



# PROPOSED RULE MAKING

## CR-102 (August 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: October 02, 2017

TIME: 3:01 PM

WSR 17-20-068

**Agency:** Department of Social and Health Services, Economic Services Administration

**Original Notice**

**Supplemental Notice to WSR** \_\_\_\_\_

**Continuance of WSR** \_\_\_\_\_

**Preproposal Statement of Inquiry was filed as WSR 17-16-044 ; or**

**Expedited Rule Making--Proposed notice was filed as WSR \_\_\_; or**

**Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).**

**Proposal is exempt under RCW** \_\_\_\_\_.

**Title of rule and other identifying information:** (describe subject) The department is proposing to amend WAC 388-310-1000 "WorkFirst – Vocational Education" to extend the vocational education lifetime limit from twelve to twenty-four months.

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
November 7, 2017	10:00 a.m.	Office Building 2 DSHS Headquarters 1115 Washington Olympia, WA 98504	Public parking at 11 <sup>th</sup> and Jefferson. A map is available at: <a href="https://www.dshs.wa.gov/sesa/rules-and-policies-assistance-unit/driving-directions-office-bldg-2">https://www.dshs.wa.gov/sesa/rules-and-policies-assistance-unit/driving-directions-office-bldg-2</a>

**Date of intended adoption:** Not earlier than November 8, 2017 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: DSHS Rules Coordinator

Address: PO Box 45850, Olympia, WA 98504

Email: [DSHSRPAURulesCoordinator@dshs.wa.gov](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov)

Fax: 360-664-6185

Other:

By (date) 5:00 p.m. November 7, 2017

**Assistance for persons with disabilities:**

Contact Jeff Kildahl, DSHS Rules Consultant |

Phone: 360-664-6092

Fax: 360-664-6185

TTY: 711 Relay Service

Email: [Kildaja@dshs.wa.gov](mailto:Kildaja@dshs.wa.gov)

Other:

By (date) October 24, 2017

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** Current language in WAC 388-310-1000 "WorkFirst – Vocational Education" reflects vocational education as an approvable WorkFirst activity for up to twelve months. The department is amending WAC 388-310-1000 to extend the vocational education lifetime limit to twenty-four months.

**Reasons supporting proposal:** Second Substitute Senate Bill 5347 amended RCW 74.08A.250 to allow the twelve-month vocational education training limit to increase to twenty-four months subject to funding appropriated specifically for that purpose. The SFY 2017-19 budget funds the extension.

**Statutory authority for adoption:** RCW 74.04.050, RCW 74.04.055, RCW 74.08.090, RCW 74.04.057, RCW 74.08A.250, 45 CFR 260, 42 USC 601

**Statute being implemented:** RCW 74.08A.250

**Is rule necessary because of a:**

- Federal Law?  Yes  No  
Federal Court Decision?  Yes  No  
State Court Decision?  Yes  No

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** None

**Name of proponent:** (person or organization) Department of Social and Health Services  Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Angela Aikins	PO Box 45470 Olympia, WA 98504	360-725-4784
Implementation:	Angela Aikins	PO Box 45470 Olympia, WA 98504	360-725-4784
Enforcement:	Angela Aikins	PO Box 45470 Olympia, WA 98504	360-725-4784

**Is a school district fiscal impact statement required under RCW 28A.305.135?**  Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

No: Please explain: This amendment is exempt as allowed under RCW 34.05.328 (5)(b)(iii) which states in-part, "This section does not apply to... rules adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes...".



**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- RCW 34.05.310 (4)(b) (Internal government operations)
- RCW 34.05.310 (4)(e) (Dictated by statute)
- RCW 34.05.310 (4)(c) (Incorporation by reference)
- RCW 34.05.310 (4)(f) (Set or adjust fees)
- RCW 34.05.310 (4)(d) (Correct or clarify language)
- RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW \_\_\_\_.

Explanation of exemptions, if necessary:

**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. \_\_\_\_\_

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

<b>Date:</b> September 28, 2017	<b>Signature:</b> 
<b>Name:</b> Katherine I. Vasquez	
<b>Title:</b> DSHS Rules Coordinator	

**WAC 388-310-1000 WorkFirst—Vocational education. (1) What is vocational education?**

Vocational education is training that leads to a degree or certificate in a specific occupation, not to result in a ~~((baccalaureate))~~ bachelor's or advanced degree unless otherwise indicated ~~((below))~~ in subsection (4) of this section, ~~((and is))~~ offered by an accredited:

- (a) Public and private technical college or school;
- (b) Community college;
- (c) Tribal college; or
- (d) ~~((For))~~ Community based organizations for customized job skills training ~~((formerly known as preemployment training), community based organizations))~~ programs only.

