

## Chapter 296-19A WAC

### NONACCREDITED AND UNLICENSED TRAINING PROVIDERS

#### NEW SECTION

**WAC 296-19A-500 Training provider definitions.** (1) "Training provider" means any entity offering education in any form or manner for the purpose of instructing, training, or providing knowledge or skills.

(2) "Accredited" means the training provider has been approved by the state agency responsible for regulating degree granting institutions, or an accreditation body recognized by the secretary of the Department of Education, or the Commission on Accrediting Rehabilitation Facilities, or a public educational institution.

(3) "Licensed" means the training provider is regulated, licensed or approved by the appropriate state agency for regulating vocational education, or under any occupational licensing act, or a federal or local government agency, or the Washington state apprenticeship council.

#### NEW SECTION

**WAC 296-19A-510 What training programs can the department approve and issue a provider account number to?** (1) An accredited training program or provider.

(2) A licensed training program or provider.

(3) An apprenticeship program approved through the Washington state Apprenticeship Training Council.

(4) A training provider listed on the Washington state Workforce Training and Education Coordinating Board's Eligible Training Provider List or a list from a similar agency in another state.

(5) Other nonaccredited or unlicensed programs approved by the department. Nonaccredited or unlicensed programs must file a separate application for approval by the department before a provider number can be issued.

NEW SECTION

**WAC 296-19A-520 What are the requirements for providing training services to Washington injured or ill workers?** (1) A training provider must be approved by the department and be issued a provider number before being eligible to provide training services or to receive payment for services.

(2) Training providers must comply with all federal and state laws, regulations, and other requirements with regard to their business operations.

(3) Training providers must have an admission policy that allows all qualified members of the general population to be candidates for admission.

(4) Training providers that provide services within the state of Washington must:

(a) Conform to the department's orders, rules and policies, if any;

(b) Maintain accreditation or training provider licensing, when applicable;

(c) Possess a master business license from the Washington state department of licensing;

(d) Register with the Washington state department of revenue;

(e) Possess a charter from the Washington secretary of state's office if operating a limited partnership or corporation; and

(f) Comply with local ordinances governing businesses within the city or county where they will be operating.

(5) Training providers providing services outside the state of Washington must:

(a) Comply with the department's orders, rules and policies, if any;

(b) Maintain accreditation or training provider licensing, when applicable; and

(c) Comply with all regulatory requirements and local ordinances within the state, city and county where they will operate.

NEW SECTION

**WAC 296-19A-530 What financial information must a nonaccredited or unlicensed training provider submit as part of the application to provide training services to Washington injured or ill workers?** The application must include the following information attested by the training provider's chief administrative officer:

(1) An identification of owners, shareholders, and directors:

(a) The complete legal name, current telephone number, and current mailing address of the owner;

(b) The form of ownership; e.g., sole proprietorship,

partnership, limited partnership, or corporation;

(c) Names, addresses, phone numbers, birthdates, and prior training provider affiliations, if any, of all individuals with ten percent or more ownership interest;

(d) A training provider that is a corporation or subsidiary of another corporation must submit:

(i) Current evidence that the corporation is registered with the Washington secretary of state's office; and

(ii) The name, address and telephone number of the corporation's registered agent.

(e) "Ownership" means:

(i) In the case of a training provider owned by an individual, that individual;

(ii) In the case of a training provider owned by a partnership, all full, silent and limited partners having ten percent or more ownership interest; and

(iii) In the case of a training provider 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.

(f) Training providers under common ownership may designate a single location as the principal facility for recordkeeping via written notice to the agency.

(2) Financial statement. The training provider must submit information reflecting its financial condition at the close of its most recent fiscal year to demonstrate that it has sufficient financial resources to fulfill its commitments to students.

(3) Financial references.

(a) The training provider must furnish the names of at least one bank or other financial institution and two other entities that the agency may consult as financial references.

(b) A statement must be included authorizing the agency to obtain financial information from the references.

(c) For new training providers that have not operated another business during the past year, a recent credit report from Equifax, Experian, Trans Union or another credit rating firm recognized by the U.S. Department of Commerce.

(4) A program that is part of a publicly funded entity; e.g., city, state, county or federal, is exempt from financial disclosure requirements.

#### NEW SECTION

**WAC 296-19A-540 What time period must a nonaccredited or unlicensed training provider offer a program of instruction prior to application to be eligible to provide training services to Washington injured or ill workers?** A nonaccredited or unlicensed

training provider that is exempt from any other applicable state licensing requirement must provide proof that they have been in continuous operation for at least two years prior to the date of application.

Exception: A program that is part of publicly funded entity; e.g., city, state, county or federal, is exempt from the two-year requirement.

#### NEW SECTION

**WAC 296-19A-550 When must an approved nonaccredited or unlicensed training provider reapply in order to continue providing services to Washington injured or ill workers?** An approved nonaccredited or unlicensed training provider must reapply after two years of the date of the most recent application to the department to be able to continue providing training services to Washington injured or ill workers.

#### NEW SECTION

**WAC 296-19A-560 What documentation does the department require from a nonaccredited or unlicensed training provider in order to be considered for approval to provide training to Washington injured or ill workers?** At the time that a nonaccredited or unlicensed training provider seeks a provider number from the department, the provider must provide the department with all of the following documentation, or else its request for a provider number will be denied:

(1) A copy of the training provider's catalog. The training provider must publish a catalog or brochure that explains its operations and requirements. The catalog must be current, comprehensive, and accurate.

(2) A copy of the training provider's enrollment agreement/contract. An enrollment agreement is any agreement that creates a binding obligation to purchase a course of instruction from a training provider.

