



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)

Agency: State Board for Community and Technical Colleges (SBCTC)

- Permanent Rule
- Emergency Rule

(1) Date of adoption: March 1, 1995

(2) Purpose:
ESB 6285 of the 1992 Legislative Session made changes to higher education tuition and fee waivers.

(3) Citation of existing rules affected by this order:
Repealed: WAC 131-28-028
Amended: WAC 131-28-010 through WAC 131-28-090
Suspended:

(4) Authority for adoption:
Statute: RCW 28B.15 and RCW 28B.50
Other Authority:

(5.1) **PERMANENT RULE ONLY**
Pursuant to notice filed as WSR _____ on _____ (date).
Describe any changes other than editing from proposed to adopted version:

(5.2) **EMERGENCY RULE ONLY**
Pursuant to 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:

To enable our community colleges to implement, on an emergency basis, changes regarding the treatment of tuition and fee waivers. Permanent rules will be adopted after the 1995 legislative session, reflecting any other tuition changes.

(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 **Emergency Rules**
 31 days after filing Immediately
 Other (specify) _____ * Later (specify) _____
*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

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STATE OF WASHINGTON
FILED

MAR 07 1995

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95-07-004

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DATE
3/2/95

Coordinator

AMENDATORY SECTION (Amending Order 12, filed 7/22/71)

WAC 131-28-010 Tuition and fee charges for summer quarter. Tuition, operating, services and activities, and special fees charged to students enrolled as state funded students for summer quarter shall be assessed on the same basis and in the same manner as such fees are assessed for other quarters of the academic year. Fees charged to students enrolled as self-supporting shall comply with RCW 28B.15.515(1).

AMENDATORY SECTION (Amending Order 116, Resolution No. 89-16, filed 6/29/89)

WAC 131-28-015 Assessment of tuition and fee charges. It shall be the general policy of the (~~Washington community college system~~) state board that all tuition and services and activities fees (~~(, or special fees charged to students)~~) 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.

AMENDATORY SECTION (Amending Order 116, Resolution No. 89-16, filed 6/29/89)

WAC 131-28-021 Definitions. For the purpose of WAC 131-28-025, the following definitions shall apply:

(1) "Resident student" and "nonresident student" shall be defined in the same manner as in chapter 28B.15 RCW.

(2) "Tuition fees," "building fees," "operating fees" and "services and activities fees" shall be defined in the same manner as in chapter 28B.15 RCW.

(3) "Special fees" shall be defined as all fees established by the district board of trustees other than tuition, building fees, operating fees or services and activities fees and as such shall include fees charged to an individual student for specific services and privileges received by such student.

(4) "Student funded course" shall be defined as any organized instructional activity, typically ungraded, primarily offered for part-time students, not normally an integral part of any specific study program leading to either an academic or an occupational degree or certificate, and specifically identified as such by a community college consistent with the course classification procedures established by the state board.

(5) "Academic or occupational course" shall be defined as all organized instructional activities other than student funded courses.

(6) "Short course" shall be defined as any academic, occupational, or student funded course not regularly scheduled in the quarterly announcement of courses, not routinely listed in the college catalog as a regular and normal part of the instructional program, and not normally of a full quarter in duration.

(7) "Regular course" shall be defined as any (~~academic, occupational, or student funded~~) course not classified as a short course.

(8) "Required course" shall be defined as any course specified in the college catalog or official curriculum description of any vocational preparatory program as necessary for completion of such program, except courses prerequisite to such program.

(9) "Vocational preparatory program" shall be defined as any planned series of learning experiences, the specific objective of which is to prepare persons to enter gainful employment in a recognized occupation not designated as professional or requiring a baccalaureate or higher degree, provided that such program has been approved by the state board.

AMENDATORY SECTION (Amending Order 139, Resolution No. 92-06-39, filed 6/23/92, effective 7/24/92)

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 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 (~~consistent with chapter 28B.15 RCW. The additional fee assessed to a student enrolled in both a vocational preparatory program and a required course in that program shall be set at fifteen percent of the per credit tuition charge, rounded to the nearest whole dollar. This exemption shall require written approval by an appropriate college official~~)).

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

(2) (~~The provisions of this section shall not apply to the ungraded courses set forth in WAC 131-28-026.~~

~~(3))~~ 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 (~~community service~~) courses.

~~((4))~~ (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.

NEW SECTION

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 waive the building fee or services and activities fee at a percentage rate greater than the percentage rate of waiver for operating fees.

