

(c) Providing rates for new lines or extensions of lines or service not heretofore covered by any similar form of transportation or service or not competitive with any similar form of transportation or service.

If the new line, extension or service is covered by any form of transportation or service, and/or is competitive therewith, the tariff or supplement so filed, must provide the same rates or fares as those of the existing company unless full statutory notice is given prior to the beginning of operations.

(d) Adoption, suspension or vacating supplements as provided for in WAC 480-149-110.

(3) In the case of a change proposed by a rail carrier, a change resulting in increased rates or decreased value of service shall not become effective for twenty days after the notice is filed with the commission, and a change resulting in decreased rates or increased value of service, or changes which result in neither increases nor reductions, shall not become effective for ten days after the notice is filed with the commission.

(4) In cases of actual emergency, or when real merit is shown, the commission may, in its discretion, permit tariffs to become effective on less than the notice and the publication time periods specified in the statute or this section L.S.N. Application for such authority must be on a form supplied by the commission.

**Note:** The commission will not accept a tariff for L.S.N. action unless the cover letter under which the tariff is submitted or the form on which it is submitted clearly and prominently specifies that the tariff is submitted to become effective on less than statutory notice.

On every tariff or supplement that is issued on less than statutory notice by order or regulation of the commission, notation must be made that it is issued under L.S.N. order of the Washington utilities and transportation commission, number . . . of     (date)    , or by authority of Rule . . . W.U.T.C. Tariff Circular No. 6, or by authority of decision of the commission in Cause No. . . . .

(5) Whenever a carrier files a tariff on not less than forty-five days' notice, containing increased rates and charges for collection and disposal of solid waste, the carrier shall notify affected customers no later than the date of filing that a tariff of increased rates and charges is being filed with the Washington utilities and transportation commission, Olympia, Washington, proposed to become effective on the date stated in the filing and that the carrier has asked that it become effective on the date requested. The amount of increased charges must also be indicated. Notice shall be in writing and sent to customers by United States mail. The notice shall state that the proposed rates shall not become effective until reviewed by the commission. The notice shall also include a statement that affected customers who oppose the increase may express that opposition in writing to reach the Washington utilities and transportation commission not later than fourteen days from the date of the notice and shall state the address of the commission headquarters office. A copy of the notice shall also be mailed or delivered to at least one newspaper of general circulation in the area. The tariff filed with the commission must be accompanied by a letter of transmittal fully setting forth the reasons justifying

the proposed increased charges. The letter shall also state that notice has been given in the manner outlined above.

[Statutory Authority: RCW 80.01.040. 93-24-103 (Order R-400, Docket No. A-930517), § 480-149-120, filed 12/1/93, effective 1/1/94; 90-22-031 (Order R-329, Docket No. T-900076), § 480-149-120, filed 10/31/90, effective 12/1/90; 88-08-047 (Order R-285, Cause No. TG-2146), § 480-149-120, filed 4/4/88; 88-01-115 (Order R-283, Cause No. T-2118), § 480-149-120, filed 12/23/87; 83-11-019 (Order R-203, Cause No. TR-1697), § 480-149-120, filed 5/11/83. Statutory Authority: RCW 80.01.040 and 81.77.030. 79-01-034 (Order R-118, Cause No. TV-1182), § 480-149-120, filed 12/20/78; Order R-16, § 480-149-120, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

## **Title 490 WAC**

### **WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD ALSO VOCATIONAL REHABILITATION (SOCIAL AND HEALTH SERVICES, DEPT. OF)**

#### **Chapters**

- 490-04B Work force training and education coordinating board.**
- 490-08B Practice and procedure.**
- 490-10 Organization.**
- 490-13 Designation of rules coordinator.**
- 490-100 Private vocational school regulations.**
- 490-276 Access to public records.**
- 490-325A State Environmental Policy Act rules.**

#### **Chapter 490-04B WAC**

### **WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD**

#### **WAC**

- 490-04B-010 Time and place of board meetings.**

**WAC 490-04B-010 Time and place of board meetings.** The work force training and education coordinating board shall hold at least six regular meetings annually and such special meetings as may be requested by the chair of the board or by a majority of the members of the board and announced in accordance with law.

All regular and special meetings of the board are open to the general public, except for lawful executive sessions.

No official business may be conducted by the board except during a regular or special meeting.

[Statutory Authority: Chapter 28C.18 RCW. 93-06-005, § 490-04B-010, filed 2/18/93, effective 2/18/93.]

## Chapter 490-08B WAC PRACTICE AND PROCEDURE

### WAC

490-08B-010	Adoption of model rules of procedure.
490-08B-020	Appointment of presiding officers.
490-08B-030	Method of recording.
490-08B-040	Application for adjudicative proceeding.
490-08B-050	Brief adjudicative procedures.
490-08B-060	Discovery.
490-08B-070	Procedure for closing parts of hearings.
490-08B-080	Recording devices.

**WAC 490-08B-010 Adoption of model rules of procedure.** The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250 are adopted for use by the work force training and education coordinating board. Those rules may be found in chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules adopted by the board, the model rules prevail.

[Statutory Authority: Chapter 28C.18 RCW. 93-06-005, § 490-08B-010, filed 2/18/93, effective 2/18/93.]

**WAC 490-08B-020 Appointment of presiding officers.** The board's executive director or his/her designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington State Bar Association, a panel of individuals, the executive director or his or her designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, the executive director or his/her designee shall designate one person to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

[Statutory Authority: Chapter 28C.18 RCW. 93-06-005, § 490-08B-020, filed 2/18/93, effective 2/18/93.]

**WAC 490-08B-030 Method of recording.** Proceedings shall be recorded by a method determined by the presiding officer, among those available under the model rules of procedure.

[Statutory Authority: Chapter 28C.18 RCW. 93-06-005, § 490-08B-030, filed 2/18/93, effective 2/18/93.]

**WAC 490-08B-040 Application for adjudicative proceeding.** An application for adjudicative proceeding shall be in writing. Application forms are available at the following address: Building 17, Airdustrial Park, Olympia, Washington.

Written application for an adjudicative proceeding should be submitted to P.O. Box 43105, Olympia, Washington, 98504-3105 within twenty days of the agency action giving rise to the application unless provided for otherwise by statute or rule.

[Statutory Authority: Chapter 28C.18 RCW. 93-06-005, § 490-08B-040, filed 2/18/93, effective 2/18/93.]

### WAC 490-08B-050 Brief adjudicative procedures.

This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are adopted by reference. Brief adjudicative procedures shall be used in all matters related to adjudicative appeals filed under RCW 28C.10.120.

[Statutory Authority: Chapter 28C.18 RCW. 93-06-005, § 490-08B-050, filed 2/18/93, effective 2/18/93.]

**WAC 490-08B-060 Discovery.** Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall refer to the civil rules of procedure. The presiding officer may control the frequency and nature of discovery permitted and order discovery conferences to discuss discovery issues.

[Statutory Authority: Chapter 28C.18 RCW. 93-06-005, § 490-08B-060, filed 2/18/93, effective 2/18/93.]

**WAC 490-08B-070 Procedure for closing parts of hearings.** Any party may apply for a protective order to close part of a hearing. The party making the request shall state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within ten days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed and state the reasons in writing within twenty days of receiving the request.

[Statutory Authority: Chapter 28C.18 RCW. 93-06-005, § 490-08B-070, filed 2/18/93, effective 2/18/93.]

**WAC 490-08B-080 Recording devices.** No cameras or recording devices are allowed in those parts of proceedings that the presiding officer has determined shall be closed under WAC 490-08B-070, except for the method of official recording selected by the work force training and education coordinating board.

[Statutory Authority: Chapter 28C.18 RCW. 93-06-005, § 490-08B-080, filed 2/18/93, effective 2/18/93.]

## Chapter 490-10 WAC ORGANIZATION

### WAC

490-10-010 Organization—Operation—Information.

**WAC 490-10-010 Organization—Operation—Information.** (1) Organization. The work force training and education coordinating board is established in chapter 28C.18 RCW. The composition of the board is established under RCW 28C.18.020.

The board employs an executive director, who acts as the chief executive officer of the board.

(2) Operation. The administrative office is located at the following address: Building 17, Airdustrial Park, Olympia, Washington, 98504-3105.

