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**SENATE BILL 5237**

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**State of Washington                      65th Legislature                      2017 Regular Session**

**By** Senators Bailey, Wilson, Chase, Rivers, Keiser, Rolfes, Zeiger, and Kuderer; by request of Workforce Training and Education Coordinating Board

Read first time 01/18/17. Referred to Committee on Higher Education.

1            AN ACT Relating to updating workforce investment act references  
2 and making no substantive changes; amending RCW 28B.50.281,  
3 28C.18.010, 28C.18.060, 28C.18.150, 28C.18.164, 50.20.250, 50.22.150,  
4 50.62.030, and 74.15.020; and reenacting and amending RCW 28C.04.410  
5 and 50.22.155.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7            **Sec. 1.** RCW 28B.50.281 and 2009 c 536 s 9 are each amended to  
8 read as follows:

9            (1) The state board shall work with the leadership team, the  
10 Washington state apprenticeship and training council, and the office  
11 of the superintendent of public instruction to jointly develop, by  
12 June 30, 2010, curricula and training programs, to include on-the-job  
13 training, classroom training, and safety and health training, for the  
14 development of the skills and qualifications identified by the  
15 department of community, trade, and economic development under  
16 section 7 of this act.

17            (2) The board shall target a portion of any federal stimulus  
18 funding received to ensure commensurate capacity for high employer-  
19 demand programs of study developed under this section. To that end,  
20 the state board must coordinate with the department, the leadership  
21 team, the workforce board, or another appropriate state agency in the

1 application for and receipt of any funding that may be made available  
2 through the federal youthbuild program, workforce (~~investment~~)  
3 innovation and opportunity act, job corps, or other relevant federal  
4 programs.

5 (3) The board shall provide an interim report to the appropriate  
6 committees of the legislature by December 1, 2011, and a final report  
7 by December 1, 2013, detailing the effectiveness of, and any  
8 recommendations for improving, the worker training curricula and  
9 programs established in this section.

10 (4) Existing curricula and training programs or programs provided  
11 by community and technical colleges in the state developed under this  
12 section must be recognized as programs of study under RCW 28B.50.273.

13 (5) Subject to available funding, the board may grant enrollment  
14 priority to persons who qualify for a waiver under RCW 28B.15.522 and  
15 who enroll in curricula and training programs provided by community  
16 or technical colleges in the state that have been developed in  
17 accordance with this section.

18 (6) The college board may prioritize workforce training programs  
19 that lead to a credential, certificate, or degree in green economy  
20 jobs. For purposes of this section, green economy jobs include those  
21 in the primary industries of a green economy including clean energy,  
22 high-efficiency building, green transportation, and environmental  
23 protection. Prioritization efforts may include but are not limited  
24 to: (a) Prioritization of the use of high employer-demand funding for  
25 workforce training programs in green economy jobs, if the programs  
26 meet minimum criteria for identification as a high-demand program of  
27 study as defined by the state board for community and technical  
28 colleges, however any additional community and technical college  
29 high-demand funding authorized for the 2009-2011 fiscal biennium and  
30 thereafter may be subject to prioritization; (b) increased outreach  
31 efforts to public utilities, education, labor, government, and  
32 private industry to develop tailored, green job training programs;  
33 and (c) increased outreach efforts to target populations. Outreach  
34 efforts shall be conducted in partnership with local workforce  
35 development councils.

36 (7) The definitions in RCW 43.330.010 apply to this section and  
37 RCW 28B.50.282.

38 **Sec. 2.** RCW 28C.04.410 and 2009 c 554 s 1 are each reenacted and  
39 amended to read as follows:

1 Unless the context clearly requires otherwise, the definitions in  
2 this section apply throughout RCW 28C.04.390 and 28C.04.420.

3 (1) "Applicant" means an educational institution which has made  
4 application for a job skills grant under RCW 28C.04.390 and  
5 28C.04.420.

6 (2) "Business and industry" means a private corporation,  
7 institution, firm, person, group, or association concerned with  
8 commerce, trades, manufacturing, or the provision of services within  
9 the state, or a public or nonprofit hospital licensed by the  
10 department of social and health services.

11 (3) "College board" means the state board for community and  
12 technical colleges under chapter 28B.50 RCW.

13 (4) "Dislocated worker" means an individual who meets the  
14 definition of dislocated worker contained in P.L. (~~105-220, Sec. 101~~  
15 ~~en July 25, 1999~~) 113-128 Sec. 3.

16 (5) "Educational institution" means a public secondary or  
17 postsecondary institution, an independent institution, or a private  
18 career school or college within the state authorized by law to  
19 provide a program of skills training or education beyond the  
20 secondary school level. Any educational institution receiving a job  
21 skills grant under RCW 28C.04.420 shall be free of sectarian control  
22 or influence as set forth in Article IX, section 4 of the state  
23 Constitution.

24 (6) "Equipment" means tangible personal property which will  
25 further the objectives of the supported program and for which a  
26 definite value and evidence in support of the value have been  
27 provided by the donor.

28 (7) "Financial support" means any thing of value which is  
29 contributed by business, industry, and others to an educational  
30 institution which is reasonably calculated to support directly the  
31 development and expansion of a particular program under RCW  
32 28C.04.390 and 28C.04.420 and represents an addition to any financial  
33 support previously or customarily provided to such educational  
34 institutions by the donor. "Financial support" includes, but is not  
35 limited to, funds, equipment, facilities, faculty, and scholarships  
36 for matriculating students and trainees.

37 (8) "Job skills grant" means funding that is provided to an  
38 educational institution by the college board for the development or  
39 significant expansion of a program under RCW 28C.04.390 and  
40 28C.04.420.

1 (9) "Job skills program" means a program of skills training or  
2 education separate from and in addition to existing vocational  
3 education programs and which:

4 (a) Provides short-term training which has been designated for  
5 specific industries;

6 (b) Provides training for prospective employees before a new  
7 plant opens or when existing industry expands;

8 (c) Includes training and retraining for workers already employed  
9 by an existing industry or business where necessary to avoid  
10 dislocation or where upgrading of existing employees would create new  
11 vacancies for unemployed persons;

12 (d) Serves areas with high concentrations of economically  
13 disadvantaged persons and high unemployment;

14 (e) Promotes the growth of industry clusters;

15 (f) Serves areas where there is a shortage of skilled labor to  
16 meet job demands; or

17 (g) Promotes the location of new industry in areas affected by  
18 economic dislocation.

19 (10) "Technical assistance" means professional and any other  
20 assistance provided by business and industry to an educational  
21 institution, which is reasonably calculated to support directly the  
22 development and expansion of a particular program and which  
23 represents an addition to any technical assistance previously or  
24 customarily provided to the educational institutions by the donor.

25 **Sec. 3.** RCW 28C.18.010 and 2013 c 39 s 16 are each amended to  
26 read as follows:

27 Unless the context clearly requires otherwise, the definitions in  
28 this section apply throughout this title.

29 (1) "Adult basic education" means instruction designed to achieve  
30 mastery of skills in reading, writing, oral communication, and  
31 computation at a level sufficient to allow the individual to function  
32 effectively as a parent, worker, and citizen in the United States,  
33 commensurate with that individual's actual ability level, and  
34 includes English as a second language and preparation and testing  
35 services for a high school equivalency certificate as provided in RCW  
36 28B.50.536.

37 (2) "Board" means the workforce training and education  
38 coordinating board.

1 (3) "Director" means the director of the workforce training and  
2 education coordinating board.

3 (4) "Industry skill panel" means a regional partnership of  
4 business, labor, and education leaders that identifies skill gaps in  
5 a key economic cluster and enables the industry and public partners  
6 to respond to and be proactive in addressing workforce skill needs.

