

FORM OF ORDER AND TRANSMITTAL BY BOARD, COMMISSION, OR COUNCIL

State of Washington

STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

(name of governing body)

(agency name, if applicable)

Resolution No. 86-36

Administrative Order No. 108

(1) Be it resolved by the State Board for Community College Education

acting at Olympia, Washington

(place)

that it does adopt the annexed rules relating to:

tuition and fee waivers granted by community colleges.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. filed with the code reviser on These rules shall take effect:

() thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2). () at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

We the State Board for Community College Education find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is: recent legal advice stated that the existing rule exceeds the statutory authority and needs to be amended in time for application for the fall quarter, 1986.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but no case omit all, of the following language alternatives when adopting or amending rules" fill in statement (a), (b), or (c) as appropriate:

X (a) This rule is promulgated pursuant to RCW 28B.15.740 and is intended to administratively implement that statute.

(b) This rule is promulgated pursuant to RCW which directs that the

(agency)

has authority to implement the provisions of

(name of act or RCW citation)

(c) This rule is promulgated under the general rule making authority of the

(agency)

as authorized in RCW

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this governing body, is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED September 11, 1986

STATE OF WASHINGTON FILED

SEP 15 1986

By

GILBERT J. CARBONE Assistant Director

Title

CODE REVISER'S OFFICE MSR 86-19-052

131-28-040 Criteria for determining eligibility for waiver of tuition and fees under RCW 28B.15.740. Waiver of general tuition, operating, and services and activities fees, or any portions thereof as authorized by RCW 28B.15.740, normally charged to students enrolled shall be based upon the determination that the student is a needy student by application of a method of need analysis approved by the United States Department of Education for determining awards under federal student financial aid programs or one adopted by the State Board for Community College Education specifically for the purposes of this section, ~~((provided that no waiver under this section shall be granted to a person who is not a "resident student" as defined in RCW 28B.15.012.))~~ except as provided in WAC 131-28-045.

131-28-045 Procedure for implementing tuition and fee waivers authorized pursuant to RCW 28B.15.740. (1) Tuition and fee waivers for needy students in any fiscal year as authorized by RCW 28B.15.740 may not exceed three percent of any college district's estimated total collections of tuition, operating, and services and activities fees had no such waivers been made, after deducting the portion of that total amount which is attributable to the difference between resident and nonresident tuition fees.

(2) The estimated total collection of tuition and fees shall be based on budgeted, state supported, four-quarter annual average enrollment.

(3) Each district may waive an amount not to exceed three percent of the estimated collections in the event that actual enrollments or collections exceed estimated collections. Conversely, the three percent waiver capacity based upon estimated collections is allowable even though actual collections may not be as high as the estimate.

(4) Districts desiring to exceed their individual three percent waiver capacity may do so only upon written approval from the state director of community colleges or his designee. This waiver capacity can only be granted to a district after it has been determined that the total waiver capacity for the community college system is not being utilized as a result of other districts waiving at levels less than the three percent capacity.

(5) At least three-fourths of the total amount waived by any district shall be for needy-~~((resident))~~ students who are eligible to pay resident tuition and fee rates as defined in RCW 28B.15.012 through 28B.15.015 and the remainder may be for other ~~((resident))~~ students as determined by the board of trustees, except that no such waivers shall be based on participation in intercollegiate athletic programs.



STATE OF WASHINGTON

STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

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RULE PURPOSE STATEMENT

(a) Title, Description of Purpose, and Statutory Authority:

Criteria for determining eligibility for waiver of tuition and fees under new 28B.15.740. Procedures for implementing tuition and fee waivers authorized pursuant to RCW 28B.15.015.

(b) Summary of Rule and Reasons Supporting Proposed Action:

The rule that has been in effect for a number of years has been judged to exceed the State Board's statutory authority. The amendment reported here merely corrects that condition. As amended the rule now allows colleges to determine whether certain non-resident students are eligible for waivers.

(c) Agency Personnel Responsible:

Drafting Gilbert J. Carbone, Assistant Director

Implementation Jan Yoshiwara, Assistant Director

Enforcement John Terrey, Director

The address of all three is: 319 Seventh Avenue, FF-11
Olympia WA 98504 (206)753-2000

(d) Person or Organization Proposing Rule:

STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

(e) Agency Comments: None

(f) Federal Law or Federal or State Court Action Necessitating Rule:

Not applicable.