



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (7/10/97)

Agency: SBCTC

- Permanent Rule
Emergency Rule
Expedited Adoption
Expedited Repeal

(1) Date of adoption: 10/31/98 (formally adopted by State Board 6/18/98)

(2) Purpose: Tuition and Fees and Description of State Board Organization

(3) Citation of existing rules affected by this order: NEW SECTION WAC 131-28-005
Repealed: WAC 131-28-080; 131-28-085; 131-28-090
Amended: WAC 131-28-015; 131-28-025; 131-28-02501; 131-28-026; 131-28-027; 131-28-045;
Suspended:

(4) Statutory authority for adoption: ALSO AMENDED WAC 131-276-030
Other authority: RCW 28.50

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)
Adopted under notice filed as WSR 98-18-064 on 8/31/98 (date).
Describe any changes other than editing from proposed to adopted version:
Minor Revisions approved by the State Board in June 1998 in compliance with Governor's Executive Order 97-02, regarding regulatory reform

EMERGENCY RULE ONLY
Under RCW 34.05.350 the agency for good cause finds:
(a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
(b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
Reasons for this finding:

EXPEDITED REPEAL ONLY
Under Preproposal Statement of Inquiry filed as WSR 97-21-012 on 10/3/97 (date).

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?
Yes No If Yes, explain:

(6) Effective date of rule:
Permanent Rules or Expedited Rule Making
31 days after filing 10/31/98
Other (specify)
Emergency Rules
Immediately
Later (specify)

CODE REVISER USE ONLY
STATE OF WASHINGTON
TIME 2:00 PM
WSR 98-22-062

NAME (TYPE OR PRINT) Claire C. Krueger
SIGNATURE Claire C. Krueger
TITLE Executive Asst.
DATE 10/31/98

Note: If any category is left blank, it will be calculated as zero.

No descriptive text.

Count by whole WAC sections only, from the WAC number through the history note.

A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New _____	Amended _____	Repealed _____
Federal rules or standards:	New _____	Amended _____	Repealed _____
Recently enacted state statutes:	New _____	Amended _____	Repealed _____

The number of sections adopted at the request of a nongovernmental entity:

New _____ Amended _____ Repealed _____

The number of sections adopted on the agency's own initiative:

New 1 Amended 7 Repealed 3

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New 1 Amended 7 Repealed 3

The number of sections adopted using:

Negotiated rule making:	New _____	Amended _____	Repealed _____
Pilot rule making:	New _____	Amended _____	Repealed _____
Other alternative rule making:	New <u>1</u>	Amended <u>7</u>	Repealed <u>3</u>

NEW SECTION

WAC 131-28-005 Tuition and fees for community colleges established. Tuition and fees for community colleges are established in chapter 28B.15 RCW. Technical colleges are required to administer tuition and tuition waivers under policies and procedures of their respective boards of trustees. This chapter applies only to community colleges unless technical colleges are specified.

AMENDATORY SECTION (Amending WSR 95-13-070, filed 6/20/95, effective 7/21/95)

WAC 131-28-015 Assessment of tuition and fee charges. It shall be the general policy of the state board that all tuition and services and activities fees shall be assessed on a uniform and equitable basis, except when the requirement to pay all or part of such fees has been specifically waived or altered by law or by regulation of the state board or the district board of trustees. Students must pay tuition and fees to be enrolled in courses unless a waiver is allowed.

AMENDATORY SECTION (Amending WSR 95-13-070, filed 6/20/95, effective 7/21/95)

WAC 131-28-025 Method of assessing tuition and fee charges.
(1) For academic and occupational regular or short courses, tuition and fees charged to students:
(a) Shall be based upon the number of credits assigned to such courses as listed in the official and current catalog of the college, or for courses not given such credit designations, the number of credit equivalents as computed by the method for deriving such equivalents established by the state board.
(b) Shall be assessed on a per-credit basis at uniform rates for resident and for nonresident students, (~~provided:~~ That) respectively. Partial credits shall be assessed on a proportionate basis. The respective maximums charged to any resident or nonresident student shall not exceed the amount specified in chapter 28B.15 RCW.