7 (5) "Training system" means programs and courses of secondary  
8 vocational education, technical college programs and courses,  
9 community college vocational programs and courses, private career  
10 school and college programs and courses, employer-sponsored training,  
11 adult basic education programs and courses, programs and courses  
12 funded by the federal workforce (~~(investment)~~) innovation and  
13 opportunity act, programs and courses funded by the federal  
14 vocational act, programs and courses funded under the federal adult  
15 education act, publicly funded programs and courses for adult  
16 literacy education, and apprenticeships, and programs and courses  
17 offered by private and public nonprofit organizations that are  
18 representative of communities or significant segments of communities  
19 and provide job training or adult literacy services.

20 (6) "Vocational education" means organized educational programs  
21 offering a sequence of courses which are directly related to the  
22 preparation or retraining of individuals in paid or unpaid employment  
23 in current or emerging occupations requiring other than a  
24 baccalaureate or advanced degree. Such programs shall include  
25 competency-based applied learning which contributes to an  
26 individual's academic knowledge, higher-order reasoning, and problem-  
27 solving skills, work attitudes, general employability skills, and the  
28 occupational-specific skills necessary for economic independence as a  
29 productive and contributing member of society. Such term also  
30 includes applied technology education.

31 (7) "Workforce development council" means a local workforce  
32 (~~(investment)~~) development board as established in P.L. (~~(105-220~~  
33 ~~Sec. 117)~~) 113-128 Sec. 107.

34 (8) "Workforce skills" means skills developed through applied  
35 learning that strengthen and reinforce an individual's academic  
36 knowledge, critical thinking, problem solving, and work ethic and,  
37 thereby, develop the employability, occupational skills, and  
38 management of home and work responsibilities necessary for economic  
39 independence.

1       **Sec. 4.** RCW 28C.18.060 and 2014 c 112 s 103 are each amended to  
2 read as follows:

3       The board, in cooperation with the operating agencies of the  
4 state training system and private career schools and colleges, shall:

5       (1) Concentrate its major efforts on planning, coordination  
6 evaluation, policy analysis, and recommending improvements to the  
7 state's training system;

8       (2) Advocate for the state training system and for meeting the  
9 needs of employers and the workforce for workforce education and  
10 training;

11       (3) Establish and maintain an inventory of the programs of the  
12 state training system, and related state programs, and perform a  
13 biennial assessment of the vocational education, training, and adult  
14 basic education and literacy needs of the state; identify ongoing and  
15 strategic education needs; and assess the extent to which employment,  
16 training, vocational and basic education, rehabilitation services,  
17 and public assistance services represent a consistent, integrated  
18 approach to meet such needs;

19       (4) Develop and maintain a state comprehensive plan for workforce  
20 training and education, including but not limited to, goals,  
21 objectives, and priorities for the state training system, and review  
22 the state training system for consistency with the state  
23 comprehensive plan. In developing the state comprehensive plan for  
24 workforce training and education, the board shall use, but shall not  
25 be limited to: Economic, labor market, and populations trends reports  
26 in office of financial management forecasts; joint office of  
27 financial management and employment security department labor force,  
28 industry employment, and occupational forecasts; the results of  
29 scientifically based outcome, net-impact and cost-benefit  
30 evaluations; the needs of employers as evidenced in formal employer  
31 surveys and other employer input; and the needs of program  
32 participants and workers as evidenced in formal surveys and other  
33 input from program participants and the labor community;

34       (5) In consultation with the student achievement council, review  
35 and make recommendations to the office of financial management and  
36 the legislature on operating and capital facilities budget requests  
37 for operating agencies of the state training system for purposes of  
38 consistency with the state comprehensive plan for workforce training  
39 and education;

1 (6) Provide for coordination among the different operating  
2 agencies and components of the state training system at the state  
3 level and at the regional level;

4 (7) Develop a consistent and reliable database on vocational  
5 education enrollments, costs, program activities, and job placements  
6 from publicly funded vocational education programs in this state;

7 (8)(a) Establish standards for data collection and maintenance  
8 for the operating agencies of the state training system in a format  
9 that is accessible to use by the board. The board shall require a  
10 minimum of common core data to be collected by each operating agency  
11 of the state training system;

12 (b) Develop requirements for minimum common core data in  
13 consultation with the office of financial management and the  
14 operating agencies of the training system;

15 (9) Establish minimum standards for program evaluation for the  
16 operating agencies of the state training system, including, but not  
17 limited to, the use of common survey instruments and procedures for  
18 measuring perceptions of program participants and employers of  
19 program participants, and monitor such program evaluation;

20 (10) Every two years administer scientifically based outcome  
21 evaluations of the state training system, including, but not limited  
22 to, surveys of program participants, surveys of employers of program  
23 participants, and matches with employment security department payroll  
24 and wage files. Every five years administer scientifically based net-  
25 impact and cost-benefit evaluations of the state training system;

26 (11) In cooperation with the employment security department,  
27 provide for the improvement and maintenance of quality and utility in  
28 occupational information and forecasts for use in training system  
29 planning and evaluation. Improvements shall include, but not be  
30 limited to, development of state-based occupational change factors  
31 involving input by employers and employees, and delineation of skill  
32 and training requirements by education level associated with current  
33 and forecasted occupations;

34 (12) Provide for the development of common course description  
35 formats, common reporting requirements, and common definitions for  
36 operating agencies of the training system;

37 (13) Provide for effectiveness and efficiency reviews of the  
38 state training system;

39 (14) In cooperation with the student achievement council,  
40 facilitate transfer of credit policies and agreements between

1 institutions of the state training system, and encourage articulation  
2 agreements for programs encompassing two years of secondary workforce  
3 education and two years of postsecondary workforce education;

4 (15) In cooperation with the student achievement council,  
5 facilitate transfer of credit policies and agreements between private  
6 training institutions and institutions of the state training system;

7 (16) Develop policy objectives for the workforce (~~(investment)~~)  
8 innovation and opportunity act, P.L. (~~(105-220)~~) 113-128, or its  
9 successor; develop coordination criteria for activities under the act  
10 with related programs and services provided by state and local  
11 education and training agencies; and ensure that entrepreneurial  
12 training opportunities are available through programs of each local  
13 workforce (~~(investment)~~) development board in the state;

14 (17) Make recommendations to the commission of student  
15 assessment, the state board of education, and the superintendent of  
16 public instruction, concerning basic skill competencies and essential  
17 core competencies for K-12 education. Basic skills for this purpose  
18 shall be reading, writing, computation, speaking, and critical  
19 thinking, essential core competencies for this purpose shall be  
20 English, math, science/technology, history, geography, and critical  
21 thinking. The board shall monitor the development of and provide  
22 advice concerning secondary curriculum which integrates vocational  
23 and academic education;

24 (18) Establish and administer programs for marketing and outreach  
25 to businesses and potential program participants;

26 (19) Facilitate the location of support services, including but  
27 not limited to, child care, financial aid, career counseling, and job  
28 placement services, for students and trainees at institutions in the  
29 state training system, and advocate for support services for trainees  
30 and students in the state training system;

31 (20) Facilitate private sector assistance for the state training  
32 system, including but not limited to: Financial assistance, rotation  
33 of private and public personnel, and vocational counseling;

34 (21) Facilitate the development of programs for school-to-work  
35 transition that combine classroom education and on-the-job training,  
36 including entrepreneurial education and training, in industries and  
37 occupations without a significant number of apprenticeship programs;

38 (22) Include in the planning requirements for local workforce  
39 (~~(investment)~~) development boards a requirement that the local  
40 workforce (~~(investment)~~) development boards specify how



1 entrepreneurial training is to be offered through the one-stop system  
2 required under the workforce (~~investment~~) innovation and  
3 opportunity act, P.L. (~~105-220~~) 113-128, or its successor;

4 (23) Encourage and assess progress for the equitable  
5 representation of racial and ethnic minorities, women, and people  
6 with disabilities among the students, teachers, and administrators of  
7 the state training system. Equitable, for this purpose, shall mean  
8 substantially proportional to their percentage of the state  
9 population in the geographic area served. This function of the board  
10 shall in no way lessen more stringent state or federal requirements  
11 for representation of racial and ethnic minorities, women, and people  
12 with disabilities;

