80-1, Resolution No. 80-40-4), filed 4/22/80. Statutory Authority: Chapter 28C.04 RCW.
- 490-38-060 Operation of vocational education programs outside of districts—Authorized by the commission. [Order 77-2, § 490-38-060, filed 11/29/77; Order 77-1, § 490-38-060, filed 9/28/77.] Repealed by 80-05-062 (Order 80-1, Resolution No. 80-40-4), filed 4/22/80. Statutory Authority: Chapter 28C.04 RCW.
- 490-38-070 Notice of intent—Content—Form. [Order 77-1, § 490-38-070, filed 9/28/77.] Repealed by 80-05-062 (Order 80-1, Resolution No. 80-40-4), filed 4/22/80. Statutory Authority: Chapter 28C.04 RCW.
- 490-38-080 Program approval—Factors to be considered. [Order 77-1, § 490-38-080, filed 9/28/77.] Repealed by 80-05-062 (Order 80-1, Resolution No. 80-40-4), filed 4/22/80. Statutory Authority: Chapter 28C.04 RCW.

**WAC 490-38-090 Purpose.** The purpose of this chapter is to establish rules and regulations which:

- (1) Define the service areas of the common school vocational-technical institutes.
- (2) Govern the offering of new or expanded vocational education programs by common school vocational-technical institutes and community colleges outside their respective service areas.
- (3) Establish procedures by which vocational-technical institutes and community colleges shall provide reasonable notice to common school districts and/or community college districts of the desire on the part of the vocational-technical institute or community college to offer a new or expanded vocational education program affecting such common school districts and/or community college districts.

[Statutory Authority: Chapter 28C.04 RCW. 80-05-062 (Order 80-1, Resolution No. 80-40-4), § 490-38-090, filed 4/22/80.]

**WAC 490-38-100 Authority.** These rules and regulations are promulgated by the commission for vocational education pursuant to the authority contained in RCW 28C.04.020, 28C.04.040, 28C.04.060, and 28C.04.150.

[Statutory Authority: Chapter 28C.04 RCW. 80-05-062 (Order 80-1, Resolution No. 80-40-4), § 490-38-100, filed 4/22/80.]

**WAC 490-38-110 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, PL 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.

(8) Supplementary vocational education. Supplementary vocational education shall mean a planned learning experience, the specific objective of which is to prepare persons to continue in or upgrade themselves in gainful employment in recognized occupations, including, but not limited to, homemaking, home and family life programs and volunteer fire fighting training which are not designated as professional or requiring a baccalaureate or higher degree.

(9) Preparatory vocational education. Preparatory vocational education shall mean a planned learning experience, the specific objective of which is to prepare persons to enter into gainful employment in recognized occupations, including, but not limited to, homemaking, home and family life programs and volunteer fire fighting

training which are not designated as professional or requiring a baccalaureate or higher degree.

[Statutory Authority: Chapter 28C.04 RCW. 80-05-062 (Order 80-1, Resolution No. 80-40-4), § 490-38-110, filed 4/22/80.]

**WAC 490-38-120 Vocational-technical institute service areas defined.** The service areas of the vocational-technical institutes shall be as follows:

(1) The service area of Bellingham Vocational-Technical Institute shall be the Whatcom Community College District (#21).

(2) The service areas of Clover Park Vocational-Technical Institute and L. H. Bates Vocational-Technical Institute of Tacoma shall include both Fort Steilacoom Community College District (#11) and the Tacoma Community College District (#22).

(3) The service area of Lake Washington Vocational-Technical Institute shall be the Bellevue Community College District (#8) and the Northshore School District (#417).

(4) The service area of Renton Vocational-Technical Institute shall be Green River Community College District (#10) and that portion of the Seattle Community College District (#6) described as follows: Commencing at a point established by the intersection of the Duwamish River and the south boundary of the Seattle Community College District and thence north along the centerline of the Duwamish River to the west waterway; thence north along the centerline of the west waterway to Elliot Bay; thence along Elliot Bay to a line established by the intersection of the extension of Denny Way to Elliot Bay; thence east along the line established by the centerline of Denny Way to Lake Washington and thence south along the shoreline of Lake Washington to the south line of the Seattle Community College District and thence west along the south line of the Seattle Community College District to the point of beginning.

[Statutory Authority: Chapter 28C.04 RCW. 80-05-062 (Order 80-1, Resolution No. 80-40-4), § 490-38-120, filed 4/22/80.]

**WAC 490-38-130 Operation of programs beyond district boundaries.** Except as provided for by these rules and regulations, common school vocational-technical institutes and community colleges shall not offer new or expanded vocational education programs or any portion thereof outside their respective district: *Provided*, That, any program operated by a community college pursuant to RCW 28B.50.092 or, as of the effective date of these regulations, in a state correctional institution with funds received by another state agency, including federal funds, which program has been in existence for five or more years under the administration of one or more community college districts, is hereby deemed approved and authorized by the commission to continue in existence: *Provided further*, That the following vocational education courses offered by vocational-technical institutes beyond their district boundaries on three or more occasions between September 1972 and June 1977 are hereby approved and authorized by the commission to

continue in existence at the location indicated. Previously existing programs authorized to continue in existence are as follows:

VTI	Course	Location
Lake Wash.	Prerelease Program	Monroe, Wash.
"	Industrial First Aid	Newhalem, Wash.
Renton Voc. Tech. Inst.	Day Care	Seattle, Wash.
"	Day Care	Bellevue, Wash.
"	Electrician and Residential Wireman	Seattle, Wash.
Renton Voc. Tech. Inst.	Electrician and Residential Wireman	Sequim, Wash.
"	"	Port Angeles, Wash.
"	"	Bremerton, Wash.
"	Aircraft Fabrication	Everett, Wash.
"	Family Relations (Alcohol Educ.)	Seattle, Wash.
"	"	Federal Way, Wash.
"	"	Bellevue, Wash.
"	First Aid	Seattle, Wash.
"	"	Bellevue, Wash.
"	"	Federal Way, Wash.
"	Lineman/Wireman/Meterman	Olympia, Wash.
"	Motor Control/Marine Electrician	Seattle, Wash.
"	Parent Education	Federal Way, Wash.
"	Plumbing and pipefitting	Wenatchee, Wash.
"	Roofing	Seattle, Wash.
"	Cosmetology	Seattle, Wash.
"	"	Burien, Wash.
"	Custodial Training	Issaquah, Wash.
"	Institutional Cooking	Issaquah, Wash.
"	Ornamental Horticulture	Issaquah, Wash.
"	School Bus Driving	Wash. state as per contract with the Office of the Superintendent of Public Instruction
Clover Park VTI	Supervisory Skill Training	Auburn, Wash.
"	Parent Coop. Preschool Trng.	Yelm, Wash.
"	Marine Fisheries Courses	Coast of Wash. as per contract with the U.S. Dept. of Commerce (Sea Grant)
Bellingham VTI	School Bus Driving	Wash. state as per contract with the Office of the Superintendent of Public Instruction
"	Marine Fisheries Courses (Sea Grant)	Coast of Wash. as per contract with the U.S. Dept. of Commerce (Sea Grant)
L. H. Bates VTI	First Aid	Enumclaw, Wash.
"	"	Bremerton, Wash.
"	Supervisory, Formanship, Management & Teacher Training	Seattle, Wash.
"	"	Federal Way, Wash.

[Statutory Authority: Chapter 28C.04 RCW. 80-05-062 (Order 80-1, Resolution No. 80-40-4), § 490-38-130, filed 4/22/80.]

**WAC 490-38-131 Ongoing courses—Authority to complete.** Nothing in these regulations shall be construed to prohibit a common school VTI or a community college from completing a vocational education course which was in existence prior to adoption of these rules and regulations: *Provided*, That the authority to offer such courses shall exist only for the reasonable period of time necessary to complete the particular course, and: *Provided further*, That unless otherwise provided by these rules and regulations, VTI's and community colleges shall not be authorized to enroll new students in vocational education courses located outside their respective community college district.

[Statutory Authority: Chapter 28C.04 RCW. 80-05-062 (Order 80-1, Resolution No. 80-40-4), § 490-38-131, filed 4/22/80.]

**WAC 490-38-140 Operation of vocational education programs outside of districts—Authorized by the commission.** Common school vocational-technical institutes and community colleges may offer vocational education programs outside of their respective district when authorized by the commission for vocational education following compliance with the procedures set forth in this section. The procedures shall be as follows:

(1) A common school vocational-technical institute or a community college desiring to offer a new or expanded program beyond its district boundaries, in conjunction with the local advisory committee having responsibility for the particular occupational area, shall determine that the new or expanded program will fulfill a need currently unmet by a Washington state vocational education delivery system. This determination shall be in writing and shall be based upon the factors set forth in WAC 490-38-160 of this chapter and shall include a detailed statement of the needs intended to be met by the program and an outline of the program itself. Upon completion a copy of the written determination shall be provided to the commission for vocational education, the superintendent of public instruction, and the state board for community college education.

(2) After making a determination of need as provided for in subsection (1) of this section, the institution shall file with the commission for vocational education, the office of the superintendent of public instruction, the state board for community college education and the common school district and/or community college district in which any portion of a new or expanded vocational education program is to be located, a notice of intent to offer a new or expanded vocational education program. The notice of intent shall be in a form substantially similar to that contained in WAC 490-38-150 of these rules and regulations and shall include as attachments a copy of the determination of need developed under subsection (1) of this section and a copy of the minutes of the local advisory committee meeting endorsing the proposed new or expanded program.

(3) The common school district and/or community college district in which a particular new or expanded

program is to be located, in consultation with the local advisory committee having responsibility for the particular area, within fifteen days (seven days for supplemental programs) of receipt of the notice of intent, shall notify in writing the commission for vocational education, the office of the superintendent of public instruction, the state board for community college education, and the institution which filed the notice, of any objection to the proposed new or expanded program. The notice of objection shall indicate the date issued and include minutes of the local advisory committee meeting at which determination was made to object to the new or expanded program. The notice of objection also shall include a detailed statement setting forth the reasons why the proposed new or expanded program fails to meet the requirements contained in WAC 490-38-160 of this chapter. Unless the objection is based primarily upon a lack of need for the proposed new or expanded program, the notice of objection also shall contain a detailed summary of the manner in which the objecting institution intends to meet the program need including projected timelines within which a new or expanded program will be operational. Objection shall be in a form substantially similar to that contained in WAC 490-38-150. Upon receipt of a notice of objection, the executive director of the commission for vocational education shall review its contents together with the contents of the notice of intent. If the notice of objection is found to be defective or insufficient, the commission for vocational education's executive director may return the same to the filing party for correction and/or supplementation. In the event that a notice of objection is returned pursuant to this section, the commission for vocational education's executive director shall determine whether any delays associated with such an action will unduly hinder the occupational training of the students to be served by the proposed new or expanded program. If the executive director determines that such training may be unduly hindered the director may grant to the community college or vocational-technical institute which filed the original notice of intent temporary authority to conduct the new or expanded program. Temporary authority granted under this section shall apply only to the training of those students enrolled in the program within ten days after the temporary authority is granted and shall exist only for the period of time necessary to complete the training of the students enrolled during that time period. If written objection is not postmarked or received within fifteen days (seven days for supplemental programs) of receipt of the notice of intent, the new or expanded program will be deemed approved and authorized by the commission for purposes of these regulations: *Provided*, That for preparatory programs the executive director of the commission for vocational education may within seventeen days (seven days for supplemental programs) of the receipt of the notice of intent in his or her office object in writing to the office of the superintendent of public instruction and the state board for community college education. The executive director may submit the question for resolution to the office of the superintendent of public instruction and the state board for community college

education, and if the question is not resolved the executive director may submit the question of program authorization to the commission for dispute resolution as provided for in subsection (6) of this section.

(4) Upon receipt of a notice of objection the office of the superintendent of public instruction and the office of the state board for community college education shall within three days notify the commission for vocational education that interagency dispute procedures have been implemented giving the names of the staff involved and the timelines for resolutions of the dispute.

(5) If after a reasonable period of time not to exceed fifteen days following the date of receipt of the written objection by the commission for vocational education the dispute has not been resolved, the commission or its designee shall appoint a dispute mediator who shall attempt to resolve the dispute by meeting directly with all concerned parties, including representatives from the respective local advisory committees.

(6) If, after five calendar days following appointment as mediator, the dispute mediator is unable to resolve the disagreement, any party or the executive director of the commission may submit the dispute for resolution under chapter 490-37 WAC.

[Statutory Authority: Chapter 28C.04 RCW. 80-05-062 (Order 80-1, Resolution No. 80-40-4), § 490-38-140, filed 4/22/80.]

**WAC 490-38-150 Notice of intent--Content--Form.**

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

Date ----- 19--

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

Title or description of program: -----  
-----

Training location proposed: -----

Anticipated enrollment: -----

Anticipated start date ----- Anticipated ending date -----

Further particulars regarding this proposed program are available from:

Name, address and telephone number of administrator

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

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The above form "Notice of Intent" shall be mailed to: The commission for vocational education, the office of the superintendent of public instruction, the state board for community college education, the common school district(s), the community college district(s), and/or the vocational-technical institute serving the area in which any portion of a new or expanded vocational education program is to be located.

[Statutory Authority: Chapter 28C.04 RCW. 80-05-062 (Order 80-1, Resolution No. 80-40-4), § 490-38-150, filed 4/22/80.]

**WAC 490-38-160 Program approval--Factors to be considered.** A decision to offer a new or expanded vocational education program beyond the district boundaries of a VTI or a community college shall be based upon a consideration of at least the following factors:

(1) The particular vocational need of the community, region and state.

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

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

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

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

(6) Whether a particular new or expanded program is consistent with the state plan for vocational education.

(7) The needs of representatives of labor and management in the job market area for the particular occupational area.

[Statutory Authority: Chapter 28C.04 RCW. 80-05-062 (Order 80-1, Resolution No. 80-40-4), § 490-38-160, filed 4/22/80.]

**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-040 Agreements regarding handicapped and disadvantaged persons.

## 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 No. 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 No. 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 No. 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 No. 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 No. 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 No. 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 No. 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 No. 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 No. 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 No. 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-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 No. 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.]

### 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 No. 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 490-53 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 No. 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 No. 78-32-3), § 490-53-010, filed 1/16/79.]

### Chapter 490-60A WAC

#### HOME AND FAMILY LIFE EDUCATION

WAC

490-60A-010 Consumer and homemaking education.

490-60A-020 Establishing and operating programs.

**WAC 490-60A-010 Consumer and homemaking education.** (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 No. 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.]

**WAC 490-60A-020 Establishing and operating programs.** (1) State operated. Does not apply to state of Washington at present.

(2) Locally operated programs.

(a) Submission of applications. Applications shall describe the potential students for which the program is intended; identify the specific objectives in terms of competencies to be developed including: a description of planned instruction to meet objectives; the duration and intensity of training; and special facilities and equipment; indicate how, in the program of studies, consumer education is an integral part, professional leadership is encouraged and the study of homemaking has relevance to the dual role of homemakers and the employability of youth and adults and the program is designed for youth and adults who have entered or are preparing to enter the work of the home; and give evidence of greater consideration of the social and cultural conditions and needs, especially in economically depressed areas; describe provisions for supervision, direction or coordination of planned extended learning experiences to home

and/or community with assurance that the teacher load will be such that this essential phase of the vocational program be performed satisfactorily; indicate the extent of outside advice furnished concerning the proposed program; and describe provisions for follow-up of students and for general program evaluation.