The office hours are eight o'clock a.m. to five o'clock p.m., Monday through Friday, except legal holidays.

[Statutory Authority: Chapter 28C.18 RCW. 93-06-005, § 490-10-010, filed 2/18/93, effective 2/18/93.]

## Chapter 490-13 WAC

### DESIGNATION OF RULES COORDINATOR

#### WAC

490-13-010 Rules coordinator.

**WAC 490-13-010 Rules coordinator.** The rules coordinator for the work force training and education coordinating board is designated by the executive director and can be addressed at Building 17, Airdustrial Park, P.O. Box 43105, Olympia, Washington, 98504-3105.

[Statutory Authority: Chapter 28C.18 RCW. 93-06-005, § 490-13-010, filed 2/18/93, effective 2/18/93.]

## Chapter 490-100 WAC

### PRIVATE VOCATIONAL SCHOOL REGULATIONS

#### WAC

490-100-030	Definitions.
490-100-035	Auxiliary facilities.
490-100-040	Cancellation and refund policy.
490-100-050	Catalog, brochure, or other written material.
490-100-060	Enrollment contract or agreement.
490-100-070	Time of application.
490-100-080	Display of licenses—Loss or destruction—Change of name—Change of location.
490-100-090	Change of ownership—License nontransferable.
490-100-100	Application contents.
490-100-105	Application to operate as agent of private vocational school.
490-100-120	Fees.
490-100-130	Financial standards.
490-100-170	Equipment and materials.
490-100-180	Tuition recovery trust fund.
490-100-190	Prohibitions.
490-100-200	Complaints.
490-100-205	Appeals.
490-100-208	Hearings.
490-100-210	Record retention.
490-100-250	Degree-granting private vocational schools—Applicable rules.

**WAC 490-100-030 Definitions.** (1) The following is intended to clarify the statutory exemptions (see RCW 28C.10.030):

(a) "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.

(b) Entities not otherwise exempt offering only workshops or seminars lasting not more than three days and consisting of no more than twenty-four contact hours of instruction: *Provided*, That training is completed within the three days; and a vocational education program is not being offered through a series of supplementary seminars.

(2) To qualify for exemption under this subsection, an entity must apply to the agency on a form created for that purpose and secure approval. The term of any exemption

issued shall be limited to one calendar year and is subject to annual renewal on application.

(a) "Programs of continuing professional education" include review programs offered solely as preparation for tests leading to certification in specific disciplines, but not purporting to provide occupational competencies.

(b) Test preparation programs to which such exemption applies include those leading to: Certification by a state board of accountancy (CPA); certification by the institute of certified management accounting (CMA); admission to practice before a state bar; certification in health occupations initiated by the American Medical Association, American Dental Association, and/or their respective professional auxiliaries; and may include other pretesting review programs related to acquiring public certificates of convenience and necessity.

(3) The term "revoke" as used in RCW 28C.10.050(3) and elsewhere in these regulations means that the agency terminates the school license. When the license is revoked, the school is no longer legally authorized to continue operating.

(4) The term "suspend" as used in RCW 28C.10.050(3) and elsewhere in these regulations means that because of deficiencies, the agency interrupts for a stated time the school's authority to make offers of training, as that is defined under RCW 28C.10.020(9), and prohibits the school for that time to begin instruction of new students. The school may remain in operation to continue training students already enrolled and in good standing on the date such suspension commences.

(5) The term "to operate" as used in RCW 28C.10.020(10) and elsewhere under the act and these regulations is further defined to encompass any facility established, kept, or maintained within the state of Washington where, from, or through which education is offered and/or activities consistent with the definition of "private vocational school" under RCW 28C.10.020(7) are being conducted.

[Statutory Authority: Chapter 28C.10 RCW. 93-22-034, § 490-100-030, filed 10/28/93, effective 10/28/93; 91-08-029, § 490-100-030, filed 3/29/91, effective 3/29/91; 91-01-056, recodified as § 490-100-030, filed 12/13/90, effective 12/13/90; 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 490-100-035 Auxiliary facilities.** (See RCW 28C.10.020(7).) Any location within the state of Washington at which an entity provides postsecondary education in any form or manner for the purpose of instructing, training, or preparing persons for any vocation or profession is deemed to be a private vocational school within the meaning of RCW 28C.10.020(7), except for case-by-case exemptions that may be granted for activities that meet the following definition of "auxiliary facility."

(1) Upon application to the agency on forms provided for that purpose, a licensed private vocational school may be authorized to provide training services at an additional physical site termed an "auxiliary facility."

To qualify for the designation "auxiliary facility," the site must be established by the licensee to meet one or more of the following criteria:

(a) To absorb a temporary overload which the licensed facility cannot accommodate; or

(b) To provide a single, specialized kind of training activity, generally on a short-term basis, under circumstances that cannot readily be accommodated at the licensed facility; or

(c) To provide training under contract(s) with a public agency, private company, or other sponsoring entity: *Provided*, That no fiduciary responsibility is created between students and the licensee under such arrangements: *Provided further*, That the training offered is not open to general enrollment.

(2) To have any of its activities classified as an "auxiliary facility" and not subject to being licensed as a private vocational school, a licensee must secure approval from the agency in advance of conducting operations at such a site by documenting that it meets one of the above definitions and in addition that:

(a) The instructional program(s), site administration, and training provided at the auxiliary facility are significantly integrated with the licensee's primary facility; and

(b) The address of the auxiliary facility will not be represented as a school location and can not be included in advertising. No enrollment can be completed at an auxiliary facility.

(3) Activities carried forward at an auxiliary facility must be regularly incorporated into operational and financial data reported to the agency by the licensee: *Provided*, That income derived from activities conducted under contract (see: Subsection (1)(c) of this section) will not be included as "tuition income" for purposes of calculating license fees and/or contributions to the tuition recovery trust fund.

[Statutory Authority: Chapter 28C.10 RCW. 93-22-034, § 490-100-035, filed 10/28/93, effective 10/28/93; 91-08-029, § 490-100-035, filed 3/29/91, effective 3/29/91; 91-01-056, codified as § 490-100-035, filed 12/13/90, effective 12/13/90.]

#### **WAC 490-100-040 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 any refund due to students receiving federal financial assistance, grant, or loan, will be refunded by the school to the particular federal financial aid program in accordance with federal law:

(1) Refunds applicable to resident training programs:

(a) A full refund of all money paid if the applicant is not accepted by the school;

(b) A full refund of all money paid if the applicant withdraws not later than midnight on the fifth business day (excluding Sundays and holidays) after signing the contract or making an initial payment, provided that the applicant has not commenced training;

(c) After five 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;

(d) The official date of termination of a student shall be the last date of recorded attendance:

(i) When the school receives notice of the student's intention to discontinue the training program;

(ii) When the student is terminated for a violation of a published school policy which provides for termination;

(iii) When a student, without notice to the institution, fails to attend classes for thirty calendar days.

(e) If training is terminated after entering classes, the student is financially obligated to the school according to the following formulas or maximum charges:

(i) Termination during first week or ten percent of contracted instructional time, whichever is less. School may retain ten percent of tuition cost plus registration fee established under (c) of this subsection;

(ii) Termination after first week or ten percent of contracted instructional time, 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 registration fee established under (c) of this subsection;

(iii) Termination after completion of first twenty-five percent and up to and including fifty percent of contracted instructional time. School may retain fifty percent of tuition cost plus registration fee established under (c) of this subsection;

(iv) Termination after completion of more than fifty percent of contracted instructional time. School may retain the full tuition cost plus registration fee established under (c) of this subsection.

(2) Correspondence/home study programs.

(a) A student may request cancellation in whatever manner. Upon cancellation, all money due the student must be refunded within thirty calendar days.

(b) The following applies as a minimum policy for home study courses without mandatory resident training:

(i) An enrollment may be canceled by an applicant student within five calendar days after midnight of the day on which the enrollment agreement is signed. In the event of dispute over timely notice, the burden to prove service rests on the sender.

(ii) From five calendar days after midnight of the day on which the enrollment agreement is signed and until such time that the school receives the first completed lesson assignment from the student, the student may cancel the enrollment contract and the school is entitled to retain only a registration fee of either fifty dollars or an amount equal to fifteen percent of the tuition; but in no case is the school entitled to a registration fee greater than one hundred fifty dollars.

