



**RULE-MAKING ORDER**  
**(RCW 34.05.360)**

**CR-103 (7/10/97)**

**Agency:** State Board for Community & Technical Colleges

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

**(1) Date of adoption:** 6/8/98 187

**(2) Purpose:**  
Updating of WAC 131 to comply with Governor's Executive Order 97-02 related to regulatory reform

**(3) Citation of existing rules affected by this order:**  
**Repealed:** WAC 131-16-210; 131-16-220  
**Amended:** WAC 131-16-080; 131-16-400  
**Suspended:**

**(4) Statutory authority for adoption:**  
**Other authority:**

**PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)**  
 Adopted under notice filed as WSR 98-10-113 on 5/6/98 (date).  
 Describe any changes other than editing from proposed to adopted version:

**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 \_\_\_\_\_ on \_\_\_\_\_ (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	Emergency Rules
<input checked="" type="checkbox"/> 31 days after filing	<input type="checkbox"/> Immediately
<input type="checkbox"/> Other (specify) _____*	<input type="checkbox"/> Later (specify) _____

\* (If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

**NAME (TYPE OR PRINT)**  
Claire C. Krueger

**SIGNATURE**  
*Claire C. Krueger*

**TITLE** Executive Assistant and Agency Rules Coordinator **DATE** 11/13/98

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

TIME: 2:09 AM

WSR: 98-23-051 (VI)

**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:**

<b>Federal statute:</b>	New _____	Amended _____	Repealed _____
<b>Federal rules or standards:</b>	New _____	Amended _____	Repealed _____
<b>Recently enacted state statutes:</b>	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 \_\_\_\_\_ Amended 2 Repealed 2

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

New \_\_\_\_\_ Amended 2 Repealed 2

**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New _____	Amended _____	Repealed _____
<b>Pilot rule making:</b>	New _____	Amended _____	Repealed _____
<b>Other alternative rule making:</b>	New _____	Amended <u>2</u>	Repealed <u>2</u>

AMENDATORY SECTION (Amending Order 134, Resolution No. 91-27, filed 10/4/91, effective 11/4/91)

**WAC 131-16-080 General standards of qualifications for community and technical college personnel.** Prior to employment of candidates to perform professional services in Washington community and technical colleges, the district board of trustees shall establish that the candidate possesses:

(1) Scholarship and/or technical skill that represents appropriate study, training, and skills in the proposed area of assignment,

(2) Expertise as a practitioner as evidenced by reports of former associates and supervisors,

(3) A demonstrable understanding and acceptance of the role to be played as a partner in an educational enterprise serving the best interests of the students,

(4) A demonstrable understanding and acceptance of the mission, role, and character of the community or technical college,

(5) The ability to perform assigned duties in a manner consistent with the goals of the institution and the community and technical college system, and

(6) Personal characteristics that contribute to the ability to promote the welfare of the students, the institution, and the state of Washington.

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

**WAC 131-16-400 Definition of "special funds" for the purpose of determining eligibility for tenurable faculty positions.** (1) RCW 28B.50.851 authorizes the state board for community and technical colleges (~~(education)~~) to designate certain funds as "special funds" for the purpose of exempting positions funded thereby from the award of community college faculty tenure status as provided in RCW 28B.50.850 through 28B.50.869.

(2) For the purpose of implementing the provisions of RCW 28B.50.851, "special funds" shall be defined as all funds received by a (~~community~~) college district other than those generated by operating fees (~~and special fees~~) collected by such district pursuant to chapter 28B.15 RCW (~~(28B.15.100 and 28B.15.500)~~) and state general funds appropriated by the legislature and distributed to college districts by the state board by formula allocation.

(3) "Special funds" shall include, but not be limited to,

funds designat as special funds by th legislature, funds received by a community college district through contracts with federal, state, local, or private agencies; grants or gifts from philanthropic organizations; revenue produced by any auxiliary enterprise operated by a college district; federal vocational funds ((distributed by the commission for vocational education; adult basic education funds distributed by the superintendent of public instruction)); funds awarded to colleges by the state board as grants for specified purposes, not allocated by formula; and specifically funds received for operating overseas military educational programs.

(4) In order to qualify for the exemption from faculty tenure status, a position must be primarily maintained and funded at least 51% for salary and related benefits by such "special funds" as defined in this section.

(5) Determination of the application of the provisions of this section to any future programs shall be made by the state director consistent with subsections (2) and (3) of this section.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 131-16-210

Layoff unit defined.

WAC 131-16-220

Duration of reduction in force lists.