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 Order 139, Resolution No. 92-06-39, filed 6/23/92, effective 7/24/92)

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 (~~designated pursuant to subsection (1) of this section~~) shall meet the following qualifications:

(a) The primary intent of offering the course is other than providing academic credit applicable to an associate(~~s~~) 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) ~~((For the purposes of this section, ungraded courses shall be defined as those courses classified according to the official course classification taxonomy established by the state board as occupational supplementary, occupational homemaking, academic basic education, or academic general education courses, provided they shall also meet the qualifications set forth in subsection (2) of this section.~~

~~(4) For the purpose of implementing WAC 131-28-025(2), the tuition, exclusive of special fees, charged by any Washington community college for the following ungraded courses shall be based on the following percentages of the per credit tuition fee for regular courses. There is no services and activities fee for ungraded courses:~~

COURSE	TUITION
(a) Courses offered for the purpose of satisfying related or supplemental educational requirements for apprentices while indentured with the Washington state apprenticeship council or Federal Bureau of Apprenticeship and Training	Thirty percent; provided the director shall convert the credit hour change to a rounded amount per clock hour and districts shall charge accordingly
(b) Department of labor and industries approved industrial first aid courses offered for the purpose of satisfying WISHA first aid certification requirements	One hundred percent
(c) Parent education involving cooperative preschool program	Fifteen percent
(d) Farm management and small business management	Forty percent
(e) Adult basic education, English as a second language	No charge
(f) Emergency medical technician and paramedic continuing education	Thirty percent
(g) Courses specifically designed to provide skills and understandings particularly related to the problems of retirement and advanced age	Thirty percent
(h) Courses providing advanced training and skill maintenance for journeypersons in cooperation with joint apprenticeship and training committees	One hundred percent
(i) GED preparation	Fifteen percent

~~(5) Student. Taking from eleven to eight. a credits shall not be charged for those credits-))~~ 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.

(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: Fifty percent 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 credit hour.

(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 (~~tuition~~) fees received pursuant to this section shall be accounted for and deposited in (~~the~~) local community college operating fee accounts established in RCW (~~28B.15. (section 36, chapter 231, Laws of 1992)~~) 28B.15.031.

(8) (~~The term "standard rate" as used in this section shall mean the tuition charged for one quarter credit.~~

~~(9) Tuition)~~ Ungraded course fees may be paid by the sponsoring entity rather than an individual student.

AMENDATORY SECTION (Amending Order 116, Resolution No. 89-16, filed 6/29/89)

WAC 131-28-030 Waiver of tuition and fees for needy or disadvantaged students. Pursuant to authority granted by RCW 28B.15.740, the boards of trustees of community college districts are authorized to waive all or part of tuition and services and activities fees for needy students: *Provided*, That the students shall qualify for such waiver (~~as determined by the~~) under criteria set forth in WAC 131-28-040 through 131-28-045.

WAC 131-28-040 Criteria for determining eligibility for waiver of tuition and fees under RCW 28B.15.740. Waiver of tuition and services and activities fees (~~(, or any portions thereof as authorized by)~~) under RCW 28B.15.740 (~~(, normally charged to students enrolled)~~) (1) shall be based upon the determination that the student is a "needy student" (~~(by application of)~~) under a method of need analysis approved by the United States Department of Education for determining awards (~~(under)~~) for federal student financial aid programs or (~~(one)~~) a method adopted by the state board (~~(for community college education)~~) specifically for the purposes of this section, except as provided in WAC 131-28-045.

AMENDATORY SECTION (Amending Order 116, Resolution No. 89-16, filed 6/29/89)

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 (~~(as authorized by RCW 28B.15.740 may)~~) 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 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)~~) the state board, 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 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.

WAC 131-28-080 Tuition and fee waivers for senior citizens.

(1) (~~Pursuant to the authority granted by chapter 157, Laws of 1975 1st ex. sess.)~~ Under RCW 28B.15.540, community college districts (~~are authorized to and~~) may waive, in whole or in part, tuition and services and activities fees for any individual who (~~has or will have attained~~) attains sixty years of age by the first day of instruction of the quarter (~~during which enrollment is desired~~) enrolled and who is a resident of Washington, regardless of the length of such residency.

(2) College districts that elect to grant waivers as authorized by this section may:

(a) Waive, in whole or in part, tuition and services and activities fees for students enrolled on a credit or audit basis.

(b) Charge (~~, in lieu of tuition and services and activities fees,~~) a special fee of not more than \$5.00 per quarter (~~per individual in total for those courses for which waivers are granted~~) for students enrolled on an audit basis.

(c) Charge, in addition, any other special fees normally assessed to students who enroll in any course toward which the waiver authority contained in this section is applied.

(3) When granting waivers as authorized by this section, community college districts (~~shall be~~) are subject to the following regulations:

(a) Senior citizens who desire to enroll under the provisions of this section shall not be required to pass any financial need or means test as the basis for receiving such waivers.

(b) Such waivers shall not be applied to more than two courses per individual per quarter; however, qualified senior citizens may enroll in additional courses upon payment of the required tuition and fees normally charged to other students so enrolled.

(c) Such waivers shall be granted only on a "space available" basis after opportunity has been given for other students to register for courses offered by the college district.

(d) No new or additional courses or course section shall be created for the purpose of accommodating enrollments of students (~~enrolled on the basis of~~) granted waivers under this section.

(e) Waivers under this section shall not be granted to individuals who plan to use credits thus earned to improve their status for credentialing or salary schedule purposes; provided that it shall be the responsibility of the student to inform the college of the intended use of credits earned through enrollment under this fee waiver authorization.