(c) Shall be assessed for part-time students, for each credit of registration or its equivalent, at the rate of one-tenth of the total combined tuition and services and activities fees charged to full-time students consistent with chapter 28B.15 RCW.

(d) Shall include an additional operating fee for each credit in excess of eighteen at the rate of one-tenth of the tuition fee charged to full-time students.

(e) Shall be no less than two times the amount of tuition and services and activities fees charged for one credit.

(2) For student funded courses, fees charged to students:

(a) Shall be designated as a special fee, all revenue from which shall be used for the general operations and maintenance of the college;

(b) Shall be assessed at a rate sufficient to defray the direct and indirect costs of offering such courses.

(3) Nothing herein shall be construed to be a restriction on the right of the district board of trustees to assess additional noninstructional fees and special fees to cover unique instructional costs or expendable instructional materials related to any course offered by a college district.

AMENDATORY SECTION (Amending WSR 95-13-070, filed 6/20/95, effective 7/21/95)

WAC 131-28-02501 Waivers. Community college boards may grant waivers from the standard tuition and fees rate for ungraded courses designated in WAC 131-28-026(3) and to students who qualify under a waiver created in Title 28B RCW.

Except for ungraded courses, colleges shall ~~((not waiver))~~ waive the building fee ~~((or))~~ services and activities fees ~~((at a percentage rate greater than the percentage rate of waiver for))~~ and operating fees in equal proportion.

Colleges may not impose conditions or eligibility criteria beyond that specified in this chapter or Title 28B RCW. Colleges may restrict the number of waivers granted.

Colleges may round the amount waived to the nearest dollar.

AMENDATORY SECTION (Amending WSR 96-03-049, filed 1/12/96, effective 1/12/96)

WAC 131-28-026 Tuition charges for certain ungraded courses.

(1) The state board shall designate ungraded courses. These courses may be offered at tuition rates that differ from the standard rates set by WAC 131-28-025.

(2) Ungraded courses shall meet the following qualifications:

(a) The primary intent of offering the course is other than providing academic credit applicable to an associate or higher degree.

(b) The course has a specialized purpose in that it is intended to meet the unique educational needs of a specific category or group of students.

(c) The course is offered for the purpose of providing the individual student with a discrete skill or basic body of knowledge other than that intended to lead to initial employment.

(d) The course cannot be administered as a contract course pursuant to WAC 131-28-027, 131-32-010, or 131-32-020.

(e) The course is not offered primarily as an integral part of any lower-division curriculum or program.

(f) The course is not one specifically or primarily intended to satisfy requirements for receiving a high school diploma.

(3) Colleges may establish the amount of waiver for the following ungraded courses:

(a) Farm management and small business management;

(b) Emergency medical technician and paramedic continuing education;

(c) Retirement;

(d) Industrial first aid offered to satisfy WISHA and approved by the department of labor and industries;

(e) Journeyman training in cooperation with joint apprenticeship and training committees.

(4) The waiver amounts for the following ungraded courses shall conform with the following schedule:

(a) Adult basic education, English as a second language, GED preparation: No charge.

(b) Parent education involving a cooperative preschool program: Eighty-five percent reduction from the standard per credit tuition and services activities fee charge. Parent education students taking eleven to eighteen credits shall not be charged for those credits.

(c) Courses offered for the purpose of satisfying related or supplemental educational requirements for apprentices indentured with the Washington state apprenticeship council or federal Bureau of Apprenticeship and Training: ~~((Sixty percent))~~ Two-thirds reduction from the standard per credit tuition and services and activities fee charge. The college may convert the credit hour charge to a rounded amount per clock hour ~~((: Provided, That until June 1, 1997, the waiver shall be two-thirds))~~. Colleges may not deduct the tuition owed from training contract with apprentice organizations.

(5) Students taking both regular and ungraded courses will be charged separately for the courses.