13 (24) Participate in the planning and policy development of  
14 governor set-aside grants under P.L. 97-300, as amended;

15 (25) Administer veterans' programs, licensure of private  
16 vocational schools, the job skills program, and the Washington award  
17 for vocational excellence;

18 (26) Allocate funding from the state job training trust fund;

19 (27) Work with the director of commerce to ensure coordination  
20 among workforce training priorities and economic development and  
21 entrepreneurial development efforts, including but not limited to  
22 assistance to industry clusters;

23 (28) Conduct research into workforce development programs  
24 designed to reduce the high unemployment rate among young people  
25 between approximately eighteen and twenty-four years of age. In  
26 consultation with the operating agencies, the board shall advise the  
27 governor and legislature on policies and programs to alleviate the  
28 high unemployment rate among young people. The research shall include  
29 disaggregated demographic information and, to the extent possible,  
30 income data for adult youth. The research shall also include a  
31 comparison of the effectiveness of programs examined as a part of the  
32 research conducted in this subsection in relation to the public  
33 investment made in these programs in reducing unemployment of young  
34 adults. The board shall report to the appropriate committees of the  
35 legislature by November 15, 2008, and every two years thereafter.  
36 Where possible, the data reported to the legislative committees  
37 should be reported in numbers and in percentages;

38 (29) Adopt rules as necessary to implement this chapter.

39 The board may delegate to the director any of the functions of  
40 this section.

1       **Sec. 5.** RCW 28C.18.150 and 2009 c 151 s 8 are each amended to  
2 read as follows:

3       (1) Workforce development councils, in partnership with local  
4 elected officials, shall develop and maintain a local unified plan  
5 for the workforce development system including, but not limited to,  
6 the local plan required by P.L. (~~(105-220, Title I)~~) 113-128 Sec.  
7 108. The unified plan shall include a strategic plan that assesses  
8 local employment opportunities and skill needs, the present and  
9 future workforce, the current workforce development system,  
10 information on financial resources, diversity, goals, objectives, and  
11 strategies for the local workforce development system, and a  
12 system-wide financial strategy for implementing the plan. Local  
13 workforce development councils shall submit their strategic plans to  
14 the board for review and to the governor for approval.

15       (2) The strategic plan shall clearly articulate the connection  
16 between workforce and economic development efforts in the local area  
17 including the area industry clusters and the strategic clusters the  
18 community is targeting for growth. The plan shall include, but is not  
19 limited to:

20       (a) Data on current and projected employment opportunities in the  
21 local area;

22       (b) Identification of workforce investment needs of existing  
23 businesses and businesses considering location in the region, with  
24 special attention to industry clusters;

25       (c) Identification of educational, training, employment, and  
26 support service needs of job seekers and workers in the local area,  
27 including individuals with disabilities and other underrepresented  
28 talent sources;

29       (d) Analysis of the industry demand, potential labor force  
30 supply, and educational, employment, and workforce support available  
31 to businesses and job seekers in the region; and

32       (e) Collaboration with associate development organizations in  
33 regional planning efforts involving combined strategies around  
34 workforce development and economic development policies and programs.  
35 Combined planning efforts shall include, but not be limited to,  
36 assistance to industry clusters in the area.

37       (3) The board shall work with workforce development councils to  
38 develop implementation and funding strategies for purposes of this  
39 section.

1       **Sec. 6.** RCW 28C.18.164 and 2010 1st sp.s. c 24 s 4 are each  
2 amended to read as follows:

3       (1) Opportunity internship consortia may apply to the board to  
4 offer an opportunity internship program.

5       (a) The board, in consultation with the Washington state  
6 apprenticeship and training council, may select those consortia that  
7 demonstrate the strongest commitment and readiness to implement a  
8 high quality opportunity internship program for low-income high  
9 school students. The board shall place a priority on consortia with  
10 demonstrated experience working with similar populations of students  
11 and demonstrated capacity to assist a large number of students  
12 through the progression of internship or preapprenticeship, high  
13 school graduation, postsecondary education, and retention in a high-  
14 demand occupation. The board shall place a priority on programs that  
15 emphasize secondary career and technical education and  
16 nonbaccalaureate postsecondary education; however, programs that  
17 target four-year postsecondary degrees are eligible to participate.

18       (b)(i) Except as provided in (b)(ii) of this subsection (1), the  
19 board shall enter into a contract with each consortium selected to  
20 participate in the program. No more than ten consortia per year shall  
21 be selected to participate in the program, and to the extent  
22 possible, the board shall assure a geographic distribution of  
23 consortia in regions across the state emphasizing a variety of  
24 targeted industries. Each consortium may select no more than one  
25 hundred low-income high school students per year to participate in  
26 the program.

27       (ii) For fiscal years 2011 through 2013, the board shall enter  
28 into a contract with each consortium selected to participate in the  
29 program. No more than twelve consortia per year shall be selected to  
30 participate in the program, and to the extent possible, the board  
31 shall assure a geographic distribution of consortia in regions across  
32 the state emphasizing a variety of targeted industries. No more than  
33 five thousand low-income high school students per year may be  
34 selected to participate in the program.

35       (2) Under the terms of an opportunity internship program  
36 contract, an opportunity internship consortium shall commit to the  
37 following activities which shall be conducted using existing federal,  
38 state, local, or private funds available to the consortium:

1 (a) Identify high-demand occupations in targeted industries for  
2 which opportunity internships or preapprenticeships shall be  
3 developed and provided;

4 (b) Develop and implement the components of opportunity  
5 internships, including paid or unpaid internships or  
6 preapprenticeships of at least ninety hours in length in high-demand  
7 occupations with employers in the consortium, mentoring and guidance  
8 for students who participate in the program, assistance with  
9 applications for postsecondary programs and financial aid, and a  
10 guarantee of a job interview with a participating employer for all  
11 opportunity internship graduates who successfully complete a  
12 postsecondary program of study;

13 (c) Once the internship or preapprenticeship components have been  
14 developed, conduct outreach efforts to inform low-income high school  
15 students about high-demand occupations, the opportunity internship  
16 program, options for postsecondary programs of study, and the  
17 incentives and opportunities provided to students who participate in  
18 the program;

19 (d) Obtain appropriate documentation of the low-income status of  
20 students who participate in the program;

21 (e) Maintain communication with opportunity internship graduates  
22 of the consortium who enroll in postsecondary programs of study; and

23 (f) Submit an annual report to the board on the progress of and  
24 participation in the opportunity internship program of the  
25 consortium.

26 (3) Opportunity internship consortia are encouraged to:

27 (a) Provide paid opportunity internships or preapprenticeships,  
28 including during the summer months to encourage students to stay  
29 enrolled in high school;

30 (b) Work with high schools to offer opportunity internships as  
31 approved worksite learning experiences where students can earn high  
32 school credit;

33 (c) Designate the local workforce development council as fiscal  
34 agent for the opportunity internship program contract;

35 (d) Work with area high schools to incorporate the opportunity  
36 internship program into comprehensive guidance and counseling  
37 programs such as the navigation 101 program; and

38 (e) Coordinate the opportunity internship program with other  
39 workforce development and postsecondary education programs, including  
40 opportunity grants, the college bound scholarship program, federal

1 workforce (~~investment~~) innovation and opportunity act initiatives,  
2 and college access challenge grants.

3 (4) The board shall seek federal funds that may be used to  
4 support the opportunity internship program, including providing the  
5 incentive payments under RCW 28C.18.168.