(b) Procedure for review of applications. Applications shall be reviewed to assure that home and family life education programs give consideration to social and cultural conditions and needs, especially in economically depressed areas; are based on annual and long-range plans; encourage preparation for professional leadership; are designed for youth and adults who have entered or are preparing to enter the work of the home; are designed to prepare such youth and adults for the role of the homemaker or to contribute to their employability in the dual role of homemaker and wage earner; include consumer education as an integral part of the program; have adequate facilities and equipment; include accurate cost estimate; have adequate staff including supervision and/or coordination; and have a planned procedure for evaluation.

(c) Action on applications. Staff action shall be by formal letter indicating action taken, application status, and subsequent action to be taken, if any.

(d) Required allocation of funds to certain areas. No less than one third of the federal funds allotted to the state of Washington under Part F of Public Law 90-576 shall be used for consumer and homemaking programs in economically depressed areas or areas of high rates of unemployment.

(e) Required content of program. Approved home and family life education programs shall be organized to meet the social and cultural conditions and needs of families to be served, especially the economically less advantaged; prepare for professional leadership in home economics; designed for youth and adults who have entered or are preparing to enter the work of the home; designed to prepare youth and adults for the role of homemaker or contribute to their employability in the dual role of homemaker-wage earner and the program will include consumer education as an integral part thereof.

(3) Ancillary services and activities.

(a) Administration and supervision. The administration and professional staff shall include the executive director, administrator for program development, and the program director of home and family life education with the staff sufficiently adequate to provide leadership and consultative services for home and family life education programs and activities under Part F, Section 161.

(b) Teacher training activities. Education for vocational home and family life education personnel will be maintained through programs conducted and/or recommended by the commission for vocational education, designated institutions of higher education, and programs conducted by local education agencies in cooperation with the commission for vocational education. Arrangements will be made through cooperative agreements with state institutions of higher learning and other

qualified education agencies to provide for preservice and inservice education of vocational home and family life education personnel.

(c) Curriculum and instructional materials development. The home and family life education staff at the state level shall coordinate efforts to improve existing, develop new, and disseminate curriculum and instructional materials as may be needed to attain the education goals set forth in this state plan for home and family life education. Contracts may be made with universities, colleges, and public or nonprofit private agencies for development of curriculum. Curriculum and instructional materials developed under contract must be made available for statewide use.

(d) Research, special demonstration and experimental programs. Contracts may be made with local educational agencies or other public or nonprofit private agencies, organizations or institutions for research to determine effective means for meeting the goals identified in the state plan for home and family life education and special demonstration and experimental programs to serve as models and provide guidelines for similar programs in the state. Application for demonstration and experimental program grants and contracts will follow policies and procedures described in the state plan. In addition, applications will be evaluated in terms of: consideration given to the social and cultural conditions and needs especially in economically depressed areas; design for youth or youth and adults who are preparing to enter the work of the home; design to prepare such youth and adults for the role of the homemaker or to contribute to their employability in the dual role, homemaker and wage-earner; and inclusion of consumer education and nutritional knowledge as an integral part thereof.

(4) Provision of equipment. Funds received under the Vocational Education Amendments of 1968 may be used for the acquisition of instructional equipment for special demonstration, experimental or new programs.

[Order 75-3, § 490-60A-020, filed 12/18/75. Formerly WAC 490-60-020.]

## Chapter 490-76A WAC

### FISCAL CONTROL AND FUND ACCOUNTING PROCEDURES

#### WAC

490-76A-010	Custody of federal funds.
490-76A-020	Expenditure of federal funds.
490-76A-030	Allotment availability.
490-76A-040	Programs and services.
490-76A-050	Construction costs contracts.
490-76A-060	Fiscal records.

**WAC 490-76A-010 Custody of federal funds.** The title and official address of the officer who has legal authority to receive and hold proper custody of federal funds under PL 94-482, and in accordance with RCW 43.08.090,<sup>1</sup> and RCW 43.08.100<sup>2</sup> is: Washington State Treasurer, Legislative Building, Olympia, Washington 98504 (Reg. 102.37).

<sup>1</sup>"43.08.090. FISCAL AGENT FOR STATE. The state treasurer shall be ex officio the fiscal agent of the state. (1965 c 8 § 43.08.090. Prior: 1891 c 138 § 1; RRS § 5484.)"

<sup>2</sup>"43.08.100. FISCAL AGENT FOR STATE—DUTIES OF FISCAL AGENT. The fiscal agent of the state shall receive all 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 PL 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. (PL 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.]

**WAC 490-76A-030 Allotment availability.** (1) Federal funds for each fiscal year shall be available for use by the state and/or local educational institutions or authorities only during such fiscal year, except that the following allotments shall also be available for use during the succeeding fiscal year:

(a) Funds appropriated under section 102(a) of the act for each fiscal year for vocational education programs and research and training in vocational education and which are either transferred to other allotments or reallocated to other states;

(b) Funds appropriated under section 102(b) of the act for each fiscal year for vocational education for the disadvantaged and which are reallocated to other states;

(c) Funds allotted to states for exemplary programs and projects.

(2) Federal appropriations applicable during any fiscal year ending prior to July 1, 1973, which are not obligated or expended prior to the beginning of the next fiscal year, shall remain available for obligation or expenditure during each succeeding fiscal year. (PL 91-230, 405(b))

[Order 75-3, § 490-76A-030, filed 12/18/75. Formerly WAC 490-76-030.]

**WAC 490-76A-040 Programs and services.** (1) The state fiscal year extends from July 1 through June 30. The commission operates on an accrual system of accounting for state and local expenditures, with expenditures chargeable to the fiscal year in which obligations are incurred. Funds used for the purchase of personnel services, utilities, travel, supplies, acquisition and rental

of facilities and equipment, acquisition of land and buildings and procurement of architectural engineering and other construction related services, will be charged to the fiscal year in which the service is performed. All obligations of the state will be liquidated within one month after the end of the fiscal year.<sup>1</sup>

(2) Payroll. The payroll register and accompanying miscellaneous deduction register is used as the basic payment voucher for salaries and wages. The completed payroll is signed by the payroll officer; certifying that those employees listed on the payroll have been employed for the time indicated in the payroll.

(3) Encumbrances. Agencies shall encumber all documents that specifically restrict available funds for future use such as: Purchase requisitions, purchase orders, field orders, printing requisitions, and contracts placed by the division of purchasing; under which agencies deal directly with the vendor.

(4) Direct payments. An invoice voucher shall be used by the agency to substantiate payment to a vendor where invoices are not employed or where a receiving report is not used.

(5) Travel expense vouchers shall be used to substantiate payment of travel expenses to employees.

(6) Advance payment. Advances from federal funds may be made to defray charges for materials to be furnished or services to be rendered by other state agencies upon approval of the state budget director. Any amount advances shall not be greater than the estimated charges. Advances may be authorized only when the transaction is in the context or chapter 39.34 RCW, Interlocal Cooperation Act.

<sup>1</sup>RCW 1.16.020. "Fiscal biennium." The fiscal biennium of the state shall commence on the first day of July in each odd-numbered year and end on the thirtieth day of June of the next succeeding odd-numbered year. (1953 c 184 § 2; 1923 c 86 § 1; RRS § 10927.)

RCW 1.16.030. "Fiscal year"—School districts and other taxing districts. August 31st shall end the fiscal year of school districts and December 31st of all other taxing districts. (1975-'76 2nd ex. s. c 118 § 21; 1909 c 76 § 13; RRS § 9963.)

RCW 43.88.130. "When contracts and expenditures prohibited. No agency shall expend or contract to expend any money or incur any liability in excess of the amounts appropriated for that purpose: *Provided*, That nothing in this section shall prevent the making of contracts or the spending of money for capital improvements, nor the making or contracts of lease or for service for a period exceeding the fiscal period in which such contract is made, when such contract is permitted by law. Any contract made in violation of this section shall be null and void. (1965 c 8 § 43.88.130. Prior: 1959 c 328 § 13.)

RCW 43.88.220. "Federal law controls in case of conflict—Rules." If any part of this chapter shall be found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, such conflicting part of this chapter is hereby declared to be inoperative solely to the extent of such conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this chapter in its application to the agencies concerned. The rules and regulations under this chapter shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state. (1965 c 8 § 43.88.220. Prior: 1959 c 328 § 22.)

[Order 75-3, § 490-76A-040, filed 12/18/75. Formerly WAC 490-76-040.]

**WAC 490-76A-050 Construction costs contracts.** (1) Construction projects must first be approved by the

commission with funding approved either simultaneously or at a later date by the commission. The act of occurrence that charges the federal allotment is the date the commission authorizes payment. The construction contract must be made within a one-year period from the date of project approval.<sup>1</sup>

<sup>1</sup>RCW 39.04.020. "Plans and specifications—Estimates—Publication—Emergencies." Whenever the state, or any municipality shall determine that any public work is necessary to be done it shall cause plans and/or specifications thereof and an estimate of the cost of such work to be made and filed in the office of the director, supervisor, commissioner, trustee, board or agency having by law the authority to require such work to be done.

If the state, or such municipality shall determine that it is necessary or advisable that such work shall be executed by any means or method other than by contract, and it shall appear by such estimate that the probable cost of executing such work will exceed the sum of twenty-five hundred dollars, then the state or such municipality shall at least fifteen days before beginning work cause such estimate, together with a description of the work, to be published at least once in a legal newspaper of general circulation published in or as near as possible to that part of the county in which such work is to be done: *Provided*, That when any emergency shall require the immediate execution of such public work, upon a finding of the existence of such emergency by the authority having power to direct such public work to be done and duly entered of record, publication of description and estimate may be made within seven days after the commencement of the work. (1975 1st ex.s. c 230 § 2; 1967 c 70 § 1; 1923 c 183 § 2; RRS § 10322-2. Formerly RCW 39.04.020 and 39.04.030.)

[Order 75-3, § 490-76A-050, filed 12/18/75. Formerly WAC 490-76-050.]

**WAC 490-76A-060 Fiscal records.** (1) The official fiscal accounts and documents concerning vocational education programs, services, and activities are maintained by the commission for vocational education in Olympia, Washington.

(2) Retention of records—General rule. The commission for vocational education shall provide for keeping accessible and intact all records identified as to individual program allotments to which they relate, supporting claims for federal grants or relating to the accountability of the state or any educational agency participating under the plan for the expenditure of such grants, expenditure of matching funds, and records supporting maintenance of effort, and reasonable tax effort for the establishment of new vocational education programs.

(3) Time period. Records shall be retained (a) for five years after the close of the fiscal year in which the expenditure was made by the state of any participating educational agency; or (b) until the commission for vocational education is notified of the completion of the federal audit, whichever is earlier.

(4) Audits.

(a) Audit of state accounts. The accounts of the commission for vocational education are audited by the division of departmental audits of the state auditor's office. These audits are made annually and copies of such audits filed in the office of the commission for vocational education.

(b) Audit standards. The state division of department audits, in auditing the fiscal records and documents of the commission for vocational education, state board for community college education, superintendent of public instruction and community college districts, will follow the procedures outlined in the publication, "Financial

management of federal-state education programs," (OE-10019).

(c) Audits of local accounts. The division of municipal corporations of the state auditor's office audits the fiscal records and documents of the local school districts pertaining to the expenditures claimed for federal financial participation under an approved program. These audits are made annually and copies of such audits are filed in the office of the division of municipal corporations or the Division of Departmental Audits, State Auditor's Office, Olympia, Washington.

[Order 75-3, § 490-76A-060, filed 12/18/75. Formerly WAC 490-76-060.]

## Chapter 490-300 WAC JOB SKILLS PROGRAM

490-300-010	Authority.
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.
490-300-070	Recruitment and selection of trainees.
490-300-080	Grant application procedures—Proposed content.
490-300-085	Grant application procedure—Proposal review.
490-300-090	JSP proposal review committee.
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 490-325 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 490-325-060.

[Statutory Authority: RCW 43.21C.120 and chapter 28C.04 RCW. 78-04-064 (Order 78-2, Resolution No. 78-27-2), § 490-325-010, filed 3/31/78.]

**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 predraft 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 No. 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 No. 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 No. 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 No. 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 No. 78-27-2), § 490-325-060, filed 3/31/78.]

**Chapter 490-500 WAC**

**VOCATIONAL REHABILITATION AND SERVICES FOR HANDICAPPED PERSONS**

**WAC**

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- 490-500-020 Preliminary diagnostic study.
- 490-500-025 Eligibility for services.
- 490-500-030 Eligibility for services—Criteria.
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- 490-500-325 Services available from other agencies.
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- 490-500-385 Vocational rehabilitation services—Physical and mental restoration.
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- 490-500-395 Vocational rehabilitation services—Training—College.
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- 490-500-445 Vocational rehabilitation services provided—Services to members of family.
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- 490-500-510 Purchase of services—Selection criteria—Employment training facilities.
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- 490-500-525 Termination of services for reason of ineligibility.
- 490-500-530 Termination of services for reasons other than ineligibility.
- 490-500-540 Completion of vocational rehabilitation program.
- 490-500-545 Notification of termination.
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**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.
- 490-500-150 Acceptability for services—Certification of acceptance. [Order 775, § 490-500-150, filed 3/1/73.] Repealed by Order 1050, filed 8/29/75.
- 490-500-155 Acceptability for services—Certification of nonacceptance. [Order 775, § 490-500-155, filed 3/1/73.] Repealed by Order 1050, filed 8/29/75.

- 490-500-160 Acceptability for services—Notice to applicant. [Order 775, § 490-500-160, filed 3/1/73.] Repealed by Order 1050, filed 8/29/75.
- 490-500-250 Vocational rehabilitation plan. [Order 775, § 490-500-250, filed 3/1/73.] Repealed by Order 1050, filed 8/29/75.
- 490-500-355 Vocational rehabilitation services provided—Evaluation and diagnosis. [Order 775, § 490-500-355, filed 3/1/73.] Repealed by Order 1050, filed 8/29/75.
- 490-500-360 Vocational rehabilitation services provided—Evaluation and diagnosis—Medical. [Order 775, § 490-500-360, filed 3/1/73.] Repealed by Order 1050, filed 8/29/75.
- 490-500-365 Vocational rehabilitation services provided—Evaluation and diagnosis—Psychological and psychiatric. [Order 775, § 490-500-365, filed 3/1/73.] Repealed by Order 1050, filed 8/29/75.
- 490-500-370 Vocational rehabilitation services provided—Evaluation and diagnosis—Social. [Order 775, § 490-500-370, filed 3/1/73.] Repealed by Order 1050, filed 8/29/75.
- 490-500-375 Vocational rehabilitation services provided—Evaluation and diagnosis—Vocational. [Order 775, § 490-500-375, filed 3/1/73.] Repealed by Order 1050, filed 8/29/75.
- 490-500-535 Termination of services—Refusal to accept services. [Order 775, § 490-500-535, filed 3/1/73.] Repealed by Order 1050, filed 8/29/75.

**WAC 490-500-005 Definitions.** (1) "Accepted for services" shall mean that the division has determined that the following conditions have been met and has accordingly reached the decision to supply vocational rehabilitation services to an applicant:

(a) The applicant has been certified as eligible to receive vocational rehabilitation services;

(b) The division has sufficient funds, personnel, facilities, and other resources to undertake and complete the rehabilitation of the individual.

(2) "Act" means the Rehabilitation Act of 1973 (29 U.S.C. chapter 16).

(3) "Applicant" shall mean an individual who has submitted to the division a letter or application requesting vocational rehabilitation services which

(a) Has been signed by the individual, his parents or guardian or other representative, and

(b) Sets forth the name, address, age, sex, and nature of disability of the requesting individual and source of referral.

(4) "Client" shall mean any handicapped individual

(a) Who has applied for services from the division, and

(b) For whom services have not been denied or terminated by the division.

(5) "Department" shall mean the department of social and health services.