(6) Application of this section shall be subject to administrative procedures established by the state director with respect to maximum credit values of such ungraded courses, curriculum, or any unique circumstances related to enrollment in such courses.

(7) Ungraded course fees received pursuant to this section shall be accounted for and deposited in local community college operating fee accounts established in RCW 28B.15.031.

(8) Ungraded course fees may be paid by the sponsoring entity rather than an individual student.

AMENDATORY SECTION (Amending Order 101, Resolution No. 84-58, filed 10/23/84)

WAC 131-28-027 Community and technical college costs and special fees for contracted educational services.

(1) College districts that choose to offer contractual educational courses or services, as authorized by RCW 28B.50.140(16), to private or governmental entities shall establish a special fee for the service or course to be paid by the entity involved. Such special fee shall be set forth in the contractual agreement establishing such courses or services.

(2) Contractual educational courses or services may be offered when a district makes a determination that it is not reasonably feasible for financial or other reasons, to offer such courses or services as a part of the regular curriculum. Upon making such determination, the district may offer such courses or services and shall limit participation therein to employees, agents, or members of the particular entity.

~~(3) ((Contractual educational courses or services are those instructional courses which may be provided to meet special instructional needs of military, corporate, or other governmental or private entities where enrollments will be limited to the membership of the entity and includes administrative, organizational, research, public service or program development services of the college district.~~

~~(4))~~ Any enrollments generated through contracts for educational courses or services developed ~~((pursuant to this regulation))~~ shall be excluded from the official state funded enrollment level of the college so that there will not be any state funding for such courses or services.

~~((+5))~~ (4) The special fee charged for any such contractual educational course or service shall be retained by the college district to defray the cost of such course or service and may be used for the general operations and maintenance of the college district.

~~((+6))~~ (5) The special fees charged pursuant to this regulation shall be sufficient to offset the full instructional costs of offering the course or service. Calculation of the full instructional cost level shall include all direct and indirect costs ~~((such as those for salaries and related benefits; supplies, public information; business services for budgeting, auditing, financial reporting, purchasing, payroll, and cashiering; mail~~

~~service, postage, telephone, admissions, registration, data processing, and maintenance of any public facilities used)).~~

~~((7))~~ (6) If the instructor for any course performs such services as a paid employee or personal services contractor of another state agency, the course shall be considered a contract course subject to the provisions of this section, except when reimbursement for such services is made to the other agency by the college district.

AMENDATORY SECTION (Amending WSR 95-13-070, filed 6/20/95, effective 7/21/95)

WAC 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 shall not exceed three percent of any community college district's estimated total collections of tuition 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 and fees.~~

~~(2) The estimated total collection of tuition and service and activities 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 the state board, or 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 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 students as determined by the board of trustees, except that no such waivers shall be based on participation in intercollegiate athletic programs.)~~ Community colleges may waive the tuition and service and activities fees for needy resident students under the provisions of RCW 28B.15.740. The amount that can be waived under this provision is limited by the waiver limits set forth in RCW 28B.15.910.

(2) In addition, colleges may waive up to three-quarters of

one percent of the estimated gross collection of tuition and service and activities fees for other students. These waivers are not to be awarded based on participation in intercollegiate athletics. The estimated gross collection of tuition and service and activities fees shall be based on budgeted, state supported, annual average enrollment, after deducting the portion of the gross amount which is attributed to the difference between resident and nonresident tuition and fees.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 131-28-080	Tuition and fee waivers for senior citizens.
WAC 131-28-085	Tuition and fee waivers for full-time community college employees.
WAC 131-28-090	Tuition and fee waivers for unemployed and underemployed resident students.

AMENDATORY SECTION (Amending Order 18, filed 7/2/73)

WAC 131-276-030 Description of organization of the state board for community and technical colleges ((education)). The state board for community and technical colleges ((~~education~~)) is a state agency organized under RCW 28B.50.050. The administrative office of the board and its staff are located at the WEA Building, 319 East 7th Avenue, Olympia, Washington.