6 **Sec. 7.** RCW 50.20.250 and 2012 c 40 s 2 are each amended to read  
7 as follows:

8 (1) The legislature finds that the establishment of a  
9 self-employment assistance program would assist unemployed  
10 individuals and create new businesses and job opportunities in  
11 Washington state. The department must inform all individuals eligible  
12 under the terms of RCW 50.20.010 of the availability of self-  
13 employment assistance and entrepreneurial training programs and of  
14 the training provisions of RCW 50.20.043 which would allow them to  
15 pursue commissioner-approved training. In addition, when individuals  
16 are identified as likely to exhaust benefits under RCW 50.20.011, and  
17 when individuals are otherwise eligible for commissioner-approved  
18 training under RCW 50.20.043, the department must inform such  
19 individuals of the opportunity to enroll in commissioner-approved  
20 self-employment assistance programs.

21 (2) An unemployed individual is eligible to participate in a  
22 self-employment assistance program if it has been determined that he  
23 or she:

24 (a) Is otherwise eligible for regular benefits as defined in RCW  
25 50.22.010;

26 (b) Has been identified as likely to exhaust regular unemployment  
27 benefits under a profiling system established by the commissioner as  
28 defined in P.L. 103-152 or is otherwise eligible for commissioner-  
29 approved training under RCW 50.20.043; and

30 (c) Is enrolled in a self-employment assistance program that is  
31 approved by the commissioner, and includes entrepreneurial training,  
32 business counseling, technical assistance, and requirements to engage  
33 in activities relating to the establishment of a business and  
34 becoming self-employed.

35 (3) Individuals participating in a self-employment assistance  
36 program approved by the commissioner are eligible to receive their  
37 regular unemployment benefits.

38 (a) The requirements of RCW 50.20.010 and 50.20.080 relating to  
39 availability for work, active search for work, and refusal to accept

1 suitable work are not applicable to an individual in the  
2 self-employment assistance program for the first fifty-two weeks of  
3 the individual's participation in the program. However, enrollment in  
4 a self-employment assistance program does not entitle the enrollee to  
5 any benefit payments he or she would not be entitled to had he or she  
6 not enrolled in the program.

7 (b) An individual who meets the requirements of this section is  
8 considered to be "unemployed" under RCW 50.04.310 and 50.20.010.

9 (4) An individual who fails to participate in his or her approved  
10 self-employment assistance program as prescribed by the commissioner  
11 is disqualified from continuation in the program.

12 (5) The commissioner must take all steps necessary in carrying  
13 out this section to assure collaborative involvement of interested  
14 parties in program development, and to ensure that the  
15 self-employment assistance programs meet all federal criteria for  
16 withdrawal from the unemployment fund. The commissioner may approve,  
17 as self-employment assistance programs, existing self-employment  
18 training programs available through community colleges, workforce  
19 (~~investment~~) development boards, or other organizations and is not  
20 obligated by this section to expend any departmental funds for the  
21 operation of self-employment assistance programs, unless specific  
22 funding is provided to the department for that purpose through  
23 federal or state appropriations.

24 (6) The commissioner may adopt rules as necessary to implement  
25 this section.

26 **Sec. 8.** RCW 50.22.150 and 2009 c 353 s 4 are each amended to  
27 read as follows:

28 (1) This section applies to claims with an effective date before  
29 April 5, 2009.

30 (2) Subject to availability of funds, training benefits are  
31 available for an individual who is eligible for or has exhausted  
32 entitlement to unemployment compensation benefits and who:

33 (a) Is a dislocated worker as defined in RCW 50.04.075;

34 (b) Except as provided under subsection (3) of this section, has  
35 demonstrated, through a work history, sufficient tenure in an  
36 occupation or in work with a particular skill set. This screening  
37 will take place during the assessment process;

38 (c) Is, after assessment of demand for the individual's  
39 occupation or skills in the individual's labor market, determined to

1 need job-related training to find suitable employment in his or her  
2 labor market. Beginning July 1, 2001, the assessment of demand for  
3 the individual's occupation or skill sets must be substantially based  
4 on declining occupation or skill sets identified in local labor  
5 market areas by the local workforce development councils, in  
6 cooperation with the employment security department and its labor  
7 market information division, under subsection (11) of this section;

8 (d) Develops an individual training program that is submitted to  
9 the commissioner for approval within sixty days after the individual  
10 is notified by the employment security department of the requirements  
11 of this section;

12 (e) Enters the approved training program by ninety days after the  
13 date of the notification, unless the employment security department  
14 determines that the training is not available during the ninety-day  
15 period, in which case the individual enters training as soon as it is  
16 available; and

17 (f) Is enrolled in training approved under this section on a  
18 full-time basis as determined by the educational institution, and is  
19 making satisfactory progress in the training as certified by the  
20 educational institution.

21 (3) Until June 30, 2002, the following individuals who meet the  
22 requirements of subsection (2) of this section may, without regard to  
23 the tenure requirements under subsection (2)(b) of this section,  
24 receive training benefits as provided in this section:

25 (a) An exhaustee who has base year employment in the aerospace  
26 industry assigned the standard industrial classification code "372"  
27 or the North American industry classification system code "336411";

28 (b) An exhaustee who has base year employment in the forest  
29 products industry, determined by the department, but including the  
30 industries assigned the major group standard industrial  
31 classification codes "24" and "26" or any equivalent codes in the  
32 North American industry classification system code, and the  
33 industries involved in the harvesting and management of logs,  
34 transportation of logs and wood products, processing of wood  
35 products, and the manufacturing and distribution of wood processing  
36 and logging equipment; or

37 (c) An exhaustee who has base year employment in the fishing  
38 industry assigned the standard industrial classification code "0912"  
39 or any equivalent codes in the North American industry classification  
40 system code.

1 (4) An individual is not eligible for training benefits under  
2 this section if he or she:

3 (a) Is a standby claimant who expects recall to his or her  
4 regular employer;

5 (b) Has a definite recall date that is within six months of the  
6 date he or she is laid off; or

7 (c) Is unemployed due to a regular seasonal layoff which  
8 demonstrates a pattern of unemployment consistent with the provisions  
9 of RCW 50.20.015. Regular seasonal layoff does not include layoff due  
10 to permanent structural downsizing or structural changes in the  
11 individual's labor market.

12 (5) The definitions in this subsection apply throughout this  
13 section unless the context clearly requires otherwise.

14 (a) "Educational institution" means an institution of higher  
15 education as defined in RCW 28B.10.016 or an educational institution  
16 as defined in RCW 28C.04.410, including equivalent educational  
17 institutions in other states.

18 (b) "Sufficient tenure" means earning a plurality of wages in a  
19 particular occupation or using a particular skill set during the base  
20 year and at least two of the four twelve-month periods immediately  
21 preceding the base year.

22 (c) "Training benefits" means additional benefits paid under this  
23 section.

24 (d) "Training program" means:

25 (i) An education program determined to be necessary as a  
26 prerequisite to vocational training after counseling at the  
27 educational institution in which the individual enrolls under his or  
28 her approved training program; or

29 (ii) A vocational training program at an educational institution:

30 (A) That is targeted to training for a high-demand occupation.  
31 Beginning July 1, 2001, the assessment of high-demand occupations  
32 authorized for training under this section must be substantially  
33 based on labor market and employment information developed by local  
34 workforce development councils, in cooperation with the employment  
35 security department and its labor market information division, under  
36 subsection (11) of this section;

37 (B) That is likely to enhance the individual's marketable skills  
38 and earning power; and

39 (C) That meets the criteria for performance developed by the  
40 workforce training and education coordinating board for the purpose



1 of determining those training programs eligible for funding under  
2 Title I of P.L. (~~105-220~~) 113-128.

3 "Training program" does not include any course of education  
4 primarily intended to meet the requirements of a baccalaureate or  
5 higher degree, unless the training meets specific requirements for  
6 certification, licensing, or for specific skills necessary for the  
7 occupation.