(6) "Division" shall mean the division of vocational rehabilitation of the department of social and health services.

(7) "Eligible" or "eligibility," when used in relation to an individual's qualification for vocational rehabilitation services, refers to a certification that:

(a) The individual has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment; and

(b) Vocational rehabilitation services may reasonably be expected to benefit the individual in terms of employability.

(8) "Employability" refers to a determination that the provision of vocational rehabilitation services is likely to enable an individual to enter or retain employment consistent with his capacities and abilities in the competitive labor market; the practice of a profession; self-employment; home-making; farm or family work (including work for which payment is in kind rather than in cash); sheltered employment; homebound employment; or other gainful work.

(9) "Evaluation of rehabilitation potential" means, as appropriate, in each case;

(a) A preliminary diagnostic study to determine:

(i) That an individual has a physical or mental disability which for such individual constitutes or results to a substantial handicap to employment, and

(ii) That vocational rehabilitation services may reasonably be expected to benefit the individual in terms of employability, and that the individual is eligible therefore for vocational rehabilitation services;

(b) A thorough diagnostic study consisting of a comprehensive evaluation of pertinent factors, which bear on the individual's handicap to employment and rehabilitation potential, and an appraisal of the individual's work behavior and ability to develop work patterns suitable for successful job performance in order to determine which vocational rehabilitation services may be of benefit to the individual in terms of employability;

(c) Any other goods or services provided for the purposes of ascertaining the nature of the handicap and whether it may reasonably be expected that the individual can benefit from vocational rehabilitation services in terms of employability;

(d) The provision of vocational rehabilitation services to an individual for a total period of extended evaluation not in excess of 18 months for the purpose of determining whether such individual is a handicapped individual for whom a vocational goal is feasible, including the initiation and continuing development of an individual written rehabilitation program, and a periodic assessment of the results of the provision of such services to ascertain whether an individual is an eligible individual for whom a vocational goal is feasible.

(10) "Family member" or "member of the family" means:

(a) Any relative by blood or marriage of a handicapped individual, and

(b) Other individuals living in the same household with whom the handicapped individual has a close interpersonal relationship.

(11) "Handicapped individual" means an individual

(a) Who has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment; and

(b) Who is expected to benefit in terms of employability from the provision of vocational rehabilitation services, or for whom an extended evaluation of rehabilitation potential is necessary for the purpose of determining whether he might benefit in terms of

employability from the provision of vocational rehabilitation services.

(12) "Local medical consultant" shall mean a doctor of medicine employed by the division to provide consultation to local office rehabilitation counselors concerning the medical aspects of rehabilitation, usually reviewing and discussing medical problems of individual clients.

(13) "Physical and mental restoration services" means those services which are necessary to correct or substantially modify within a reasonable period of time a physical or mental condition which is stable or slowly progressive.

(14) "Physical or mental disability" means a physical or mental condition which materially limits, contributes to limiting or, if not corrected, will probably result in limiting an individual's activities or functioning.

(15) "Public safety officer" means a person serving the United States or a state or unit of general local government, with or without compensation, in any activity pertaining to:

(a) The enforcement of the criminal laws, including highway patrol, or the maintenance of civil peace by the national guard or the armed forces;

(b) A correctional program, facility, or institution where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees;

(c) A court having criminal or juvenile delinquent jurisdiction where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, parolees;

(d) Firefighting, fire prevention, or emergency rescue missions.

(16) "Referral" is defined as any individual who applied or has been referred to a vocational rehabilitation office by letter, telephone, direct contact or by any other means for whom the minimum information has been furnished;

(a) Name and address;

(b) Disability;

(c) Age and sex;

(d) Date of referral; and

(e) Source of referral.

(17) "Rehabilitation facility" means a facility which is operated for the primary purpose of providing vocational rehabilitation services to handicapped individuals, and which provides one or more of the following services for handicapped individuals:

(a) Vocational rehabilitation services which shall include under one management, medical, psychological, social, and vocational services;

(b) Testing, fitting, or training in the use of prosthetic and orthoptic devices;

(c) Prevocational conditioning or recreational therapy;

(d) Physical and occupational therapy;

(e) Speech and hearing therapy;

(f) Psychological and social services;

(g) Evaluation of rehabilitation potential;

(h) Personal and work adjustment;

(i) Vocational rehabilitation with a view toward career advancement (in combination with other rehabilitation services);

(j) Evaluation or control of specific disabilities;

(k) Transitional or extended employment for those handicapped individuals who cannot be readily absorbed in the competitive labor market provided that all medical and related health services must be prescribed by, or under the formal supervision of, persons licensed to prescribe or supervise the provision of such services in the state.

(18) "Secretary," except when the context indicates otherwise, means the secretary of the department of social and health services.

(19) "Severely handicapped individual" means a handicapped individual,

(a) Who has a severe physical or mental disability which seriously limits his functional capacities (mobility, communication, self-care, self direction, work tolerance, or work skills) in terms of employability; and

(b) Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time, and

(c) Who has one or more physical or mental disabilities resulting from amputation, arthritis, blindness, cancer, cerebral palsy, cystic fibrosis, deafness, heart disease, hemoplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy) paraplegia, quadriplegia, and other spinal cord conditions, sickle cell anemia, and end-stage renal disease, or another disability or combination of disabilities determined on the basis of an evaluation of rehabilitation potential to cause comparable substantial functional limitation.

(20) "Substantial handicap to employment" means that a physical or mental disability (in light of attendant medical, psychological, vocational, educational, and other related factors) impedes an individual's occupational performance, by preventing his obtaining, retaining, or preparing for employment consistent with his capacities and abilities.

(21) "Vocational rehabilitation counselor" (VRC) shall refer to an employee of the division who has direct responsibility for providing, or supervising the provision of, all vocational rehabilitation services to a client of the division.

(22) "Vocational rehabilitation services," shall mean any of the following:

(a) Any goods or services provided to a client that is likely to enable him to enter or retain employment consistent with his capacities and abilities in the competitive labor market.

(b) Any goods or services provided to a client for the purpose of extended evaluation to determine his rehabilitation potential.

(c) The establishment, construction, development, operation, and maintenance of workshops and rehabilitation facilities.

(d) The provision of any facilities and services which promise to contribute substantially to the rehabilitation of a group of individuals but which are not related directly to the rehabilitation program.

(23) "Workshop" means a rehabilitation facility, or that part of a rehabilitation facility, engaged in a production or service operation and which is operated for the primary purpose of providing gainful employment or professional services to the handicapped as an interim step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market or during such time as employment opportunities for them in the competitive labor market do not exist.

[Order 1050, § 490-500-005, filed 8/29/75; Order 775, § 490-500-005, filed 3/1/73.]

**WAC 490-500-010 Application for services.** (1) Any handicapped person may apply for vocational rehabilitation services, including persons who have previously applied for, have previously received, or have previously been denied such services.

(2) Any handicapped person seeking to obtain vocational rehabilitation services from the division shall submit a written application for services to the division.

(3) The written application for services shall be signed by the person requesting services or by his parent or guardian or other representative.

(4) The written application shall contain the following information:

- (a) The applicant's name and address;
- (b) The nature of the applicant's disability;
- (c) The applicant's age and sex;
- (d) The date of application;
- (e) The name of the person or agency, if any, who has referred the applicant to the division.

(5) The division shall not provide vocational rehabilitation services to any person who has failed to submit a signed application in writing containing the above information.

[Order 1050, § 490-500-010, filed 8/29/75; Order 775, § 490-500-010, filed 3/1/73.]

**WAC 490-500-015 Initial interview.** (1) An applicant for vocational rehabilitation services shall be interviewed personally by a VRC or by a vocational rehabilitation staff member under supervision of a VRC as soon as possible after application.

(2) At this initial interview the interviewer shall:

- (a) Explain to the applicant the nature and operation of the vocational rehabilitation program as it relates to the applicant,
- (b) Specifically inform the applicant of his right to appeal from any decision made by the division with regard to his case through administrative appeal and fair hearing procedures, and
- (c) Inform the applicant of his right of confidentiality of information possessed by the division, and
- (d) Obtain any general information from the applicant which might be useful in determining his eligibility for vocational rehabilitation services.

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[Order 1050, § 490-500-015, filed 8/29/75; Order 775, § 490-500-015, filed 3/1/73.]

**WAC 490-500-020 Preliminary diagnostic study.**

(1) A preliminary diagnostic study will be conducted to determine whether:

(a) The individual has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment; and

(b) Vocational rehabilitation services may reasonably be expected to benefit the individual in terms of employability, or whether an extended evaluation of rehabilitation potential is necessary to make such a determination.

(2) The preliminary diagnostic study will include such examinations and diagnostic studies as are necessary to determine eligibility, and

(a) In all cases, will include an appraisal of the current general health status of the individual.

(b) All cases of mental or emotional disorder, an examination will be provided by a physician skilled in the diagnosis and treatment of such disorders, or by a psychologist licensed or certified in accordance with state laws and regulations, in those states where such laws and regulations pertaining to the practice of psychology have been established.

(3) The division shall record in writing the results of each applicant's preliminary study.

[Order 1050, § 490-500-020, filed 8/29/75; Order 775, § 490-500-020, filed 3/1/73.]

**WAC 490-500-025 Eligibility for services.** (1) The division shall make an eligibility determination as to every applicant for vocational rehabilitation services. The determination of eligibility shall be made as soon as possible after application.

(2) The division shall base its eligibility determination on the results of the preliminary diagnostic study and extended evaluation, if any.

[Order 1050, § 490-500-025, filed 8/29/75; Order 775, § 490-500-025, filed 3/1/73.]

**WAC 490-500-030 Eligibility for services--Criteria.** (1) Eligibility shall be based only upon:

(a) The presence of a physical or mental disability which for the individual constitutes or results in a substantial handicap to employment; and

(b) A reasonable expectation that vocational rehabilitation services may benefit the individual in terms of employability.

(2) Eligibility requirements will be provided by the division without regard to sex, race, age, creed, color, or national origin of the individual applying for service.

(3) No person or group of persons shall be found ineligible for services solely on the basis of type of disability.

(4) No person shall be found ineligible for services solely on the basis of age.

(5) No person shall be found ineligible for services based on residence requirement, durational or other.

[Order 1050, § 490-500-030, filed 8/29/75; Order 775, § 490-500-030, filed 3/1/73.]

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

(2) Whenever it has been determined 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 490-500-060 Criteria for the severely handicapped.** A severely handicapped individual is a handicapped individual:

(1) Who has a severe physical or mental disability seriously limiting his or her functional capacities (mobility, communication, self-care, self-direction, work tolerance, or work skills) in terms of employability; and

(2) Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and

(3) Who has one or more physical or mental disabilities resulting from amputation, arthritis, blindness, cancer, cerebral palsy, cystic fibrosis, deafness, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia, and other spinal cord conditions, sickle cell anemia and end-stage renal disease, or another disability or combination of disabilities determined on the basis of an evaluation of rehabilitation potential to cause comparable substantial functional limitation.

[Statutory Authority: RCW 28A.10.025. 83-17-100 (Order 2004), § 490-500-060, filed 8/23/83; Order 1050, § 490-500-060, filed 8/29/75.]

**WAC 490-500-070 Extended evaluation.** Extended evaluation is the process by which diagnostic and other

vocational rehabilitation services are provided to an applicant for the limited purpose of facilitating the determination of his rehabilitation potential and eligibility. Extended evaluation is provided only when a determination of eligibility has not and can not be made within the usual eligibility determination procedure.

[Order 775, § 490-500-070, filed 3/1/73.]

**WAC 490-500-075 Extended evaluation--Eligibility criteria.** Furnishing of vocational rehabilitation services under an extended evaluation to determine rehabilitation potential shall be based only upon:

(1) The presence of a physical or mental disability which for the individual constitutes or results in a substantial handicap to employment; and

(2) An inability to make a determination that vocational rehabilitation services might benefit the individual in terms of employability unless there is an extended evaluation to determine rehabilitation potential.

[Order 1050, § 490-500-075, filed 8/29/75; Order 775, § 490-500-075, filed 3/1/73.]

**WAC 490-500-077 Certification for extended evaluation to determine rehabilitation potential.** Prior to, and as a basis for providing an extended evaluation to determine rehabilitation potential, there will be a certification that the individual has met the requirements. The certified statement will be dated and signed by the VRC.

[Order 1050, § 490-500-077, filed 8/29/75.]

**WAC 490-500-080 Extended evaluation--Program.**

(1) After certification for extended evaluation to determine rehabilitation potential, an individualized written rehabilitation program shall be developed jointly by the VRC and the handicapped individual, or, as appropriate his parent, guardian or other representative.

(2) A copy of the written program and any amendments thereto shall be provided to the handicapped individual, or, as appropriate, parent, guardian or other representative.

(3) The program shall include the basis on which a determination of eligibility has been made that an extended evaluation of rehabilitation potential is necessary.

(4) The program shall specify the nature of the vocational rehabilitation services necessary to determine the client rehabilitation potential and shall specify the arrangements which shall be made to provide for and/or otherwise secure such necessary services.

(5) The projected rate for the initiation of each vocational rehabilitation service, the anticipated duration of each such service, and the time within which the objectives and goals for each individual might be achieved.

(6) The terms and conditions for the provision of vocational rehabilitation services including:

(a) Responsibilities of the handicapped individual in implementing the individualized written rehabilitation program,

(b) The extent of client participation in the cost of services based on the financial need of the client, and

(c) The extent to which the individual is eligible for similar benefits under any other programs.

(7) An assurance that the handicapped individual has been informed of his rights and the means by which he may express and seek remedy for his dissatisfactions, including the opportunity for an administrative review of the division's action or fair hearings.

(8) Where appropriate, assurance that the handicapped individual has been provided a detailed explanation of the availability of the resources within a client assistance project.

[Order 1050, § 490-500-080, filed 8/29/75; Order 775, § 490-500-080, filed 3/1/73.]

**WAC 490-500-085 Extended evaluation--Services provided.** The following vocational rehabilitation services will be available to individuals:

(1) Evaluation, including diagnostic and related services;

(2) Counseling and guidance;

(3) Physical and mental restoration services;

(4) Training, including personal and vocational adjustment, books, tools, and other training materials;

(5) Maintenance;

(6) Transportation;

(7) Services to members of a handicapped individual's family when such services are necessary to the adjustment of rehabilitation of the handicapped individual;

(8) Interpreter services for the deaf;

(9) Telecommunications, sensory and other technological aids and devices;

(10) Other goods and services which are necessary to determine the client's rehabilitation potential.

[Order 1050, § 490-500-085, filed 8/29/75; Order 775, § 490-500-085, filed 3/1/73.]

**WAC 490-500-090 Extended evaluation--Services not provided.** The following goods and services cannot be provided until decisions have been reached as to a client's specific employment objectives, and therefore shall not be provided under an extended evaluation plan:

(1) Placement;

(2) Occupational tools and equipment or initial stocks and supplies;

(3) Business enterprises;

(4) Occupational licenses.

[Order 775, § 490-500-090, filed 3/1/73.]

**WAC 490-500-095 Extended evaluation--Duration and scope of services.** (1) Vocational rehabilitation services necessary for the determination of rehabilitation potential, including those provided within a thorough diagnostic study, may be provided to a handicapped individual for a total period not in excess of 18 months.

(2) Other conditions:

(a) The extended evaluation period shall begin with the date of the certification for extended evaluation to determine rehabilitation potential. Only one period not in excess of 18 months shall be permitted during the period that the case is open. If a case has been closed as a result of a determination that the handicapped individual's needs have changed, such case may be re-opened and a subsequent evaluation of rehabilitation potential

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may be carried out provided that the conditions in "basic conditions of extended evaluation to determine rehabilitation potential" are met.