(3) A description of the instruction program including:

(a) The number of clock hours of instruction, the method of instruction (e.g., correspondence, classroom, lab, computer assisted), and the average length of time required for successful completion;

(b) If instruction is calculated in credit hours, a description of the contact hour formula applied by the training provider; i.e., the number of contact hours applicable to each quarter or semester credit hour of lecture, laboratory/practicum,

and/or internship/externship;

(c) For distance education training providers, the instructional sequences as described in the number of lessons.

(4) A document outlining the scope and sequence of courses or programs required to achieve the educational objective.

(5) A copy of the training provider's admission procedures including policies describing all prerequisites needed by entering students to successfully complete the programs of study in which they are interested.

(6) Documentation indicating the total cost of the training for each program, including registration fee, if any, tuition, books, supplies, equipment, laboratory usage, special clothing, student activities, insurance and all other charges and expenses necessary for the completion of the program.

(7) A copy of the training provider's cancellation and refund policy including:

(a) Cancellation that occurs before the training start date;

(b) Cancellation that occurs within thirty days of the start date; and

(c) Interruptions in service due to staffing or other reasons.

(8) The training calendar, including hours of operation, holidays, enrollment periods, and the beginning and ending dates of terms, courses, or programs as may be appropriate.

(9) An accurate description of the training provider's facilities and equipment available for student use, the maximum or usual class size and the average student/teacher ratio.

(10) The names and qualifications of faculty.

(11) A copy of the training provider's policy regarding standards of progress required of the student including:

(a) A definition of the grading system;

(b) The minimum grades considered satisfactory;

(c) Conditions for interruption for unsatisfactory progress;

(d) A description of the probationary period, if any, allowed by the training provider;

(e) Conditions for reentrance for those students dismissed for unsatisfactory progress; and

(f) Information that a statement will be furnished to the student regarding satisfactory or unsatisfactory progress.

(12) The training provider's policy towards student conduct, including causes for dismissal and conditions for readmission.

(13) The training provider's policy regarding leave, absences, class cuts, makeup work, tardiness, and interruptions for unsatisfactory attendance.

(14) For training providers that prepare students for obtaining employment, documentation of the training provider's completion rate and job placement rate, including the title, wages, and benefits obtained by graduates.

NEW SECTION

**WAC 296-19A-570 What factors will the department consider when deciding whether to approve a nonaccredited or unlicensed training provider for Washington injured or ill workers?** The department will consider all of the information contained in all of the documents that were provided by the training provider in its application to receive a provider number from the department, including the documents that were provided pursuant to WAC 296-19A-560. The department will review this information to ensure that the training provider provides training that is consistent with chapter 296-19A WAC and RCW 51.32.099. Furthermore, the department will consider the following factors:

(1) Whether the training provider adequately supervises its instructors to ensure that they are both qualified and provide appropriate training and instruction.

(2) Whether any students have been injured as a result of the training provider's failure to use adequate safety protocols.

(3) Whether any complaints have been filed by current or former students of the training provider against the training provider or any of its instructors, and, if so, whether any of these complaints have merit.

(4) Whether the training provider or any of its instructors have ever been convicted of a crime, and, if so, the nature of the crime.

(5) Whether there is any other information that indicates that the training provider does not provide training to its students in a manner that is consistent with the objectives of chapter 296-19A WAC or RCW 51.32.099.

(6) For training providers that prepare students for obtaining employment, the following factors must be addressed:

(a) Whether any of the training provider's programs allow a student to obtain an educational or occupational credential awarded upon successful completion of program, and, if so, the type of credential(s) awarded;

(b) Whether any of the training provider's programs have clearly identified program objectives, such as information regarding specific job titles that the student would be qualified for upon completion of training, and the projected wages and benefits of those jobs;

(c) The training provider's job placement rate, including the title, wages, and benefits obtained by graduates; and

(d) Whether the program achieved at least a thirty percent completion rate and a fifty percent job placement rate in the three quarter period following graduation for the most recent fiscal year.

NEW SECTION

**WAC 296-19A-580 When must unlicensed or nonaccredited training providers conform to the requirements of chapter 296-19A WAC?**

(1) Nonaccredited or unlicensed training providers without a current department provider number must be approved by the department and receive a provider number in order to train Washington injured or ill workers as of the effective date of this rule.

(2) Nonaccredited or unlicensed training providers who already have a department provider number must reapply for approval by the department and be approved before June 30, 2010, in order to maintain the ability to train Washington injured or ill workers after that date.

(3) Nonaccredited or unlicensed training providers must first obtain licensure or approval by the appropriate state agency and submit documentation of this licensure or approval when applying to the department to become a provider.

(4) Nonaccredited or unlicensed training providers that are exempt from the workforce training and education coordinating board (WTECB) licensure requirements must submit documentation of the exemption before an application can be reviewed.

NEW SECTION

**WAC 296-19A-590 What are the criteria training providers must meet to maintain provider status?**

(1) All accredited or licensed training providers with a department provider number must maintain their accreditation or licensure status.

(2) All approved nonaccredited or unlicensed training providers with a department provider number must conform to all requirements in chapter 296-19A WAC, on an ongoing basis.

(3) Failure to maintain accreditation, licensure, or conformance to the requirements of chapter 296-19A WAC, may result in termination of the provider number.

(4) Programs that prepare students for employment must maintain at least a thirty percent completion rate and fifty percent placement rate in jobs for which training was provided during the three quarter period following graduation during the most recent fiscal year (July 1 through June 30).

The department may consider and grant exceptions based on unusual cause or circumstances.