8 (6) Benefits shall be paid as follows:

9 (a)(i) Except as provided in (a)(iii) of this subsection, for  
10 exhaustees who are eligible under subsection (2) of this section, the  
11 total training benefit amount shall be fifty-two times the  
12 individual's weekly benefit amount, reduced by the total amount of  
13 regular benefits and extended benefits paid, or deemed paid, with  
14 respect to the benefit year; or

15 (ii) For exhaustees who are eligible under subsection (3) of this  
16 section, for claims filed before June 30, 2002, the total training  
17 benefit amount shall be seventy-four times the individual's weekly  
18 benefit amount, reduced by the total amount of regular benefits and  
19 extended benefits paid, or deemed paid, with respect to the benefit  
20 year; or

21 (iii) For exhaustees eligible under subsection (2) of this  
22 section from industries listed under subsection (3)(a) of this  
23 section, for claims filed on or after June 30, 2002, but before  
24 January 5, 2003, the total training benefit amount shall be seventy-  
25 four times the individual's weekly benefit amount, reduced by the  
26 total amount of regular benefits and extended benefits paid, or  
27 deemed paid, with respect to the benefit year.

28 (b) The weekly benefit amount shall be the same as the regular  
29 weekly amount payable during the applicable benefit year and shall be  
30 paid under the same terms and conditions as regular benefits. The  
31 training benefits shall be paid before any extended benefits but not  
32 before any similar federally funded program.

33 (c) Training benefits are not payable for weeks more than two  
34 years beyond the end of the benefit year of the regular claim.

35 (7) The requirement under RCW 50.22.010(10) relating to  
36 exhausting regular benefits does not apply to an individual otherwise  
37 eligible for training benefits under this section when the  
38 individual's benefit year ends before his or her training benefits  
39 are exhausted and the individual is eligible for a new benefit year.

1 These individuals will have the option of remaining on the original  
2 claim or filing a new claim.

3 (8)(a) Except as provided in (b) of this subsection, individuals  
4 who receive training benefits under this section or under any  
5 previous additional benefits program for training are not eligible  
6 for training benefits under this section for five years from the last  
7 receipt of training benefits under this section or under any previous  
8 additional benefits program for training.

9 (b) With respect to claims that are filed before January 5, 2003,  
10 an individual in the aerospace industry assigned the standard  
11 industrial code "372" or the North American industry classification  
12 system code "336411" who received training benefits under this  
13 section, and who had been making satisfactory progress in a training  
14 program but did not complete the program, is eligible, without regard  
15 to the five-year limitation of this section and without regard to the  
16 requirement of subsection (2)(b) of this section, if applicable, to  
17 receive training benefits under this section in order to complete  
18 that training program. The total training benefit amount that applies  
19 to the individual is seventy-four times the individual's weekly  
20 benefit amount, reduced by the total amount of regular benefits paid,  
21 or deemed paid, with respect to the benefit year in which the  
22 training program resumed and, if applicable, reduced by the amount of  
23 training benefits paid, or deemed paid, with respect to the benefit  
24 year in which the training program commenced.

25 (9) An individual eligible to receive a trade readjustment  
26 allowance under chapter 2 of Title II of the Trade Act of 1974, as  
27 amended, shall not be eligible to receive benefits under this section  
28 for each week the individual receives such trade readjustment  
29 allowance. An individual eligible to receive emergency unemployment  
30 compensation, so called, under any federal law, shall not be eligible  
31 to receive benefits under this section for each week the individual  
32 receives such compensation.

33 (10) All base year employers are interested parties to the  
34 approval of training and the granting of training benefits.

35 (11) By July 1, 2001, each local workforce development council,  
36 in cooperation with the employment security department and its labor  
37 market information division, must identify high-demand occupations  
38 and occupations in declining employer demand. For the purposes of RCW  
39 50.22.130 through 50.22.150 and section 9, chapter 2, Laws of 2000,  
40 "high-demand occupation" means an occupation with a substantial

1 number of current or projected employment opportunities. Local  
2 workforce development councils must use state and locally developed  
3 labor market information. Thereafter, each local workforce  
4 development council shall update this information annually or more  
5 frequently if needed.

6 (12) The commissioner shall adopt rules as necessary to implement  
7 this section.

8 **Sec. 9.** RCW 50.22.155 and 2011 c 4 s 9 and 2011 c 3 s 2 are each  
9 reenacted and amended to read as follows:

10 (1) With respect to claims with an effective date on or after  
11 April 5, 2009, and before July 1, 2012:

12 (a) Subject to availability of funds, training benefits are  
13 available for an individual who is eligible for or has exhausted  
14 entitlement to unemployment compensation benefits when:

15 (i) The individual is a dislocated worker as defined in RCW  
16 50.04.075 and, after assessment of the individual's labor market,  
17 occupation, or skills, is determined to need job-related training to  
18 find suitable employment in the individual's labor market. The  
19 assessment of demand for the individual's occupation or skill sets  
20 must be substantially based on declining occupation or skill sets and  
21 high-demand occupations identified in local labor market areas by the  
22 local workforce development councils in cooperation with the  
23 employment security department and its labor market information  
24 division; or

25 (ii) For claims with an effective date on or after September 7,  
26 2009, the individual:

27 (A) Earned an average hourly wage in the individual's base year  
28 that is less than one hundred thirty percent of the state minimum  
29 wage and, after assessment, it is determined that the individual's  
30 earning potential will be enhanced through vocational training. The  
31 individual's average hourly wage is calculated by dividing the total  
32 wages paid by the total hours worked in the individual's base year;

33 (B) Served in the United States military or the Washington  
34 national guard during the twelve-month period prior to the  
35 application date, was honorably discharged from military service or  
36 the Washington national guard and, after assessment, is determined to  
37 need job-related training to find suitable employment in the  
38 individual's labor market;

1 (C) Is currently serving in the Washington national guard and,  
2 after assessment, is determined to need job-related training to find  
3 suitable employment in the individual's labor market; or

4 (D) Is disabled due to an injury or illness and, after  
5 assessment, is determined to be unable to return to his or her  
6 previous occupation and to need job-related training to find suitable  
7 employment in the individual's labor market.

8 (b)(i) The individual must develop an individual training program  
9 that is submitted to the commissioner for approval within ninety days  
10 after the individual is notified by the employment security  
11 department of the requirements of this section;

12 (ii) The individual must enter the approved training program by  
13 one hundred twenty days after the date of the notification, unless  
14 the employment security department determines that the training is  
15 not available during the one hundred twenty days, in which case the  
16 individual enters training as soon as it is available;

17 (iii) The department may waive the deadlines established under  
18 this subsection for reasons deemed by the commissioner to be good  
19 cause.

20 (c) The individual must be enrolled in training approved under  
21 this section on a full-time basis as determined by the educational  
22 institution, except that less than full-time training may be approved  
23 when the individual has a physical, mental, or emotional disability  
24 that precludes enrollment on a full-time basis.

25 (d) The individual must make satisfactory progress in the  
26 training as defined by the commissioner and certified by the  
27 educational institution.

28 (e) An individual is not eligible for training benefits under  
29 this section if he or she:

30 (i) Is a standby claimant who expects recall to his or her  
31 regular employer; or

32 (ii) Has a definite recall date that is within six months of the  
33 date he or she is laid off.

34 (f) The following definitions apply throughout this subsection  
35 (1) unless the context clearly requires otherwise.

36 (i) "Educational institution" means an institution of higher  
37 education as defined in RCW 28B.10.016 or an educational institution  
38 as defined in RCW 28C.04.410, including equivalent educational  
39 institutions in other states.

1 (ii) "High-demand occupation" means an occupation with a  
2 substantial number of current or projected employment opportunities.

3 (iii) "Training benefits" means additional benefits paid under  
4 this section.