(b) Vocational rehabilitation services, authorized after the expiration of the extended evaluation period will be provided only if the certification of eligibility required has been executed by the VRC.

[Order 1050, § 490-500-095, filed 8/29/75; Order 775, § 490-500-095, filed 3/1/73.]

**WAC 490-500-100 Extended evaluation--Assessment.** A thorough assessment of the individual's progress will be made as frequently as necessary but at least once in every 90 day period during the period in which services are being provided under an extended evaluation of rehabilitation potential, including periodic reports from the institution, facility, or person providing the services, to determine the results of the probation of such services and to determine whether such individual may be determined to be eligible or ineligible.

[Order 1050, § 490-500-100, filed 8/29/75; Order 775, § 490-500-100, filed 3/1/73.]

**WAC 490-500-105 Extended evaluation--Revision of program.** A program of extended evaluation may be revised at any time and shall be revised as necessary if the needs of the client have changed or problems have arisen which have interrupted the provision of extended evaluation services.

[Order 1050, § 490-500-105, filed 8/29/75; Order 775, § 490-500-105, filed 3/1/73.]

**WAC 490-500-110 Extended evaluation--Termination.** (1) At any time prior to the expiration of an 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 490-500-145 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 490-500-180 Economic need.** (1) The division shall provide the following services regardless of the economic need of the client receiving the services:

- (a) Diagnostic and related services,
- (b) Counseling,
- (c) Placement,

(d) All other services of the division will be provided only if the client who is to receive the services is eligible for such services on the basis of economic need as provided in WAC 490-500-190.

[Statutory Authority: RCW 28A.10.025. 82-04-078 (Order 1761), § 490-500-180, filed 2/3/82; Order 1050, § 490-500-180, filed 8/29/75; Order 775, § 490-500-180, filed 3/1/73.]

**WAC 490-500-185 Economic need--Financial statement required.** An applicant accepted for vocational rehabilitation services or accepted for extended evaluation to determine rehabilitation potential shall be required to furnish the division with:

(1) Such information in detail regarding his financial assets, income, debts, obligations, and expenses as may be necessary to enable the division to make a determination of his economic need;

(2) A signed statement indicating whether he is in need of financial assistance from the division to participate in those vocational rehabilitation services which are conditioned upon economic need.

[Order 1050, § 490-500-185, filed 8/29/75; Order 775, § 490-500-185, filed 3/1/73.]

**WAC 490-500-190 Economic need--Standards for determining.** (1) A client shall be eligible 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; or

(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;

(c) 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 the current one-person payment standard as defined in WAC 388-29-100.

[Statutory Authority: RCW 74.29.025, 86-05-010 (Order 2341), § 490-500-190, filed 2/12/86; 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 490-500-200 Economic need--Notification of decision.** When it is determined that the client shall be required to contribute financially to his rehabilitation, the division shall explain to him when, how, and for what services his funds will be used.

[Order 1050, § 490-500-200, filed 8/29/75; Order 775, § 490-500-200, filed 3/1/73.]

**WAC 490-500-255 Thorough diagnostic study.** (1) There will be a thorough diagnostic study which will determine the nature and scope of services needed by the individual, and which will consist of a comprehensive evaluation of pertinent medical, psychological, vocational, educational, and other related factors which bear on the individual's handicap to employment and rehabilitation needs.

(2) The thorough diagnostic study will be sufficient in each case to determine the vocational rehabilitation services which are needed to attain vocational goals of the handicapped individual and that the findings of such

study will be recorded in the individualized written rehabilitation program.

(3) The thorough evaluation shall include, to the extent necessary, an appraisal of the following factors:

(a) Intelligence level;

(b) Educational achievements;

(c) Work experience;

(d) Personal, vocational and social adjustment;

(e) Employment opportunities;

(f) Patterns of work behavior;

(g) Ability to acquire occupational skill;

(h) Capacity for successful job performance which may include trial job situations (simulated or real) to assess capabilities to perform adequately in a work environment.

(4) The thorough evaluation shall include specialty medical examinations as required below whenever the individual is known to have the following conditions:

(a) Visual impairment - ophthalmological or optometric evaluation;

(b) Hearing impairment or deafness - otological and audio-logical evaluation;

(c) Mental retardation - psychological evaluation.

[Order 1050, § 490-500-255, filed 8/29/75; Order 775, § 490-500-255, filed 3/1/73.]

**WAC 490-500-257 Vocational rehabilitation program.** An individualized written rehabilitation program will be initiated and continuously developed for each handicapped individual eligible for vocational rehabilitation.

[Order 1050, § 490-500-257, filed 8/29/75.]

**WAC 490-500-260 Vocational rehabilitation program--Content of regular case program.** The individualized written rehabilitation program shall place primary emphasis on the determination and achievement of a vocational goal, and as appropriate, shall include, but shall not necessarily be limited to statements concerning the following:

(1) The basis on which the determination of eligibility has been made;

(2) The long-range employment goals established for the individual and the intermediate rehabilitation objectives related to the attainment of such goals;

(3) The determination of the specific vocational rehabilitation services to be provided in order to achieve established employment goals and the terms and conditions for the provision of such services;

(4) The projected rate for the initiation of each vocational rehabilitation service, the anticipated duration of each such service, and the time within which the objectives and goals for each individual might be achieved;

(5) The views of the handicapped individual or, as appropriate, his parent, guardian, or other representative, concerning his goals and objectives and the vocational rehabilitation services being provided;

(6) The terms and conditions for the provision of vocational rehabilitation services including responsibilities of the handicapped individual in implementing the individualized written rehabilitation program:



(a) Extent of client participation in the cost of services based on the financial need of the client, and

(b) Extent to which the individual is eligible for similar benefits under any other programs;

(7) An assurance that the handicapped individual has been informed of his rights and the means by which he may express and seek remedy for his dissatisfactions, including the opportunity for an administrative review of action or fair hearings.

(8) Where appropriate, assurance that the handicapped individual has been provided a detailed explanation of the availability of the resources within a client assistance project.

(9) The basis on which the individual has been determined to be rehabilitated; and

(10) Any plans for the provision of post-employment services after a suitable employment objective has been achieved and the basis on which such plans are developed.

(11) A copy of the written program, and any amendments thereto shall be provided to the handicapped individual, or, as appropriate, his parents, guardian or other representative.

[Order 1050, § 490-500-260, filed 8/29/75; Order 775, § 490-500-260, filed 3/1/73.]

**WAC 490-500-270 Vocational rehabilitation program--Participation of client.** The individualized written rehabilitation program shall be developed jointly by the VRC and the handicapped individual or, as appropriate, his parent, guardian or other representative, and a copy of the written program, and any amendments thereto, shall be provided to the handicapped individual or, as appropriate, his parent, guardian or other representative.

[Order 1050, § 490-500-270, filed 8/29/75; Order 775, § 490-500-270, filed 3/1/73.]

**WAC 490-500-275 Vocational rehabilitation program--Annual review.** The individualized written program shall be reviewed as often as necessary but at least on an annual basis at which time each handicapped individual, or, as appropriate, his parent, guardian or other representative will be afforded an opportunity to review such program and, if necessary, jointly redevelop its terms.

[Order 1050, § 490-500-275, filed 8/29/75; Order 775, § 490-500-275, filed 3/1/73.]

**WAC 490-500-280 Vocational rehabilitation program--Termination.** When the services are terminated under a written program on the basis of a determination that the handicapped individual is not capable of achieving a vocational goal and is then no longer eligible, the following conditions and procedures will be made and carried out:

(1) Such decision shall be made only with full participation of such individuals or as appropriate, his parent, guardian, or other representative.

(2) The views of the individual or his representative concerning the decision shall be recorded in the individualized written program.

(3) The rationale for such decision must be thoroughly documented and included as a part or amendment to the written rehabilitation program.

(4) The client will be informed that his case will be reviewed within twelve months, offering the individual clear opportunity for full consultation and reconsideration of such decision of ineligibility. Subsequent reviews may be made only upon his request.

(5) Consultation or annual review would not be scheduled if,

(a) There is a recorded statement by the individual indicating that he does not want to have further consideration;

(b) Individual is uncooperative and shows lack of interest;

(c) Individual is no longer in the state;

(d) Individual's whereabouts are unknown;

(e) Individual's medical condition is rapidly progressive or terminal;

(f) There are other strong reasons that would make an annual review impractical.

[Order 1050, § 490-500-280, filed 8/29/75; Order 775, § 490-500-280, filed 3/1/73.]

**WAC 490-500-300 Objective of vocational rehabilitation.** The objective of vocational rehabilitation services is to enable an individual to enter or retain employment consistent with his capacities and abilities in the competitive labor market, the practice of a profession, self-employment, home-making, farm or family work (including work for which payment is in kind rather than in cash; sheltered employment; homebound employment; or other gainful work). Vocational rehabilitation services will be limited to the amount necessary in the individual case to fit the client for his vocational objective not only for the moment, but have suitable continuing employment in varying economic conditions.

[Order 1050, § 490-500-300, filed 8/29/75; Order 775, § 490-500-300, filed 3/1/73.]

**WAC 490-500-325 Services available from other agencies.** The division of vocational rehabilitation funds shall not be expended to purchase services for which a client is eligible from another agency which has primary responsibility for providing the needed service. In all cases, full consideration will be given to any similar benefits available to a handicapped individual on any other program.

[Order 1050, § 490-500-325, filed 8/29/75; Order 775, § 490-500-325, filed 3/1/73.]

**WAC 490-500-350 Vocational rehabilitation services.** Each client accepted for services shall be provided any rehabilitation services found by the diagnostic study to be necessary for the realization of his rehabilitation objective including but not limited to:

(1) Evaluation of rehabilitation potential;

(2) Counseling and guidance;

(3) Physical and mental restoration services;

(4) Vocational and other training services, including personal and vocational adjustment, books, tools and other training materials;

(5) Maintenance;

(6) Transportation;

(7) Services to members of a handicapped individual's family when such services are necessary to the adjustment of rehabilitation of the handicapped individual;

(8) Interpreter services for the deaf;

(9) Reader services, rehabilitation teaching services, and orientation and mobility services for the blind;

(10) Telecommunications, sensory and other technological aids and devices;

(11) Recruitment and training services to provide new employment opportunities and other appropriate public service employment;

(12) Placement in suitable employment;

(13) Post-employment services, necessary to assist handicapped individuals to maintain suitable employment;

(14) Occupational licenses, tools, equipment, initial stocks (including livestock) and supplies; and

(15) Other goods and services which can reasonably be expected to benefit a handicapped individual in terms of employability.

[Order 1050, § 490-500-350, filed 8/29/75; Order 775, § 490-500-350, filed 3/1/73.]

**WAC 490-500-380 Vocational rehabilitation services--Counseling and guidance.** (1) Counseling and guidance shall be provided by the division when necessary to

(a) Assist the client to understand his capacities, aptitudes, and interests,

(b) Assist the client to understand his limitations and the health problems, personal problems, and social problems which may be encountered during the course of and after completion of the rehabilitation process,

(c) Assist the client to select a suitable and realistic vocational goal,

(d) Assist the client to understand the services available to him from the division and other community resources and to understand how such resources can best be obtained and utilized in his rehabilitation process,

(e) Assist the client to adjust to situations encountered during the rehabilitation process, e.g., control of anxieties concerning physical restoration, development of appropriate study and work habits, improvement of personal appearance, management of finances, preparation for job interviews and tests, and establishment and maintenance of effective inter-personal relationships,

(f) Counsel and assist family members, relatives, and friends of the client to aid and assist in the rehabilitation process,

(g) Counsel with prospective employers to determine whether the individual has chosen a feasible and appropriate vocational goal.

(2) Counseling and guidance shall be provided without regard to economic need.

[Order 1050, § 490-500-380, filed 8/29/75; Order 775, § 490-500-380, filed 3/1/73.]

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**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

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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 490-500-387 Vocational rehabilitation services--Public safety officer.** Vocational rehabilitation services will be made available to civil employees of the U.S. government who are disabled in line of duty, under the terms and conditions as are applied to other handicapped individuals.

[Order 1050, § 490-500-387, filed 8/29/75.]

**WAC 490-500-389 Vocational rehabilitation services--Telecommunications.** The provision of telecommunications, sensory or other technological aids and devices, individualized prescriptions and fittings must be performed by individuals licensed to fill such prescriptions and licensed to perform such fittings in accordance with state licensure laws, or be appropriately certified professionals. Aids and devices not requiring individual fittings must meet engineering and safety standards recognized by experts in the field.

[Order 1050, § 490-500-389, filed 8/29/75.]

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**WAC 490-500-390 Vocational rehabilitation services--Training.** (1) A client who has the mental, physical, and emotional qualifications and capacity to benefit from rehabilitation training, and who requires such training in order to achieve his rehabilitation goal, may receive rehabilitation training services from the division. Such services shall include, as necessary, all vocational, pre-vocational, educational, personal adjustment, work adjustment or other types of training which might contribute to the client's rehabilitation. Training may be provided directly by the division or procured from other public or private training facilities and workshops, public or private schools, and commercial or industrial establishments.

(2) Vocational rehabilitation training shall be limited to the amount of training necessary to fit the client for an appropriate and adequate occupational objective.

(3) The division shall provide training services to clients without regard to the economic need of the client.

[Order 1050, § 490-500-390, filed 8/29/75; Order 775, § 490-500-390, filed 3/1/73.]

**WAC 490-500-395 Vocational rehabilitation services--Training--College.** (1) College training may be provided when

(a) The nature of the client's disability is such as to require college training to place him on a reasonably competitive basis in a suitable occupation,

(b) The client's interest, abilities, and aptitudes indicate capacity both for a program of advanced study and for the occupation which has been selected as the goal of the advanced study program. Psychological testing shall be provided unless the client has previously demonstrated an ability to handle college courses,

(c) The client's previous school record or other indications of achievement demonstrate an ability to successfully carry on and benefit from college training,

(d) Evaluation of the client's motivation, study habits, personality and character traits, or other similar factors, indicates that it would be appropriate to provide him with college training even though he has otherwise failed to meet minimal intellectual or academic achievement standards.

(2) A client provided with college training services shall be required to meet established scholastic standards. If his grades fall below the standards required in the field of his choice, it may be necessary to select a new objective for his college training program through joint planning between the client and the VRC or to modify or cancel that portion of his rehabilitation plan which involves college training. If college training is cancelled, the VRC shall then counsel with the client about a vocational objective which does not require college training.

(3) No training or training services in institutions of higher education (universities, colleges, community/junior colleges) shall be paid for with funds under this part unless maximum efforts have been made by the division to secure grant assistance in whole or in part from other sources to pay for such training or training services.

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[Order 1050, § 490-500-395, filed 8/29/75; Order 775, § 490-500-395, filed 3/1/73.]

**WAC 490-500-400 Vocational rehabilitation services provided--Training--Trade schools.** Training may be provided in business, trade and vocational schools. Business, trade and vocational training facilities shall include but not be limited to beauty schools, barber colleges, business schools where secretarial, accounting, and other office work skills are taught, schools for the training of licensed practical nurses, and trade schools teaching such skills as welding, draftsmanship, electrical engineering, radio repair, etc. Such facilities may be either publicly or privately owned and operated.

[Order 775, § 490-500-400, filed 3/1/73.]

**WAC 490-500-405 Vocational rehabilitation services provided--Training--Employment.** (1) Employment training services may be provided to a client when necessary to attainment of the client's vocational goal. "Employment training services" shall mean a program of organized training by which a client is given the opportunity to learn an occupation under actual conditions of commercial, industrial, or other on-the-job employment.