(iii) After the school receives the first completed lesson assignment and until the student completes half the total number of lesson assignments in the program, he/she is obligated to the school according to the following:

(iv) Up to and including the first ten percent of the program, ten percent of the total tuition cost plus the amount of the registration fee;

(v) After completing more than ten percent of the program and up to and including completion of twenty-five percent of the program, twenty-five percent of the total tuition cost plus the registration fee;

(vi) After completing more than twenty-five percent of the program and up to and including completion of fifty percent of the program, fifty percent of the total tuition cost plus the amount of the registration fee;

(vii) If the student completes more than one-half of the program, the school shall have earned the full amount of the tuition and registration fee.

(viii) The amount of the course completed shall be calculated by factoring the number of completed lesson assignments received by the school into the total number of lesson assignments contained in the program.

(c) The following applies as minimum requirements for a correspondence/home study program which includes mandatory resident training courses. Programs which include optional resident training, seminars, or other optional contact hours of instruction, shall be subject to refund as home study programs under (b)(i) through (viii) of this subsection. Separate charges may not be made for optional resident training.

(i) For a course that contains mandatory resident training, the tuition price for the home study portion and the tuition price for the resident portion must be separately stated on the enrollment agreement/contract. The total of the two is the price of the program.

(ii) For cancellation and settlement of the home study portion of the combination program, the provisions of (b)(i) through (viii) of this subsection shall apply.

(iii) For the mandatory resident portion of the program, commencing from the first resident class session if the student requests a cancellation, the provisions of subsection (1)(e)(i) through (iv) of this section shall apply.

(iv) The amount of resident training completed shall be calculated by factoring the number of instructional days the student attends resident training into the total number of training days provided in the resident training program.

(d) Upon cancellation, a home study student whose tuition is paid in full shall be entitled to receive all course materials, including kits and equipment.

(3) If a school continues to operate under its license but discontinues instruction in any program after training of students has begun, the students enrolled in the discontinued program are entitled to a pro rata refund of all tuition and fees paid unless comparable training is arranged by the school to be provided at another public or private vocational school and such arrangements are agreed to in writing by the student as provided by WAC 490-100-220(4).

(a) Notice in advance of the discontinuance must be provided to the agency and to students in writing, including at the least data required under WAC 490-100-220(2).

(b) The term "discontinued" generally applies to the elimination by the school of a particular course offering prior to its completion. However, the term includes circumstances where program(s) commenced at a specific location under terms of an enrollment agreement are relocated to substituted physical site.

(c) A student affected by relocation may voluntarily accept transportation and other arrangements offered by the school in order to continue his/her training or may file a refund claim.

(d) Requests for refunds pursuant to this provision must be made in writing by the enrolled student within ninety calendar days following discontinuation of the program. Money due the applicant/student shall be refunded within thirty calendar days after receipt of the request.

[Statutory Authority: Chapter 28C.10 RCW. 93-22-034, § 490-100-040, filed 10/28/93, effective 10/28/93; 91-08-029, § 490-100-040, filed 3/29/91, effective 3/29/91; 91-01-056, recodified as § 490-100-040, filed 12/13/90, effective 12/13/90; 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 490-100-050 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 in some combination of its catalog, brochure, or other written material, at least 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 the name and address of its parent corporation, if a subsidiary;

(3) Names, addresses, and telephone numbers of the school's administrative offices and all auxiliary facilities;

(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 procedures including, policies and regulations describing accurately and completely all prerequisites (e.g., GED, physical requirements, etc.) needed by an average student to:

(a) Fulfill the skills assessment requirements adopted/developed by the school and applied to each applicant as part of the admissions process;

(b) Successfully complete the programs of study in which they are interested; and

(c) Qualify 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 together with a description of the equipment available for student use, the maxi-

mum or usual class size and the average student/teacher ratio;

(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 program of instruction, including:

(a) Specific program objectives: The educational or vocational objective of each program including the job titles in occupations for which the course or program purports to train;

(b) The number of clock or credit hours of instruction offered in each course and program and method of instruction employed (e.g., correspondence, classroom, lab, computer assisted) in each course and the average length of time stated in hours, weeks, or months normally required for successful completion;

(c) If instruction is calculated in credit hours, the catalog must display at least one prominent statement describing the contact hour conversion formula applied by the school: The number of contact hours applicable to each quarter or semester credit hour of lecture, laboratory/practicum, and/or internship/externship.

(d) For the purpose of correspondence/home study schools, instructional sequences may be described in numbers of lessons completed. "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;

(e) The scope and sequence of courses or programs required to achieve the educational objective;

(f) A statement indicating what type of certificates, diplomas or other educational credentials are awarded upon graduation or successful 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 following statement shall appear prominently on either the first or last printed page or inside the front or back cover: THIS SCHOOL IS LICENSED UNDER CHAPTER 28C.10 RCW; INQUIRIES OR COMPLAINTS REGARDING THIS OR ANY OTHER PRIVATE VOCATIONAL SCHOOL MAY BE MADE TO THE: WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD, BUILDING 17, AIRDUSTRIAL PARK, P.O. BOX 43105, OLYMPIA, WASHINGTON 98504-3105 (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 prior to being used (see RCW 28C.10.110(2));

(a) Supplement pages or errata sheets shall be fastened to or otherwise made an integral part of that publication;

(b) The catalog/bulletin supplement or errata sheets shall include the publication date;

(c) In event that information on a supplement or errata sheet supplants any other information contained in the catalog/bulletin, the insert shall specifically identify the information it contradicts or replaces, including at the least an appropriate page reference.

[Statutory Authority: Chapter 28C.10 RCW. 93-22-034, § 490-100-050, filed 10/28/93, effective 10/28/93; 91-08-029, § 490-100-050, filed 3/29/91, effective 3/29/91; 91-01-056, recodified as § 490-100-050, filed 12/13/90, effective 12/13/90; 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 490-100-060 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 a binding obligation 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; INQUIRIES OR COMPLAINTS REGARDING THIS OR ANY OTHER PRIVATE VOCATIONAL SCHOOL MAY BE MADE TO THE: WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD, BUILDING 17, AIRDUSTRIAL PARK, P.O. BOX 43105, OLYMPIA, WASHINGTON 98504-3105 (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 program or course title as that appears in the school's catalog, date training is to begin, and the number of hours or units of instruction or lessons for which the student is enrolled;

(c) An itemization of all charges, fees, and required purchases being incurred by the student or his/her sponsor in order to complete the training, such as tuition; fees; books; supplies (where appropriate), and all other items of expense required by the school. The student enrollment agreement shall also contain the methods of payment and/or payment schedule being established;

(d) Language explaining that the agreement will be binding only when it has been 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 acknowledged 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) ALL PAGES OF THE CONTRACT ARE BINDING.



(c) READ BOTH SIDES OF ALL PAGES BEFORE SIGNING.

(d) YOU ARE ENTITLED TO AN EXACT COPY OF THE AGREEMENT, SCHOOL CATALOG AND ANY OTHER PAPERS YOU SIGN AND ARE REQUIRED TO SIGN A STATEMENT ACKNOWLEDGING RECEIPT OF THOSE.

(e) IF YOU HAVE NOT STARTED TRAINING, YOU MAY CANCEL THIS CONTRACT BY PROVIDING WRITTEN NOTICE OF SUCH CANCELLATION TO THE SCHOOL AT ITS ADDRESS SHOWN ON THE CONTRACT WHICH NOTICE SHALL BE POST-MARKED NOT LATER THAN MIDNIGHT OF THE FIFTH BUSINESS DAY (EXCLUDING SUNDAYS AND HOLIDAYS) FOLLOWING YOUR SIGNING THIS CONTRACT OR THE WRITTEN NOTICE MAY BE PERSONALLY OR OTHERWISE DELIVERED TO THE SCHOOL WITHIN THAT TIME. IN EVENT OF DISPUTE OVER TIMELY NOTICE, THE BURDEN TO PROVE SERVICE RESTS ON THE SENDER.