5 (iv) "Training program" means:

6 (A) An education program determined to be necessary as a  
7 prerequisite to vocational training after counseling at the  
8 educational institution in which the individual enrolls under his or  
9 her approved training program; or

10 (B) A vocational training program at an educational institution  
11 that:

12 (I) Is targeted to training for a high-demand occupation;

13 (II) Is likely to enhance the individual's marketable skills and  
14 earning power; and

15 (III) Meets the criteria for performance developed by the  
16 workforce training and education coordinating board for the purpose  
17 of determining those training programs eligible for funding under  
18 Title I of P.L. (~~105-220~~) 113-128.

19 "Training program" does not include any course of education  
20 primarily intended to meet the requirements of a baccalaureate or  
21 higher degree, unless the training meets specific requirements for  
22 certification, licensing, or for specific skills necessary for the  
23 occupation.

24 (g) Benefits shall be paid as follows:

25 (i) The total training benefit amount shall be fifty-two times  
26 the individual's weekly benefit amount, reduced by the total amount  
27 of regular benefits and extended benefits paid, or deemed paid, with  
28 respect to the benefit year.

29 (ii) The weekly benefit amount shall be the same as the regular  
30 weekly amount payable during the applicable benefit year and shall be  
31 paid under the same terms and conditions as regular benefits.

32 (iii) Training benefits shall be paid before any extended  
33 benefits but not before any similar federally funded program.  
34 Effective July 3, 2011, training benefits shall be paid after any  
35 federally funded program.

36 (iv) Training benefits are not payable for weeks more than two  
37 years beyond the end of the benefit year of the regular claim.  
38 However, training benefits are not payable for weeks more than three  
39 years beyond the end of the benefit year of the regular claim when

1 individuals are eligible for benefits in accordance with RCW  
2 50.22.010 (2)((+e)) (b) or (3)((+e)) (b).

3 (h) The requirement under RCW 50.22.010(10) relating to  
4 exhausting regular benefits does not apply to an individual otherwise  
5 eligible for training benefits under this section when the  
6 individual's benefit year ends before his or her training benefits  
7 are exhausted and the individual is eligible for a new benefit year.  
8 These individuals will have the option of remaining on the original  
9 claim or filing a new claim.

10 (i) Individuals who receive training benefits under RCW 50.22.150  
11 or this section are not eligible for training benefits under this  
12 section for five years from the last receipt of training benefits.

13 (j) An individual eligible to receive a trade readjustment  
14 allowance under chapter 2, Title II of the trade act of 1974, as  
15 amended, shall not be eligible to receive benefits under this section  
16 for each week the individual receives such trade readjustment  
17 allowance.

18 (k) An individual eligible to receive emergency unemployment  
19 compensation under any federal law shall not be eligible to receive  
20 benefits under this section for each week the individual receives  
21 such compensation.

22 (l) All base year employers are interested parties to the  
23 approval of training and the granting of training benefits.

24 (m) Each local workforce development council, in cooperation with  
25 the employment security department and its labor market information  
26 division, must identify occupations and skill sets that are declining  
27 and high-demand occupations and skill sets. Each local workforce  
28 development council shall update this information annually or more  
29 frequently if needed.

30 (2) With respect to claims with an effective date on or after  
31 July 1, 2012:

32 (a) Training benefits are available for an individual who is  
33 eligible for or has exhausted entitlement to unemployment  
34 compensation benefits when:

35 (i) The individual is a dislocated worker as defined in RCW  
36 50.04.075 and, after assessment of the individual's labor market,  
37 occupation, or skills, is determined to need job-related training to  
38 find suitable employment in the individual's labor market. The  
39 assessment of demand for the individual's occupation or skill sets  
40 must be substantially based on declining occupation or skill sets and

1 high-demand occupations identified in local labor market areas by the  
2 local workforce development councils in cooperation with the  
3 employment security department and its labor market information  
4 division; or

5 (ii) Subject to the availability of funds as specified in RCW  
6 50.22.140, the individual:

7 (A) Earned an average hourly wage in the individual's base year  
8 that is less than one hundred thirty percent of the state minimum  
9 wage and, after assessment, it is determined that the individual's  
10 earning potential will be enhanced through vocational training. The  
11 individual's average hourly wage is calculated by dividing the total  
12 wages paid by the total hours worked in the individual's base year;

13 (B) Served in the United States military or the Washington  
14 national guard during the twelve-month period prior to the  
15 application date, was honorably discharged from military service or  
16 the Washington national guard and, after assessment, is determined to  
17 need job-related training to find suitable employment in the  
18 individual's labor market;

19 (C) Is currently serving in the Washington national guard and,  
20 after assessment, is determined to need job-related training to find  
21 suitable employment in the individual's labor market; or

22 (D) Is disabled due to an injury or illness and, after  
23 assessment, is determined to be unable to return to his or her  
24 previous occupation and to need job-related training to find suitable  
25 employment in the individual's labor market.

26 (b)(i) Except for an individual eligible under (a)(i) of this  
27 subsection, the individual must develop an individual training plan  
28 that is submitted to the commissioner for approval within ninety days  
29 after the individual is notified by the employment security  
30 department of the requirements of this section;

31 (ii) Except for an individual eligible under (a)(i) of this  
32 subsection, the individual must enroll in the approved training  
33 program by one hundred twenty days after the date of the  
34 notification, unless the employment security department determines  
35 that the training is not available during the one hundred twenty  
36 days, in which case the individual enters training as soon as it is  
37 available;

38 (iii) An individual eligible under (a)(i) of this subsection must  
39 submit an individual training plan and enroll in the approved  
40 training program prior to the end of the individual's benefit year;

1 (iv) The department may waive the deadlines established under  
2 (b)(i) and (ii) of this subsection for reasons deemed by the  
3 commissioner to be good cause.

4 (c) Except for an individual eligible under (a)(i) of this  
5 subsection, the individual must be enrolled in training approved  
6 under this section on a full-time basis as determined by the  
7 educational institution, except that less than full-time training may  
8 be approved when the individual has a physical, mental, or emotional  
9 disability that precludes enrollment on a full-time basis.

10 (d) The individual must make satisfactory progress in the  
11 training as defined by the commissioner and certified by the  
12 educational institution.

13 (e) An individual is not eligible for training benefits under  
14 this section if he or she:

15 (i) Is a standby claimant who expects recall to his or her  
16 regular employer; or

17 (ii) Has a definite recall date that is within six months of the  
18 date he or she is laid off.

19 (f) The following definitions apply throughout this subsection  
20 (2) unless the context clearly requires otherwise:

21 (i) "Educational institution" means an institution of higher  
22 education as defined in RCW 28B.10.016 or an educational institution  
23 as defined in RCW 28C.04.410, including equivalent educational  
24 institutions in other states.

25 (ii) "High-demand occupation" means an occupation with a  
26 substantial number of current or projected employment opportunities.

27 (iii) "Training benefits" means additional benefits paid under  
28 this section.

29 (iv) "Training program" means:

30 (A) An education program determined to be necessary as a  
31 prerequisite to vocational training after counseling at the  
32 educational institution in which the individual enrolls under his or  
33 her approved training program; or

34 (B) A vocational training program at an educational institution  
35 that:

36 (I) Is targeted to training for a high-demand occupation;

37 (II) Is likely to enhance the individual's marketable skills and  
38 earning power; and

39 (III) Meets the criteria for performance developed by the  
40 workforce training and education coordinating board for the purpose



1 of determining those training programs eligible for funding under  
2 Title I of P.L. (~~(105-220)~~) 113-128.

3 "Training program" does not include any course of education  
4 primarily intended to meet the requirements of a baccalaureate or  
5 higher degree, unless the training meets specific requirements for  
6 certification, licensing, or for specific skills necessary for the  
7 occupation.

8 (g) Available benefits shall be paid as follows:

9 (i) The total training benefit amount shall be fifty-two times  
10 the individual's weekly benefit amount, reduced by the total amount  
11 of regular benefits paid, or deemed paid, with respect to the benefit  
12 year.

13 (ii) The weekly benefit amount shall be the same as the regular  
14 weekly amount payable during the applicable benefit year and shall be  
15 paid under the same terms and conditions as regular benefits.