(2) Employment training services shall be provided to an individual client only when the VRC has established that the following conditions have been or will be met:

(a) The client's training program has been prepared and outlined in detail and in advance;

(b) The client's training will follow a definite schedule of specified operations, instructions, and practices which will insure well-rounded preparation for the client's selected occupation;

(c) A mutual understanding has been reached between the trainee—client, the trainer—employment training facility, and the VRC as to the provisions of the client's employment training plan, including length of the training period, financial arrangements, and operations and skills to be learned,

(d) The employer will provide careful supervision of the client's work and will submit regular reports on the client's attendance and progress to the VRC;

(e) The training program will meet any requirements for licensing in the trade or occupation which exists in the field or work in which the client is to be employed;

(f) It has been ascertained that the employment training program is acceptable to other employees of the training facility.

[Order 775, § 490-500-405, filed 3/1/73.]

**WAC 490-500-410 Vocational rehabilitation services--Training--Sheltered workshop.** (1) The division may provide work adjustment services (employability training) to clients in a sheltered workshop environment. Work adjustment is appropriate where the client's disability is such as to limit his ability to participate in and take advantage of employment training facilities in the competitive labor market, and shall follow a vocational evaluation which will at the least include a measurement of productivity, behavior in inter-personal situations,

work characteristics, and manipulative [manipulative] skills.

(2) The purpose of work adjustment services in sheltered workshops shall be to:

(a) Assist clients in understanding the meaning, value and demands of work.

(b) Modify or develop attitudes, personal characteristics, and work behaviors.

(c) To develop functional capacities as required in order to assist clients toward their optimum level of vocational adjustment.

(3) Vocational adjustment in a sheltered workshop shall meet the following criteria:

(a) There shall be an individualized written program establishing immediate and long-range goals and objectives developed and monitored by a qualified staff person.

(b) The program will be in direct response to those problems defined in the evaluation process.

(c) Methods used to correct client problems and to develop acceptable work behaviors will be defined in writing and monitored and reported on at least monthly.

(d) All programs will be developed with the full knowledge and agreement of the VRC and the client.

(e) Work adjustment services will always aim toward the eventual placement of the client into competitive employment.

(f) Work adjustment services will be undertaken only in state certificated rehabilitation facilities.

[Order 1050, § 490-500-410, filed 8/29/75; Order 775, § 490-500-410, filed 3/1/73.]

**WAC 490-500-415 Vocational rehabilitation services--Training materials.** Training tools, materials and supplies which the training facility requires the student to use in the course of training shall be supplied by the division subject to the economic need of the client. This includes such items as textbooks, workbooks, papers, pens, uniforms, shoes, tools, and kits, but does not include fees or tuition required for the enrollment of the student.

[Order 1050, § 490-500-415, filed 8/29/75; Order 775, § 490-500-415, filed 3/1/73.]

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

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

(3) Maintenance may be provided at any time during the rehabilitation 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 490-500-425 Vocational rehabilitation services--Placement.** (1) Placement services shall be provided to all clients accepted for vocational rehabilitation services without regard to the economic need of the client.

(2) The division shall attempt to place all clients in suitable employment in the competitive labor market, including self-employment, whenever appropriate and possible. Competitive employment shall be considered suitable when, after a reasonable period of time, it has been confirmed that the following conditions have, insofar as possible, been met:

(a) The client and employer are mutually satisfied;

(b) The client is maintaining adequate interpersonal relationships and acceptable behavior in the employment environment;

(c) The occupation is consistent with the client's earning capacity, skills, and abilities;

(d) The employment and working conditions will not aggravate the client's disability, and the client's disability will not jeopardize the health or safety of himself or others in the employment situation;

(e) The wage and working conditions conform to the state and federal statutory requirements;

(f) The employment is regular, reasonably permanent, and the client receives a wage commensurate with that paid other workers for similar work.

(3) The division shall attempt to place clients in suitable noncompetitive gainful employment whenever competitive employment is not possible or appropriate under the circumstances of the individual case.

(a) Employment in a sheltered workshop shall be considered a suitable noncompetitive gainful occupation if the work done is productive, regular, and financially gainful.

(b) Employment as a homemaker shall be considered a suitable noncompetitive gainful occupation if the client performs substantial household tasks entailed in making a home for himself or for a family and makes a significant socio-economic contribution to the home situation.

(c) Employment as a family worker shall be considered a suitable noncompetitive gainful occupation if the client performs work in a family farm or family business which is productive and regular and which makes a significant socio-economic contribution to the family farm or business.

(d) Other forms of noncompetitive employment shall be considered suitable gainful occupations when they are productive, regular, and result in financial remuneration for the client and his family.

[Order 1050, § 490-500-425, filed 8/29/75; Order 775, § 490-500-425, filed 3/1/73.]

**WAC 490-500-430 Vocational rehabilitation services--Placement materials.** (1) The division may provide a client who is being placed with tools, equipment,

occupational licenses, and initial stocks and supplies for use in connection with placement. Such material will be provided in such quantity and will be of such quality as to give reasonable assurance of successful operation of the enterprise, performance in the occupation, or practice of the profession.

(2) As used in this section

(a) "Occupational tools and placement equipment" are any tangible implements or appliances required for the efficient performance of a particular trade, business, or occupation;

(b) "Occupational license" is any license, permit, or other written authority required by a governmental unit as a prerequisite to entering a particular occupation;

(c) "Initial stock and supplies" are any items used, consumed or sold in the normal process of an occupation or in the normal course of a business enterprise.

(3) The provision of tools, equipment, initial stocks and supplies, and occupational licenses to clients by the division shall be conditioned upon the economic need of the client.

[Order 1050, § 490-500-430, filed 8/29/75; Order 775, § 490-500-430, filed 3/1/73.]

**WAC 490-500-435 Vocational rehabilitation services--Transportation.** (1) Transportation services shall be provided to clients where necessary in connection with the provision of physical restoration, training, placement, extended evaluation, and diagnostic services.

(2) Transportation services shall include the costs of travel and subsistence during travel for clients and their necessary attendants or escorts. Transportation services may also include costs of relocation and moving expenses where incurred in connection with other vocational rehabilitation services and where necessary to the achievement of a vocational rehabilitation objective.

(3) The provision of transportation expenses shall be conditioned upon the client's economic need except that transportation expenses in connection with diagnostic services shall be provided by the division without regard to need.

[Order 1050, § 490-500-435, filed 8/29/75; Order 775, § 490-500-435, filed 3/1/73.]

**WAC 490-500-440 Vocational rehabilitation services provided--Interpreter services for deaf.** Interpreter services shall be provided to deaf clients without regard to their economic need.

[Order 775, § 490-500-440, filed 3/1/73.]

**WAC 490-500-445 Vocational rehabilitation services provided--Services to members of family.** (1) Vocational rehabilitation services shall be provided to members of a client's family when such services are necessary and will substantially contribute to the rehabilitation of the client.

(2) The provision of services to members of the family shall be conditioned upon the economic need of the client.

[Order 775, § 490-500-445, filed 3/1/73.]

**WAC 490-500-450 Vocational rehabilitation services provided—Other goods and services.** (1) Such other goods and services shall be provided to the client as are essential to a determination of his rehabilitation potential, to his rehabilitation plan, or to render him fit to engage in a gainful occupation.

(2) The provision of other goods and services shall be conditioned upon the economic need of the client except when provided in connection with diagnostic services.

[Order 775, § 490-500-450, filed 3/1/73.]

**WAC 490-500-455 Vocational rehabilitation services—Post-employment services.** (1) The division shall provide such follow-up services to clients after placement as are necessary to insure that the placement is suitable and that the vocational rehabilitation of the individual has been achieved.

(2) The division may provide post-employment services to a client whose case has previously been terminated as "rehabilitated" when such services are necessary to overcome emergent or latent problems related to the original disability or handicap for which he was receiving services prior to termination.

(3) All follow-up and post-employment services provided will have the same requirements to meet the economic needs test as those services that require the needs test for a regular program of services.

[Order 1050, § 490-500-455, filed 8/29/75; Order 775, § 490-500-455, filed 3/1/73.]

**WAC 490-500-500 Purchase of services.** The division may purchase training from schools or sheltered workshops, or from business establishments which offer on-the-job training services.

[Order 1050, § 490-500-500, filed 8/29/75; Order 775, § 490-500-500, filed 3/1/73.]

**WAC 490-500-505 Purchase of services—Selection criteria—Schools.** (1) In determining whether a particular school is appropriate and acceptable as a training facility, the VRC shall evaluate the curriculum, quality of training, and adequacy of total resources in relation to the client's needs. The VRC may also consider such factors as the placement services, if any, offered by the facility, the convenience of the physical arrangements of the plant and their adaptability to their needs of the client, and the willingness of school authorities to adopt and make available such equipment as is necessary to aid the client in the most efficient pursuit of his training.

(2) The use of schools for training purposes shall generally be limited to those which are accredited, licensed, or approved either by a legal authority, or are recognized as adequate by the professional or trade group with which they are associated. The division shall attempt to utilize for training purposes those schools and other training facilities which provide the recipient with the credits, credentials, diplomas, or other certifications required by the profession or trade which is the goal of the recipient's rehabilitation program.

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(3) Tax supported schools shall be used in preference to nontax supported schools whenever possible and appropriate in light of the vocational objective of the client in question.

(4) Out-of-state training facilities shall not be used when satisfactory training opportunities exist within the state. Exceptions to this rule should be made only if the training available out of state offers a distinct and significant advantage to the client in realizing his training objective and subsequent job placement.

(5) Prior to the use of a school as a training facility the VRC shall advise the client involved about the status of the school in which the training program will be carried out. The client shall be made particularly aware of any limitation of job opportunities which might result from the use of a school or facility of limited or no accreditation.

[Order 1050, § 490-500-505, filed 8/29/75; Order 775, § 490-500-505, filed 3/1/73.]

**WAC 490-500-510 Purchase of services—Selection criteria—Employment training facilities.** A business or industrial establishment which is to be utilized by the division for the provision of employment training services shall meet the following criteria:

(1) The facility has personnel qualified for instructional purposes by knowledge, skills, and personality;

(2) The facility has sufficiently diversified operations and adequate and suitable materials and equipment to insure a trainee thorough preparations and training within the scope and limits of his occupational objective;

(3) The training of clients is only incidental to the business activity of the facility, and in no case shall the major activity of the facility be the training of clients.

[Order 1050, § 490-500-510, filed 8/29/75; Order 775, § 490-500-510, filed 3/1/73.]

**WAC 490-500-520 Purchase of services—Selection criteria—Rehabilitation facilities and workshops.** (1) A rehabilitation facility or a sheltered workshop 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 the specific services the facility or workshop is qualified to provide. The facility or workshop 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 accreditation criteria, 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 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 determination of certifiability; however, no facility shall be certified by the division unless the division shall have determined, in the division's 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 criteria established in this section, but is not yet eligible for national accreditation.

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

[Statutory Authority: RCW 28A.10.025, 82-04-075 (Order 1758), § 490-500-520, filed 2/3/82; 79-05-040 (Order 1391), § 490-500-520, filed 4/26/79; Order 1050, § 490-500-520, filed 8/29/75.]

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

(2) Whenever it has been determined 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.]

**WAC 490-500-530 Termination of services for reasons other than ineligibility.** Vocational rehabilitation services shall be terminated when a client

- (1) Has died,
- (2) Cannot be located by the division after reasonable efforts to do so,
- (3) Has been institutionalized under circumstances which preclude the provision of services for a substantial or indefinite period of time, or
- (4) Has moved to another jurisdiction and the division has been unable either to continue provision of services or to refer the individual to an appropriate agency within the other jurisdiction.

(5) Removes himself for consideration by declining to accept or utilize vocational rehabilitation services after all reasonable effort has been expended to encourage participation.

[Order 1050, § 490-500-530, filed 8/29/75; Order 775, § 490-500-530, filed 3/1/73.]

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**WAC 490-500-540 Completion of vocational rehabilitation program.** Services shall be terminated on the basis of the completion of the client's vocational rehabilitation if

(1) The program of rehabilitation services as set forth in the client's rehabilitation plan has, insofar as possible, been completed. Services may be terminated in spite of the failure to comply with this requirement only if the VRC and the client have mutually decided that it is necessary and/or appropriate for the client to accept employment before completing the total plan of services set forth in his rehabilitation program; and

(2) Substantial rehabilitation services have been rendered to the client by the division. No client shall be terminated as rehabilitated unless the division has provided him with the following substantial services,

(a) Adequate and necessary guidance in developing an understanding of his capacities and limitations, his vocational potentialities, and the health, personal, and social problems related to his vocational adjustment,

(b) Assistance in understanding the services available from the division and other community resources and in obtaining and utilizing these services to achieve the best possible vocational adjustment,

(c) Counseling and assistance in adjusting to situations encountered during the rehabilitation process, such as control of anxieties concerning physical restoration, development of appropriate study and work habits, improving personal appearance, managing finances, devising effective interpersonal relationships, etc., and

(3) The client must have been, as a minimum, determined to have achieved a suitable employment objective which has been maintained for a period of time not less than 60 days. The client is engaged in a suitable and gainful occupation. An occupation shall be considered suitable when, after a reasonable period of time has passed since placement, it has been confirmed that the following conditions have, insofar as possible, been met:

- (a) The client and employer are mutually satisfied,
- (b) The client is maintaining adequate interpersonal relationships and acceptable behavior in the employment environment,

(c) The occupation is consistent with the client's capacities, skills, and abilities,

(d) The employment and working conditions will not aggravate the client's disability, and his disability in the employment situation will not jeopardize the health or safety of himself or others,

(e) The wage and working conditions conform to state and federal statutory requirements,

(f) The employment is regular, reasonably permanent, and the client receives a wage commensurate with that paid other workers for similar work.

[Order 1050, § 490-500-540, filed 8/29/75; Order 775, § 490-500-540, filed 3/1/73.]

**WAC 490-500-545 Notification of termination.** The division shall provide written notification to every individual who has applied for services whenever any determination is made to terminate services to him. Such written notice shall specify in detail the reasons for the

division's decision to terminate services and shall clearly inform the client of his right to an administrative appeal and to a fair hearing on the decision.

[Order 1050, § 490-500-545, filed 8/29/75; Order 775, § 490-500-545, filed 3/1/73.]

**WAC 490-500-550 Confidential information--Disclosure.** (1) The term "confidential information" shall mean all information and records as to personal facts regarding any past or present clients of the division, given or made available to the division, its representatives, or its agents in the course of the administration of the vocational rehabilitation program, including, but not limited to, lists of clients' names and addresses, information with respect to clients' financial resources, records of the division's evaluations of factual information regarding a client, and all other information about a client, whether recorded or not recorded.

(2) The division shall disclose confidential information, whether directly or indirectly, only under the following circumstances:

(a) Where necessary to and directly connected with the administration of the vocational rehabilitation program, or

(b) Where required by order of a court of competent jurisdiction, or

(c) Where the client has given his informed consent in writing to such disclosure.

(3) The division shall refuse to disclose confidential information even when disclosure has been expressly or impliedly requested by the client if the information in question has been provided to the division on the basis that it will not be disclosed to the client. Information so withheld shall be briefly identified and listed, and said list shall be provided to the client or his authorized representative. Such confidential information shall be provided to the client only under the following circumstances:

(a) Where the person or agency which provided the information has given the division express written authorization to release the information to the client, or

(b) Where, during the course of a fair hearing, the hearing officer has made a determination that the information in question is relevant and material to the issue under appeal and has ordered that said information be made available to the client.

(4) Confidential information may be disclosed or released to an employer in connection with the placement of a client. The division shall release to an employer only such confidential information regarding a client as is essential to his successful placement.