(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) Physically attached to each completed contract shall be a one-page form constructed by the agency and supplied in prototype to each licensee, containing acknowledgements signed by the school and the enrollee relating to the student's rights, responsibilities, and loan repayment obligations; and attesting that the school counseled the enrollee against incurring excessive debt burdens.

(7) The school shall retain the original of the student enrollment agreement and one copy shall be delivered to the student at the time of execution or by return mail when the enrollment is solicited by mail.

[Statutory Authority: Chapter 28C.10 RCW. 93-22-034, § 490-100-060, filed 10/28/93, effective 10/28/93; 91-08-029, § 490-100-060, filed 3/29/91, effective 3/29/91; 91-01-056, recodified as § 490-100-060, filed 12/13/90, effective 12/13/90; 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 490-100-070 Time of application.** (See RCW 28C.10.060.) (1) **Initial licensing.** Any entity must initially be licensed by the agency at least thirty calendar days prior to the date on which it first makes offers of educational services or operates as a private vocational school;

(2) **Renewal.** Each private vocational school must annually renew its license. No later than thirty calendar days prior to the anniversary date of its license, the private vocational school must file with the agency a completed application for license renewal, including a financial statement, attested to by the chief administrative officer; amend any statements or materials on file which are no longer accurate; and pay the required fees.

(3) A license may be denied, revoked, or suspended by the agency's executive director or his/her designee for just cause.

[Statutory Authority: Chapter 28C.10 RCW. 93-22-034, § 490-100-070, filed 10/28/93, effective 10/28/93; 91-08-029, § 490-100-070, filed 3/29/91, effective 3/29/91; 91-01-056, recodified as § 490-100-070, filed 12/13/90, effective 12/13/90; 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 490-100-080 Display of licenses—Loss or destruction—Change of name—Change of location.** (See RCW 28C.10.060.) (1) Licenses shall be issued in the name of the applicant school showing that name, its address, and phone number. In the instance of schools under a common ownership, the name of the owning entity shall also be shown.

(2) A certificate shall be issued to each auxiliary facility for which approval is requested and granted in accordance with the provisions of WAC 490-100-035. It shall contain the identifications described under subsection (1) of this section.

(3) Display. Each school shall prominently display its license and/or certificate issued to an auxiliary facility to the public, prospective students, and other interested persons at each location.

(4) Loss or destruction. Upon the loss or destruction of any license and/or certificate issued to an auxiliary facility, application for a duplicate and payment of the appropriate license reissuance fee must be made to the agency. See WAC 490-100-120(4).

(5) Change of name. No licensee shall adopt or make a change in its name without providing prior written notification to the agency together with payment of the appropriate license reissuance fee. See WAC 490-100-120(5).

(6) Change of location. No change in the location of licensed premises including auxiliary facilities, if any, shall be made without first applying to and obtaining prior written consent of the agency and making payment of the appropriate license reissuance fee. See WAC 490-100-120(6).

[Statutory Authority: Chapter 28C.10 RCW. 93-22-034, § 490-100-080, filed 10/28/93, effective 10/28/93; 91-08-029, § 490-100-080, filed 3/29/91, effective 3/29/91; 91-01-056, recodified as § 490-100-080, filed 12/13/90, effective 12/13/90; 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 490-100-090 Change of ownership—License nontransferable.** (See RCW 28C.10.060.) (1) The ownership of a licensed entity is deemed to have changed at the consummation of:

(a) A sale by the sole proprietor of a school: *Provided*, That for the purposes of this section, ownership is not deemed to have changed if the selling proprietor becomes the sole stockholder of the buying corporation and that no change of control in school operations results therefrom;

(b) A change in the majority interest of general partners of a partnership owning a school; or

(c) A sale or transfer of stock occurs that creates a change in the majority interest in the issued and outstanding shares of a corporation owning a school.

(2) No license issued under this chapter is transferrable. Simultaneous with consummating the change(s) described under subsection (1) of this section, the license(s) issued to the existing owner(s) expires.

(3) The provisions of subsection (2) of this section notwithstanding, to maintain a continuity of operation the new ownership may make application for a new license no

less than fifteen calendar days prior to the change of ownership. On receipt of such advance application, the agency may extend the existing license for a maximum sixty calendar days beyond the date that ownership changes: *Provided*, That the new applicant's 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 in the period during which the application for new license is pending.

(4) In event the new owner(s) fail to become licensed within no more than sixty calendar days after the date of sale or transfer of ownership and provided no further extension of time has been granted by the agency, continued operation beyond that date as a private vocational school will constitute a violation of RCW 28C.10.090.

[Statutory Authority: Chapter 28C.10 RCW. 93-22-034, § 490-100-090, filed 10/28/93, effective 10/28/93; 91-08-029, § 490-100-090, filed 3/29/91, effective 3/29/91; 91-01-056, recodified as § 490-100-090, filed 12/13/90, effective 12/13/90; 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 490-100-100 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 owner, current telephone number, current mailing address, the school's name, if different from owner, 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, and prior school affiliations if any, 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) Schools under common ownership.** Application(s) for initial and renewal licensing may be submitted by a single entity on behalf of each private vocational school under its common ownership: *Provided*, That the owning

entity controls the licensee's recruiting activities, faculty, and administrators, course curricula and guidelines for teaching, and is otherwise wholly accountable for its operations.

(a) Each license issued to a private vocational school under common ownership shall be valid only for the location listed in the initial and renewal applications and the name of the owning entity shall be shown thereon in addition to information identifying the individual site.

(b) A single location may be designated by the owning entity as the principal facility for recordkeeping via prior written notice to the agency.

**(3) 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 in a format supplied by the agency that:

(i) Is certified true and accurate by the school's chief administrative officer or his/her designee; and

(ii) Covers the period of the most recently completed of the periods established in (a) of this subsection.

(c) On a showing by the school that inadequate time exists to produce such data in the interval between the ending date of the period established in (a) of this subsection and the due date of an application, the agency will adjust the license period of the school to provide a reasonable interval.

(d) Any entity just starting operations at the time of initial licensing must substitute for the financial statement described under (b) of this subsection, a proposed operating budget for its initial twelve months' period of operation using a format provided by the agency.

(e) Any entity seeking initial licensing as a private vocational school which has operated another business or businesses for one year or more prior to filing an application under chapter 28C.10 RCW, shall include in its initial application, in addition to the requirements under (d) of this subsection, a financial statement for any one or more such additional business(es) that is prepared by a certified public accountant and/or certified by its chief administrative officer, covering the period of its most recently completed fiscal year.

(f) The owning entity of multiple schools under a common ownership may file financial information with initial or renewal license applications that consists of a single, consolidated financial statement and balance sheet for the corporate entity, as described under (b) of this subsection: *Provided*, That it is accompanied by data extracted therefrom that documents total tuition earnings for each licensee under its common ownership at the close of its most recent fiscal year of operation, or lacking historic data, projects total tuition earnings for a subject school in its first or next completed twelve months of operation.

**(4) Financial references.** The applicant shall furnish the name(s) of one or more bank(s) or other financial institution(s) that may be consulted as financial reference(s) for the entity and school, together with a statement authorizing the agency to verify such information by consulting with the references furnished.



- (5) A copy of the applicant's catalog.
- (6) A copy of the applicant's enrollment agreement/contract.
- (7) Administrators/instructors educational and occupational records, employing qualification forms supplied by the agency for that purpose, evidencing names, Social Security numbers, addresses, phone numbers, positions, education, experience, prior school affiliations, and birthdates.

[Statutory Authority: Chapter 28C.10 RCW. 93-22-034, § 490-100-100, filed 10/28/93, effective 10/28/93; 91-08-029, § 490-100-100, filed 3/29/91, effective 3/29/91; 91-01-056, recodified as § 490-100-100, filed 12/13/90, effective 12/13/90; 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 490-100-105 Application to operate as agent of private vocational school.** (See RCW 28C.10.060.) (1) No person shall act in this state as an agent for a private vocational school for more than thirty calendar days after employment unless the agency has approved the individual's registration as an agent as part of the school's license.

(2) The application shall be in writing, upon forms prepared and supplied by the agency and shall contain at least the following:

- (a) The full name, Social Security number, current address, and phone number of the individual applying for registration;
- (b) The name, current address, and phone number of the employing school;
- (c) The employment history of the applicant;
- (d) The signatures of the applicant and chief administrative officer of the school.

