

WAC 490-105-080 Tuition recovery trust fund fees. (See RCW 28C.10.082 and 28C.10.084.)

(1) Establishment of fund liability. The amount of liability that can be satisfied by this fund on behalf of each individual school licensed under this chapter is the amount of unearned prepaid tuition in the possession of the owner.

(a) If the school is located within the state of Washington, the amount of liability that can be satisfied by this fund is the amount of unearned, prepaid tuition from or on behalf of all students.

(b) If the school is located outside the state of Washington, the amount of liability that can be satisfied by this fund is the amount of unearned prepaid tuition from or on behalf of Washington state residents.

(c) If the agency and the student determine that the student should have additional evaluation and assessment, these must be completed before further education/training or to secure teach out opportunities.

(d) If the agency and the student determine that the student is unable to secure available teach out opportunities, a student may be entitled to a full refund of tuition and other expenses.

(2) Matrices for calculating initial deposits and any assessments necessary under subsection (7) of this section:

Annual Tuition Revenue:	Prorated Share:
\$0 - \$50,000	0.15%
\$50,001 - \$75,000	0.23%
\$75,001 - \$100,000	0.30%
\$100,001 - \$150,000	0.46%
\$150,001 - \$200,000	0.61%
\$200,001 - \$250,000	0.76%
\$250,001 - \$350,000	1.07%
\$350,001 - \$500,000	1.52%
\$500,001 - \$750,000	2.28%
\$750,001 - \$1,000,000	3.05%
\$1,000,001 - \$1,250,000	3.81%
\$1,250,001 - \$1,500,000	4.57%
\$1,500,001 - \$1,750,000	5.33%
\$1,750,001 - \$2,000,000	6.10%
\$2,000,001 - \$2,250,000	6.86%
\$2,250,001 - \$2,500,000	7.62%
>\$2,500,000	8.38%

(3) When a new school submits its initial license application, it must include for deposit into the tuition recovery trust fund, the amount identified in the second column of the table below.

(4) In order to remain licensed under this chapter, the school must remit to the agency a TRTF payment at six months after initial licensure and annual payments thereafter, payable at the same time the renewal application is due. The amount of the deposits into the fund for the first five years is calculated by applying the percentages displayed under subsection (2) of this section, to an amount totaling one million dollars as required by RCW 28C.10.084. In the second five years, contributions for amounts between zero and one hundred fifty thousand dollars will be reduced by fifty percent.

If the school's total annual tuition income is:	A new school will make an initial deposit to the fund of:	The school will make the following annual payments for the first five years it is licensed:	The school will make the following annual payments for the second five years it is licensed:
\$0 - \$50,000	\$305	\$244	\$122
\$50,001 - \$75,000	\$457	\$366	\$183
\$75,001 - \$100,000	\$609	\$488	\$244
\$100,001 - \$150,000	\$914	\$732	\$366
\$150,001 - \$200,000	\$1,219	\$974	\$974
\$200,001 - \$250,000	\$1,523	\$1,318	\$1,318
\$250,001 - \$350,000	\$2,133	\$1,706	\$1,706
\$350,001 - \$500,000	\$3,046	\$2,438	\$2,438
\$500,001 - \$750,000	\$4,570	\$3,656	\$3,656
\$750,001 - \$1,000,000	\$6,093	\$4,874	\$4,874
\$1,000,001 - \$1,250,000	\$7,616	\$6,092	\$6,092
\$1,250,001 - \$1,500,000	\$9,139	\$7,312	\$7,312
\$1,500,001 - \$1,750,000	\$10,663	\$8,530	\$8,530
\$1,750,001 - \$2,000,000	\$12,186	\$9,748	\$9,748
\$2,000,001 - \$2,250,000	\$13,710	\$10,966	\$10,966
\$2,250,001 - \$2,500,000	\$15,233	\$12,184	\$12,184
> \$2,500,000 -	\$16,757	\$13,404	\$13,404

(5) The agency will send, to the address of record, annual notices of the due date and amount of deposit required under subsection (4) of this section. The burden of keeping current contact information with the agency falls to the school. The fee for late filings under WAC 490-105-070(2) of this chapter applies 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).

(6) If an annual tuition recovery trust fund payment is a hardship for the school, the agency may grant an alternate payment schedule.

(7) If disbursements made to settle claims reduce the operating balance below one million dollars and recovery of such funds has not been ensured under the provisions of RCW 28C.10.084 (10)(d), the agency will assess each school a pro rata share of the amount required to restore the deficiency. The assessment will be made within thirty calendar days of the date deficiency is created. Each school's share of the assessment will be calculated using the percentages established under subsection (2) of this section. If the school's assessment equals or is less than the semiannual amount of deposit established for the school under subsection (4) of this section, the assessment must be paid within thirty calendar days of notice. If the assessment exceeds the amount of the school's semiannual deposit, it may apply to the agency for a schedule of deferred payments. The agency will grant deferrals on application, but in no case will the extension exceed one year beyond the date of the assessment.

(8) Funds disbursed to settle claims against a currently licensed school will be recovered by the agency under a schedule to be negotiated with the affected school on a case-by-case basis. 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

school but in no case will the time extended exceed one year beyond the date of the initial demand notice.

(9) Claimant, as referenced under RCW 28C.10.084 (10)(a), is further defined to mean an enrolled student in regular attendance or on an authorized leave of absence at the time of closure.

[Statutory Authority: RCW 28.10.040 [28C.10.040]. WSR 15-24-088, § 490-105-080, filed 11/30/15, effective 12/31/15; WSR 01-23-078, § 490-105-080, filed 11/21/01, effective 12/22/01. Statutory Authority: RCW 28C.10.040. WSR 01-01-141, § 490-105-080, filed 12/20/00, effective 1/20/01. Statutory Authority: RCW 28C.10.040(2). WSR 98-22-033, § 490-105-080, filed 10/29/98, effective 11/29/98.]