

(3) The guardian or duly appointed federal fiduciary of the estate of any insane or incompetent veteran.

(4) Guardian or duly appointed federal fiduciary of the estate of any person who is a bona fide resident of the state of Washington and who is certified by the veterans administration as having money due from the veterans administration, the payment of which is dependent upon the appointment of a guardian or other type fiduciary.

No estate larger than \$15,000.00, authorized by RCW 73.04.130 shall be eligible for any of the preceding categories.

[Statutory Authority: RCW 43.60A.070, 80-09-069 (Order 80-01), § 484-40-005, filed 7/17/80; Order 7659, § 484-40-005, filed 7/28/77.]

WAC 484-40-010 Conservation of income. Paramount in consideration in the handling of the funds of those eligible for fiduciary services shall be expenditure of funds in the best interest of the individual.

[Order 7659, § 484-40-010, filed 7/28/77.]

WAC 484-40-015 Case level. (1) The director of the department of veterans affairs, or his designee, is authorized to provide the scope of services enumerated under WAC 484-40-005. He is not required to do so.

(2) The director of veterans affairs shall determine when the case level is commensurate with available personnel and funding.

(3) The director of the department may refuse the provision of further services, under this chapter, whenever he deems appropriate for whatever reasons he deems appropriate.

[Order 7659, § 484-40-015, filed 7/28/77.]

WAC 484-40-020 Auditing. (1) All funds received and disbursed in conjunction with services afforded under this chapter shall be accounted for by generally accepted accounting standards.

(2) The director of the department of veterans affairs or his designee shall cause a fiscal audit to be performed on all records and documents pertaining to the funds for which conservatorship is afforded under this chapter.

(3) Such audit may be performed by accountants within the department of veterans affairs or accountants from another governmental agency.

(4) Such audit shall be performed at time intervals not to exceed fourteen months and shall ensure that no period of time shall be unaudited.

[Statutory Authority: RCW 43.60A.070, 80-09-069 (Order 80-01), § 484-40-020, filed 7/17/80; Order 7659, § 484-40-020, filed 7/28/77.]

Chapter 484-50 WAC PUBLIC RECORDS

WAC
484-50-005 Disclosure.
484-50-010 Exemptions.

[1988 WAC Supp—page 2932]

WAC 484-50-005 Disclosure. (1) All public records of the department of veterans affairs are available for public inspection and copying pursuant to these rules except as otherwise provided in RCW 42.17.310 and WAC 484-50-010.

(2) Requests for any identifiable public record may be initiated at the headquarters of the department of veterans affairs, in Olympia.

[Order 7659, § 484-50-005, filed 7/28/77.]

WAC 484-50-010 Exemptions. (1) The department of veterans affairs reserves the right to determine that a public record requested is exempt under the provisions of RCW 42.17.310 or federal or other state laws and regulations.

(2) Pursuant to RCW 42.17.260, the department of veterans affairs reserves the right to delete identifying details when it makes available or publishes any public record, in any case in which there is reason to believe that disclosure of such details may be unreasonable invasion of personal privacy. The public records officer shall fully justify such deletion in writing.

[Order 7659, § 484-50-010, filed 7/28/77.]

Title 490 WAC VOCATIONAL EDUCATION AND VOCATIONAL REHABILITATION, COMMISSION FOR (SOCIAL AND HEALTH SERVICES, DEPT. OF)

Chapter 490-800 Private vocational school regulations.

Chapter 490-800 WAC PRIVATE VOCATIONAL SCHOOL REGULATIONS

WAC
490-800-100 Application contents.
490-800-130 Financial standards.
490-800-180 Tuition recovery fund.
490-800-250 Degree-granting private vocational schools—Applicable rules.

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) **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.

(5) **Financial references.** The name of a bank or other financial institution that may be consulted as a financial reference for the entity and school.

(6) **Catalog.**

(7) **Enrollment agreement/contract.**

(8) **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. 87-14-007 (Resolution No. 87-86-4), § 490-800-100, filed 6/22/87; 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 490-800-130 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 contributions to the tuition recovery fund as required under WAC 490-800-180.

[Statutory Authority: Chapter 28C.10 RCW. 87-14-007 (Resolution No. 87-86-4), § 490-800-130, filed 6/22/87; 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 490-800-180 Tuition recovery fund. (1) Establishment of fund liability limits. The amount of liability that can be satisfied by this fund on behalf of each individual entity licensed under this chapter shall be based on the following scale:

Gross Annual Tuition Income:	Liability Limit:
\$ 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 \$ 350,000	\$ 35,000
\$ 350,001 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 calculation of gross annual tuition for a school located outside the state of Washington shall include only that income derived from residents of this state during the entity's preceding fiscal year of operation, as evidenced in the financial statement required by WAC 490-800-100(5); however institutions not yet in operation or otherwise lacking a full year's financial data prior to initial licensing, shall have a liability limit calculated on the basis of the gross annual tuition estimate that institution supplies under the provisions of

WAC 490-800-120; however no liability established in any circumstance shall be less than five thousand dollars or more than two hundred thousand dollars.