(3) Each individual applying to be registered under this chapter as an agent shall be considered for all purposes under chapter 28C.10 RCW to be acting as an agent of the licensee designated on his/her application and no person can be independently registered to perform those functions.

(4) In the instance of an individual who applies to represent a private vocational school that is domiciled in another state and does not operate training facility(ies) within Washington state, the application shall be accompanied by the fee in WAC 490-100-120(2).

(5) Each school to whom the agent is registered shall notify the agency in writing within no more than thirty calendar days following the date that the registered agent ceases to perform those services.

(6) Each school shall provide training to a sales agent prior to his/her representing the school in that capacity that includes:

- (a) Provisions of the Private Vocational School Act (chapter 28C.10 RCW) and the regulations contained in this chapter;
- (b) A detailed review of the school's catalog, enrollment contract, and refund policy;
- (c) An organized review of the school's policies and practices governing the ethical conduct of sales agents.

[Statutory Authority: Chapter 28C.10 RCW. 93-22-034, § 490-100-105, filed 10/28/93, effective 10/28/93; 91-08-029, § 490-100-105, filed 3/29/91, effective 3/29/91; 91-01-056, recodified as § 490-100-105, filed 12/13/90, effective 12/13/90; 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 490-100-120 Fees.** (See RCW 28C.10.060(3).) No fee accompanying an application for a license or permit is refundable and no right to license or permit being sought is established or implied through the payment thereof.

(1) Annual fee:

(a) For in-state schools, the annual application fee for licensing is based on total annual tuition income.

(b) For out-of-state schools, the annual application fee for licensing is based on total annual tuition income received from or on behalf of Washington state residents.

(c) Schools not having been in operation prior to the date of their initial licensing shall base their application fee for licensing upon estimated total annual tuition income.

Total Annual Tuition Income	Application 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: \$120 annual application fee per agent per school represented.

(3) Fee for late filing of renewal application: \$25 per day for the thirty calendar days prior to the expiration of the current school license;

(4) Loss or destruction of license/auxiliary certificate. Reissuance fee: \$25.

(5) Change of name. Reissuance fee: \$25.

(6) Change of location. Reissuance fee: \$25.

(7) Auxiliary location. Certificate issuance fee: \$25.

[Statutory Authority: Chapter 28C.10 RCW. 93-22-034, § 490-100-120, filed 10/28/93, effective 10/28/93; 91-08-029, § 490-100-120, filed 3/29/91, effective 3/29/91; 91-01-056, recodified as § 490-100-120, filed 12/13/90, effective 12/13/90; 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 490-100-130 Financial standards.** (See RCW 28C.10.050 (1)(a).) The school must demonstrate that it has sufficient financial resources to:

- (1) Fulfill its contracted obligations to students;
- (2) Meet all refund obligations incurred under a uniform state-wide cancellation and refund policy as specified in these rules;
- (3) Meet the school's operational expenses and maintain its financial obligations;
- (4) Make scheduled contributions to the tuition recovery trust fund as required under WAC 490-100-180.

[Statutory Authority: Chapter 28C.10 RCW. 93-22-034, § 490-100-130, filed 10/28/93, effective 10/28/93; 91-08-029, § 490-100-130, filed 3/29/91, effective 3/29/91; 91-01-056, recodified as § 490-100-130, filed 12/13/90, effective 12/13/90; 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 490-100-170 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 in number and condition to achieve the stated educational objectives of the course. It shall be comparable in number and quality with those used by comparable schools with similar programs and educational objectives, comparable to that in current use by the appropriate trade, business or profession, and be of sufficient quantity for the number of enrolled students.

[Statutory Authority: Chapter 28C.10 RCW. 93-22-034, § 490-100-170, filed 10/28/93, effective 10/28/93; 91-08-029, § 490-100-170, filed 3/29/91, effective 3/29/91; 91-01-056, recodified as § 490-100-170, filed 12/13/90, effective 12/13/90; 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 490-100-180 Tuition recovery trust fund.** (See RCW 28C.10.082, and 28C.10.084.) (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:

Total 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 to \$ 2,000,000	\$ 200,000
\$ 2,000,001 to \$ 2,250,000	\$ 225,000
\$ 2,250,001 to \$ 2,500,000	\$ 250,000
\$ 2,500,001 to \$ 2,750,000	\$ 275,000

Provided: (a) That the calculation of total 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 490-100-100(4); (b) 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 total annual tuition estimate that institution supplies under the provisions of WAC 490-100-100(4); (c) no liability established in any circumstance shall be less than five thousand dollars.

(2) Matrices for calculating initial deposits and any assessments necessary under subsection (8) of this section:

Level of Liability (Subsection 1):	Prorated Participatory Share for the First Five Years:
\$ 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%
\$ 225,000	\$6.86%
\$ 250,000	\$7.62%
\$ 275,000	\$8.38%

Level of Liability Subsection (1):	Prorated Participatory Share for the Second Five Years:
\$ 5,000	\$0.04%
\$ 7,500	\$0.06%
\$ 10,000	\$0.08%
\$ 15,000	\$0.12%
\$ 20,000	\$0.33%
\$ 25,000	\$0.41%
\$ 35,000	\$0.58%
\$ 50,000	\$0.82%
\$ 75,000	\$1.24%
\$ 100,000	\$1.65%
\$ 125,000	\$2.06%
\$ 150,000	\$2.47%
\$ 175,000	\$2.89%
\$ 200,000	\$3.30%
\$ 225,000	\$3.71%
\$ 250,000	\$4.12%
\$ 275,000	\$4.53%

(3) Initial deposit. Each entity applying to be initially 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 trust fund, those being calculated by application of the matrix displayed under subsection (2) of this section;

Level of Liability (Subsection 1):	Initial 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
\$ 225,000	\$ 13,710
\$ 250,000	\$ 15,233
\$ 275,000	\$ 16,757

(4) Ten-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 deposit and thereafter, remit to the agency for deposit into the tuition recovery trust 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 two matrices and/or formula 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 (Subsection 1):	Schedule 1 Semiannual Deposit Required for First Five Years:
\$ 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
\$225,000 .....	\$ 5,483
\$250,000 .....	\$ 6,092
\$275,000 .....	\$ 6,702

Level of Liability Subsection (1):	Schedule 2 Semiannual Deposit Required for Second Five Years:
\$ 5,000 .....	\$ 61
\$ 7,500 .....	\$ 92
\$ 10,000 .....	\$ 122
\$ 15,000 .....	\$ 183
\$ 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
\$225,000 .....	\$ 5,483
\$250,000 .....	\$ 6,092
\$275,000 .....	\$ 6,702

(5) Transition back into tuition recovery trust fund.

(a) Participants under the fund who completed an assigned schedule of ten semiannual deposits under provisions of RCW 28C.10.084, referenced under subsection (4) of this section as schedule 1, prior to enactment of chapter 445, Laws of 1993, are required thereby to make an additional ten semiannual deposits into the fund under the provisions of schedule 2, as referenced under subsection (4) of this section. The first such deposit under schedule 2 shall be made on or before January 1, 1994. Billings for the correct amount of deposit due shall be created by the agency and mailed to each affected participant prior to December 1, 1993.

(b) Participants under the fund who failed to complete an assigned schedule of ten semiannual deposits under provisions of RCW 28C.10.084, referenced under subsection (4) of this section as schedule 1, prior to the enactment of chapter 445, Laws of 1993, are required to continue making deposits required by schedule 1 until all have been completed. Six months thereafter, such participants shall commence making an additional ten semiannual deposits into the fund under the provisions of schedule 2, as referenced under subsection (4) of this section. Billings for the correct amount of deposit due shall be created by the agency and

mailed to each affected participant one month prior to the due date.

(6) 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 490-100-120(3) of this chapter shall apply to late payments of deposits into the fund for a period cumulating to thirty calendar days. Failure to make a deposit within thirty calendar days is a violation of RCW 28C.10.050 (1)(f).

(7) Each notice conforming to subsection (6) 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.

(8) Within thirty calendar days after disbursements made to settle claims reduce the operating balance below two hundred thousand dollars until June 30, 1998, or below one million dollars thereafter and recovery of such funds has not been ensured under the provisions of RCW 28C.10.084 (9)(d) and/or (10), the agency shall assess each licensee a pro rata share of an amount required to restore the deficiency created by such disbursements. In making calculations of each respective share the agency shall employ the same percentages of liability established 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 calendar 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.