(5) Confidential information may be disclosed or released to welfare agencies or programs from which the client has requested services if:

(a) The client has requested services under circumstances from which his consent may be presumed;

(b) The welfare agencies or programs involved have adopted regulations which will assure that the confidential information disclosed will continue to be held confidential; and

(c) The welfare agency or program involved can assure that the confidential information disclosed shall be used only in connection with application for and receipt of services from such agency or program.

(6) Confidential information may be disclosed or released to organizations or individuals engaged in research if:

(a) The research is directly connected with the administration of the vocational rehabilitation program;

(b) The organization or individual has furnished satisfactory assurance that the confidential information will be used only in connection with the research purposes for which it is provided;

(c) The organization or individual furnishes satisfactory assurance that the final product of the research shall not reveal any information that might serve to identify any person about whom information has been obtained from the division without the written consent of the person involved and of the division.

(7) Upon written request, information shall be released to the client, or, as appropriate, his parent, guardian, or other representative for purposes in connection with any proceeding or action for benefits or damages, including any proceeding or action against any public agency; provided,

(a) That only such information as is relevant to the needs of the client shall be released, and

(b) In the case of medical or psychological information, the knowledge of which may be harmful to the client, such information will be released to the parent, guardian, or other representative of the client by the division, or to the client by a physician or by a licensed or certified psychologist.

[Order 1050, § 490-500-550, filed 8/29/75; Order 775, § 490-500-550, filed 3/1/73.]

**WAC 490-500-560 Administrative review.** (1) Any client or applicant who feels aggrieved by, or is otherwise dissatisfied with, any decision or action by the division or its agents with regard to his or her vocational rehabilitation case may file a request with the division for, and shall thereupon receive, an administrative review and redetermination of that decision or action.

(2) A request for an administrative review may be made either verbally or in writing and may be filed in any office of the division. A verbal request shall promptly be documented in writing.

(3) All requests for administrative reviews shall:

(a) Specify the date of the decision or action being appealed,

(b) Specify as precisely as possible the issue to be resolved by the administrative review,

(c) Set forth the address of the client or of his or her representative, and

(d) Be signed by the client or by his or her representative.

(4) A request for an administrative review must be made within sixty days after receiving notice from the division of the decision or action by the division which is the basis for the request for review.



(5) An administrative review and redetermination shall be provided by the regional administrator of the vocational rehabilitation region in which the client has been receiving services, and shall be provided within thirty days after the submission of the request for review.

(6) As soon as possible after the conclusion of the administrative review, the regional administrator shall certify his or her findings to the client in writing specifying in reasonable detail the reasons for his or her findings and informing the client of his or her right to request and receive a fair hearing if dissatisfied with those findings.

[Statutory Authority: RCW 74.29.025, 86-12-050 (Order 2385), § 490-500-560, filed 6/3/86; Order 1050, § 490-500-560, filed 8/29/75; Order 775, § 490-500-560, filed 3/1/73.]

**WAC 490-500-570 Fair hearing.** (1) Any applicant or recipient dissatisfied with the finding of an administrative review may request from the division, and shall thereupon be granted, a fair hearing.

(a) An applicant or recipient desiring a fair hearing shall request such hearing within thirty days after receiving notice from the division of the finding of the administrative review.

(b) A request for a fair hearing may be made either verbally or in writing and may be filed in any office of the division. If made verbally, such a request shall promptly be documented in writing.

(c) All requests for fair hearings shall:

(i) Specify the date of the administrative review being appealed;

(ii) Specify as precisely as possible the issue to be adjudicated at the fair hearing;

(iii) Set forth the address of the client, his or her representative, or his or her attorney.

(iv) Be signed by the client, his or her representative, or his or her attorney.

(2) Fair hearings in the vocational rehabilitation program are governed by chapters 10-08 and 388-08 WAC and this section. If any provision of this section conflicts with chapter 388-08 WAC, the provision in this section governs.

(a) The decision-making procedure is the initial decision-petition for review-review decision procedure. See WAC 388-08-409 and 388-08-413.

(b) The director, division of vocational rehabilitation, is the hearing authority to review and rule on petitions for review of initial decisions and orders.

(3) Any client not satisfied with a decision of the director, division of vocational rehabilitation regarding services under the IWRP, may request the secretary of education to review the decision pursuant to 29 U.S.C. Section 722.

[Statutory Authority: RCW 74.29.025, 86-12-050 (Order 2385), § 490-500-570, filed 6/3/86. Statutory Authority: RCW 28A.10.025, 82-12-069 (Order 1821), § 490-500-570, filed 6/2/82; Order 1050, § 490-500-570, filed 8/29/75; Order 775, § 490-500-570, filed 3/1/73.]

**WAC 490-500-590 Client records.** The division will maintain for each applicant for vocational rehabilitation

services a case record which will include to the extent pertinent, the following information:

(1) Documentation as to the preliminary diagnostic study, supporting the determination of eligibility, or the determination that an extended evaluation of rehabilitation potential is necessary to make such determination;

(2) In the case of individuals who have applied for vocational rehabilitation services and have been determined to be ineligible, documentation as to the preliminary diagnostic study specifying the reasons for such determination;

(3) Data supporting any determination that the handicapped individual is a severely handicapped individual;

(4) Documentation as to periodic assessment of the individual during an extended evaluation of rehabilitation potential;

(5) An individualized written rehabilitation program as developed and any amendments to such program;

(6) In the event the physical and mental restoration services are provided documentation supporting the determination that the clinical status of the handicapped individual is stable or slowly progressive;

(7) Documentation supporting any decision to provide services to family members;

(8) Data relating to the participation by the handicapped individual in the cost of vocational rehabilitation services if the state elects to condition the provision of any vocational rehabilitation services on the financial need of the handicapped individual;

(9) Data relating to the eligibility of the individual for similar benefits under any other program;

(10) Documentation that the individual has been advised of the confidentiality of all information pertaining to his case, and documentation and other material pertinent to the release of any information concerning the handicapped individual on the basis of the written consent of the handicapped individual;

(11) Documentation as to the reason and justification for closing the case, including the employment status of the client, and if the individual is determined to be rehabilitated, the basis on which the employment was determined to be suitable;

(12) Documentation of any plans for the provision of post-employment services after the employment objective has been achieved, the basis on which such plans were developed, and a description of the services provided and the outcomes achieved;

(13) Documentation as to any action and decision involving the handicapped individual's request for an administrative review of agency action or fair hearings; and

(14) In the case of an individual who has been provided vocational rehabilitation services under an individualized written program but who has been determined after the initiation of such services to be no longer capable of achieving a vocational goal, documentation of any reviews of such determination.

[Order 1050, § 490-500-590, filed 8/29/75; Order 775, § 490-500-590, filed 3/1/73.]

## Chapter 490-800 WAC

## PRIVATE VOCATIONAL SCHOOL REGULATIONS

## WAC

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**WAC 490-800-010 Authority.** These rules are promulgated pursuant to chapter 28C.10 RCW.

[Statutory Authority: Chapter 28C.10 RCW. 87-02-019 (Resolution No. 86-81-3), § 490-800-010, filed 12/31/86. Statutory Authority: RCW 28C.10.010 through 28C.10.220. 86-15-075 (Order 86-78-3, Resolution No. 86-78-3), § 490-800-010, filed 7/23/86.]

**WAC 490-800-012 Duties of the agency.** (See RCW 28C.10.040.) The commissioners shall:

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

(2) Review findings and conclusions reached pursuant to WAC 490-800-025.

[Statutory Authority: Chapter 28C.10 RCW. 87-02-019 (Resolution No. 86-81-3), § 490-800-012, filed 12/31/86.]

**WAC 490-800-015 Delegation.** (See RCW 28C.10.060.) Unless otherwise indicated, the agency delegates authority for administering the act and these rules to the executive director, who may further delegate as necessary and appropriate.

[Statutory Authority: Chapter 28C.10 RCW. 87-02-019 (Resolution No. 86-81-3), § 490-800-015, filed 12/31/86.]

**WAC 490-800-020 Previous rules and regulations repealed.** (See section 26, chapter 299, Laws of 1986.) All rules and regulations previously adopted pursuant to chapter 28B.05 RCW by this agency (chapter 490-600

WAC) are hereby repealed: *Provided*, That private vocational schools registered under the Educational Services Registration Act (chapter 28B.05 RCW), as of June 30, 1986, shall be considered to be licensed under chapter 28C.10 RCW until January 31, 1987. See RCW 28C.10.910. These new rules and regulations (chapter 490-800 WAC), when adopted, contain the same force and effect as chapter 28C.10 RCW.

[Statutory Authority: Chapter 28C.10 RCW. 87-02-019 (Resolution No. 86-81-3), § 490-800-020, filed 12/31/86. Statutory Authority: RCW 28C.10.010 through 28C.10.220. 86-15-075 (Order 86-78-3, Resolution No. 86-78-3), § 490-800-020, filed 7/23/86.]

**WAC 490-800-030 Exemptions.** (See RCW 28C.10.030.) The following is intended to clarify the statutory exemptions:

(1) "Avocational" or "recreational" means instruction which is primarily intended for leisure and not offered for the purpose of providing a student with employable skills or with competencies that upon completion of the program, course, or class would be customarily applied to gainful employment and is not utilized by the school as a prerequisite for vocational instruction.

(2) Entities not otherwise exempt offering only workshops or seminars lasting not more than three calendar days: *Provided*, That training is completed within the three days; and a vocational education program is not being offered through a series of supplementary seminars.

[Statutory Authority: Chapter 28C.10 RCW. 87-02-019 (Resolution No. 86-81-3), § 490-800-030, filed 12/31/86. Statutory Authority: RCW 28C.10.010 through 28C.10.220. 86-15-075 (Order 86-78-3, Resolution No. 86-78-3), § 490-800-030, filed 7/23/86.]

**WAC 490-800-040 Cancellation and refund policy.** (See RCW 28C.10.050 (1)(b).) As a condition of licensing, each school must adhere to the following uniform state-wide minimum cancellation and refund policy: *Provided*, That cancellation and refund policies contained in contracts executed before July 15, 1986, shall continue to apply throughout the length of the contract: *Provided further*, That any refund due to students receiving federal financial assistance (e.g., Pell Grant; Supplemental Education Opportunity Grant; National Direct Student Loan; etc.) will be refunded to the particular federal financial aid program in accordance with federal law:

(1) A full refund of all money paid if the applicant is not accepted by the school;

(2) A full refund of tuition and fees paid if the applicant withdraws not later than midnight on the third day (excluding Sundays and holidays) after signing the contract or making an initial payment, provided that the applicant has not commenced training;

(3) After three business days (excluding Sundays and holidays), the school may retain an established registration fee equal to ten percent of the total tuition cost, or one hundred dollars, whichever is less. "Registration fee" refers to any fee, however named, covering those expenses incurred by an institution in processing student applications and establishing a student records system;

(4) The official date of termination of a student shall be the last date of recorded attendance when withdrawal occurs in any of the following manners:

(a) When the school receives notice of the student's intention to discontinue the training program;

(b) When the student is terminated for a violation of a published school policy which provides for termination;

(c) When a student, without notice to the institution, fails to attend classes for thirty calendar days.

(5) If training is terminated after entering classes, the student is financially obligated to the school according to the following formulas or maximum charges:

(a) Termination during first week or ten percent of instruction, whichever is less. School may retain ten percent tuition of cost plus established registration fee;

(b) Termination after first week or ten percent instruction, whichever is less, but prior to completion of twenty-five percent of contracted instructional time. School may retain twenty-five percent of tuition cost plus established registration fee;

(c) Termination after completion of first twenty-five percent but prior to completion of fifty percent of contracted instructional time. School may retain fifty percent of tuition cost plus established registration fee;

(d) Termination after completion of more than fifty percent of contracted instructional time. School may retain the full tuition cost plus established registration fee.

(6) If a school discontinues any program of instruction after training of students has begun, the students enrolled are entitled to a refund of all tuition and fees paid, except as provided by WAC 490-800-220. Requests for refunds pursuant to this provision must be made in writing by the enrolled student within thirty days following discontinuation of the program. Money due the applicant/student shall be refunded within thirty days after receipt of the request.

[Statutory Authority: Chapter 28C.10 RCW. 87-02-019 (Resolution No. 86-81-3), § 490-800-040, filed 12/31/86. Statutory Authority: RCW 28C.10.010 through 28C.10.220. 86-15-075 (Order 86-78-3, Resolution No. 86-78-3), § 490-800-040, filed 7/23/86.]

**WAC 490-800-050 Catalog, brochure, or other written material.** (See RCW 28C.10.050 (1)(c).) The catalog/bulletin shall be the school's principal printed means to explain its operations and requirements to prospective and enrolled students. For this reason, it shall be current, comprehensive, and accurate. Each school shall publish a catalog, brochure, or other written material which shall include the following:

(1) Date of publication;

(2) Names of owners having a ten percent or more equity ownership and officers, including any governing boards, and parent corporation, if a subsidiary;

(3) Names, addresses, and telephone numbers of the school's administrative offices and all teaching locations;

(4) Names and qualifications of teaching faculty. Such lists shall be accurate as of the date of catalog publication. Any changes of faculty shall be noted on a catalog errata sheet provided each student prior to entering classes;

(5) The school calendar, including hours of operation, holidays, enrollment periods, and the beginning and ending dates of terms, courses, or programs as may be appropriate;

(6) Admission procedure, policies, and regulations describing accurately and completely all prerequisites (e.g., GED, physical requirements, etc.) and requirements for:

(a) Completing successfully the programs of study in which they are interested; and

(b) Qualifying for the fields of employment for which their education is designed.

(7) A description of the exact nature and kind of placement assistance offered, if any. If no assistance is offered, the school shall make this fact known;

(8) The school's policy regarding student conduct, including causes for dismissal and conditions for readmission;

(9) The school's policy and regulations relative to leave, absences, class cuts, makeup work, tardiness, and interruptions for unsatisfactory attendance;

(10) The school's 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 reentrance for those students dismissed for unsatisfactory progress. A statement will be furnished to the student regarding the student's progress.

(11) An accurate description, whether through words, photos, or other means, of the school's facilities, equipment, and physical plant used for training with a description of the equipment available for student use and the maximum or usual class size;

(12) Total cost of training including registration fee, if any, tuition, books, supplies, equipment, laboratory usage, student activities, insurance and all other charges and expenses necessary for completion of the program;

(13) A description of each course of instruction, including:

(a) Specific course objectives: The educational or vocational objective of each course or program including the name of occupations for which the course or program purports to train;

(b) The number of contact hours of instruction and types of instruction (e.g., correspondence, classroom, lab, computer assisted) in each course and the length of time in weeks or months normally required for completion;

(c) Number of lessons (correspondence/home study schools). "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;

(d) The scope and sequence of courses or programs required to achieve the educational objective;

(e) Credit hours (if credit hours are utilized);

(f) A statement of certificates or other education credentials awarded upon graduation or completion.

(14) Policy and regulations relative to refund of unearned tuition, fees, and other charges, which must meet the minimum cancellation and refund policy set forth in these rules, including procedures a student shall follow to cancel enrollment before or after instruction has begun;

(15) The statement that: THIS SCHOOL IS LICENSED UNDER CHAPTER 28C.10 RCW; INQUIRIES REGARDING THIS OR ANY OTHER PRIVATE VOCATIONAL SCHOOL MAY BE MADE TO THE: WASHINGTON STATE COMMISSION FOR VOCATIONAL EDUCATION, BUILDING 17, AIR-INDUSTRIAL PARK, MS LS-10, OLYMPIA, WASHINGTON 98504 (206/753-5673);

(16) Availability of financial aid, grants and scholarships, if any;

(17) Supplements or errata sheets for the catalog/bulletin or other written materials shall be filed with the agency:

(a) If supplement pages or errata sheets are used as part of the catalogs/bulletins, they shall be fastened to or otherwise made an integral part of that publication;

(b) The catalog/bulletin supplement or errata sheets shall include the printing date;

(c) In the event that information on a supplement or errata sheet replaces any other information in the catalog/bulletin, it shall be clearly indicated that such information supersedes that which it contradicts and/or replaces elsewhere in the catalog/bulletin.