(2) Matrix for calculating pro rata deposits and other recovery fund obligations:

Level of Liability (Section 1):	Prorated Participatory Share:
\$ 5,000	0.15%
\$ 7,500	0.23%
\$ 10,000	0.30%
\$ 15,000	0.46%
\$ 20,000	0.61%
\$ 25,000	0.76%
\$ 35,000	1.07%
\$ 50,000	1.52%
\$ 75,000	2.28%
\$100,000	3.05%
\$125,000	3.81%
\$150,000	4.57%
\$175,000	5.33%
\$200,000	6.10%

(3) Initial capitalization. Within thirty days after enactment of Senate Bill No. 5880, 1987 regular session, each entity licensed under this chapter shall submit to the agency in cash, or by check or money order, the following amounts for deposit into the tuition recovery fund, those being calculated by application of the matrix displayed under subsection (2) of this section to an amount totaling two hundred thousand; however an amount calculated in like manner shall be remitted by each entity applying for licensure thereafter as a condition to the reissuance of such license:

Level of Liability (Section 1):	Capitalization Deposit:
\$ 5,000	\$ 305
\$ 7,500	\$ 457
\$ 10,000	\$ 609
\$ 15,000	\$ 914
\$ 20,000	\$ 1,219
\$ 25,000	\$ 1,523
\$ 35,000	\$ 2,133
\$ 50,000	\$ 3,046
\$ 75,000	\$ 4,570
\$100,000	\$ 6,093
\$125,000	\$ 7,616
\$150,000	\$ 9,139
\$175,000	\$ 10,663
\$200,000	\$ 12,186

(4) Five-year contribution schedule. As a condition to remaining licensed under this chapter, each entity shall, commencing six months after the due date of its initial payment and thereafter, remit to the agency for deposit into the tuition recovery fund semiannual payments in cash, or by check or money order in accordance with the following schedule, such amounts being calculated by application of the matrix displayed under subsection (2)

of this section to an amount totaling one million dollars; however the calculation of final payment may be adjusted to cover total remittances to equal the total amount of deposit due.

Level of Liability (Section 1):	Semiannual Deposit Required:
\$ 5,000	\$ 122
\$ 7,500	\$ 183
\$ 10,000	\$ 244
\$ 15,000	\$ 366
\$ 20,000	\$ 487
\$ 25,000	\$ 609
\$ 35,000	\$ 853
\$ 50,000	\$ 1,219
\$ 75,000	\$ 1,828
\$100,000	\$ 2,437
\$125,000	\$ 3,046
\$150,000	\$ 3,656
\$175,000	\$ 4,265
\$200,000	\$ 4,874

(5) The agency will prepare and mail to each licensee semiannual notices of the due dates and amounts of deposits required under subsection (4) of this section. The fee for late filings under WAC 490-800-120(3) of this chapter shall apply to late payments of deposits into the fund for a period cumulating to thirty days. Failure to make a deposit within thirty days is a violation of RCW 28C.10.050 (1)(f).

(6) Each notice conforming to subsection (5) of this section shall include therein at least once each year:

(a) A notation showing the licensee's aggregated prior deposits into the fund;

(b) A notation showing the licensee's balance of remaining payments, based on the most recent deposit received;

(c) A notation showing the cumulated balance existing in the fund at the most recent half-year accounting; and

(d) A summary showing any disbursements made from the fund to satisfy claims in the period since the last such similar summary was disseminated.

(7) Only when disbursements made to settle claims reduce the operating balance below two hundred thousand dollars following such disbursements, the agency shall assess each licensee a pro rata share of an amount required to restore the deficiency created by such disbursements, employing for calculations of each respective share the same percentages established by the matrix appearing under subsection (2) of this section. In the event that the amount of any single such assessment equals or is less than the semiannual amount of deposit established for a licensee under subsection (4) of this section, the assessment shall be paid within thirty days of notice. In the event any single assessment exceeds the amount of its semiannual deposit, the entity may apply to the agency for a schedule of deferred payments. The agency shall grant such deferrals on application, but in no case shall the time extended exceed one year beyond the date of an assessment.

(8) Funds disbursed to settle claims against a current licensee shall be recovered by the agency under a schedule to be negotiated with the affected entity on a case-by-case basis following such disbursal. To secure deferral of payment more than thirty days after demand for recovery is made, the burden to prove manifest hardship rests on the entity but in no case shall the time extended exceed one year beyond the date of the initial demand notice.

[Statutory Authority: Chapter 28C.10 RCW. 87-14-007 (Resolution No. 87-86-4), § 490-800-180, filed 6/22/87; 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 490-800-250 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. Contributions to the tuition recovery fund will be required under WAC 490-800-180.

(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. 87-14-007 (Resolution No. 87-86-4), § 490-800-250, filed 6/22/87; 87-02-019 (Resolution No. 86-81-3), § 490-800-250, filed 12/31/86.]

Title 491 WAC VOLUNTEER FIREMAN'S RELIEF AND PENSION BOARD

**Chapter
491-20 Public records.**

Chapter 491-20 WAC PUBLIC RECORDS

WAC	
491-20-010	Public records available.
491-20-020	Definitions.
491-20-030	Public records officer.
491-20-040	Requests for public records.
491-20-060	Exemptions.
491-20-070	Review of denials of public records requests.
491-20-080	Records index.
491-20-090	Request for records by mail—Address.

WAC 491-20-010 Public records available. All public records of the board for volunteer firemen, as defined in WAC 491-20-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310, and WAC 491-20-100.

[Statutory Authority: RCW 42.17.260(3). 87-16-013 (Order 89-1, Resolution No. 89-1), § 491-20-010, filed 7/24/87; Order II, § 491-20-010, filed 7/5/77.]

WAC 491-20-020 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 the board for volunteer firemen 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, magnetic or punched cards, discs, drums and other documents."

[Statutory Authority: RCW 42.17.260(3). 87-16-013 (Order 89-1, Resolution No. 89-1), § 491-20-020, filed 7/24/87; Order II, § 491-20-020, filed 7/5/77.]

WAC 491-20-030 Public records officer. The board for volunteer firemen's public records shall be in the charge of the board's public records officer. The public