(9) 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 disbursement. To secure deferral of payment more than thirty calendar 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.

(10) Any award due to claimants with an outstanding balance on federal student loans under Title IV of the Higher Education Act will be disbursed by the agency to the particular federal financial aid program in accordance with federal law. Implementation of this provision will be effected through an interagency agreement with the Northwest Education Loan Association.

[Statutory Authority: Chapter 28C.10 RCW. 93-22-034, § 490-100-180, filed 10/28/93, effective 10/28/93; 91-08-029, § 490-100-180, filed 3/29/91, effective 3/29/91; 91-01-056, recodified as § 490-100-180, filed 12/13/90, effective 12/13/90; 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 490-100-190 Prohibitions.** (See RCW 28C.10.110(11).) (1) In addition to the act, it is deemed an unfair business practice for a private vocational school or agent to:

(a) 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;

(b) 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;

(c) Misrepresent to students the availability and/or amount of federal grants/loans potentially available.

(d) Employ the term "accredited" in advertising of any form or manner and/or including that term in any publication(s) unless:

(i) The institution holds a current grant of accreditation;

(ii) The term "accredited" is accompanied with equal prominence by the full name and/or seal of the agency or body from whom the licensee holds a current grant of accreditation; and

(iii) In the event the referenced accrediting agency is not included in the listing of accrediting agencies currently recognized by the United States Secretary of Education under the provisions of the Higher Education Act (Chapter 34 CFR), as amended, the licensee shall, prior to making such a representation, supply the agency with evidence of its grant of accreditation and such other information as the agency may require regarding the nature and scope of the referenced accrediting agency. The agency will approve or disapprove its use.

(2) A school is prohibited under RCW 28C.10.110(3) from advertising in portions of publications devoted to recruiting employees for available jobs — commonly called "help wanted columns": *Provided however*, That a school can advertise under a help wanted classification for the purposes of:

(a) Making an offer of employment for its own bona fide job openings;

(b) Soliciting job opportunities for available graduates.

(c) To establish consistency in the implementation of this section, the following definitions will apply:

(i) "Advertise" means the publishing by a school of information that establishes its identity, location, and nature of course offerings available, and that may or may not contain an offer of training.

(ii) "Help wanted section" means any classified advertising section/subdivision in a publication that contains offers of employment. The particular wording any publication may choose to caption such a section is not material.

(iii) "Newspaper" means a printed publication usually issued daily or weekly, containing news, editorials, advertisements, etc. The proportionate mixture of contents is immaterial. The definition extends, for example, to tabloids such as "nickel-savers" that contain primarily or exclusively ad-

vertising. It is not material whether the publication is sold or given away.

(d) For purposes of this section, it is not considered "advertising" if a licensee elects to insert a notice in a "help wanted column" for the purpose of referring the reader to different classified heading in the same issue of the same publication, provided that:

(i) An offer of training is being made by the licensee under an appropriate other section in the same issue of the same publication; and

(ii) Such referral notice contains only the name of the licensee and not its address, telephone number, or description of program(s); and

(iii) The overall size and general appearance of what appears as a notice is consistent with its purpose only to refer readers elsewhere.

(3) A school is prohibited from making offers of training in any form or manner without including therein the full name and/or d/b/a under which it is licensed. Permutations of its name and/or d/b/a such as initials or nicknames can be employed only with prior written permission of the agency.

(4) RCW 28C.10.110(12) makes it an unfair business practice to attempt to recruit students within forty feet of a building that contains a welfare or unemployment office. The term "recruiting" is defined by statute. Other terms employed in the statute are further defined as follows:

(a) The distance of "forty feet from a building" shall be measured in a straight line from any doorway affording public access, extended parallel to the building in all directions along sidewalks or curb lines and extending at right angles to the building into adjacent spaces such as, but not limited to, parking lots. In instances of buildings with multiple entrances, the furthest distant point from any part of the structure that can be determined by the described methodology shall prevail throughout as the minimum distance permitted.

(b) "Welfare or unemployment office" means when applied to state government, buildings offering public access to provide services to clients of:

(i) Employment security department: Employment services division; family independence/opportunities branch; labor exchange branch; and special program branch; and

(ii) Department of social and health services: Children, youth and family services administration; economic and medical services administration; aging and adult services administration; and health and rehabilitative services administration.

(c) In the instance of county and municipal agencies, "welfare or unemployment office" means those buildings offering public access for the purpose of providing shelter, food, employment, health, and social services.

(d) The term "welfare or unemployment office" includes established locations operated by community-based, nonprofit organizations for the purpose of providing shelter, food, employment, health, and social services to disadvantaged populations.

[Statutory Authority: Chapter 28C.10 RCW. 93-22-034, § 490-100-190, filed 10/28/93, effective 10/28/93; 91-01-056, recodified as § 490-100-190, filed 12/13/90, effective 12/13/90; 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 490-100-200 Complaints.** (See RCW 28C.10.080(5) and 28C.10.120.) (1) To be adjudicated under this chapter, a complaint against a licensee by an eligible former student must be filed no more than one calendar year following the student's last recorded date of attendance or, in the case of correspondence students, one calendar year following the date on which the school received the most recently submitted test for grading or, if the school ceases to provide educational services, within sixty calendar days of the date it ceases. Such time may be extended by the agency based on a showing that good faith efforts to obtain satisfaction from the school were being pursued by the student during the time elapsed.

(2) The term "a person" used to reference a claimant under RCW 28C.10.120(1) is further defined to mean only such individual(s) who established a fiduciary responsibility through their enrollment in a school or, in the case of a minor, his/her parent or guardian.

(a) No access is provided for private or public agencies, employers, or other entities who contract with a private vocational school to provide services for "a person" or persons.

(b) In any instance where a person established a fiduciary responsibility for only a portion of the contracted costs and was subsidized for the remainder as described under (a) of this subsection, his or her claim will be pro rated to recognizing only the unsubsidized amount.

(3) The term "unfair business practices" under RCW 28C.10.120(1) is further defined to mean those practices described under RCW 28C.10.110 and those described as "prohibited" under WAC 490-100-190.

(4) Complaints shall be made in writing on a form provided by the agency requiring the following information:

(a) The complaining party's name, Social Security number, 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, financial data and payment contracts, catalog, advertisements, etc.

(5) The form supplied shall include instructions related to its filing, information regarding the complainant's rights and responsibilities, and examples of expenses that may qualify for reimbursement.

(6) In determining any losses suffered by a complainant, the agency shall consider the following as eligible costs:

(a) Tuition charges paid to the school;

(b) Registration fees paid to the school as defined under WAC 490-100-040(3);

(c) Costs of transportation;

(d) Costs incurred for purchase of required books, supplies, equipment, uniforms and protective clothing or devices, lab and other user fees or rental charges related to the foregoing; and

(e) Costs incurred for required insurance.

(7) In estimating a student's costs for nontuition expenses related to an educational program, the agency may employ applicable standard tables developed under Title IV of the Higher Education Act and/or those of the Washington state departments of employment security and social and health services.

(8) Upon receipt of a complaint alleging that an institution has failed or is failing to comply with the provisions of the act or this chapter, the agency shall:

(a) Evaluate the complaint for completeness and to determine eligibility within ten working days after receipt;

(b) Accept or reject the complaint and so notify the complainant;

(c) Forward a bona fide complaint to the school by mail including a copy of the complaint and any attachments received from the complainant;

(d) Investigate the facts supplied by all parties;

(e) Adjudicate the complaint; and

(f) Notify all parties of the determinations and remedies.

(9) The institution is afforded fifteen working days to respond: *Provided*, That the failure by an institution to submit a timely response will be considered by the agency as evidencing that it has no defense to offer:

[Statutory Authority: Chapter 28C.10 RCW. 93-22-034, § 490-100-200, filed 10/28/93, effective 10/28/93; 91-08-029, § 490-100-200, filed 3/29/91, effective 3/29/91; 91-01-056, recodified as § 490-100-200, filed 12/13/90, effective 12/13/90; 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 490-100-205 Appeals.** (See RCW 28C.10.120 and 34.05.410.) Any entity disputing the following actions may request a hearing pursuant to WAC 490-100-208 and chapter 34.05 RCW:

(1) A denial of an exemption under RCW 28C.10.030(6).