[Statutory Authority: Chapter 28C.10 RCW, 87-02-019 (Resolution No. 86-81-3), § 490-800-050, filed 12/31/86. Statutory Authority: RCW 28C.10.010 through 28C.10.220, 86-15-075 (Order 86-78-3, Resolution No. 86-78-3), § 490-800-050, filed 7/23/86.]

**WAC 490-800-060 Enrollment contract or agreement.** (See RCW 28C.10.050 (1)(d).) "Enrollment agreement" is any agreement, instrument or note, however named, which creates or evidences an obligation binding a student to purchase a course of instruction from a school. Each school shall use an enrollment contract or agreement that includes:

(1) The school's cancellation and refund policy, in accordance with these rules, displayed in a type size no smaller than that used to meet any other requirements of this section;

(2) The following statement: THIS SCHOOL IS LICENSED UNDER CHAPTER 28C.10 RCW; INQUIRES REGARDING THIS OR ANY OTHER PRIVATE VOCATIONAL SCHOOL MAY BE MADE TO THE: WASHINGTON STATE COMMISSION FOR VOCATIONAL EDUCATION; BUILDING 17, AIR-INDUSTRIAL PARK; MS: LS-10; OLYMPIA, WASHINGTON 98504; (206/753-5673);

(3) Information that will clearly and completely define the terms of the agreement between the student and the school, including at least the following:

(a) The name and address of the school and the student;

(b) The title of the educational services, date training is to begin, and the number of hours or units of instruction or lessons for which the student is enrolled;

(c) The cost incurred by the student or his/her sponsor in order to complete the training. Such costs shall be itemized and shall include tuition, fees, books, supplies (where appropriate), and all other charges made by the school necessary to complete the training. The student enrollment agreement shall outline the methods of payment or the payment schedule;

(d) A statement acknowledging receipt of a copy of the school's catalog and student enrollment agreement by the student;

(e) Language explaining that the agreement will be binding only when officially accepted and the agreement is fully completed, signed and dated by the student and chief administrative officer or authorized representative of the school prior to the time instruction begins.

(4) A statement that any changes in the agreement shall not be binding on either the student or the school unless such changes have been approved in writing by the chief administrative officer or an authorized representative of the school and by the student or the student's parent or guardian if he/she is a minor;

(5) "NOTICE TO THE BUYER" which includes the following statements in a position above the space reserved for the student's signature:

(a) "DO NOT SIGN THIS AGREEMENT BEFORE YOU READ IT OR IF IT CONTAINS ANY BLANK SPACES. THIS IS A LEGAL INSTRUMENT.

(b) BOTH SIDES OF THE CONTRACT ARE BINDING.

(c) READ BOTH SIDES BEFORE SIGNING.

(d) YOU ARE ENTITLED TO AN EXACT COPY OF THE AGREEMENT, SCHOOL CATALOG AND ANY OTHER PAPERS YOU SIGN.

(e) YOU MAY CANCEL THIS CONTRACT BY SENDING NOTICE OF SUCH CANCELLATION BY CERTIFIED MAIL RETURN RECEIPT REQUESTED TO THE SELLER AT HIS ADDRESS SHOWN ON THE CONTRACT WHICH NOTICE SHALL BE POSTED NOT LATER THAN MIDNIGHT OF THE THIRD DAY (EXCLUDING SUNDAYS AND HOLIDAYS) FOLLOWING YOUR SIGNING THIS CONTRACT.

(f) IT IS AN UNFAIR BUSINESS PRACTICE FOR THE SCHOOL TO SELL, DISCOUNT OR OTHERWISE TRANSFER THIS CONTRACT OR PROMISSORY NOTE WITHOUT THE SIGNED WRITTEN CONSENT OF THE STUDENT OR HIS/HER FINANCIAL SPONSORS AND A WRITTEN STATEMENT NOTIFYING ALL PARTIES THAT THE CANCELLATION AND REFUND POLICY CONTINUES TO APPLY."

(6) The school shall retain a copy of the student enrollment agreement and one copy shall be delivered to the student at the time of execution or by return mail when solicited by mail.

[Statutory Authority: Chapter 28C.10 RCW, 87-02-019 (Resolution No. 86-81-3), § 490-800-060, filed 12/31/86. Statutory Authority: RCW 28C.10.010 through 28C.10.220, 86-15-075 (Order 86-78-3, Resolution No. 86-78-3), § 490-800-060, filed 7/23/86.]

**WAC 490-800-070 Time of application.** (See RCW 28C.10.060.) (1) **Initial licensing.** Any entity desiring to operate a private vocational school(s) must initially be

licensed by the agency no later than one month prior to the date on which it first offers educational services;

(2) **Renewal.** Each private vocational school must annually renew its license. No later than one month prior to the anniversary date of its license, the private vocational school must file a completed application for license renewal, including a financial statement, attested to by the chief administrative officer, and amend any statements or materials on file which are no longer accurate.

(3) A license may be denied, revoked, or suspended by the agency's executive director for just cause.

(4) **Transition.** A private vocational school registered under the Educational Services Registration Act chapter 28B.05 RCW, as of June 30, 1986, shall be considered to be licensed under chapter 28C.10 RCW until January 31, 1987. See RCW 28C.10.910. Previously exempt private vocational schools may, upon written representation by the school's chief administrative officer that the school substantially complies with the act and these rules, apply to the agency for temporary, partial exemption and issuance of a temporary license. See RCW 28C.10.100. The agency, executive director, or his/her designee, has discretion to issue a temporary license.

[Statutory Authority: Chapter 28C.10 RCW. 87-02-019 (Resolution No. 86-81-3), § 490-800-070, filed 12/31/86. Statutory Authority: RCW 28C.10.010 through 28C.10.220. 86-15-075 (Order 86-78-3, Resolution No. 86-78-3), § 490-800-070, filed 7/23/86.]

**WAC 490-800-080 Display of licenses—Loss or destruction—Change of name—Change of location.** (See RCW 28C.10.060.) (1) Licenses issued shall be issued in the school's name, address, and phone.

(2) Display. Each school shall prominently display its license to the public, prospective students, and other interested persons at each location.

(3) Loss or destruction. Upon the loss or destruction of any license, application for a duplicate and payment of the appropriate license reissuance fee must be made to the agency. See WAC 490-800-120(4).

(4) Change of name. No licensee shall adopt or make a change in its name without written notification to the agency and payment of the appropriate license reissuance fee. See WAC 490-800-120(5).

(5) Change of location. No change of location of licensed premises shall be made without the agency's, executive director, or his/her designee's, written consent and payment of the appropriate license reissuance fee. See WAC 490-800-120(6).

[Statutory Authority: Chapter 28C.10 RCW. 87-02-019 (Resolution No. 86-81-3), § 490-800-080, filed 12/31/86. Statutory Authority: RCW 28C.10.010 through 28C.10.220. 86-15-075 (Order 86-78-3, Resolution No. 86-78-3), § 490-800-080, filed 7/23/86.]

**WAC 490-800-090 Change of ownership—License nontransferable.** (See RCW 28C.10.060.) A change in the sole proprietor of a school, a change in the majority interest of general partners of a partnership owning a school or a change in a majority stock ownership of a school shall be deemed a change of ownership. The new owner must make application for a new license within

fifteen days of the change of ownership. This application shall be processed like an initial application except the agency, executive director, or his/her designee, may extend the current license, pursuant to RCW 28C.10.100, for a maximum sixty days if the chief administrative officer furnishes a written statement asserting that all conditions set forth in the act and these rules are being met or will be met before offering training or education.

[Statutory Authority: Chapter 28C.10 RCW. 87-02-019 (Resolution No. 86-81-3), § 490-800-090, filed 12/31/86. Statutory Authority: RCW 28C.10.010 through 28C.10.220. 86-15-075 (Order 86-78-3, Resolution No. 86-78-3), § 490-800-090, filed 7/23/86.]

**WAC 490-800-100 Application contents.** (See RCW 28C.10.050 and 28C.10.060.) Any entity desiring to operate a private vocational school shall apply for license to the agency on forms provided by the agency which shall include the following information attested to by the school's chief administrative officer.

(1) **Owners, shareholders, and directors:**

(a) The complete legal name of the school, current telephone number, current mailing address, the school's physical address, and date of establishment;

(b) The form of ownership of the school, whether sole proprietorship, partnership, limited partnership, or corporation;

(c) Names, addresses, phone numbers, birthdates, prior school affiliations and capacities, and any other appropriate information of all those with ten percent or more ownership interest;

(d) A school which is a corporation or a subsidiary of another corporation shall submit to the agency as part of the school's application current evidence that the corporation is registered with the Washington secretary of state's office and the name, address and telephone number of the corporation's registered agent;

(e) "Ownership" of a school means:

(i) In the case of a school owned by an individual, that individual;

(ii) In the case of a school owned by a partnership, all full, silent and limited partners having a ten percent or more ownership interest;

(iii) In the case of a school owned by a corporation, the corporation, each corporate director, officer, and each shareholder owning shares of issued and outstanding stock aggregating at least ten percent of the total of the issued and outstanding shares.

(2) **Additional instruction site(s).** Application for a license to operate shall identify locations of all separate instructional facilities operated by the entity. All locations at which education is offered by entities licensed to operate shall be deemed a location of the private vocational school, provided that the private vocational school provides the course curriculum and guidelines for teaching at each location and that a single location is identified as the principle facility for recordkeeping. All licenses shall specify the instructional location(s) for which the license is valid. Licenses shall be valid only for those locations listed in the initial application and renewal forms.

(3) **Agents of institutions.** Each agent's name, address, phone number, territory, date of birth, prior school affiliations and capacities, and any other appropriate information.

(4) **Surety bond or assignment of account.** Each school shall have on file with the agency an approved surety bond or other security in lieu of a bond as specified by RCW 28C.10.080 and WAC 490-800-180.

(5) **Financial statement.** Each school must annually disclose to the agency information reflecting the financial condition of the school at the close of its most recent fiscal or calendar year to demonstrate that it has sufficient financial resources to fulfill its commitments to students. Entities operating a private vocational school must submit:

(a) The fiscal year dates utilized for the school's operations;

(b) A financial statement showing gross tuition fee and income (excluding refunds, books, tools, and supplies) for the last completed fiscal year, certified by the school's chief administrative officer. This may be accomplished by submitting one of the following:

(i) A copy of an external audit prepared by a certified public accountant or a state audit agency; or

(ii) A financial statement in the format provided by the agency;

(c) Institutions just starting operations at the time of initial licensing must substitute a proposed operating budget for the succeeding twelve months' period in lieu of a financial statement.

(6) **Financial references.** The name of a bank or other financial institution that may be consulted as a financial reference for the entity and school.

(7) **Catalog.**

(8) **Enrollment agreement/contract.**

(9) **Administrators/instructors educational and occupational records.** Names, addresses, phone numbers, positions, education, experience, prior school affiliations, birthdates, and any other appropriate information.

[Statutory Authority: Chapter 28C.10 RCW. 87-02-019 (Resolution No. 86-81-3), § 490-800-100, filed 12/31/86. Statutory Authority: RCW 28C.10.010 through 28C.10.220. 86-15-075 (Order 86-78-3, Resolution No. 86-78-3), § 490-800-100, filed 7/23/86.]

**WAC 490-800-105 Application for license to operate as agent of an out-of-state private vocational school.** (See RCW 28C.10.060.) (1) The application shall be in writing, upon forms prepared and supplied by the agency and shall contain:

(a) The full name, current address, and phone number of the agent applying for license;

(b) The name, current address, and phone number of the vocational school proposed to be represented;

(c) The past employment record of the applicant.

(2) The application shall be accompanied by the license fee of one hundred dollars as required in WAC 490-800-120(2).

[Statutory Authority: Chapter 28C.10 RCW. 87-02-019 (Resolution No. 86-81-3), § 490-800-105, filed 12/31/86. Statutory Authority: RCW 28C.10.010 through 28C.10.220. 86-15-075 (Order 86-78-3, Resolution No. 86-78-3), § 490-800-105, filed 7/23/86.]

**WAC 490-800-110 Notice of actions by governmental entities or accrediting commissions—Change of circumstances.** (See RCW 28C.10.060.) At the time of original and renewal applications, the entity shall present the agency with details of any consent orders with the Federal Trade Commission and notification of any actions which have been taken by any federal or state agencies, including courts or accrediting commissions. The entity shall inform the agency in writing of actions being taken to correct deficiencies cited. Any change of circumstance, including bankruptcy, which would require amendment to the information reported in the application for initial license/license renewal form must be filed with the agency within thirty days of the change, along with a notarized statement by the chief administrative officer.

[Statutory Authority: Chapter 28C.10 RCW. 87-02-019 (Resolution No. 86-81-3), § 490-800-110, filed 12/31/86. Statutory Authority: RCW 28C.10.010 through 28C.10.220. 86-15-075 (Order 86-78-3, Resolution No. 86-78-3), § 490-800-110, filed 7/23/86.]

**WAC 490-800-120 Fees.** (See RCW 28C.10.060(3).) (1) Annual fee:

(a) For in-state schools, the annual licensing fee is based on gross annual tuition income.

(b) For out-of-state schools, the annual licensing fee is based on gross annual tuition income received from or on behalf of Washington state residents.

Schools not having been in operation prior to the date of their initial licensing shall base their annual fee upon estimated gross annual tuition income.

Gross Annual Tuition Income	License Fee
Up to \$25,000.....	\$ 250
\$25,001 to \$50,000.....	\$ 500
\$50,001 to \$100,000.....	\$ 600
\$100,001 to \$250,000.....	\$ 750
\$250,001 to \$500,000.....	\$1,000
\$500,001 to \$1,000,000.....	\$1,500
\$1,000,001 to \$2,500,000.....	\$2,000
Over \$2,500,001 .....	\$2,500

(2) Agents representing out-of-state schools: \$100 annual fee per agent per school represented.

(3) Fee for late filing of renewal application: \$10 per day for the month prior to the expiration of the current school license;

(4) Loss or destruction of licenses. License reissuance fee: \$10.

(5) Change of name. License reissuance fee: \$10.

(6) Change of location. License reissuance fee: \$10.

[Statutory Authority: Chapter 28C.10 RCW. 87-02-019 (Resolution No. 86-81-3), § 490-800-120, filed 12/31/86. Statutory Authority: RCW 28C.10.010 through 28C.10.220. 86-15-075 (Order 86-78-3, Resolution No. 86-78-3), § 490-800-120, filed 7/23/86.]

**WAC 490-800-130 Financial standards.** (See RCW 28C.10.060 (1)(a).) The school must demonstrate that it has sufficient financial resources to:

(1) Fulfill its commitments to students;

(2) Follow a uniform state-wide cancellation and refund policy as specified in these rules;

(3) Meet the school's financial obligations;

(4) Furnish and maintain surety bonds or other security as required in these rules.

[Statutory Authority: Chapter 28C.10 RCW. 87-02-019 (Resolution No. 86-81-3), § 490-800-130, filed 12/31/86. Statutory Authority: RCW 28C.10.010 through 28C.10.220. 86-15-075 (Order 86-78-3, Resolution No. 86-78-3), § 490-800-130, filed 7/23/86.]