16 (iii) Training benefits shall be paid after any federally funded  
17 program.

18 (iv) Training benefits are not payable for weeks more than two  
19 years beyond the end of the benefit year of the regular claim.  
20 However, training benefits are not payable for weeks more than three  
21 years beyond the end of the benefit year of the regular claim when  
22 individuals are eligible for benefits in accordance with RCW  
23 50.22.010 (2)(~~(e)~~) (b) or (3)(~~(e)~~) (b).

24 (h) The requirement under RCW 50.22.010(10) relating to  
25 exhausting regular benefits does not apply to an individual otherwise  
26 eligible for training benefits under this section when the  
27 individual's benefit year ends before his or her training benefits  
28 are exhausted and the individual is eligible for a new benefit year.  
29 These individuals will have the option of remaining on the original  
30 claim or filing a new claim.

31 (i) Except for individuals eligible under (a)(i) of this  
32 subsection, individuals who receive training benefits under RCW  
33 50.22.150 or this section are not eligible for training benefits  
34 under this section for five years from the last receipt of training  
35 benefits.

36 (j) An individual eligible to receive a trade readjustment  
37 allowance under chapter 2, Title II of the trade act of 1974, as  
38 amended, shall not be eligible to receive benefits under this section  
39 for each week the individual receives such trade readjustment  
40 allowance.

1 (k) An individual eligible to receive emergency unemployment  
2 compensation under any federal law shall not be eligible to receive  
3 benefits under this section for each week the individual receives  
4 such compensation.

5 (l) All base year employers are interested parties to the  
6 approval of training and the granting of training benefits.

7 (m) Each local workforce development council, in cooperation with  
8 the employment security department and its labor market information  
9 division, must identify occupations and skill sets that are declining  
10 and high-demand occupations and skill sets. Each local workforce  
11 development council shall update this information annually or more  
12 frequently if needed.

13 (3) The commissioner shall adopt rules as necessary to implement  
14 this section.

15 **Sec. 10.** RCW 50.62.030 and 2012 c 40 s 4 are each amended to  
16 read as follows:

17 (1) Job service resources must be used to assist with the  
18 reemployment of unemployed workers using the most efficient and  
19 effective means of service delivery. The job service program of the  
20 employment security department may undertake any program or activity  
21 for which funds are available and which furthers the goals of this  
22 chapter. These programs and activities must include, but are not  
23 limited to:

24 (a) Giving older unemployed workers and the long-term unemployed  
25 the highest priority for all services made available under this  
26 section. The employment security department must make the services  
27 provided under this chapter available to the older unemployed workers  
28 and the long-term unemployed as soon as they register under the  
29 employment assistance program;

30 (b) Supplementing basic employment services, with special job  
31 search and claimant placement assistance designed to assist  
32 unemployment insurance claimants to obtain employment;

33 (c) Providing employment services, such as recruitment,  
34 screening, and referral of qualified workers, to agricultural areas  
35 where these services have in the past contributed to positive  
36 economic conditions for the agricultural industry; and

37 (d) Providing otherwise unobtainable information and analysis to  
38 the legislature and program managers about issues related to  
39 employment and unemployment.

1 (2) Individuals who are eligible for services under the federal  
2 workforce (~~(investment)~~) innovation and opportunity act, P.L.  
3 (~~(105-220)~~) 113-128 or its successor(~~([,])~~), must be provided the  
4 opportunity to enroll in self-employment assistance or  
5 entrepreneurial training programs to prepare them for self-employment  
6 on the same basis as they are provided the opportunity to enroll in  
7 other training programs funded under the federal workforce  
8 (~~(investment)~~) innovation and opportunity act. The department must  
9 work with local workforce development councils to ensure that the  
10 contracting process with training providers is efficient and that the  
11 number of entrepreneurial training providers on the state's eligible  
12 training provider list is sufficient to meet demand. Each local  
13 workforce development council must:

14 (a) Notify all individuals eligible for services under the  
15 workforce (~~(investment)~~) innovation and opportunity act of the  
16 availability of self-employment assistance and entrepreneurial  
17 training; and

18 (b) Establish and implement a plan for expending workforce  
19 (~~(investment)~~) innovation and opportunity act funds on self-  
20 employment assistance and entrepreneurial training at a rate that is  
21 commensurate with either the demand for such services or the rate of  
22 self-employment within the council's workforce development area.

23 **Sec. 11.** RCW 74.15.020 and 2016 c 166 s 1 are each amended to  
24 read as follows:

25 The definitions in this section apply throughout this chapter and  
26 RCW 74.13.031 unless the context clearly requires otherwise.

27 (1) "Agency" means any person, firm, partnership, association,  
28 corporation, or facility which receives children, expectant mothers,  
29 or persons with developmental disabilities for control, care, or  
30 maintenance outside their own homes, or which places, arranges the  
31 placement of, or assists in the placement of children, expectant  
32 mothers, or persons with developmental disabilities for foster care  
33 or placement of children for adoption, and shall include the  
34 following irrespective of whether there is compensation to the agency  
35 or to the children, expectant mothers, or persons with developmental  
36 disabilities for services rendered:

37 (a) "Child-placing agency" means an agency which places a child  
38 or children for temporary care, continued care, or for adoption;

1 (b) "Community facility" means a group care facility operated for  
2 the care of juveniles committed to the department under RCW  
3 13.40.185. A county detention facility that houses juveniles  
4 committed to the department under RCW 13.40.185 pursuant to a  
5 contract with the department is not a community facility;

6 (c) "Crisis residential center" means an agency which is a  
7 temporary protective residential facility operated to perform the  
8 duties specified in chapter 13.32A RCW, in the manner provided in RCW  
9 (~~74.13.032 through 74.13.036~~) 43.185C.295 through 43.185C.310;

10 (d) "Emergency respite center" is an agency that may be commonly  
11 known as a crisis nursery, that provides emergency and crisis care  
12 for up to seventy-two hours to children who have been admitted by  
13 their parents or guardians to prevent abuse or neglect. Emergency  
14 respite centers may operate for up to twenty-four hours a day, and  
15 for up to seven days a week. Emergency respite centers may provide  
16 care for children ages birth through seventeen, and for persons  
17 eighteen through twenty with developmental disabilities who are  
18 admitted with a sibling or siblings through age seventeen. Emergency  
19 respite centers may not substitute for crisis residential centers or  
20 HOPE centers, or any other services defined under this section, and  
21 may not substitute for services which are required under chapter  
22 13.32A or 13.34 RCW;

23 (e) "Foster-family home" means an agency which regularly provides  
24 care on a twenty-four hour basis to one or more children, expectant  
25 mothers, or persons with developmental disabilities in the family  
26 abode of the person or persons under whose direct care and  
27 supervision the child, expectant mother, or person with a  
28 developmental disability is placed;

29 (f) "Group-care facility" means an agency, other than a foster-  
30 family home, which is maintained and operated for the care of a group  
31 of children on a twenty-four hour basis;

32 (g) "HOPE center" means an agency licensed by the secretary to  
33 provide temporary residential placement and other services to street  
34 youth. A street youth may remain in a HOPE center for thirty days  
35 while services are arranged and permanent placement is coordinated.  
36 No street youth may stay longer than thirty days unless approved by  
37 the department and any additional days approved by the department  
38 must be based on the unavailability of a long-term placement option.  
39 A street youth whose parent wants him or her returned to home may  
40 remain in a HOPE center until his or her parent arranges return of

1 the youth, not longer. All other street youth must have court  
2 approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center  
3 up to thirty days;

4 (h) "Maternity service" means an agency which provides or  
5 arranges for care or services to expectant mothers, before or during  
6 confinement, or which provides care as needed to mothers and their  
7 infants after confinement;

8 (i) "Resource and assessment center" means an agency that  
9 provides short-term emergency and crisis care for a period up to  
10 seventy-two hours, excluding Saturdays, Sundays, and holidays to  
11 children who have been removed from their parent's or guardian's care  
12 by child protective services or law enforcement;

13 (j) "Responsible living skills program" means an agency licensed  
14 by the secretary that provides residential and transitional living  
15 services to persons ages sixteen to eighteen who are dependent under  
16 chapter 13.34 RCW and who have been unable to live in his or her  
17 legally authorized residence and, as a result, the minor lived  
18 outdoors or in another unsafe location not intended for occupancy by  
19 the minor. Dependent minors ages fourteen and fifteen may be eligible  
20 if no other placement alternative is available and the department  
21 approves the placement;

22 (k) "Service provider" means the entity that operates a community  
23 facility.