(2) A denial, suspension or revocation of licensing under RCW 28C.10.050.

[Statutory Authority: Chapter 28C.10 RCW. 93-22-034, § 490-100-205, filed 10/28/93, effective 10/28/93; 91-08-029, § 490-100-205, filed 3/29/91, effective 3/29/91; 91-01-056, recodified as § 490-100-205, filed 12/13/90, effective 12/13/90; 87-02-019 (Resolution No. 86-81-3), § 490-800-205, filed 12/31/86.]

**WAC 490-100-208 Hearings.** (See RCW 28C.10.120.) (1) Any administrative 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 34.05 RCW.

(2) A designated hearings officer shall make findings and conclusions in accordance with the Administrative Procedure Act, chapter 34.05 RCW. The findings, conclusions, and any recommendations for action shall be submitted to the executive director for final action pursuant to RCW 34.05.461.

(3) The executive director 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 he or she deems appropriate under the circumstances, pursuant to the provisions of the act and these rules.

[Statutory Authority: Chapter 28C.10 RCW. 93-22-034, § 490-100-208, filed 10/28/93, effective 10/28/93; 91-08-029, § 490-100-208, filed 3/29/91, effective 3/29/91; 91-01-056, recodified as § 490-100-208, filed 12/13/90, effective 12/13/90; 87-02-019 (Resolution No. 86-81-3), § 490-800-208, filed 12/31/86.]

**WAC 490-100-210 Record retention.** (See RCW 28C.10.060(4) and 28C.10.160.) (1) Each school shall maintain for a minimum of fifty years from the date of each student's enrollment or until such time that it ceases to be licensed under this chapter; whichever first occurs, student educational records as defined by these rules.

(2) Past and current catalogs, catalog supplements, and errata sheets shall be retained for a period of at least six years from their respective dates of publication.

(3) "Educational records" include, but are not limited to, transcripts that the school shall create on a single page summary for each student, 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 attempted;

(e) Amount of credit, if any, awarded for each subject;

(f) Grade for each subject completed;

(g) Date of completion, graduation, or termination together with notation of document(s) issued signifying satisfactory completion, if achieved (degree, diploma, certificate conferred);

(h) If terminated, the reason(s) therefor;

(i) Signature and title of the certifying officer; and

(j) Date that transcript is prepared.

(4) "Financial records" include, but are not limited to, the following and are to be retained for no less than six years from the student's date of enrollment:

(a) Signed and completed enrollment agreements and other contracts;

(b) The student's payment record.

(5) Financial aid records related to Title IV student financial assistance are not under state jurisdiction, but should be retained in accordance with appropriate federal regulations.

(6) Schools shall maintain for a minimum of at least one year from date of publication or airing a true and legible copy of all newspaper ads and direct mail solicitations together with written or taped transcripts of all broadcast and television advertising purchased in that period.

(7) Each school must provide, upon request, transcripts described under subsection (3) of this section to students who have satisfied all financial obligations currently due and payable directly to the school.

[Statutory Authority: Chapter 28C.10 RCW. 93-22-034, § 490-100-210, filed 10/28/93, effective 10/28/93; 91-08-029, § 490-100-210, filed 3/29/91, effective 3/29/91; 91-01-056, recodified as § 490-100-210, filed 12/13/90, effective 12/13/90; 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 490-100-250 Degree-granting private vocational schools—Applicable rules.** (See RCW 28C.10.040(4).) (1) Nondegree programs offered by degree-granting private vocational schools shall be regulated pursuant to the terms of an interagency agreement executed between the higher education coordinating board and the work force training and education coordinating board. Copies of said agreement are available from either agency on request.

[Statutory Authority: RCW 28C.10.040(2). 93-06-006, § 490-100-250, filed 2/18/93, effective 2/18/93. Statutory Authority: Chapter 28C.10 RCW. 91-08-029, § 490-100-250, filed 3/29/91, effective 3/29/91; 91-01-056, recodified as § 490-100-250, filed 12/13/90, effective 12/13/90; 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.]

## Chapter 490-276 WAC ACCESS TO PUBLIC RECORDS

### WAC

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**WAC 490-276-010 Purpose.** The purpose of this chapter is to ensure that the work force training and education coordinating board complies with the provisions of chapter 42.17 RCW dealing with public records.

[Statutory Authority: Chapter 28C.18 RCW. 93-06-005, § 490-276-010, filed 2/18/93, effective 2/18/93.]

**WAC 490-276-020 Definitions.** (1) "Public record" includes any writing containing information relating to the conduct of government 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" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including but not limited to, letters, words, pictures, sounds or symbols, combination thereof, and all papers, maps, magnetic or paper tapes, photographic files and prints, motion picture, film and video recordings, magnetic or punched cards, disks, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

(3) "The work force training and education coordinating board" is an agency organized by statute pursuant to RCW



28C.18.020 and shall hereafter be referred to as the "board." Where appropriate, the term "board" also refers to the staff and employees of the board.

[Statutory Authority: Chapter 28C.18 RCW. 93-06-005, § 490-276-020, filed 2/18/93, effective 2/18/93.]

**WAC 490-276-030 Description of the work force training and education coordinating board.** (1) The work force training and education coordinating board is a state agency established and organized under the authority of chapter 28C.18 RCW for the purpose of implementing the work force training and education responsibilities established by the legislature in RCW 28C.18.060. The administrative office of the board is located at Building 17, Airdustrial Park, within the city of Olympia, Washington.

(2) The board employs an executive director and other employees as designated by the executive director. A detailed description of the administrative organization of the agency is contained within the *Policies and Procedures Manual* for the work force training and education coordinating board, a current copy of which is available for inspection at the administrative office of the board.

[Statutory Authority: Chapter 28C.18 RCW. 93-06-005, § 490-276-030, filed 2/18/93, effective 2/18/93.]

**WAC 490-276-040 Operations and procedures.** (1) Formal decision-making procedures are established by the board through rules promulgated in accordance with the requirements of chapter 34.05 RCW, the Administrative Procedure Act.

(2) Informal decision-making procedures of the agency are set forth in the *Policies and Procedures Manual* referred to under WAC 490-276-030(2).

[Statutory Authority: Chapter 28C.18 RCW. 93-06-005, § 490-276-040, filed 2/18/93, effective 2/18/93.]

**WAC 490-276-050 Public records available.** All public records of the board, as defined in this chapter, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310, 41.17.315, or other statutes.

[Statutory Authority: Chapter 28C.18 RCW. 93-06-005, § 490-276-050, filed 2/18/93, effective 2/18/93.]

**WAC 490-276-060 Public records officer.** The board's public records shall be in the charge of the public records officer designated by the executive director of the board and shall be located in the board administrative office. The public records officer shall be responsible for the following: Implementation of the board's rules regarding release of public records, coordinating board employees in this regard, and generally ensuring compliance by board employees with the public records disclosure requirements in chapter 42.17 RCW.

[Statutory Authority: Chapter 28C.18 RCW. 93-06-005, § 490-276-060, filed 2/18/93, effective 2/18/93.]

**WAC 490-276-070 Office hours.** Public records shall be available for inspection and copying during the customary office hours of the board. For purposes of this chapter, the

customary office hours shall be from eight o'clock a.m. to noon and from one o'clock p.m. to five o'clock p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: Chapter 28C.18 RCW. 93-06-005, § 490-276-070, filed 2/18/93, effective 2/18/93.]

**WAC 490-276-080 Requests for public records.** In accordance with the requirements of RCW 42.17.290 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 are only obtainable by members of the public when those members of the public comply with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the board which shall be available at the board's administrative office. The form shall be presented to the public records officer or, if the public records officer is not available, to any member of the board's staff at the board administrative office 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 public records officer, a reference to the requested record as it is described in such current index; and

(e) If the requested matter is not identifiable by reference to the current index, an appropriate description of the record requested.

(2) 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 person to whom the request is made, to assist the member of the public in succinctly identifying the public record requested.