(2) Vocational education may include one or more of the following:

- (a) Customized job skills training;
- (b) High-wage/high-demand training;
- (c) Approved homework and study activities associated with the educational activity; ~~((and/or))~~
- (d) Remedial/developmental education, prerequisites, basic education ~~((and/or))~~ or English as a second language training deemed a necessary part of the vocational education program.

**(3) What is customized job skills training?**

Customized job skills training helps you learn skills ~~((you need))~~ needed for an identified entry-level job that pays more than average entry-level wages ~~((-~~

~~((a) Customized job skills training)), and is an acceptable Work-First activity when an employer or industry commits to hiring or giving hiring preference ~~((to WorkFirst participants who successfully complete customized job skills training))~~ upon completion.~~

~~((b) You can find out about current customized job skills training opportunities by asking your employment services counselor, your case manager or staff at your local community and technical college.))~~

**(4) What is high-wage/high-demand training?**

(a) There are two types of high-wage/high-demand ~~((HWHD))~~ full-time training options for ~~((TANF))~~ temporary assistance for needy families (TANF) recipients to complete a certificate or degree that will lead to employment in a high-wage/high-demand occupation:

(i) Information technology, health care, or other professional-technical programs ~~((: This option allows you))~~ that allows recipients to start and finish a one-year or shorter state, community, or technical college training program in ~~((the information technology, health care))~~ these fields or other professional-technical programs that meet high-wage/high-demand criteria ~~((: and/or)).~~

(ii) Certificate/degree completion ~~((: This option allows you))~~ programs that allow recipients to finish ~~((up))~~ the last year of any certificate or degree program, not to exceed a ~~((baccalaureate))~~ bachelor's degree, in a high-wage/high-demand field on an exception basis. ~~((The high-wage/high-demand criteria for this option is based on median income and high-demand occupations within the local labor market as determined by))~~ Employment security department bases the high-wage/

high-demand criteria on median income and high-demand occupations with the local labor market.

~~(b) ((For both types of HWHD training, the training can be approved one time only (barring an approved exception to policy)))~~ The department may approve high-wage/high-demand training once in a lifetime without an approved exception to policy.

(c) To qualify for ~~((HWHD))~~ high-wage/high-demand training, you must also:

(i) Meet all of the prerequisites ~~((for the course))~~;

(ii) Be able to obtain the certificate or degree within twelve calendar months;

(iii) Participate full time in the training program and make satisfactory progress;

(iv) Work with ~~((WorkFirst staff))~~ the employment security department during the last quarter of training for job placement; and

(v) Return to job search once you complete the educational program if still unemployed.

**(5) When ((can)) may vocational education be included in my individual responsibility plan?**

~~((We))~~ The department may ~~((add))~~ include vocational education ~~((to))~~ in your individual responsibility plan for up to twelve months if:

(a) Your comprehensive evaluation shows that you:

~~((i))~~ Need this education to become employed or get a better job; and ~~((you))~~

~~((ii))~~ Are able to participate full time in vocational education or combine vocational education with any approved WorkFirst work activity ~~((or))~~.

(b) You are in an internship or practicum for up to twelve months that is paid or unpaid and required to complete a course of vocational training or to obtain a license or certificate in a high demand program; ~~((or))~~

(c) You have limited English proficiency and ~~((you))~~ lack job skills that are in demand for entry-level jobs in your area ~~((or))~~, and the vocational education program is the only way that you can acquire these skills (because there is no available work experience, community service or on-the-job training that can teach you these skills); or

(d) You ~~((are in the pregnancy to employment pathway))~~ meet the requirements in WAC 388-310-1450 and your comprehensive evaluation shows vocational education would help you find and keep employment. ~~((See WAC 388-310-1450.))~~

**(6) ((Can)) May I get help with paying the costs of vocational education?**

WorkFirst may pay for the costs of ~~((your))~~ vocational education, such as tuition or books, ~~((for))~~ up to twelve months, if vocational education is in your individual responsibility plan and there is no other way to pay them. You may also get help with paying your child care costs through the working connections child care program ~~((See chapter 388-290 [170-290] WAC for the working connections child care program rules.))~~ if you meet criteria in chapter 388-290 WAC.

**(7) May the department include vocational education in my individual responsibility plan longer than twelve months?**

The department may increase the twelve-month limit for vocational education training to twenty-four months subject to funding appropriated specifically for this purpose.