**WAC 490-800-140 Program standards.** (See RCW 28C.10.050 and 28C.10.060.) The school shall provide educational services such as will adequately achieve the stated objectives for which the educational services are offered.

[Statutory Authority: Chapter 28C.10 RCW. 87-02-019 (Resolution No. 86-81-3), § 490-800-140, filed 12/31/86. Statutory Authority: RCW 28C.10.010 through 28C.10.220. 86-15-075 (Order 86-78-3, Resolution No. 86-78-3), § 490-800-140, filed 7/23/86.]

**WAC 490-800-150 Staff qualifications.** (See RCW 28C.10.050 and 28C.10.060.) The education and experience qualifications of administrators, instructional staff, and other personnel shall adequately insure that the students will receive educational services consistent with the stated objectives for which the educational services are offered.

[Statutory Authority: Chapter 28C.10 RCW. 87-02-019 (Resolution No. 86-81-3), § 490-800-150, filed 12/31/86. Statutory Authority: RCW 28C.10.010 through 28C.10.220. 86-15-075 (Order 86-78-3, Resolution No. 86-78-3), § 490-800-150, filed 7/23/86.]

**WAC 490-800-160 Facilities.** (See RCW 28C.10.050 and 28C.10.060.) The school must have an exact physical location or locations. The physical plant and equipment of the school shall be commensurate in size, accommodations, and condition to meet the purposes of the school and the program objectives. The school must provide enough classroom, laboratory, and shop space for the number of students to be trained.

[Statutory Authority: Chapter 28C.10 RCW. 87-02-019 (Resolution No. 86-81-3), § 490-800-160, filed 12/31/86. Statutory Authority: RCW 28C.10.010 through 28C.10.220. 86-15-075 (Order 86-78-3, Resolution No. 86-78-3), § 490-800-160, filed 7/23/86.]

**WAC 490-800-170 Equipment and materials.** (See RCW 28C.10.050 and 28C.10.060.) Equipment, furniture, instructional devices and aids, machinery and other physical features of the classroom, laboratory, or shop shall be adequate to achieve the educational objectives of the course, and shall be comparable in number and quality with those used by comparable schools with similar programs and educational objectives. 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.

[Statutory Authority: Chapter 28C.10 RCW. 87-02-019 (Resolution No. 86-81-3), § 490-800-170, filed 12/31/86. Statutory Authority: RCW 28C.10.010 through 28C.10.220. 86-15-075 (Order 86-78-3, Resolution No. 86-78-3), § 490-800-170, filed 7/23/86.]

**WAC 490-800-180 Surety bond or other security.** (See RCW 28C.10.080.) (1) Computation. The security

posted by an entity to comply with the provisions of this chapter shall be based on the following scale:

Gross Annual Tuition Income	Bond/Security
\$0.00 to \$50,000 .....	\$ 5,000
\$50,001 to \$75,000 .....	\$ 7,500
\$75,001 to \$100,000 .....	\$ 10,000
\$100,001 to \$150,000 .....	\$ 15,000
\$150,001 to \$200,000 .....	\$ 20,000
\$200,001 to \$250,000 .....	\$ 25,000
\$250,001 to \$500,000 .....	\$ 50,000
\$500,001 to \$750,000 .....	\$ 75,000
\$750,001 to \$1,000,000 .....	\$100,000
\$1,000,001 to \$1,250,000 .....	\$125,000
\$1,250,001 to \$1,500,000 .....	\$150,000
\$1,500,001 to \$1,750,000 .....	\$175,000
\$1,750,001 and above .....	\$200,000

*Provided*, That the bond or other security posted shall be based on tuition income derived from gross annual tuition income for in-state schools and, for out-of-state schools, the bond shall be based on gross annual tuition income received from or on behalf of Washington state residents, during the institution's preceding fiscal year of operation, as evidenced in the financial statement required by WAC 490-800-100(5): *Provided further*, That the bond or other security posted shall be at least five thousand dollars but no more than two hundred thousand dollars: *And provided further*, That institutions not yet in operation or otherwise lacking a full year's financial data prior to initial licensing shall post bond or other security based upon the same gross annual tuition estimate employed under WAC 490-800-120.

(2) **Cash deposit or other negotiable security.** 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 will not release same to the owner or school unless the agency, executive director, or his/her designee, advises for a release.

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

(d) Any other negotiable security acceptable to the executive director.

(3) Upon expiration of the bond or other security, the license shall be automatically revoked.

[Statutory Authority: Chapter 28C.10 RCW. 87-02-019 (Resolution No. 86-81-3), § 490-800-180, filed 12/31/86. Statutory Authority: RCW 28C.10.010 through 28C.10.220. 86-15-075 (Order 86-78-3, Resolution No. 86-78-3), § 490-800-180, filed 7/23/86.]

**WAC 490-800-190 Prohibitions.** (See RCW 28C.10.110(11).) In addition to the act, it is deemed an unfair business practice for a private vocational school or agent to:

(1) Represent that the school is approved, recommended, or endorsed by the state of Washington or by the agency, except the fact that the school is authorized to operate under this chapter may be stated as follows: THIS SCHOOL IS LICENSED UNDER CHAPTER 28C.10 RCW; INQUIRIES REGARDING THIS OR ANY OTHER PRIVATE VOCATIONAL SCHOOL MAY BE MADE TO THE: WASHINGTON STATE COMMISSION FOR VOCATIONAL EDUCATION, BUILDING 17, AIRDUSTRIAL PARK, MS LS-10, OLYMPIA, WASHINGTON 98504 (206/753-5673);

(2) Advertise, offer, sell, or award any educational credential without requiring the consumer to enroll in and successfully complete a prescribed program of study, as outlined in the school's catalog or brochure;

(3) Sell, discount, or transfer contracts or promissory notes for tuition to third parties without the signed consent of the student or his/her financial sponsors, and a statement notifying all parties that the cancellation and refund policy continues to apply;

(4) Misrepresent to students the availability and/or amount of federal grants/loans potentially available.

[Statutory Authority: Chapter 28C.10 RCW. 87-02-019 (Resolution No. 86-81-3), § 490-800-190, filed 12/31/86. Statutory Authority: RCW 28C.10.010 through 28C.10.220. 86-15-075 (Order 86-78-3, Resolution No. 86-78-3), § 490-800-190, filed 7/23/86.]

**WAC 490-800-200 Complaints.** (See RCW 28C.10.080(5) and 28C.10.120.) (1) Complaints shall be made in writing to the agency and contain the following information:

(a) The complaining party's name, address, and phone number;

(b) School name, address, and phone number;

(c) Nature of complaint, such as, failure to refund tuition, misrepresentation, or other unfair business practice as specified in the act and these rules;

(d) Facts detailing dates of attendance, termination date, date of occurrence, names, addresses and positions of school officials contacted, financial loss, if any, and any other pertinent information;

(e) An explanation of what efforts have been taken to resolve the problem with the school, if any;

(f) Copies of pertinent documents, such as, the enrollment agreement, catalog, advertisements, etc.

(2) Upon receipt of a complaint or other allegation that an institution has failed or is failing to comply with the provisions of the act or this chapter, the executive director or his/her designee shall notify the institution by mail of the nature of such allegations and shall investigate the facts surrounding the allegations.

[Statutory Authority: Chapter 28C.10 RCW. 87-02-019 (Resolution No. 86-81-3), § 490-800-200, filed 12/31/86. Statutory Authority: RCW 28C.10.010 through 28C.10.220. 86-15-075 (Order 86-78-3, Resolution No. 86-78-3), § 490-800-200, filed 7/23/86.]

**WAC 490-800-205 Appeals.** (See RCW 28C.10.120 and 34.04.080.) Any person or educational institution feeling aggrieved by any dispute arising from the

following actions may request a hearing pursuant to WAC 490-800-208 and chapter 34.04 RCW:

(1) A denial of an exemption under chapter 28C.10 RCW and WAC 490-800-015.

(2) A denial, suspension or revocation of licensing under WAC 490-800-200.

(3) Any other action taken by the staff of the agency 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 shall first be appealed to the executive director.

[Statutory Authority: Chapter 28C.10 RCW. 87-02-019 (Resolution No. 86-81-3), § 490-800-205, filed 12/31/86.]

**WAC 490-800-208 Hearings.** (See RCW 28C.10.120.) (1) Any hearing called for under the act or these rules shall be conducted by a designated hearings officer in accordance with the Administrative Procedure Act, chapter 34.04 RCW.

(2) In addition, the agency authorizes a designated hearings officer to enter summary orders, in whole or in part, after notice and hearing to all parties pursuant to RCW 34.04.090(3) as now or hereafter amended. Motions shall be granted if the pleadings, dispositions, and admissions on file, together with any affidavits, show there is no genuine issue as to any material facts and that the moving party is entitled to the requested order(s) as a matter of law.

(3) A designated hearings officer shall 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.

(4) 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 28C.10 RCW. 87-02-019 (Resolution No. 86-81-3), § 490-800-208, filed 12/31/86.]

**WAC 490-800-210 Record retention.** (See RCW 28C.10.060(4) and 28C.10.160.) (1) Each school shall maintain for a minimum of six years from enrollment, student educational and financial records as defined by these rules, as well as past and current catalogs, catalog supplements, and errata sheets;

(2) "Educational records" include, but are not limited to, transcripts, indicating:

(a) The name, address, and telephone number of the school;

(b) Full name, address, and telephone number of the student;

(c) Dates of attendance;

(d) Course of instruction or subjects;

(e) Amount of credit, if any, for each subject;

(f) Grade for each subject;

(g) Date of completion, graduation, or termination;

(h) If termination, the reason(s) therefor;



- (i) Signature and title of the certifying officer; and
- (j) Date of issue.
- (3) "Financial records" include, but are not limited to, the following:
  - (a) Signed and completed enrollment agreements and other contracts;
  - (b) The student's payment record;
  - (c) Financial aid records.
  - (4) Schools shall maintain for a minimum of one year from date of publication all copies of newspaper ads and direct mail solicitations.
  - (5) Each school must provide, upon request, transcripts to students who have satisfied all financial obligations currently due and payable to the school.

[Statutory Authority: Chapter 28C.10 RCW. 87-02-019 (Resolution No. 86-81-3), § 490-800-210, filed 12/31/86. Statutory Authority: RCW 28C.10.010 through 28C.10.220. 86-15-075 (Order 86-78-3, Resolution No. 86-78-3), § 490-800-210, filed 7/23/86.]

**WAC 490-800-220 School closing/change of status.** (See RCW 28C.10.060(4) and 28C.10.160.) (1) The school shall make plans and take measures to protect the contractual rights of present and former students if it goes out of business. It shall return its license to the agency immediately by mail upon cessation of instruction or termination of approved status.

(2) A school which is closing, either voluntarily or involuntarily, shall:

(a) Inform the agency of this action immediately by certified mail;

(b) Give the name, address, and telephone number of the person who will be responsible for closing arrangements;

(c) Provide the agency with the name, address, and telephone number, and the name of the course of instruction for each student who has not completed the course;

(d) Provide information on the amount of class time left for each student to complete the course; the total amount of tuition and fees paid by each student for any program terminated due to the school's closing; whether or not the tuition and fees were paid through federal student loans, and, if so, the amount and type of loan (e.g., Pell Grant; Supplemental Education Opportunity Grant; National Direct Student Loan; etc.);

(e) Furnish the agency with copies of the written notice being mailed to all enrolled students explaining the procedures they are to follow to secure refunds or continue their education;

(f) File with the agency procedures for disbursement of refunds to students and set a date no longer than thirty days from the last day of instruction to issue refund checks in the full amount for which students are entitled.

(3) If students are receiving instruction prior to the school's going out of business, the school shall file with the agency its plans for insuring that all students will continue to receive training of the same quality and content as that for which they contracted:

(a) Arrangements for teaching out students made with a public or other licensed private school shall be filed with the agency;

(b) The agency shall verify that students transferring will receive the same kind of program and instructional services as those for which they contracted.

(4) Unless the student agrees in writing to comparable training, a closed school shall make pro rata refunds to the student or his/her parent, guardian or sponsor based on the proportion of the program remaining to be completed.

[Statutory Authority: Chapter 28C.10 RCW. 87-02-019 (Resolution No. 86-81-3), § 490-800-220, filed 12/31/86. Statutory Authority: RCW 28C.10.010 through 28C.10.220. 86-15-075 (Order 86-78-3, Resolution No. 86-78-3), § 490-800-220, filed 7/23/86.]

**WAC 490-800-230 Declaratory rulings.** (See RCW 28C.10.080(5), 28C.10.120, and 34.04.080.) As prescribed by RCW 34.04.080, any interested person may petition the agency's executive director or his/her designee for a declaratory ruling. The agency or executive director shall consider the petition and within a reasonable time shall:

(1) Issue a nonbinding declaratory ruling;

(2) Notify the person that no declaratory ruling is to be issued;

(3) Set a reasonable time and place for a hearing or the submission of written evidence upon the matter, and give reasonable notification to the person of the time and place for such hearing or submission and of the issues involved; or

(4) If a hearing is held or evidence is submitted as provided in subsection (3) of this section, the agency or executive director may issue a binding declaratory rule in addition to options in subsections (1) and (2) of this section.

[Statutory Authority: Chapter 28C.10 RCW. 87-02-019 (Resolution No. 86-81-3), § 490-800-230, filed 12/31/86. Statutory Authority: RCW 28C.10.010 through 28C.10.220. 86-15-075 (Order 86-78-3, Resolution No. 86-78-3), § 490-800-230, filed 7/23/86.]

**WAC 490-800-240 Declaratory rulings--Forms.** (See RCW 34.04.080 (annotated)). The form for petitioning the agency for a declaratory judgment shall be substantially similar to that found in RCW 34.04.080 (annotated).

[Statutory Authority: RCW 28C.10.010 through 28C.10.220. 86-15-075 (Order 86-78-3, Resolution No. 86-78-3), § 490-800-240, filed 7/23/86.]

**WAC 490-800-250 Degree-granting private vocational schools--Applicable rules.** (See RCW 28C.10.040(4).) (1) Institutional accredited degree-granting private vocational schools.

(a) Pursuant to rules adopted by the higher education coordinating board, that agency will exempt from compliance with chapter 28B.85 RCW those degree programs that are covered by the institution's accreditation. For purposes of this exemption, the board recognizes those national and regional institutional accrediting agencies recognized by the council on postsecondary accreditation.

(b) The commission for vocational education or its successor agency will process the application of an institutionally accredited degree-granting private vocational school which offers nondegree programs in accordance with chapter 28C.10 RCW. The license fee and bond or other security shall be based on the income derived from nondegree programs.

(2) Nonaccredited degree granting private vocational schools:

(a) The higher education coordinating board will process the application and collect the fee of nonaccredited degree-granting private vocational institutions when the majority of programs offered are degree programs. Nondegree programs will be reviewed by the commission for vocational education or its successor agency, as will student complaints regarding nondegree programs. A single surety bond or other security based on total tuition will be required and will name both agencies as obligees.

(b) The commission for vocational education or its successor agency will license nonaccredited degree-granting private vocational schools when the majority of programs offered are nondegree programs and collect fees based on annual income from nondegree programs; *Provided*, That the minimum initial fee shall be eight hundred dollars and the minimum renewal fee shall be four hundred dollars. Degree programs will be reviewed by the higher education coordinating board, as will student complaints regarding degree programs. A single surety bond or other security based on total tuition will be required and will name both agencies as obligees.

(3) If either the commission for vocational education or its successor agency or the higher education coordinating board revokes, suspends or fails to renew the license or authorization of an institution, it immediately will notify the other of such action.

[Statutory Authority: Chapter 28C.10 RCW. 87-02-019 (Resolution No. 86-81-3), § 490-800-250, filed 12/31/86.]