[Statutory Authority: Chapter 28C.18 RCW. 93-06-005, § 490-276-080, filed 2/18/93, effective 2/18/93.]

**WAC 490-276-090 Copying.** No fee shall be charged for the inspection of public records. The board may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records as provided by RCW 42.17.300. Such charges shall not exceed the amount necessary to reimburse the board for its actual costs incident to such copying. No person shall be released a record so copied until and unless the person requesting the copied public record has tendered payment for such copying to the appropriate board official. All charges must be paid by money order, cashier's check, or cash in advance.

[Statutory Authority: Chapter 28C.18 RCW. 93-06-005, § 490-276-090, filed 2/18/93, effective 2/18/93.]

**WAC 490-276-100 Determination regarding exempt records.** (1) The board reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 490-276-080 is exempt pursuant to the provisions set forth in RCW 42.17.310, 42.17.315, or other statute. Such determination may be made in consultation

with the public records officer, the executive director of the board, or an assistant attorney general assigned to the board.

(2) Pursuant to RCW 42.17.260, the board reserves the right to delete identifying details when it makes available or publishes any public record when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy or impair a vital governmental interest: *Provided, However*, in each case, the justification for the deletion shall be explained fully in writing.

(3) Response to requests for a public record must be made promptly. For the purposes of this section, a prompt response occurs if the person requesting the public record is notified within five business days as to whether his request for a public record will be honored.

(4) All denials of a request for public records must be accompanied by a written statement, signed by the public records officer or his/her designee, specifying the reason for the denial, a statement of the specific exemption authorizing the withholding of the record, and a brief explanation of how the exemption applies to the public record withheld.

[Statutory Authority: Chapter 28C.18 RCW. 93-06-005, § 490-276-100, filed 2/18/93, effective 2/18/93.]

**WAC 490-276-110 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 which constituted or accompanied the denial.

(2) The written request by a person demanding prompt review of a decision denying a public record shall be submitted to the executive director of the board, or his or her designee.

(3) Within two business days after receiving the written request by a person petitioning for a prompt review of a decision denying a public record, the executive director of the board, or his or her designee, shall complete such review.

(4) During the course of the review the executive director, or his or her designee, shall consider the obligations of the board to comply with the intent of chapter 42.17 RCW insofar as it requires providing full public access to official records, but shall also consider the exemptions provided in RCW 42.17.310 or other pertinent statutes, and the provisions of the statute which require the board to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and prevent any unreasonable invasion of personal privacy by deleting identifying details.

[Statutory Authority: Chapter 28C.18 RCW. 93-06-005, § 490-276-110, filed 2/18/93, effective 2/18/93.]

**WAC 490-276-120 Protection of public records.** Requests for public records shall be made at the administrative office of the board in Olympia, Washington. Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designated. Copies of such records may be arranged according to the provisions of WAC 490-276-090.

[Statutory Authority: Chapter 28C.18 RCW. 93-06-005, § 490-276-120, filed 2/18/93, effective 2/18/93.]

**WAC 490-276-130 Records index.** (1) The board has available for the use of all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated after September 1, 1991:

(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) The current index maintained by the board shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

[Statutory Authority: Chapter 28C.18 RCW. 93-06-005, § 490-276-130, filed 2/18/93, effective 2/18/93.]

**WAC 490-276-140 Adoption of form.** The agency has adopted and makes available a form for use by all persons requesting inspection and/or copying or copies of its public records. The form is available in the administrative office of the work force training and education coordinating board in Olympia.

[Statutory Authority: Chapter 28C.18 RCW. 93-06-005, § 490-276-140, filed 2/18/93, effective 2/18/93.]

## Chapter 490-325A WAC

### STATE ENVIRONMENTAL POLICY ACT RULES

#### WAC

490-325A-010 Implementation of State Environmental Policy Act.

**WAC 490-325A-010 Implementation of State Environmental Policy Act.** (1) It shall be the policy of the work force training and education coordinating board that all actions taken by the board shall comply with the provisions of chapter 43.21C RCW (the State Environmental Policy Act), chapters 197-11 and 132-24 WAC:

(2) The executive director of the board, or his or her designee, shall be responsible for administering and implementing this policy.

[Statutory Authority: Chapters 43.12C, 28C.18 RCW and chapters 197-11 and 132-34 WAC. 93-22-033, § 490-325A-010, filed 10/28/93, effective 10/28/93.]

## Title 491 WAC VOLUNTEER FIREMAN'S RELIEF AND PENSION BOARD

### Chapters

**491-10** Emergency medical service districts.

### Chapter 491-10 WAC EMERGENCY MEDICAL SERVICE DISTRICTS

#### WAC

**491-10-010** Emergency medical service districts—Fees.

**WAC 491-10-010** **Emergency medical service districts—Fees.** The fees for coverage of emergency workers under the relief provisions of chapter 41.24 RCW shall be based on the actual cost from the most recent actuarial valuation rounded to the nearest \$10.00. These fees shall be paid by the emergency medical service district.

The fees for coverage of emergency workers under the pension provisions of chapter 41.24 RCW shall be based on the actual cost from the most recent actuarial valuation rounded to the nearest \$10.00. Fifty percent of this fee shall be paid by the emergency medical service district and fifty percent of this fee shall be paid by the emergency worker.

[Statutory Authority: RCW 41.24.290(2). 93-22-003, § 491-10-010, filed 10/20/93, effective 11/20/93.]

## Title 495B WAC BELLINGHAM TECHNICAL COLLEGE

### Chapters

**495B-104** Board of trustees.  
**495B-108** Practice and procedure.  
**495B-116** Parking and traffic.  
**495B-120** Student conduct code.  
**495B-122** Withholding services for outstanding debts.  
**495B-130** Tuition and fee schedules.  
**495B-131** Scholarships.  
**495B-132** Financial aid.  
**495B-133** Organization.  
**495B-134** Designation of rules coordinator.  
**495B-140** Use of college facilities.  
**495B-168** Use of library—Fines.  
**495B-276** Access to public records.

**495B-280** Family Educational Rights and Privacy Act.  
**495B-300** Grievance rules—Title IX.  
**495B-310** Grievance procedures—Handicapped.  
**495B-325** State Environmental Policy Act rules.

### Chapter 495B-104 WAC BOARD OF TRUSTEES

#### WAC

**495B-104-010** Time and place of board meetings.  
**495B-104-020** Request for items to be placed on board agenda.  
**495B-104-030** Delegation to college president.

**WAC 495B-104-010** **Time and place of board meetings.** The board of trustees shall hold one regular meeting on the third Thursday of each month at 9:00 a.m. and such special meetings as may be requested by the chairman of the board or by a majority of the members of the board and announced in accordance with law.

All regular and special meetings of the board of trustees shall be held at Bellingham Technical College, Building G, 3028 Lindbergh Avenue, Bellingham, WA 98225, unless scheduled elsewhere, and are open to the general public, except for lawful executive sessions.

No official business may be conducted by the board of trustees except during a regular or special meeting.

[Statutory Authority: RCW 28B.10.140, 42.30.075 and chapter 34.05 RCW. 93-05-018, § 495B-104-010, filed 2/10/93, effective 3/13/93.]

**WAC 495B-104-020** **Request for items to be placed on board agenda.** Anyone, other than a board member or a representative of the president's office wishing an item placed on the agenda of a board meeting, must have a written request in the office of the president no later than twelve o'clock noon five business days before the next scheduled meeting of the board. The president will relate the request to the chairman of the board as soon as feasible. The chairman will determine whether the item is to be placed on the agenda. The chairman or a designee will notify the individual initiating the request as to whether or not the item will be placed on the agenda.

[Statutory Authority: RCW 28B.10.140, 42.30.075 and chapter 34.05 RCW. 93-05-018, § 495B-104-020, filed 2/10/93, effective 3/13/93.]

**WAC 495B-104-030** **Delegation to college president.** The board of trustees delegates to the college president its authority and responsibility to administer Bellingham Technical College in accordance with laws, policies, and rules approved or sanctioned by the board of trustees. At the operational level, the president has final administrative authority over all matters affecting the college district.

[Statutory Authority: RCW 28B.10.140, 42.30.075 and chapter 34.05 RCW. 93-05-018, § 495B-104-030, filed 2/10/93, effective 3/13/93.]