24 (2) "Agency" shall not include the following:

25 (a) Persons related to the child, expectant mother, or person  
26 with developmental disability in the following ways:

27 (i) Any blood relative, including those of half-blood, and  
28 including first cousins, second cousins, nephews or nieces, and  
29 persons of preceding generations as denoted by prefixes of grand,  
30 great, or great-great;

31 (ii) Stepfather, stepmother, stepbrother, and stepsister;

32 (iii) A person who legally adopts a child or the child's parent  
33 as well as the natural and other legally adopted children of such  
34 persons, and other relatives of the adoptive parents in accordance  
35 with state law;

36 (iv) Spouses of any persons named in (a)(i), (ii), or (iii) of  
37 this subsection (2), even after the marriage is terminated;

38 (v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this  
39 subsection (2), of any half sibling of the child; or

1 (vi) Extended family members, as defined by the law or custom of  
2 the Indian child's tribe or, in the absence of such law or custom, a  
3 person who has reached the age of eighteen and who is the Indian  
4 child's grandparent, aunt or uncle, brother or sister, brother-in-law  
5 or sister-in-law, niece or nephew, first or second cousin, or  
6 stepparent who provides care in the family abode on a twenty-four-  
7 hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

8 (b) Persons who are legal guardians of the child, expectant  
9 mother, or persons with developmental disabilities;

10 (c) Persons who care for a neighbor's or friend's child or  
11 children, with or without compensation, where the parent and person  
12 providing care on a twenty-four-hour basis have agreed to the  
13 placement in writing and the state is not providing any payment for  
14 the care;

15 (d) A person, partnership, corporation, or other entity that  
16 provides placement or similar services to exchange students or  
17 international student exchange visitors or persons who have the care  
18 of an exchange student in their home;

19 (e) A person, partnership, corporation, or other entity that  
20 provides placement or similar services to international children who  
21 have entered the country by obtaining visas that meet the criteria  
22 for medical care as established by the United States citizenship and  
23 immigration services, or persons who have the care of such an  
24 international child in their home;

25 (f) Schools, including boarding schools, which are engaged  
26 primarily in education, operate on a definite school year schedule,  
27 follow a stated academic curriculum, accept only school-age children  
28 and do not accept custody of children;

29 (g) Hospitals licensed pursuant to chapter 70.41 RCW when  
30 performing functions defined in chapter 70.41 RCW, nursing homes  
31 licensed under chapter 18.51 RCW and assisted living facilities  
32 licensed under chapter 18.20 RCW;

33 (h) Licensed physicians or lawyers;

34 (i) Facilities approved and certified under chapter 71A.22 RCW;

35 (j) Any agency having been in operation in this state ten years  
36 prior to June 8, 1967, and not seeking or accepting moneys or  
37 assistance from any state or federal agency, and is supported in part  
38 by an endowment or trust fund;

39 (k) Persons who have a child in their home for purposes of  
40 adoption, if the child was placed in such home by a licensed child-

1 placing agency, an authorized public or tribal agency or court or if  
2 a replacement report has been filed under chapter 26.33 RCW and the  
3 placement has been approved by the court;

4 (l) An agency operated by any unit of local, state, or federal  
5 government or an agency licensed by an Indian tribe pursuant to RCW  
6 74.15.190;

7 (m) A maximum or medium security program for juvenile offenders  
8 operated by or under contract with the department;

9 (n) An agency located on a federal military reservation, except  
10 where the military authorities request that such agency be subject to  
11 the licensing requirements of this chapter;

12 (o) A host home program, and host home, operated by a tax exempt  
13 organization for youth not in the care of or receiving services from  
14 the department, if that program: (i) Recruits and screens potential  
15 homes in the program, including performing background checks on  
16 individuals over the age of eighteen residing in the home through the  
17 Washington state patrol or equivalent law enforcement agency and  
18 performing physical inspections of the home; (ii) screens and  
19 provides case management services to youth in the program; (iii)  
20 obtains a notarized permission slip or limited power of attorney from  
21 the parent or legal guardian of the youth authorizing the youth to  
22 participate in the program and the authorization is updated every six  
23 months when a youth remains in a host home longer than six months;  
24 (iv) obtains insurance for the program through an insurance provider  
25 authorized under Title 48 RCW; (v) provides mandatory reporter and  
26 confidentiality training; and (vi) registers with the secretary of  
27 state as provided in RCW 24.03.550. A host home is a private home  
28 that volunteers to host youth in need of temporary placement that is  
29 associated with a host home program. Any host home program that  
30 receives local, state, or government funding shall report the  
31 following information to the office of homeless youth prevention and  
32 protection programs annually by December 1st of each year: The number  
33 of children the program served, why the child was placed with a host  
34 home, and where the child went after leaving the host home, including  
35 but not limited to returning to the parents, running away, reaching  
36 the age of majority, or becoming a dependent of the state. A host  
37 home program shall not receive more than one hundred thousand dollars  
38 per year of public funding, including local, state, and federal  
39 funding. A host home shall not receive any local, state, or  
40 government funding.

1 (3) "Department" means the state department of social and health  
2 services.

3 (4) "Juvenile" means a person under the age of twenty-one who has  
4 been sentenced to a term of confinement under the supervision of the  
5 department under RCW 13.40.185.

6 (5) "Performance-based contracts" or "contracting" means the  
7 structuring of all aspects of the procurement of services around the  
8 purpose of the work to be performed and the desired results with the  
9 contract requirements set forth in clear, specific, and objective  
10 terms with measurable outcomes. Contracts may also include provisions  
11 that link the performance of the contractor to the level and timing  
12 of the reimbursement.

13 (6) "Probationary license" means a license issued as a  
14 disciplinary measure to an agency that has previously been issued a  
15 full license but is out of compliance with licensing standards.

16 (7) "Requirement" means any rule, regulation, or standard of care  
17 to be maintained by an agency.

18 (8) "Secretary" means the secretary of social and health  
19 services.

20 (9) "Street youth" means a person under the age of eighteen who  
21 lives outdoors or in another unsafe location not intended for  
22 occupancy by the minor and who is not residing with his or her parent  
23 or at his or her legally authorized residence.

24 (10) "Supervising agency" means an agency licensed by the state  
25 under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has  
26 entered into a performance-based contract with the department to  
27 provide child welfare services.

28 (11) "Transitional living services" means at a minimum, to the  
29 extent funds are available, the following:

30 (a) Educational services, including basic literacy and  
31 computational skills training, either in local alternative or public  
32 high schools or in a high school equivalency program that leads to  
33 obtaining a high school equivalency degree;

34 (b) Assistance and counseling related to obtaining vocational  
35 training or higher education, job readiness, job search assistance,  
36 and placement programs;

37 (c) Counseling and instruction in life skills such as money  
38 management, home management, consumer skills, parenting, health care,  
39 access to community resources, and transportation and housing  
40 options;



1 (d) Individual and group counseling; and  
2 (e) Establishing networks with federal agencies and state and  
3 local organizations such as the United States department of labor,  
4 employment and training administration programs including the  
5 workforce ((~~investment~~)) innovation and opportunity act which  
6 administers private industry councils and the job corps; vocational  
7 rehabilitation; and volunteer programs.

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