

TRANSMITTAL OF RULES ADOPTED

FROM: State Board for Community College Education
(Name of Agency)

TO: CODE REVISER
LEGISLATIVE BLDG. (Southwest Corner, Ground Floor)
OLYMPIA 98504

The enclosed rules Permanent rules, being Order No. 53
 Emergency rules

relating to (Name of rules or description of subject matter)

exemption from tenure status of certain community college faculty positions funded through special funds and WAC 131-16-400.

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. _____ ① filed with the code reviser on _____ ② were regularly adopted as permanent rules of this agency at _____ on _____ and are herewith filed in the office of the code reviser pursuant to chapter 34.04 RCW. The effective date of such rules shall be _____ ③

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding in the attached administrative order, that the immediate adoption of these rules 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 the public interest, were regularly adopted as emergency rules of this agency at Annex, Tyee Motor Inn, Tumwater on 1/8/76 and are herewith filed in the office of the code reviser pursuant to chapter 34.04 RCW.

The undersigned hereby certifies that the requirements of chapter 34.04 RCW and of the Open Public Meetings Act of 1971, chapter 42.30 RCW have been fulfilled.

Dated this eighth day of January 1976.

STATE OF WASHINGTON
FILED
JAN 9 1976
CODE REVISER'S OFFICE
DOCKET # FILE #

State Board for Community College Education
(AGENCY)
By [Signature]
Assistant Director
Title

① Notice number as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use no. of last notice)
② Stamped date as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use date of last notice)
③ Unless a later date is specified in this order or is prescribed in another statute, rules are effective 30 days after filing:
RCW 34.04.040. Leave this space blank except in such special cases.
[Order 9, filed 9/25/74, eff. 10/25/74] [Form CR-2: Rev. 9/21/74]

STATE OF WASHINGTON
STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
ADMINISTRATIVE ORDER NO. 53
SBCCE ORDER REGISTER

A resolution relating to the exemption from tenure status of certain community college faculty positions funded through special funds and WAC 131-16-400.

WHEREAS the State Board for Community College Education finds that the immediate adoption of a rule relating to faculty positions funded through special funds is necessary for the preservation of the public health, safety, and general welfare and that the observation of the requirement of notice and opportunity to present views and proposed action will be contrary to the public interest in that there exists a need to give the amendment immediate effect; to wit: Clarification is needed of an existing rule related to granting tenure status to certain community college and the statutory requirement that such determinations must be made prior to the end of Winter Quarter, this requiring that the amendment take effect immediately.

NOW, THEREFORE, BE IT RESOLVED by the State Board for Community College Education that it adopt Administrative Order No. 53 and the annexed amended regulation identified as WAC 131-16-400 and made a part hereof by this reference, as an emergency rule.

This resolution and the annexed regulation, after being first recorded as an Administrative Order in the Order Register of the State Board for

Community College Education, shall be forwarded to the Code Reviser for filing as an emergency rule pursuant to Chapter 34.04 RCW.

Approved and adopted this eighth day of January, 1976.


Chairman, State Board for Community
College Education

WAC 131-16-400 DEFINITION OF "SPECIAL FUNDS" FOR THE PURPOSE OF DETERMINING ELIGIBILITY FOR TENURABLE FACULTY POSITIONS.

(1) Chapter 112, Laws of 1975, 1st Ex. Sess., authorizes the State Board for Community College 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 RCW 28B.50.869.

(2) For the purpose of implementing the provisions of Chapter 112, Laws of 1975, 1st Ex. Sess., "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 RCW 28B.15.100 and RCW 28B.15.500 and state general funds appropriated by the Legislature and distributed to college districts by the State Board.

(3) "Special funds" shall include, but not be limited to, 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; and specifically funds received for operating PREP programs and the instructional program at the Washington Corrections Center.

(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 Chapter 112, Laws of 1975, 1st Ex. Sess., to any future programs specially funded can be referred to the State Director for a determination as to whether such program funds shall be specifically designated as "special funds" consistent with subsections (2) and (3) of this section.