(f) Enrollment information and statistical data related to enrollments made under this section must be maintained separately and must be discretely identified and distinguished from enrollments reported to the state board for all fiscal purposes.

(g) Computations of enrollment levels, student-faculty ratios, or other similar enrollment-related statistics must exclude student credit hours generated by enrollments for which waivers have been granted under this section.

(h) Individuals enrolled under this section must be afforded equal opportunity to utilize advisory and counseling services offered by the college district.

(i) All existing course prerequisites must apply to students enrolled under this section.

AMENDATORY SECTION (Amending Order 116, Resolution No. 89-16, filed 6/29/89)

WAC 131-28-085 Tuition and fee waivers for full-time community college employees. (~~Pursuant to the authority granted by~~) Under RCW 28B.15.535, community college districts (~~are authorized to and~~) may waive tuition and services and activities fees for full-time employees at their respective (~~institutions of higher education enrolled in courses at said institutions~~) college under the following conditions:

(1) Enrollment shall be on a space-available basis after opportunity has been given for other students to register for courses offered by the college,

(2) No new or additional courses or course sections shall be created for the purpose of accommodating enrollments of students (~~enrolled on the basis of~~) granted waivers under this section,

(3) Enrollment information on employees enrolled on a space-available basis shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor shall persons enrolled (~~pursuant to the provisions of~~) under this section be considered in any enrollment statistics which would affect budgetary determinations,

(4) Computations of enrollment levels, student-faculty ratio, or other similar enrollment related statistics must exclude student credit hours generated by enrollments for which waivers have been granted under this section,

(5) Employees enrolling on a space-available basis shall be charged a registration fee of not less than five dollars per quarter,

(6) Community college districts may limit the number of courses per quarter for which an employee may enroll pursuant to this section,

(7) Districts may enroll full-time intercollegiate center for nursing education, cooperative extension service and agricultural research employees of Washington State University if such employees are stationed off-campus provided that (a) the employee's work station is situated within the district where (~~he enrolls~~) enrolled and (b) such a waiver of tuition and fees complies with conditions listed in subsections (1) through (6) of this section,

(8) Districts may recognize completion of such courses for salary improvement or vocational certification provided such courses are an approved part of the professional improvement plan of the individual,

(9) Prior to implementing any program for tuition and fee waivers for full-time employees, the college district shall adopt a written rule regarding such program and definitively set forth rules and procedures related to:

(a) Whether or not employees may take tuition free courses on released time and under what circumstances;

(b) Whether or not courses taken on a tuition-free basis shall be allowed to apply toward an advancement on the salary schedule of the institution;

(c) Whether or not there will be a limit on the number of courses per quarter an employee may take; what that limitation is and any other constraints;

(d) The definition of a full-time employee, professional and classified, for purposes of this act;

(10) The individual community college district shall submit a copy of its adopted rule relating to the above to the state director.

(11) In addition to waivers provided under subsections (1) through (9) of this section, community college districts may also waive all or a portion of tuition and services and activities fees for full-time classified employees of state agencies and higher education institutions as provided in RCW 28B.15.558.

AMENDATORY SECTION (Amending Order 122, Resolution Nos. 90-42 and 90-43, filed 9/20/90, effective 10/21/90)

WAC 131-28-090 Tuition and fee waivers for unemployed and underemployed resident students. (1) ~~((The purpose of this section is to carry out the intent of the legislature to provide tuition-free educational opportunities for unemployed and underemployed individuals who wish to attend a Washington community college on a space available basis.~~

~~(2) Pursuant to authority granted by)~~ Under RCW 28B.15.522 community college districts may waive, in whole or in part, tuition and services and activities fees for any individual who:

(a) Is a resident student as defined by RCW 28B.15.012(2);

(b) Will have attained age twenty-one prior to the first day of instruction ~~((on the basis of such waiver))~~;

(c) Has not attended an institution of higher education during the six-month period immediately prior to the first day of instruction, other than ~~((pursuant to))~~ under this section;

(d) Is not receiving or eligible to receive unemployment compensation funded by federal, state matching, or trade readjustment benefit sources;

(e) Has a monthly household income below four hundred sixty-five dollars for a single person and an additional one hundred thirty dollars for each additional household member or the successor values to these amounts as may be subsequently established by the department of social and health services as need standards for assistance determination purposes;

(f) Has been or will have been unemployed for at least six months prior to the first day of instruction or is underemployed as evidenced by monthly income for the preceding six-month period below the level established in (e) of this subsection.

~~((3))~~ (2) Enrollments made pursuant to this section shall be on a space available basis.

~~((4))~~ (3) No new course sections shall be created as a result of enrollments based on waivers authorized by this section.

((+5)) (4) Enrollment information on students registered pursuant to this section shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor be considered in any enrollment statistics which would affect budgetary determinations.

((+6)) (5) Persons enrolled (~~pursuant to~~) under this section shall have the same access to support services as do all other students and shall be subject to all course prerequisites and requirements.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 131-28-028 Tuition charges for certain waiver categories.